



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3655

Introduced 2/22/2021, 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.

LRB102 16922 WGH 22334 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
7 other 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
7 inks; (C) an ultraviolet image; (D) encoded information;
8 (E) 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
20 as a result of violating any of the offenses listed in
21 clauses (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,
5 to have been acquired or maintained as a result of
6 violating any of the offenses listed in clauses (1)
7 through (4) of this subsection (a) or used to facilitate a
8 violation of one of the offenses listed in clauses (1)
9 through (4) of 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
14 preside over the trial of the person or persons charged with
15 any of the offenses listed in clauses (1) through (4) of
16 subsection (a) of this Section shall first determine whether
17 there is probable cause to believe that the person or persons
18 so charged have committed a violation of any of the offenses
19 listed in clauses (1) through (4) of subsection (a) of this
20 Section and whether the property or property interest is
21 subject to forfeiture 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

1 (4) of subsection (a) of this Section and (ii) probable cause
2 that any property or property interest may be subject to
3 forfeiture 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)
12 of 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
2 purchaser, mortgagee, judgment creditor or other lien holder
3 arising prior 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
7 determined to be subject to forfeiture or subject to any
8 restraining order, injunction, or prohibition or other action.
9 The court may release such property to the defendant for good
10 cause shown 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
21 the claimant can show by a preponderance of the evidence that
22 the 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

1 subsection (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
6 deduction of all requisite expenses of administration and
7 sale, shall distribute the proceeds of such sale, along with
8 any moneys forfeited or seized, in accordance with subsection
9 (g).

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

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

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

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

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

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

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

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

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

5 (5 ILCS 283/25)

6 Sec. 25. Distribution of proceeds of fines.

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

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

1 of the proceeds of the fines received among the differing
2 units of local government.

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

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

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

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

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

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

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

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

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

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

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

23 (e) "Essential services employees" means those public
24 employees performing functions so essential that the
25 interruption or termination of the function will constitute a

1 clear and present danger to the health and safety of the
2 persons in the affected community.

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

1 pursuant to an election held under Executive Order 2005-1
2 prior to the effective date of this amendatory Act of the 94th
3 General Assembly, and the organization shall be considered to
4 be the exclusive representative of the child and day care home
5 providers as defined in this Section.

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

24 Where a historical pattern of representation exists for
25 the workers of a water system that was owned by a public
26 utility, as defined in Section 3-105 of the Public Utilities

1 Act, prior to becoming certified employees of a municipality
2 or municipalities once the municipality or municipalities have
3 acquired the water system as authorized in Section 11-124-5 of
4 the Illinois Municipal Code, the Board shall find the labor
5 organization that has historically represented the workers to
6 be the exclusive representative under this Act, and shall find
7 the unit represented by the exclusive representative to be the
8 appropriate unit.

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

23 (g-1) "Fire fighter" means, for the purposes of this Act
24 only, any person who has been or is hereafter appointed to a
25 fire department or fire protection district or employed by a
26 state university and sworn or commissioned to perform fire

1 fighter duties or paramedic duties, including paramedics
2 employed by a unit of local government, except that the
3 following persons are not included: part-time fire fighters,
4 auxiliary, reserve or voluntary fire fighters, including paid
5 on-call fire fighters, clerks and dispatchers or other
6 civilian employees of a fire department or fire protection
7 district who are not routinely expected to perform fire
8 fighter duties, or elected officials.

9 (g-2) "General Assembly of the State of Illinois" means
10 the legislative branch of the government of the State of
11 Illinois, as provided for under Article IV of the Constitution
12 of the State of Illinois, and includes but is not limited to
13 the House of Representatives, the Senate, the Speaker of the
14 House of Representatives, the Minority Leader of the House of
15 Representatives, the President of the Senate, the Minority
16 Leader of the Senate, the Joint Committee on Legislative
17 Support Services and any legislative support services agency
18 listed in the Legislative Commission Reorganization Act of
19 1984.

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

1 government.

2 (i) "Labor organization" means any organization in which
3 public employees participate and that exists for the purpose,
4 in whole or in part, of dealing with a public employer
5 concerning wages, hours, and other terms and conditions of
6 employment, including the settlement of grievances.

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

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

1 "managerial employee" means an individual who is engaged in
2 executive and management functions or who is charged with the
3 effectuation of management policies and practices or who
4 represents management interests by taking or recommending
5 discretionary actions that effectively control or implement
6 policy. Nothing in this definition prohibits an individual
7 from also meeting the definition of "supervisor" under
8 subsection (r) of this Section.

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

1 (1) "Person" includes one or more individuals, labor
2 organizations, public employees, associations, corporations,
3 legal representatives, trustees, trustees in bankruptcy,
4 receivers, or the State of Illinois or any political
5 subdivision of the State or governing body, but does not
6 include the General Assembly of the State of Illinois or any
7 individual employed by the General Assembly of the State of
8 Illinois.

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

1 (n) "Public employee" or "employee", for the purposes of
2 this Act, means any individual employed by a public employer,
3 including (i) interns and residents at public hospitals, (ii)
4 as of the effective date of this amendatory Act of the 93rd
5 General Assembly, but not before, personal assistants working
6 under the Home Services Program under Section 3 of the
7 Rehabilitation of Persons with Disabilities Act, subject to
8 the limitations set forth in this Act and in the
9 Rehabilitation of Persons with Disabilities Act, (iii) as of
10 the effective date of this amendatory Act of the 94th General
11 Assembly, but not before, child and day care home providers
12 participating in the child care assistance program under
13 Section 9A-11 of the Illinois Public Aid Code, subject to the
14 limitations set forth in this Act and in Section 9A-11 of the
15 Illinois Public Aid Code, (iv) as of January 29, 2013 (the
16 effective date of Public Act 97-1158), but not before except
17 as otherwise provided in this subsection (n), home care and
18 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, no matter
22 whether the State provides those services through direct
23 fee-for-service arrangements, with the assistance of a managed
24 care organization or other intermediary, or otherwise, (v)
25 beginning on the effective date of this amendatory Act of the
26 98th General Assembly and notwithstanding any other provision

1 of this Act, any person employed by a public employer and who
2 is classified as or who holds the employment title of Chief
3 Stationary Engineer, Assistant Chief Stationary Engineer,
4 Sewage Plant Operator, Water Plant Operator, Stationary
5 Engineer, Plant Operating Engineer, and any other employee who
6 holds the position of: Civil Engineer V, Civil Engineer VI,
7 Civil Engineer VII, Technical Manager I, Technical Manager II,
8 Technical Manager III, Technical Manager IV, Technical Manager
9 V, Technical Manager VI, Realty Specialist III, Realty
10 Specialist IV, Realty Specialist V, Technical Advisor I,
11 Technical Advisor II, Technical Advisor III, Technical Advisor
12 IV, or Technical Advisor V employed by the Department of
13 Transportation who is in a position which is certified in a
14 bargaining unit on or before the effective date of this
15 amendatory Act of the 98th General Assembly, and (vi)
16 beginning on the effective date of this amendatory Act of the
17 98th General Assembly and notwithstanding any other provision
18 of this Act, any mental health administrator in the Department
19 of Corrections who is classified as or who holds the position
20 of Public Service Administrator (Option 8K), any employee of
21 the Office of the Inspector General in the Department of Human
22 Services who is classified as or who holds the position of
23 Public Service Administrator (Option 7), any Deputy of
24 Intelligence in the Department of Corrections who is
25 classified as or who holds the position of Public Service
26 Administrator (Option 7), and any employee of the Illinois

1 ~~Department of~~ State Police who handles issues concerning the
2 Illinois State Police Sex Offender Registry and who is
3 classified as or holds the position of Public Service
4 Administrator (Option 7), but excluding all of the following:
5 employees of the General Assembly of the State of Illinois;
6 elected officials; executive heads of a department; members of
7 boards or commissions; the Executive Inspectors General; any
8 special Executive Inspectors General; employees of each Office
9 of an Executive Inspector General; commissioners and employees
10 of the Executive Ethics Commission; the Auditor General's
11 Inspector General; employees of the Office of the Auditor
12 General's Inspector General; the Legislative Inspector
13 General; any special Legislative Inspectors General; employees
14 of the Office of the Legislative Inspector General;
15 commissioners and employees of the Legislative Ethics
16 Commission; employees of any agency, board or commission
17 created by this Act; employees appointed to State positions of
18 a temporary or emergency nature; all employees of school
19 districts and higher education institutions except
20 firefighters and peace officers employed by a state university
21 and except peace officers employed by a school district in its
22 own police department in existence on the effective date of
23 this amendatory Act of the 96th General Assembly; managerial
24 employees; short-term employees; legislative liaisons; a
25 person who is a State employee under the jurisdiction of the
26 Office of the Attorney General who is licensed to practice law

1 or whose position authorizes, either directly or indirectly,
2 meaningful input into government decision-making on issues
3 where there is room for principled disagreement on goals or
4 their implementation; a person who is a State employee under
5 the jurisdiction of the Office of the Comptroller who holds
6 the position of Public Service Administrator or whose position
7 is otherwise exempt under the Comptroller Merit Employment
8 Code; a person who is a State employee under the jurisdiction
9 of the Secretary of State who holds the position
10 classification of Executive I or higher, whose position
11 authorizes, either directly or indirectly, meaningful input
12 into government decision-making on issues where there is room
13 for principled disagreement on goals or their implementation,
14 or who is otherwise exempt under the Secretary of State Merit
15 Employment Code; employees in the Office of the Secretary of
16 State who are completely exempt from jurisdiction B of the
17 Secretary of State Merit Employment Code and who are in
18 Rutan-exempt positions on or after April 5, 2013 (the
19 effective date of Public Act 97-1172); a person who is a State
20 employee under the jurisdiction of the Treasurer who holds a
21 position that is exempt from the State Treasurer Employment
22 Code; any employee of a State agency who (i) holds the title or
23 position of, or exercises substantially similar duties as a
24 legislative liaison, Agency General Counsel, Agency Chief of
25 Staff, Agency Executive Director, Agency Deputy Director,
26 Agency Chief Fiscal Officer, Agency Human Resources Director,

1 Public Information Officer, or Chief Information Officer and
2 (ii) was neither included in a bargaining unit nor subject to
3 an active petition for certification in a bargaining unit; any
4 employee of a State agency who (i) is in a position that is
5 Rutan-exempt, as designated by the employer, and completely
6 exempt from jurisdiction B of the Personnel Code and (ii) was
7 neither included in a bargaining unit nor subject to an active
8 petition for certification in a bargaining unit; any term
9 appointed employee of a State agency pursuant to Section 8b.18
10 or 8b.19 of the Personnel Code who was neither included in a
11 bargaining unit nor subject to an active petition for
12 certification in a bargaining unit; any employment position
13 properly designated pursuant to Section 6.1 of this Act;
14 confidential employees; independent contractors; and
15 supervisors except as provided in this Act.

16 Home care and home health workers who function as personal
17 assistants and individual maintenance home health workers and
18 who also work under the Home Services Program under Section 3
19 of the Rehabilitation of Persons with Disabilities Act shall
20 not be considered public employees for any purposes not
21 specifically provided for in Public Act 93-204 or Public Act
22 97-1158, including but not limited to, purposes of vicarious
23 liability in tort and purposes of statutory retirement or
24 health insurance benefits. Home care and home health workers
25 who function as personal assistants and individual maintenance
26 home health workers and who also work under the Home Services

1 Program under Section 3 of the Rehabilitation of Persons with
2 Disabilities Act shall not be covered by the State Employees
3 Group Insurance Act of 1971 ~~(5 ILCS 375/)~~.

4 Child and day care home providers shall not be considered
5 public employees for any purposes not specifically provided
6 for in this amendatory Act of the 94th General Assembly,
7 including but not limited to, purposes of vicarious liability
8 in tort and purposes of statutory retirement or health
9 insurance benefits. Child and day care home providers shall
10 not be covered by the State Employees Group Insurance Act of
11 1971.

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

16 (o) Except as otherwise in subsection (o-5), "public
17 employer" or "employer" means the State of Illinois; any
18 political subdivision of the State, unit of local government
19 or school district; authorities including departments,
20 divisions, bureaus, boards, commissions, or other agencies of
21 the foregoing entities; and any person acting within the scope
22 of his or her authority, express or implied, on behalf of those
23 entities in dealing with its employees. As of the effective
24 date of the amendatory Act of the 93rd General Assembly, but
25 not before, the State of Illinois shall be considered the
26 employer of the personal assistants working under the Home

1 Services Program under Section 3 of the Rehabilitation of
2 Persons with Disabilities Act, subject to the limitations set
3 forth in this Act and in the Rehabilitation of Persons with
4 Disabilities Act. As of January 29, 2013 (the effective date
5 of Public Act 97-1158), but not before except as otherwise
6 provided in this subsection (o), the State shall be considered
7 the employer of home care and home health workers who function
8 as personal assistants and individual maintenance home health
9 workers and who also work under the Home Services Program
10 under Section 3 of the Rehabilitation of Persons with
11 Disabilities Act, no matter whether the State provides those
12 services through direct fee-for-service arrangements, with the
13 assistance of a managed care organization or other
14 intermediary, or otherwise, but subject to the limitations set
15 forth in this Act and the Rehabilitation of Persons with
16 Disabilities Act. The State shall not be considered to be the
17 employer of home care and home health workers who function as
18 personal assistants and individual maintenance home health
19 workers and who also work under the Home Services Program
20 under Section 3 of the Rehabilitation of Persons with
21 Disabilities Act, for any purposes not specifically provided
22 for in Public Act 93-204 or Public Act 97-1158, including but
23 not limited to, purposes of vicarious liability in tort and
24 purposes of statutory retirement or health insurance benefits.
25 Home care and home health workers who function as personal
26 assistants and individual maintenance home health workers and

1 who also work under the Home Services Program under Section 3
2 of the Rehabilitation of Persons with Disabilities Act shall
3 not be covered by the State Employees Group Insurance Act of
4 1971 ~~(5 ILCS 375/)~~. As of the effective date of this amendatory
5 Act of the 94th General Assembly but not before, the State of
6 Illinois shall be considered the employer of the day and child
7 care home providers participating in the child care assistance
8 program under Section 9A-11 of the Illinois Public Aid Code,
9 subject to the limitations set forth in this Act and in Section
10 9A-11 of the Illinois Public Aid Code. The State shall not be
11 considered to be the employer of child and day care home
12 providers for any purposes not specifically provided for in
13 this amendatory Act of the 94th General Assembly, including
14 but not limited to, purposes of vicarious liability in tort
15 and purposes of statutory retirement or health insurance
16 benefits. Child and day care home providers shall not be
17 covered by the State Employees Group Insurance Act of 1971.

18 "Public employer" or "employer" as used in this Act,
19 however, does not mean and shall not include the General
20 Assembly of the State of Illinois, the Executive Ethics
21 Commission, the Offices of the Executive Inspectors General,
22 the Legislative Ethics Commission, the Office of the
23 Legislative Inspector General, the Office of the Auditor
24 General's Inspector General, the Office of the Governor, the
25 Governor's Office of Management and Budget, the Illinois
26 Finance Authority, the Office of the Lieutenant Governor, the

1 State Board of Elections, and educational employers or
2 employers as defined in the Illinois Educational Labor
3 Relations Act, except with respect to a state university in
4 its employment of firefighters and peace officers and except
5 with respect to a school district in the employment of peace
6 officers in its own police department in existence on the
7 effective date of this amendatory Act of the 96th General
8 Assembly. County boards and county sheriffs shall be
9 designated as joint or co-employers of county peace officers
10 appointed under the authority of a county sheriff. Nothing in
11 this subsection (o) shall be construed to prevent the State
12 Panel or the Local Panel from determining that employers are
13 joint or co-employers.

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

19 (1) For court reporters employed by the Cook County
20 Judicial Circuit, the chief judge of the Cook County
21 Circuit Court is the public employer and employer
22 representative.

23 (2) For court reporters employed by the 12th, 18th,
24 19th, and, on and after December 4, 2006, the 22nd
25 judicial circuits, a group consisting of the chief judges
26 of those circuits, acting jointly by majority vote, is the

1 public employer and employer representative.

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

6 (p) "Security employee" means an employee who is
7 responsible for the supervision and control of inmates at
8 correctional facilities. The term also includes other
9 non-security employees in bargaining units having the majority
10 of employees being responsible for the supervision and control
11 of inmates at correctional facilities.

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

17 (q-5) "State agency" means an agency directly responsible
18 to the Governor, as defined in Section 3.1 of the Executive
19 Reorganization Implementation Act, and the Illinois Commerce
20 Commission, the Illinois Workers' Compensation Commission, the
21 Civil Service Commission, the Pollution Control Board, the
22 Illinois Racing Board, and the Illinois ~~Department of~~ State
23 Police Merit Board.

24 (r) "Supervisor" is:

25 (1) An employee whose principal work is substantially
26 different from that of his or her subordinates and who has

1 authority, in the interest of the employer, to hire,
2 transfer, suspend, lay off, recall, promote, discharge,
3 direct, reward, or discipline employees, to adjust their
4 grievances, or to effectively recommend any of those
5 actions, if the exercise of that authority is not of a
6 merely routine or clerical nature, but requires the
7 consistent use of independent judgment. Except with
8 respect to police employment, the term "supervisor"
9 includes only those individuals who devote a preponderance
10 of their employment time to exercising that authority,
11 State supervisors notwithstanding. Nothing in this
12 definition prohibits an individual from also meeting the
13 definition of "managerial employee" under subsection (j)
14 of this Section. In addition, in determining supervisory
15 status in police employment, rank shall not be
16 determinative. The Board shall consider, as evidence of
17 bargaining unit inclusion or exclusion, the common law
18 enforcement policies and relationships between police
19 officer ranks and certification under applicable civil
20 service law, ordinances, personnel codes, or Division 2.1
21 of Article 10 of the Illinois Municipal Code, but these
22 factors shall not be the sole or predominant factors
23 considered by the Board in determining police supervisory
24 status.

25 Notwithstanding the provisions of the preceding
26 paragraph, in determining supervisory status in fire

1 fighter employment, no fire fighter shall be excluded as a
2 supervisor who has established representation rights under
3 Section 9 of this Act. Further, in new fire fighter units,
4 employees shall consist of fire fighters of the rank of
5 company officer and below. If a company officer otherwise
6 qualifies as a supervisor under the preceding paragraph,
7 however, he or she shall not be included in the fire
8 fighter unit. If there is no rank between that of chief and
9 the highest company officer, the employer may designate a
10 position on each shift as a Shift Commander, and the
11 persons occupying those positions shall be supervisors.
12 All other ranks above that of company officer shall be
13 supervisors.

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

1 Labor Relations Board.

2 (s) (1) "Unit" means a class of jobs or positions that are
3 held by employees whose collective interests may suitably be
4 represented by a labor organization for collective bargaining.
5 Except with respect to non-State fire fighters and paramedics
6 employed by fire departments and fire protection districts,
7 non-State peace officers, and peace officers in the Illinois
8 ~~Department of~~ State Police, a bargaining unit determined by
9 the Board shall not include both employees and supervisors, or
10 supervisors only, except as provided in paragraph (2) of this
11 subsection (s) and except for bargaining units in existence on
12 July 1, 1984 (the effective date of this Act). With respect to
13 non-State fire fighters and paramedics employed by fire
14 departments and fire protection districts, non-State peace
15 officers, and peace officers in the Illinois ~~Department of~~
16 State Police, a bargaining unit determined by the Board shall
17 not include both supervisors and nonsupervisors, or
18 supervisors only, except as provided in paragraph (2) of this
19 subsection (s) and except for bargaining units in existence on
20 January 1, 1986 (the effective date of this amendatory Act of
21 1985). A bargaining unit determined by the Board to contain
22 peace officers shall contain no employees other than peace
23 officers unless otherwise agreed to by the employer and the
24 labor organization or labor organizations involved.
25 Notwithstanding any other provision of this Act, a bargaining
26 unit, including a historical bargaining unit, containing sworn

1 peace officers of the Department of Natural Resources
2 (formerly designated the Department of Conservation) shall
3 contain no employees other than such sworn peace officers upon
4 the effective date of this amendatory Act of 1990 or upon the
5 expiration date of any collective bargaining agreement in
6 effect upon the effective date of this amendatory Act of 1990
7 covering both such sworn peace officers and other employees.

8 (2) Notwithstanding the exclusion of supervisors from
9 bargaining units as provided in paragraph (1) of this
10 subsection (s), a public employer may agree to permit its
11 supervisory employees to form bargaining units and may bargain
12 with those units. This Act shall apply if the public employer
13 chooses to bargain under this subsection.

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

22 (t) "Active petition for certification in a bargaining
23 unit" means a petition for certification filed with the Board
24 under one of the following case numbers: S-RC-11-110;
25 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
26 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;

1 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
2 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
3 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
4 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
5 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
6 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
7 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
8 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
9 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
10 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
11 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
12 S-RC-07-100.

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

14 (5 ILCS 315/6.1)

15 Sec. 6.1. Gubernatorial designation of certain public
16 employment positions as excluded from collective bargaining.

17 (a) Notwithstanding any provision of this Act to the
18 contrary, except subsections (e) and (f) of this Section, the
19 Governor is authorized to designate up to 3,580 State
20 employment positions collectively within State agencies
21 directly responsible to the Governor, and, upon designation,
22 those positions and employees in those positions, if any, are
23 hereby excluded from the self-organization and collective
24 bargaining provisions of Section 6 of this Act. Only those
25 employment positions that have been certified in a bargaining

1 unit on or after December 2, 2008, that have a pending petition
2 for certification in a bargaining unit on April 5, 2013 (the
3 effective date of Public Act 97-1172), or that neither have
4 been certified in a bargaining unit on or after December 2,
5 2008 nor have a pending petition for certification in a
6 bargaining unit on the effective date of this amendatory Act
7 of the 97th General Assembly are eligible to be designated by
8 the Governor under this Section. The Governor may not
9 designate under this Section, however, more than 1,900
10 employment positions that have been certified in a bargaining
11 unit on or after December 2, 2008.

12 (b) In order to properly designate a State employment
13 position under this Section, the Governor shall provide in
14 writing to the Board: the job title and job duties of the
15 employment position; the name of the State employee currently
16 in the employment position, if any; the name of the State
17 agency employing the public employee; and the category under
18 which the position qualifies for designation under this
19 Section.

20 To qualify for designation under this Section, the
21 employment position must meet one or more of the following
22 requirements:

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

25 (2) it must have a title of, or authorize a person who
26 holds that position to exercise substantially similar

1 duties as an, Agency General Counsel, Agency Chief of
2 Staff, Agency Executive Director, Agency Deputy Director,
3 Agency Chief Fiscal Officer, Agency Human Resources
4 Director, Senior Public Service Administrator, Public
5 Information Officer, or Chief Information Officer;

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

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

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

14 Within 60 days after the Governor makes a designation
15 under this Section, the Board shall determine, in a manner
16 that is consistent with the requirements of due process,
17 whether the designation comports with the requirements of this
18 Section.

19 (c) For the purposes of this Section, a person has
20 significant and independent discretionary authority as an
21 employee if he or she (i) is engaged in executive and
22 management functions of a State agency and charged with the
23 effectuation of management policies and practices of a State
24 agency or represents management interests by taking or
25 recommending discretionary actions that effectively control or
26 implement the policy of a State agency or (ii) qualifies as a

1 supervisor of a State agency as that term is defined under
2 Section 152 of the National Labor Relations Act or any orders
3 of the National Labor Relations Board interpreting that
4 provision or decisions of courts reviewing decisions of the
5 National Labor Relations Board.

6 (d) The Governor must exercise the authority afforded
7 under this Section within 365 calendar days after April 5,
8 2013 (the effective date of Public Act 97-1172). Any
9 designation made by the Governor under this Section shall be
10 presumed to have been properly made.

11 If the Governor chooses not to designate a position under
12 this Section, then that decision does not preclude a State
13 agency from otherwise challenging the certification of that
14 position under this Act.

15 The qualifying categories set forth in paragraphs (1)
16 through (5) of subsection (b) of this Section are operative
17 and function solely within this Section and do not expand or
18 restrict the scope of any other provision contained in this
19 Act.

20 (e) The provisions of this Section do not apply to any
21 employee who is employed by a public employer and who is
22 classified as, or holds the employment title of, Chief
23 Stationary Engineer, Assistant Chief Stationary Engineer,
24 Sewage Plant Operator, Water Plant Operator, Stationary
25 Engineer, Plant Operating Engineer, and any employee who holds
26 the position of: Civil Engineer V, Civil Engineer VI, Civil

1 Engineer VII, Technical Manager I, Technical Manager II,
2 Technical Manager III, Technical Manager IV, Technical Manager
3 V, Technical Manager VI, Realty Specialist III, Realty
4 Specialist IV, Realty Specialist V, Technical Advisor I,
5 Technical Advisor II, Technical Advisor III, Technical Advisor
6 IV, or Technical Advisor V employed by the Department of
7 Transportation who is in a position which is certified in a
8 bargaining unit on or before the effective date of this
9 amendatory Act of the 98th General Assembly.

10 (f) The provisions of this Section also do not apply to any
11 mental health administrator in the Department of Corrections
12 who is classified as or who holds the position of Public
13 Service Administrator (Option 8K), any employee of the Office
14 of the Inspector General in the Department of Human Services
15 who is classified as or who holds the position of Public
16 Service Administrator (Option 7), any Deputy of Intelligence
17 in the Department of Corrections who is classified as or who
18 holds the position of Public Service Administrator (Option 7),
19 or any employee of the Illinois ~~Department of~~ State Police who
20 handles issues concerning the Illinois State Police Sex
21 Offender Registry and who is classified as or holds the
22 position of Public Service Administrator (Option 7).

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

24 (5 ILCS 315/9) (from Ch. 48, par. 1609)

25 Sec. 9. Elections; recognition.

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

3 (1) by a public employee or group of public employees
4 or any labor organization acting in their behalf
5 demonstrating that 30% of the public employees in an
6 appropriate unit (A) wish to be represented for the
7 purposes of collective bargaining by a labor organization
8 as exclusive representative, or (B) asserting that the
9 labor organization which has been certified or is
10 currently recognized by the public employer as bargaining
11 representative is no longer the representative of the
12 majority of public employees in the unit; or

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

17 the Board shall investigate such petition, and if it has
18 reasonable cause to believe that a question of representation
19 exists, shall provide for an appropriate hearing upon due
20 notice. Such hearing shall be held at the offices of the Board
21 or such other location as the Board deems appropriate. If it
22 finds upon the record of the hearing that a question of
23 representation exists, it shall direct an election in
24 accordance with subsection (d) of this Section, which election
25 shall be held not later than 120 days after the date the
26 petition was filed regardless of whether that petition was

1 filed before or after the effective date of this amendatory
2 Act of 1987; provided, however, the Board may extend the time
3 for holding an election by an additional 60 days if, upon
4 motion by a person who has filed a petition under this Section
5 or is the subject of a petition filed under this Section and is
6 a party to such hearing, or upon the Board's own motion, the
7 Board finds that good cause has been shown for extending the
8 election date; provided further, that nothing in this Section
9 shall prohibit the Board, in its discretion, from extending
10 the time for holding an election for so long as may be
11 necessary under the circumstances, where the purpose for such
12 extension is to permit resolution by the Board of an unfair
13 labor practice charge filed by one of the parties to a
14 representational proceeding against the other based upon
15 conduct which may either affect the existence of a question
16 concerning representation or have a tendency to interfere with
17 a fair and free election, where the party filing the charge has
18 not filed a request to proceed with the election; and provided
19 further that prior to the expiration of the total time
20 allotted for holding an election, a person who has filed a
21 petition under this Section or is the subject of a petition
22 filed under this Section and is a party to such hearing or the
23 Board, may move for and obtain the entry of an order in the
24 circuit court of the county in which the majority of the public
25 employees sought to be represented by such person reside, such
26 order extending the date upon which the election shall be

1 held. Such order shall be issued by the circuit court only upon
2 a judicial finding that there has been a sufficient showing
3 that there is good cause to extend the election date beyond
4 such period and shall require the Board to hold the election as
5 soon as is feasible given the totality of the circumstances.
6 Such 120 day period may be extended one or more times by the
7 agreement of all parties to the hearing to a date certain
8 without the necessity of obtaining a court order. Nothing in
9 this Section prohibits the waiving of hearings by stipulation
10 for the purpose of a consent election in conformity with the
11 rules and regulations of the Board or an election in a unit
12 agreed upon by the parties. Other interested employee
13 organizations may intervene in the proceedings in the manner
14 and within the time period specified by rules and regulations
15 of the Board. Interested parties who are necessary to the
16 proceedings may also intervene in the proceedings in the
17 manner and within the time period specified by the rules and
18 regulations of the Board.

19 (a-5) The Board shall designate an exclusive
20 representative for purposes of collective bargaining when the
21 representative demonstrates a showing of majority interest by
22 employees in the unit. If the parties to a dispute are without
23 agreement on the means to ascertain the choice, if any, of
24 employee organization as their representative, the Board shall
25 ascertain the employees' choice of employee organization, on
26 the basis of dues deduction authorization or other evidence,

1 or, if necessary, by conducting an election. All evidence
2 submitted by an employee organization to the Board to
3 ascertain an employee's choice of an employee organization is
4 confidential and shall not be submitted to the employer for
5 review. The Board shall ascertain the employee's choice of
6 employee organization within 120 days after the filing of the
7 majority interest petition; however, the Board may extend time
8 by an additional 60 days, upon its own motion or upon the
9 motion of a party to the proceeding. If either party provides
10 to the Board, before the designation of a representative,
11 clear and convincing evidence that the dues deduction
12 authorizations, and other evidence upon which the Board would
13 otherwise rely to ascertain the employees' choice of
14 representative, are fraudulent or were obtained through
15 coercion, the Board shall promptly thereafter conduct an
16 election. The Board shall also investigate and consider a
17 party's allegations that the dues deduction authorizations and
18 other evidence submitted in support of a designation of
19 representative without an election were subsequently changed,
20 altered, withdrawn, or withheld as a result of employer fraud,
21 coercion, or any other unfair labor practice by the employer.
22 If the Board determines that a labor organization would have
23 had a majority interest but for an employer's fraud, coercion,
24 or unfair labor practice, it shall designate the labor
25 organization as an exclusive representative without conducting
26 an election. If a hearing is necessary to resolve any issues of

1 representation under this Section, the Board shall conclude
2 its hearing process and issue a certification of the entire
3 appropriate unit not later than 120 days after the date the
4 petition was filed. The 120-day period may be extended one or
5 more times by the agreement of all parties to a hearing to a
6 date certain.

7 (a-6) A labor organization or an employer may file a unit
8 clarification petition seeking to clarify an existing
9 bargaining unit. The Board shall conclude its investigation,
10 including any hearing process deemed necessary, and issue a
11 certification of clarified unit or dismiss the petition not
12 later than 120 days after the date the petition was filed. The
13 120-day period may be extended one or more times by the
14 agreement of all parties to a hearing to a date certain.

15 (b) The Board shall decide in each case, in order to assure
16 public employees the fullest freedom in exercising the rights
17 guaranteed by this Act, a unit appropriate for the purpose of
18 collective bargaining, based upon but not limited to such
19 factors as: historical pattern of recognition; community of
20 interest including employee skills and functions; degree of
21 functional integration; interchangeability and contact among
22 employees; fragmentation of employee groups; common
23 supervision, wages, hours and other working conditions of the
24 employees involved; and the desires of the employees. For
25 purposes of this subsection, fragmentation shall not be the
26 sole or predominant factor used by the Board in determining an

1 appropriate bargaining unit. Except with respect to non-State
2 fire fighters and paramedics employed by fire departments and
3 fire protection districts, non-State peace officers and peace
4 officers in the Illinois ~~State Department of~~ State Police, a
5 single bargaining unit determined by the Board may not include
6 both supervisors and nonsupervisors, except for bargaining
7 units in existence on the effective date of this Act. With
8 respect to non-State fire fighters and paramedics employed by
9 fire departments and fire protection districts, non-State
10 peace officers and peace officers in the Illinois ~~State~~
11 ~~Department of~~ State Police, a single bargaining unit
12 determined by the Board may not include both supervisors and
13 nonsupervisors, except for bargaining units in existence on
14 the effective date of this amendatory Act of 1985.

15 In cases involving an historical pattern of recognition,
16 and in cases where the employer has recognized the union as the
17 sole and exclusive bargaining agent for a specified existing
18 unit, the Board shall find the employees in the unit then
19 represented by the union pursuant to the recognition to be the
20 appropriate unit.

21 Notwithstanding the above factors, where the majority of
22 public employees of a craft so decide, the Board shall
23 designate such craft as a unit appropriate for the purposes of
24 collective bargaining.

25 The Board shall not decide that any unit is appropriate if
26 such unit includes both professional and nonprofessional

1 employees, unless a majority of each group votes for inclusion
2 in such unit.

3 (c) Nothing in this Act shall interfere with or negate the
4 current representation rights or patterns and practices of
5 labor organizations which have historically represented public
6 employees for the purpose of collective bargaining, including
7 but not limited to the negotiations of wages, hours and
8 working conditions, discussions of employees' grievances,
9 resolution of jurisdictional disputes, or the establishment
10 and maintenance of prevailing wage rates, unless a majority of
11 employees so represented express a contrary desire pursuant to
12 the procedures set forth in this Act.

13 (d) In instances where the employer does not voluntarily
14 recognize a labor organization as the exclusive bargaining
15 representative for a unit of employees, the Board shall
16 determine the majority representative of the public employees
17 in an appropriate collective bargaining unit by conducting a
18 secret ballot election, except as otherwise provided in
19 subsection (a-5). Within 7 days after the Board issues its
20 bargaining unit determination and direction of election or the
21 execution of a stipulation for the purpose of a consent
22 election, the public employer shall submit to the labor
23 organization the complete names and addresses of those
24 employees who are determined by the Board to be eligible to
25 participate in the election. When the Board has determined
26 that a labor organization has been fairly and freely chosen by

1 a majority of employees in an appropriate unit, it shall
2 certify such organization as the exclusive representative. If
3 the Board determines that a majority of employees in an
4 appropriate unit has fairly and freely chosen not to be
5 represented by a labor organization, it shall so certify. The
6 Board may also revoke the certification of the public employee
7 organizations as exclusive bargaining representatives which
8 have been found by a secret ballot election to be no longer the
9 majority representative.

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

1 (f) A labor organization shall be designated as the
2 exclusive representative by a public employer, provided that
3 the labor organization represents a majority of the public
4 employees in an appropriate unit. Any employee organization
5 which is designated or selected by the majority of public
6 employees, in a unit of the public employer having no other
7 recognized or certified representative, as their
8 representative for purposes of collective bargaining may
9 request recognition by the public employer in writing. The
10 public employer shall post such request for a period of at
11 least 20 days following its receipt thereof on bulletin boards
12 or other places used or reserved for employee notices.

13 (g) Within the 20-day period any other interested employee
14 organization may petition the Board in the manner specified by
15 rules and regulations of the Board, provided that such
16 interested employee organization has been designated by at
17 least 10% of the employees in an appropriate bargaining unit
18 which includes all or some of the employees in the unit
19 recognized by the employer. In such event, the Board shall
20 proceed with the petition in the same manner as provided by
21 paragraph (1) of subsection (a) of this Section.

22 (h) No election shall be directed by the Board in any
23 bargaining unit where there is in force a valid collective
24 bargaining agreement. The Board, however, may process an
25 election petition filed between 90 and 60 days prior to the
26 expiration of the date of an agreement, and may further

1 refine, by rule or decision, the implementation of this
2 provision. Where more than 4 years have elapsed since the
3 effective date of the agreement, the agreement shall continue
4 to bar an election, except that the Board may process an
5 election petition filed between 90 and 60 days prior to the end
6 of the fifth year of such an agreement, and between 90 and 60
7 days prior to the end of each successive year of such
8 agreement.

9 (i) An order of the Board dismissing a representation
10 petition, determining and certifying that a labor organization
11 has been fairly and freely chosen by a majority of employees in
12 an appropriate bargaining unit, determining and certifying
13 that a labor organization has not been fairly and freely
14 chosen by a majority of employees in the bargaining unit or
15 certifying a labor organization as the exclusive
16 representative of employees in an appropriate bargaining unit
17 because of a determination by the Board that the labor
18 organization is the historical bargaining representative of
19 employees in the bargaining unit, is a final order. Any person
20 aggrieved by any such order issued on or after the effective
21 date of this amendatory Act of 1987 may apply for and obtain
22 judicial review in accordance with provisions of the
23 Administrative Review Law, as now or hereafter amended, except
24 that such review shall be afforded directly in the Appellate
25 Court for the district in which the aggrieved party resides or
26 transacts business. Any direct appeal to the Appellate Court

1 shall be filed within 35 days from the date that a copy of the
2 decision sought to be reviewed was served upon the party
3 affected by the decision.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

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

7 (5 ILCS 350/1) (from Ch. 127, par. 1301)

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

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

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

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

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

1 State Police when performing duties within the scope of the
2 activities of a Metropolitan Enforcement Group or a law
3 enforcement organization established under the
4 Intergovernmental Cooperation Act. An individual who renders
5 professional advice and consultation to the State through an
6 organization which qualifies as an "employee" under the Act is
7 also an employee. The term includes the estate or personal
8 representative of an employee.

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

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

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

15 (5 ILCS 382/3-15)

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

20 (1) The Department of Corrections shall have at least
21 40 additional bilingual on-board frontline staff.

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

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

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

7 (5) The Department of Veterans' ~~Veterans~~ Affairs shall
8 have at least 5 additional bilingual on-board frontline
9 staff.

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

12 (7) The Department of Employment Security shall have
13 at least 10 additional bilingual on-board frontline staff.

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

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

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

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

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

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

1 (5 ILCS 430/5-50)

2 Sec. 5-50. Ex parte communications; special government
3 agents.

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

6 (b) "Ex parte communication" means any written or oral
7 communication by any person that imparts or requests material
8 information or makes a material argument regarding potential
9 action concerning regulatory, quasi-adjudicatory, investment,
10 or licensing matters pending before or under consideration by
11 the agency. "Ex parte communication" does not include the
12 following: (i) statements by a person publicly made in a
13 public forum; (ii) statements regarding matters of procedure
14 and practice, such as format, the number of copies required,
15 the manner of filing, and the status of a matter; and (iii)
16 statements made by a State employee of the agency to the agency
17 head or other employees of that agency.

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

22 (c) An ex parte communication received by any agency,
23 agency head, or other agency employee, other than an ex parte
24 communication described in subsection (b-5), shall immediately
25 be reported to that agency's ethics officer by the recipient

1 of the communication and by any other employee of that agency
2 who responds to the communication. The ethics officer shall
3 require that the ex parte communication be promptly made a
4 part of the record. The ethics officer shall promptly file the
5 ex parte communication with the Executive Ethics Commission,
6 including all written communications, all written responses to
7 the communications, and a memorandum prepared by the ethics
8 officer stating the nature and substance of all oral
9 communications, the identity and job title of the person to
10 whom each communication was made, all responses made, the
11 identity and job title of the person making each response, the
12 identity of each person from whom the written or oral ex parte
13 communication was received, the individual or entity
14 represented by that person, any action the person requested or
15 recommended, and any other pertinent information. The
16 disclosure shall also contain the date of any ex parte
17 communication.

18 (d) "Interested party" means a person or entity whose
19 rights, privileges, or interests are the subject of or are
20 directly affected by a regulatory, quasi-adjudicatory,
21 investment, or licensing matter.

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

23 Executive Ethics Commission

24 Illinois Commerce Commission

25 Educational Labor Relations Board

26 State Board of Elections

1 Illinois Gaming Board
2 Health Facilities and Services Review Board
3 Illinois Workers' Compensation Commission
4 Illinois Labor Relations Board
5 Illinois Liquor Control Commission
6 Pollution Control Board
7 Property Tax Appeal Board
8 Illinois Racing Board
9 Illinois Purchased Care Review Board
10 Illinois ~~Department of~~ State Police Merit Board
11 Motor Vehicle Review Board
12 Prisoner Review Board
13 Civil Service Commission
14 Personnel Review Board for the Treasurer
15 Merit Commission for the Secretary of State
16 Merit Commission for the Office of the Comptroller
17 Court of Claims
18 Board of Review of the Department of Employment Security
19 Department of Insurance
20 Department of Professional Regulation and licensing boards
21 under the Department
22 Department of Public Health and licensing boards under the
23 Department
24 Office of Banks and Real Estate and licensing boards under
25 the Office
26 State Employees Retirement System Board of Trustees

1 Judges Retirement System Board of Trustees
2 General Assembly Retirement System Board of Trustees
3 Illinois Board of Investment
4 State Universities Retirement System Board of Trustees
5 Teachers Retirement System Officers Board of Trustees

6 (f) Any person who fails to (i) report an ex parte
7 communication to an ethics officer, (ii) make information part
8 of the record, or (iii) make a filing with the Executive Ethics
9 Commission as required by this Section or as required by
10 Section 5-165 of the Illinois Administrative Procedure Act
11 violates this Act.

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

13 (5 ILCS 430/50-5)

14 Sec. 50-5. Penalties.

15 (a) A person is guilty of a Class A misdemeanor if that
16 person intentionally violates any provision of Section 5-15,
17 5-30, 5-40, or 5-45 or Article 15.

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

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

25 (c) A person who intentionally violates any provision of

1 Article 10 is guilty of a business offense and subject to a
2 fine of at least \$1,001 and up to \$5,000.

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

8 (e) An ethics commission may levy an administrative fine
9 of up to \$5,000 against any person who violates this Act, who
10 intentionally obstructs or interferes with an investigation
11 conducted under this Act by an inspector general, or who
12 intentionally makes a false, frivolous, or bad faith
13 allegation.

14 (f) In addition to any other penalty that may apply,
15 whether criminal or civil, a State employee who intentionally
16 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
17 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
18 25-90 is subject to discipline or discharge by the appropriate
19 ultimate jurisdictional authority.

20 (g) Any person who violates Section 5-65 is subject to a
21 fine of up to \$5,000 per offense, and is subject to discipline
22 or discharge by the appropriate ultimate jurisdictional
23 authority. Each violation of Section 5-65 is a separate
24 offense. Any penalty imposed by an ethics commission shall be
25 separate and distinct from any fines or penalties imposed by a
26 court of law or a State or federal agency.

1 (h) Any natural person or lobbying entity who
2 intentionally violates Section 4.7, paragraph (d) of Section
3 5, or subsection (a-5) of Section 11 of the Lobbyist
4 Registration Act is guilty of a business offense and shall be
5 subject to a fine of up to \$5,000. The Executive Ethics
6 Commission, after the adjudication of a violation of Section
7 4.7 of the Lobbyist Registration Act for which an
8 investigation was initiated by the Inspector General appointed
9 by the Secretary of State under Section 14 of the Secretary of
10 State Act, is authorized to strike or suspend the registration
11 under the Lobbyist Registration Act of any person or lobbying
12 entity for which that person is employed for a period of up to
13 3 years. In addition to any other fine or penalty which may be
14 imposed, the Executive Ethics Commission may also levy an
15 administrative fine of up to \$5,000 for a violation specified
16 under this subsection (h). Any penalty imposed by an ethics
17 commission shall be separate and distinct from any fines or
18 penalties imposed by a court of law or by the Secretary of
19 State under the Lobbyist Registration Act.

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

21 Section 40. The Flag Display Act is amended by changing
22 Section 10 as follows:

23 (5 ILCS 465/10)

24 Sec. 10. Death of resident military member, law

1 enforcement officer, firefighter, or members of EMS crews.

2 (a) The Governor shall issue an official notice to fly the
3 following flags at half-staff upon the death of a resident of
4 this State killed (i) by hostile fire as a member of the United
5 States armed forces, (ii) in the line of duty as a law
6 enforcement officer, (iii) in the line of duty as a
7 firefighter, (iv) in the line of duty as a member of an
8 Emergency Medical Services (EMS) crew, or (v) during on duty
9 training for active military duty: the United States national
10 flag, the State flag of Illinois, and, in the case of the death
11 of the member of the United States armed forces, the
12 appropriate military flag as defined in subsection (b) of
13 Section 18.6 of the Condominium Property Act. Upon the
14 Governor's notice, each person or entity required by this Act
15 to ensure the display of the United States national flag on a
16 flagstaff shall ensure that the flags described in the notice
17 are displayed at half-staff on the day designated for the
18 resident's funeral and the 2 days preceding that day.

19 (b) The Department of Veterans' Affairs shall notify the
20 Governor of the death by hostile fire of an Illinois resident
21 member of the United States armed forces. In lieu of notice
22 being provided by the Department of Veterans' Affairs, any
23 other State or Federal entity, agency, or person holding such
24 information may notify the Governor of the death by hostile
25 fire of an Illinois resident member of the United States armed
26 forces. If such notice is provided to the Governor by an

1 entity, agency, or person other than the Department of
2 Veterans' Affairs, then the obligation to notify the Governor
3 of an Illinois resident soldier's death under this subsection
4 (b) shall be considered fulfilled. The Illinois ~~Department of~~
5 State Police shall notify the Governor of the death in the line
6 of duty of an Illinois resident law enforcement officer. The
7 Office of the State Fire Marshal shall notify the Governor of
8 the death in the line of duty of an Illinois resident
9 firefighter. The Department of Public Health shall notify the
10 Governor of the death in the line of duty of an Illinois
11 resident member of an Emergency Medical Services (EMS) crew.
12 Notice to the Governor shall include at least the resident's
13 name and Illinois address, the date designated for the
14 funeral, and the circumstances of the death.

15 (c) For the purpose of this Section, the United States
16 armed forces includes: (i) the United States Army, Navy,
17 Marine Corps, Air Force, and Coast Guard; (ii) any reserve
18 component of each of the forces listed in item (i); and (iii)
19 the National Guard.

20 (d) Nothing in this Section requires the removal or
21 relocation of any existing flags currently displayed in the
22 State. This Section does not apply to a State facility if the
23 requirements of this Section cannot be satisfied without a
24 physical modification to that facility.

25 (Source: P.A. 99-372, eff. 1-1-16; 100-33, eff. 1-1-18;
26 100-201, eff. 8-18-17.)

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

3 (5 ILCS 810/10)

4 Sec. 10. Reporting by law enforcement agency.

5 (a) Each law enforcement agency that seizes property
6 subject to reporting under this Act shall report the following
7 information about property seized or forfeited under State
8 law:

9 (1) the name of the law enforcement agency that seized
10 the property;

11 (2) the date of the seizure;

12 (3) the type of property seized, including a building,
13 vehicle, boat, cash, negotiable security, or firearm,
14 except reporting is not required for seizures of
15 contraband including alcohol, gambling devices, drug
16 paraphernalia, and controlled substances;

17 (4) a description of the property seized and the
18 estimated value of the property and if the property is a
19 conveyance, the description shall include the make, model,
20 year, and vehicle identification number or serial number;
21 and

22 (5) the location where the seizure occurred.

23 The filing requirement shall be met upon filing Illinois
24 State Police Notice/Inventory of Seized Property (Form 4-64)

1 with the State's Attorney's Office in the county where the
2 forfeiture action is being commenced or with the Attorney
3 General's Office if the forfeiture action is being commenced
4 by that office, and the forwarding of Form 4-64 upon approval
5 of the State's Attorney's Office or the Attorney General's
6 Office to the Illinois ~~Department of~~ State Police Asset
7 Forfeiture Section. With regard to seizures for which Form
8 4-64 is not required to be filed, the filing requirement shall
9 be met by the filing of an annual summary report with the
10 Illinois ~~Department of~~ State Police no later than 60 days
11 after December 31 of that year.

12 (b) Each law enforcement agency, including a drug task
13 force or Metropolitan Enforcement Group (MEG) unit, that
14 receives proceeds from forfeitures subject to reporting under
15 this Act shall file an annual report with the Illinois
16 ~~Department of~~ State Police no later than 60 days after
17 December 31 of that year. The format of the report shall be
18 developed by the Illinois ~~Department of~~ State Police and shall
19 be completed by the law enforcement agency. The report shall
20 include, at a minimum, the amount of funds and other property
21 distributed to the law enforcement agency by the Illinois
22 ~~Department of~~ State Police, the amount of funds expended by
23 the law enforcement agency, and the category of expenditure,
24 including:

25 (1) crime, gang, or abuse prevention or intervention
26 programs;

- 1 (2) compensation or services for crime victims;
- 2 (3) witness protection, informant fees, and controlled
- 3 purchases of contraband;
- 4 (4) salaries, overtime, and benefits, as permitted by
- 5 law;
- 6 (5) operating expenses, including but not limited to,
- 7 capital expenditures for vehicles, firearms, equipment,
- 8 computers, furniture, office supplies, postage, printing,
- 9 membership fees paid to trade associations, and fees for
- 10 professional services including auditing, court reporting,
- 11 expert witnesses, and attorneys;
- 12 (6) travel, meals, entertainment, conferences,
- 13 training, and continuing education seminars; and
- 14 (7) other expenditures of forfeiture proceeds.

15 (c) The Illinois ~~Department of~~ State Police shall
16 establish and maintain on its official website a public
17 database that includes annual aggregate data for each law
18 enforcement agency that reports seizures of property under
19 subsection (a) of this Section, that receives distributions of
20 forfeiture proceeds subject to reporting under this Act, or
21 reports expenditures under subsection (b) of this Section.
22 This aggregate data shall include, for each law enforcement
23 agency:

- 24 (1) the total number of asset seizures reported by
- 25 each law enforcement agency during the calendar year;
- 26 (2) the monetary value of all currency or its

1 equivalent seized by the law enforcement agency during the
2 calendar year;

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

6 (4) the aggregate estimated value of all other
7 property seized by the law enforcement agency during the
8 calendar year;

9 (5) the monetary value of distributions by the
10 Illinois ~~Department of~~ State Police of forfeited currency
11 or auction proceeds from forfeited property to the law
12 enforcement agency during the calendar year; and

13 (6) the total amount of the law enforcement agency's
14 expenditures of forfeiture proceeds during the calendar
15 year, categorized as provided under subsection (b) of this
16 Section.

17 The database shall not provide names, addresses, phone
18 numbers, or other personally identifying information of owners
19 or interest holders, persons, business entities, covert office
20 locations, or business entities involved in the forfeiture
21 action and shall not disclose the vehicle identification
22 number or serial number of any conveyance.

23 (d) The Illinois ~~Department of~~ State Police shall adopt
24 rules to administer the asset forfeiture program, including
25 the categories of authorized expenditures consistent with the
26 statutory guidelines for each of the included forfeiture

1 statutes, the use of forfeited funds, other expenditure
2 requirements, and the reporting of seizure and forfeiture
3 information. The Illinois State Police ~~Department~~ may adopt
4 rules necessary to implement this Act through the use of
5 emergency rulemaking under Section 5-45 of the Illinois
6 Administrative Procedure Act for a period not to exceed 180
7 days after the effective date of this Act.

8 (e) The Illinois ~~Department~~ of State Police shall have
9 authority and oversight over all law enforcement agencies
10 receiving forfeited funds from the Illinois State Police
11 ~~Department~~. This authority shall include enforcement of rules
12 and regulations adopted by the Illinois State Police
13 ~~Department~~ and sanctions for violations of any rules and
14 regulations, including the withholding of distributions of
15 forfeiture proceeds from the law enforcement agency in
16 violation.

17 (f) Upon application by a law enforcement agency to the
18 Illinois ~~Department~~ of State Police, the reporting of a
19 particular asset forfeited under this Section may be delayed
20 if the asset in question was seized from a person who has
21 become a confidential informant under the agency's
22 confidential informant policy, or if the asset was seized as
23 part of an ongoing investigation. This delayed reporting shall
24 be granted by the Illinois ~~Department~~ of State Police for a
25 maximum period of 6 months if the confidential informant is
26 still providing cooperation to law enforcement or the

1 investigation is still ongoing, after which the asset shall be
2 reported as required under this Act.

3 (g) The Illinois ~~Department of~~ State Police shall, on or
4 before January 1, 2019, establish and implement the
5 requirements of this Act. In order to implement the reporting
6 and public database requirements under this Act, the Illinois
7 ~~Department of~~ State Police Asset Forfeiture Section requires a
8 one-time upgrade of its information technology software and
9 hardware. This one-time upgrade shall be funded by a temporary
10 allocation of 5% of all forfeited currency and 5% of the
11 auction proceeds from each forfeited asset, which are to be
12 distributed after the effective date of this Act. The Illinois
13 ~~Department of~~ State Police shall transfer these funds at the
14 time of distribution to a separate fund established by the
15 Illinois ~~Department of~~ State Police. Moneys deposited in this
16 fund shall be accounted for and shall be used only to pay for
17 the actual one-time cost of purchasing and installing the
18 hardware and software required to comply with this new
19 reporting and public database requirement. Moneys deposited in
20 the fund shall not be subject to reappropriation,
21 reallocation, or redistribution for any other purpose. After
22 sufficient funds are transferred to the fund to cover the
23 actual one-time cost of purchasing and installing the hardware
24 and software required to comply with this new reporting and
25 public database requirement, no additional funds shall be
26 transferred to the fund for any purpose. At the completion of

1 the one-time upgrade of the information technology hardware
2 and software to comply with this new reporting and public
3 database requirement, any remaining funds in the fund shall be
4 returned to the participating agencies under the distribution
5 requirements of the statutes from which the funds were
6 transferred, and the fund shall no longer exist.

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

11 (2) A contract or contracts under this subsection (h) are
12 not subject to the Illinois Procurement Code, except for
13 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
14 that Code, provided that the Chief Procurement Officer may, in
15 writing with justification, waive any certification required
16 under Article 50 of the Illinois Procurement Code. The
17 provisions of this paragraph (2), other than this sentence,
18 are inoperative on and after July 1, 2019.

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

20 (5 ILCS 810/15)

21 Sec. 15. Fund audits.

22 (a) The Auditor General shall conduct, as a part of its
23 2-year compliance audit, an audit of the State Asset
24 Forfeiture Fund for compliance with the requirements of this
25 Act. The audit shall include, but not be limited to, the

1 following determinations:

2 (1) if detailed records of all receipts and
3 disbursements from the State Asset Forfeiture Fund are
4 being maintained;

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

7 (3) if the procedures for making disbursements under
8 the Act are adequate.

9 (b) The Illinois ~~Department of~~ State Police, and any other
10 entity or person that may have information relevant to the
11 audit, shall cooperate fully and promptly with the Office of
12 the Auditor General in conducting the audit. The Auditor
13 General shall begin the audit during the next regular 2-year
14 compliance audit of the Illinois ~~Department of~~ State Police
15 and distribute the report upon completion under Section 3-14
16 of the Illinois State Auditing Act.

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

18 Section 55. The Law Enforcement Criminal Sexual Assault
19 Investigation Act is amended by changing Section 10 as
20 follows:

21 (5 ILCS 815/10)

22 Sec. 10. Investigation of officer-involved criminal
23 assault; requirements.

24 (a) Each law enforcement agency shall have a written

1 policy regarding the investigation of officer-involved
2 criminal sexual assault that involves a law enforcement
3 officer employed by that law enforcement agency.

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

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

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

25 Section 60. The Community-Law Enforcement Partnership for

1 Deflection and Substance Use Disorder Treatment Act is amended
2 by changing Section 10 as follows:

3 (5 ILCS 820/10)

4 Sec. 10. Definitions. In this Act:

5 "Case management" means those services which will assist
6 persons in gaining access to needed social, educational,
7 medical, substance use and mental health treatment, and other
8 services.

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

17 "Deflection program" means a program in which a peace
18 officer or member of a law enforcement agency facilitates
19 contact between an individual and a licensed substance use
20 treatment provider or clinician for assessment and
21 coordination of treatment planning. This facilitation includes
22 defined criteria for eligibility and communication protocols
23 agreed to by the law enforcement agency and the licensed
24 treatment provider for the purpose of providing substance use
25 treatment to those persons in lieu of arrest or further

1 justice system involvement. Deflection programs may include,
2 but are not limited to, the following types of responses:

3 (1) a post-overdose deflection response initiated by a
4 peace officer or law enforcement agency subsequent to
5 emergency administration of medication to reverse an
6 overdose, or in cases of severe substance use disorder
7 with acute risk for overdose;

8 (2) a self-referral deflection response initiated by
9 an individual by contacting a peace officer or law
10 enforcement agency in the acknowledgment of their
11 substance use or disorder;

12 (3) an active outreach deflection response initiated
13 by a peace officer or law enforcement agency as a result of
14 proactive identification of persons thought likely to have
15 a substance use disorder;

16 (4) an officer prevention deflection response
17 initiated by a peace officer or law enforcement agency in
18 response to a community call when no criminal charges are
19 present; and

20 (5) an officer intervention deflection response when
21 criminal charges are present but held in abeyance pending
22 engagement with treatment.

23 "Law enforcement agency" means a municipal police
24 department or county sheriff's office of this State, the
25 Illinois Department of State Police, or other law enforcement
26 agency whose officers, by statute, are granted and authorized

1 to exercise powers similar to those conferred upon any peace
2 officer employed by a law enforcement agency of this State.

3 "Licensed treatment provider" means an organization
4 licensed by the Department of Human Services to perform an
5 activity or service, or a coordinated range of those
6 activities or services, as the Department of Human Services
7 may establish by rule, such as 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 to assess
13 or treat substance use disorder or to families of those
14 persons.

15 "Peace officer" means any peace officer or member of any
16 duly organized State, county, or municipal peace officer unit,
17 any police force of another State, or any police force whose
18 members, by statute, are granted and authorized to exercise
19 powers similar to those conferred upon any peace officer
20 employed by a law enforcement agency of this State.

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

26 "Treatment" means the broad range of emergency,

1 outpatient, intensive outpatient, and residential services and
2 care (including assessment, diagnosis, case management,
3 medical, psychiatric, psychological and social services,
4 medication-assisted treatment, care and counseling, and
5 recovery support) which may be extended to persons who have
6 substance use disorders, persons with mental illness, or
7 families of those persons.

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

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

11 (5 ILCS 830/10-5)

12 Sec. 10-5. Gun trafficking information.

13 (a) The Illinois Department of State Police shall use all
14 reasonable efforts in making publicly available, on a regular
15 and ongoing basis, key information related to firearms used in
16 the commission of crimes in this State, including, but not
17 limited to: reports on crimes committed with firearms,
18 locations where the crimes occurred, the number of persons
19 killed or injured in the commission of the crimes, the state
20 where the firearms used originated, the Federal Firearms
21 Licensee that sold the firearm, and the type of firearms used.
22 The Illinois State Police Department shall make the
23 information available on its website, in addition to
24 electronically filing a report with the Governor and the

1 General Assembly. The report to the General Assembly shall be
2 filed with the Clerk of the House of Representatives and the
3 Secretary of the Senate in electronic form only, in the manner
4 that the Clerk and the Secretary shall direct.

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

21 (c) Each department, office, division, and agency of this
22 State shall, to the extent not inconsistent with law,
23 cooperate fully with the Illinois State Police ~~Department~~ and
24 furnish the Illinois State Police ~~Department~~ with all relevant
25 information and assistance on a timely basis as is necessary
26 to accomplish the purpose of this Act. The Illinois Criminal

1 Justice Information Authority shall submit the information
2 required in subsection (a) of this Section to the Illinois
3 ~~Department of State Police~~, and any other information as the
4 Illinois State Police ~~Department~~ may request, to assist the
5 Illinois State Police ~~Department~~ in carrying out its duties
6 under this Act.

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

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

10 (5 ILCS 835/5)

11 Sec. 5. Public safety.

12 (a) In this Section:

13 "Law enforcement agency" means an agency in this State
14 charged with enforcement of State, county, or municipal laws
15 or with managing custody of detained persons in the State,
16 including municipal police departments, sheriff's departments,
17 campus police departments, the Illinois ~~Department of State~~
18 Police, and the Department of Juvenile Justice.

19 "Law enforcement official" means any officer or other
20 agent of a State or local law enforcement agency authorized to
21 enforce criminal laws, rules, regulations, or local ordinances
22 or operate jails, correctional facilities, or juvenile
23 detention facilities or to maintain custody of individuals in
24 jails, correctional facilities, or juvenile detention

1 facilities also including any school resource officer or other
2 police or security officer assigned to any public school,
3 including any public pre-school and other early learning
4 program, public elementary and secondary school, or public
5 institution of higher education.

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

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

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

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

16 (5 ILCS 840/30)

17 Sec. 30. First Responders Suicide Task Force.

18 (a) The First Responders Suicide Task Force is created to
19 pursue recommendations to help reduce the risk and rates of
20 suicide among first responders, along with developing a
21 mechanism to help reduce the risk and rates of suicide among
22 first responders. The Task Force shall be composed of the
23 following members:

24 (1) the Director of the Illinois State Police or his

1 or her designee;

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

4 (3) 2 members of the House of Representatives
5 appointed by the Speaker of the House of Representatives,
6 one of whom shall serve as co-chair;

7 (4) 2 members of the House of Representatives
8 appointed by the Minority Leader of the House of
9 Representatives;

10 (5) 2 members of the Senate appointed by the President
11 of the Senate, one of whom shall serve as co-chair;

12 (6) 2 members of the Senate appointed by the Minority
13 Leader of the Senate;

14 (7) 2 members who represent 2 different mental health
15 organizations, one appointed by the Minority Leader of the
16 House of Representatives and one appointed by the Minority
17 Leader of the Senate;

18 (8) one member who represents an organization that
19 advocates on behalf of police appointed by the Speaker of
20 the House of Representatives;

21 (9) one member who represents the Chicago Police
22 Department appointed by the Minority Leader of the House
23 of Representatives;

24 (10) 2 members who represent organizations that
25 advocate on behalf of firefighters appointed by the
26 President of the Senate;

1 (11) one member who represents the Chicago Fire
2 Department appointed by the Minority Leader of the Senate;
3 and

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

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

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

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

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

21 (15 ILCS 15/3.1)

22 Sec. 3.1. "Agency directly responsible to the Governor" or
23 "agency" means any office, officer, division, or part thereof,
24 and any other office, nonelective officer, department,

1 division, bureau, board, or commission in the executive branch
2 of State government, except that it does not apply to any
3 agency whose primary function is service to the General
4 Assembly or the Judicial Branch of State government, or to any
5 agency administered by the Attorney General, Secretary of
6 State, State Comptroller or State Treasurer. In addition the
7 term does not apply to the following agencies created by law
8 with the primary responsibility of exercising regulatory or
9 adjudicatory functions independently of the Governor:

10 (1) the State Board of Elections;

11 (2) the State Board of Education;

12 (3) the Illinois Commerce Commission;

13 (4) the Illinois Workers' Compensation Commission;

14 (5) the Civil Service Commission;

15 (6) the Fair Employment Practices Commission;

16 (7) the Pollution Control Board;

17 (8) the Illinois ~~Department of~~ State Police Merit Board;

18 (9) the Illinois Racing Board;

19 (10) the Illinois Power Agency;

20 (11) the Illinois Law Enforcement Training Standards
21 Board; and

22 (12) the Illinois Liquor Control Commission.

23 (Source: P.A. 100-995, eff. 8-20-18; 100-1050, eff. 7-1-19;
24 101-81, eff. 7-12-19.)

25 Section 80. The Secretary of State Act is amended by

1 changing Sections 13 and 13.5 as follows:

2 (15 ILCS 305/13) (from Ch. 124, par. 10.3)

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

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

14 (15 ILCS 305/13.5)

15 Sec. 13.5. Illinois ~~Department of~~ State Police access to
16 driver's license and identification card photographs. The
17 Secretary of State shall allow the Illinois ~~Department of~~
18 State Police to access the driver's license or Illinois
19 Identification card photograph, if available, of an applicant
20 for a firearm concealed carry license under the Firearm
21 Concealed Carry Act for the purpose of identifying the firearm
22 concealed carry license applicant and issuing a license to the
23 applicant.

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

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

3 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

4 Sec. 10b.1. Competitive examinations.

5 (a) For open competitive examinations to test the relative
6 fitness of applicants for the respective positions. Tests
7 shall be designed to eliminate those who are not qualified for
8 entrance into the Office of the Secretary of State and to
9 discover the relative fitness of those who are qualified. The
10 Director may use any one of or any combination of the following
11 examination methods which in his judgment best serves this
12 end: investigation of education and experience; test of
13 cultural knowledge; test of capacity; test of knowledge; test
14 of manual skill; test of linguistic ability; test of
15 character; test of physical skill; test of psychological
16 fitness. No person with a record of misdemeanor convictions
17 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
18 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
19 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,
20 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
21 (a) (1) and (a) (2) (C) of Section 11-14.3, and sub-sections 1, 6
22 and 8 of Section 24-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or arrested for any cause but not
24 convicted thereon shall be disqualified from taking such

1 examinations or subsequent appointment unless the person is
2 attempting to qualify for a position which would give him the
3 powers of a peace officer, in which case the person's
4 conviction or arrest record may be considered as a factor in
5 determining the person's fitness for the position. All
6 examinations shall be announced publicly at least 2 weeks in
7 advance of the date of examinations and may be advertised
8 through the press, radio or other media.

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

26 (b) The Director of Personnel may require that each person

1 seeking employment with the Secretary of State, as part of the
2 application process, authorize an investigation to determine
3 if the applicant has ever been convicted of a crime and if so,
4 the disposition of those convictions; this authorization shall
5 indicate the scope of the inquiry and the agencies which may be
6 contacted. Upon this authorization, the Director of Personnel
7 may request and receive information and assistance from any
8 federal, state or local governmental agency as part of the
9 authorized investigation. The investigation shall be
10 undertaken after the fingerprinting of an applicant in the
11 form and manner prescribed by the Illinois ~~Department of~~ State
12 Police. The investigation shall consist of a criminal history
13 records check performed by the Illinois ~~Department of~~ State
14 Police and the Federal Bureau of Investigation, or some other
15 entity that has the ability to check the applicant's
16 fingerprints against the fingerprint records now and hereafter
17 filed in the Illinois ~~Department of~~ State Police and Federal
18 Bureau of Investigation criminal history records databases. If
19 the Illinois ~~Department of~~ State Police and the Federal Bureau
20 of Investigation conduct an investigation directly for the
21 Secretary of State's Office, then the Illinois ~~Department of~~
22 State Police shall charge a fee for conducting the criminal
23 history records check, which shall be deposited in the State
24 Police Services Fund and shall not exceed the actual cost of
25 the records check. The Illinois ~~Department of~~ State Police
26 shall provide information concerning any criminal convictions,

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

1 transmitted. Only information and standards which bear a
2 reasonable and rational relation to the performance of an
3 employee shall be used by the Director of Personnel. The
4 Secretary of State shall adopt rules and regulations for the
5 administration of this Section. Any employee of the Secretary
6 of State who gives or causes to be given away any confidential
7 information concerning any criminal convictions and their
8 disposition of an applicant or prospective employee shall be
9 guilty of a Class A misdemeanor unless release of such
10 information is authorized by this Section.

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

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

15 (20 ILCS 5/1-5)

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

18 Article 1. General Provisions (20 ILCS 5/1-1 and
19 following).

20 Article 5. Departments of State Government Law (20 ILCS
21 5/5-1 and following).

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

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

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

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

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

4 Article 405. Department of Central Management Services Law
5 (20 ILCS 405/).

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

8 Article 605. Department of Commerce and Economic
9 Opportunity Law (20 ILCS 605/).

10 Article 805. Department of Natural Resources
11 (Conservation) Law (20 ILCS 805/).

12 Article 1005. Department of Employment Security Law (20
13 ILCS 1005/).

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

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

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

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

20 Article 2105. Department of Professional Regulation Law
21 (20 ILCS 2105/).

22 Article 2205. Department of Healthcare and Family Services
23 Law (20 ILCS 2205/).

24 Article 2310. Department of Public Health Powers and
25 Duties Law (20 ILCS 2310/).

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

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

2 Article 2605. Illinois ~~Department of~~ State Police Law (20
3 ILCS 2605/).

4 Article 2705. Department of Transportation Law (20 ILCS
5 2705/).

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

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

9 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

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

12 The Department on Aging.

13 The Department of Agriculture.

14 The Department of Central Management Services.

15 The Department of Children and Family Services.

16 The Department of Commerce and Economic Opportunity.

17 The Department of Corrections.

18 The Department of Employment Security.

19 The Illinois Emergency Management Agency.

20 The Department of Financial and Professional Regulation.

21 The Department of Healthcare and Family Services.

22 The Department of Human Rights.

23 The Department of Human Services.

24 The Department of Innovation and Technology.

25 The Department of Insurance.

1 The Department of Juvenile Justice.
2 The Department of Labor.
3 The Department of the Lottery.
4 The Department of Natural Resources.
5 The Department of Public Health.
6 The Department of Revenue.
7 The Illinois ~~Department of~~ State Police.
8 The Department of Transportation.
9 The Department of Veterans' Affairs.

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

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

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

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

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

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

24 Director of Children and Family Services, for the
25 Department of Children and Family Services.

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

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

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

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

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

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

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

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

17 Secretary of Innovation and Technology, for the Department
18 of Innovation and Technology.

19 Director of Insurance, for the Department of Insurance.

20 Director of Juvenile Justice, for the Department of
21 Juvenile Justice.

22 Director of Labor, for the Department of Labor.

23 Director of the Lottery, for the Department of the
24 Lottery.

25 Director of Natural Resources, for the Department of
26 Natural Resources.

1 Director of Public Health, for the Department of Public
2 Health.

3 Director of Revenue, for the Department of Revenue.

4 Director of the Illinois State Police, for the Illinois
5 ~~Department of~~ State Police.

6 Secretary of Transportation, for the Department of
7 Transportation.

8 Director of Veterans' Affairs, for the Department of
9 Veterans' Affairs.

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

11 (20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

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

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

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

20 (20 ILCS 5/5-715)

21 Sec. 5-715. Expedited licensure for service members and
22 spouses.

23 (a) In this Section, "service member" means any person
24 who, at the time of application under this Section, is an

1 active duty member of the United States Armed Forces or any
2 reserve component of the United States Armed Forces, the Coast
3 Guard, or the National Guard of any state, commonwealth, or
4 territory of the United States or the District of Columbia or
5 whose active duty service concluded within the preceding 2
6 years before application.

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

1 that report to the Secretary of Financial and Professional
2 Regulation and the Lieutenant Governor.

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

17 (1) the applicant is a service member;

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

26 (3) the applicant is assigned to a duty station in

1 this State, has established legal residence in this State,
2 or will reside in this State within 6 months after the date
3 of application;

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

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

19 (6) the applicant has submitted an application for
20 full licensure; and

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

23 (c) Each director of a department that issues an
24 occupational or professional license is authorized to and
25 shall issue an expedited license to the spouse of a service
26 member who meets the requirements under this Section. Review

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

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

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

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

24 (4) a complete set of the applicant's fingerprints has
25 been submitted to the Illinois ~~Department of~~ State Police
26 for statewide and national criminal history checks, if

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

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

13 (6) the applicant has submitted an application for
14 full licensure; and

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

17 (c-5) If a service member or his or her spouse relocates
18 from this State, he or she shall be provided an opportunity to
19 place his or her license in inactive status through
20 coordination with the military liaison. If the service member
21 or his or her spouse returns to this State, he or she may
22 reactivate the license in accordance with the statutory
23 provisions regulating the profession and any applicable
24 administrative rules. The license reactivation shall be
25 expedited and completed within 30 days after receipt of a
26 completed application to reactivate the license. A license

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

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

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

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

1 (20 ILCS 5/5-180 rep.)

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

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

7 (20 ILCS 205/205-425) (was 20 ILCS 205/40.37)

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

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

20 Section 110. The Substance Use Disorder Act is amended by
21 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
26 96.134).

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

1 seek input from providers, parent groups, associations and
2 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
7 prevalence of, and costs associated with, substance use
8 disorders, as well as upon demonstrated program
9 performance.

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

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

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

1 (A) Cooperate with and assist other State
2 agencies, as applicable, in establishing and
3 conducting substance use disorder services among the
4 populations they respectively serve.

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

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

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

26 (E) Cooperate with and assist DCFS in carrying out

1 its mandates to:

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

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

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

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

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

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

1 (I) (Blank).

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

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

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

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

26 (9) Designate and license providers to conduct

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

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

11 (11) (Blank).

12 (12) Make grants with funds appropriated from the Drug
13 Treatment Fund in accordance with Section 7 of the
14 Controlled Substance and Cannabis Nuisance Act, or in
15 accordance with Section 80 of the Methamphetamine Control
16 and Community Protection Act, or in accordance with
17 subsections (h) and (i) of Section 411.2 of the Illinois
18 Controlled Substances Act, or in accordance with Section
19 6z-107 of the State Finance Act.

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

26 (14) Award grants and enter into fixed-rate and

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

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

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

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

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

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

1 Such materials may deal with the educational needs of the
2 citizens of Illinois, and may include at least pamphlets
3 that describe the causes and effects of fetal alcohol
4 spectrum disorders.

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

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

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

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

25 (8) Cooperate with public and private agencies,
26 organizations and individuals in the development of

1 programs, and to provide technical assistance and
2 consultation services for this purpose.

3 (9) (Blank).

4 (10) (Blank).

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

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

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

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

1 about drugs and alcohol. The programs shall be open to all
2 parents.

3 (Source: P.A. 100-494, eff. 6-1-18; 100-759, eff. 1-1-19;
4 101-10, eff. 6-5-19.)

5 (20 ILCS 301/10-15)

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

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

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

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

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

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

18 (f) An educator appointed by the Governor.

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

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

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

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

5 (k) An advocate for the needs of youth appointed by
6 the Governor.

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

9 (m) The President of the Illinois Hospital Association
10 or his or her designee.

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

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

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

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

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

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

24 (s) 20 public members, 8 appointed by the Governor, 3
25 of whom shall be representatives of substance use disorder
26 treatment programs and one of whom shall be a

1 representative of a manufacturer or importing distributor
2 of alcoholic liquor licensed by the State of Illinois, and
3 3 public members appointed by each of the President and
4 Minority Leader of the Senate and the Speaker and Minority
5 Leader of the House.

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

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

22 The public members may not be officers or employees of the
23 executive branch of State government; however, the public
24 members may be officers or employees of a State college or
25 university or of any law enforcement agency. In appointing
26 members, due consideration shall be given to the experience of

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

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

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

22 (20 ILCS 301/45-55)

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

24 (a) It is hereby made the sole and exclusive duty of the
25 Department, and its designated agents, officers and

1 investigators, to investigate all violations of this Act, and
2 to cooperate with all agencies charged with enforcement of the
3 laws of the United States, or any state, concerning matters
4 pertaining to this Act. Nothing in this Act shall bar a grand
5 jury from conducting an investigation of any alleged violation
6 of this Act. Any agent, officer, investigator or peace officer
7 designated by the Department may:

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

10 (2) make seizures of property pursuant to the
11 provisions of this Act.

12 (3) perform such other duties as the Department may
13 designate.

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

26 (b) The Department or its designated agents, either before

1 or after the issuance of a license, may request and shall
2 receive the cooperation of the Illinois ~~Department of~~ State
3 Police, county and multiple county health departments, or
4 municipal boards of health to make investigations to determine
5 if the applicant or licensee is complying with minimum
6 standards prescribed by the Department.

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

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

11 (20 ILCS 405/405-320) (was 20 ILCS 405/67.25)

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

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

23 (b) To enter into an agreement with a municipality or
24 other unit of local government whereby the municipality or

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

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

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

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

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

1 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

2 Sec. 4c. General exemptions. The following positions in
3 State service shall be exempt from jurisdictions A, B, and C,
4 unless the jurisdictions shall be extended as provided in this
5 Act:

6 (1) All officers elected by the people.

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

11 (3) Judges, and officers and employees of the courts,
12 and notaries public.

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

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

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

23 (7) Directors of Departments, the Adjutant General,
24 the Assistant Adjutant General, the Director of the
25 Illinois Emergency Management Agency, members of boards
26 and commissions, and all other positions appointed by the

1 Governor by and with the consent of the Senate.

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

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

1 (10) The Illinois State Police so long as they are
2 subject to the merit provisions of the Illinois State
3 Police Act.

4 (11) (Blank).

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

11 (13) All employees of the Illinois State Toll Highway
12 Authority.

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

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

22 (16) All employees of the St. Louis Metropolitan Area
23 Airport Authority.

24 (17) All investment officers employed by the Illinois
25 State Board of Investment.

26 (18) Employees of the Illinois Young Adult

1 Conservation Corps program, administered by the Illinois
2 Department of Natural Resources, authorized grantee under
3 Title VIII of the Comprehensive Employment and Training
4 Act of 1973, 29 USC 993.

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

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

14 (21) All hearing officers of the Human Rights
15 Commission.

16 (22) All employees of the Illinois Mathematics and
17 Science Academy.

18 (23) All employees of the Kankakee River Valley Area
19 Airport Authority.

20 (24) The commissioners and employees of the Executive
21 Ethics Commission.

22 (25) The Executive Inspectors General, including
23 special Executive Inspectors General, and employees of
24 each Office of an Executive Inspector General.

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

1 (27) The Legislative Inspector General, including
2 special Legislative Inspectors General, and employees of
3 the Office of the Legislative Inspector General.

4 (28) The Auditor General's Inspector General and
5 employees of the Office of the Auditor General's Inspector
6 General.

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

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

15 (31) All employees of the Illinois Sentencing Policy
16 Advisory Council.

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

18 (20 ILCS 415/8c) (from Ch. 127, par. 63b108c)

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

23 (1) For establishment of a plan for resolving employee
24 grievances and complaints, excluding compulsory
25 arbitration.

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

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

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

1 months following completion of the most recent course.
2 Employees whose State paid training has led to a
3 postsecondary degree and whose State payments have paid
4 for 50% or more of the required credit hours shall be
5 obligated to continue in the employ of the State, but not
6 necessarily in the same agency, for a minimum of 4 years
7 after receiving the degree.

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

21 The State shall not recover payments for course work
22 or a training program that was (a) started before the
23 effective date of this Act; (b) completed as a requirement
24 for a grammar school certificate or a high school diploma,
25 to prepare for high school equivalency testing, or to
26 improve literacy or numeracy; (c) specialized training in

1 the form of a conference, seminar, workshop, or similar
2 arrangement offered by public or private organizations;
3 (d) provided as part of the Upward Mobility Program
4 administered by the Department of Central Management
5 Services; or (e) a condition of continued employment.

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

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

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

3 (5) For the establishment of a family responsibility
4 leave plan under which an employee in the State service
5 may request and receive a leave of absence for up to one
6 year without penalty whenever such leave is requested to
7 enable the employee to meet a bona fide family
8 responsibility of such employee. The procedure for
9 determining and documenting the existence of a bona fide
10 family responsibility shall be as provided by rule, but
11 without limiting the circumstances which shall constitute
12 a bona fide family responsibility under the rules, such
13 circumstances shall include leave incident to the birth of
14 the employee's child and the responsibility thereafter to
15 provide proper care to that child or to a newborn child
16 adopted by the employee, the responsibility to provide
17 regular care to a disabled, incapacitated or bedridden
18 resident of the employee's household or member of the
19 employee's family, and the responsibility to furnish
20 special guidance, care and supervision to a resident of
21 the employee's household or member of the employee's
22 family in need thereof under circumstances temporarily
23 inconsistent with uninterrupted employment in State
24 service. The family responsibility leave plan so
25 established shall provide that any such leave shall be
26 without pay, that the seniority of the employee on such

1 leave shall not be reduced during the period of the leave,
2 that such leave shall not under any circumstance or for
3 any purpose be deemed to cause a break in such employee's
4 State service, that during the period of such leave any
5 coverage of the employee or the employee's dependents
6 which existed at the commencement of the leave under any
7 group health, hospital, medical and life insurance plan
8 provided through the State shall continue so long as the
9 employee pays to the State when due the full premium
10 incident to such coverage, and that upon expiration of the
11 leave the employee shall be returned to the same position
12 and classification which such employee held at the
13 commencement of the leave. The Director of Central
14 Management Services shall prepare proposed rules
15 consistent with this paragraph within 45 days after the
16 effective date of this amendatory Act of 1983, shall
17 promptly thereafter cause a public hearing thereon to be
18 held as provided in Section 8 and shall within 120 days
19 after the effective date of this amendatory Act of 1983
20 cause such proposed rules to be submitted to the Civil
21 Service Commission as provided in Section 8.

22 (6) For the development and operation of a plan for
23 alternative employment for any employee who is able to
24 perform alternative employment after a work related or
25 non-work related disability essentially precludes that
26 employee from performing his or her currently assigned

1 duties. Such a plan shall be voluntary for any employee
2 and nonparticipation shall not be grounds for denial of
3 any benefit to which the employee would otherwise be
4 eligible. Any plan seeking to cover positions for which
5 there is a recognized bargaining agent shall be subject to
6 collective bargaining between the parties.

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

12 (i) each of whom is nominated for such scholarship
13 by the head of the employee's agency and approved by
14 the Director;

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

20 (iii) who meet the admission standards established
21 by the institution awarding the advanced degree or
22 conducting the training;

23 (iv) each of whom agrees, as a condition of
24 accepting such scholarship, that the State may recover
25 the scholarship by garnishment, lien or other
26 appropriate legal action if the employee fails to

1 continue in the employ of the State, but not
2 necessarily in the same agency, for a minimum of 4
3 years following receipt of an advanced degree or
4 training and that the State may charge interest from
5 the time of payment until the time of recovery of such
6 scholarship of no less than 1% per month or 12% per
7 annum on all funds recovered by the State. The amount
8 the State may recover under this Section will be
9 reduced by 25% of the gross amount paid by the State
10 for each year of employment following receipt of the
11 advanced degree or training.

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

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

23 The Department of Central Management Services shall
24 make necessary efforts, including appropriate legal
25 action, to recover scholarships and interest thereupon due
26 subject to recovery by the State under Subparagraph (iv)

1 of this Subsection (7).

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

3 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

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

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

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

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

23 (4) To approve or disapprove within 60 days from date
24 of submission the position classification plan submitted
25 by the Director as provided in the rules, and any

1 revisions thereof within 30 days from the date of
2 submission.

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

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

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

1 court.

2 Upon the failure or refusal to obey a subpoena, a
3 petition shall be prepared by the party serving the
4 subpoena for enforcement in the circuit court of the
5 county in which the person to whom the subpoena was
6 directed either resides or has his or her principal place
7 of business.

8 Not less than five days before the petition is filed
9 in the appropriate court, it shall be served on the person
10 along with a notice of the time and place the petition is
11 to be presented.

12 Following a hearing on the petition, the circuit court
13 shall have jurisdiction to enforce subpoenas issued
14 pursuant to this Section.

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

17 (8) To make an annual report regarding the work of the
18 Commission to the Governor, such report to be a public
19 report.

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

22 (10) To appoint a full-time executive secretary and
23 such other employees, experts, and special assistants as
24 may be necessary to carry out the powers and duties of the
25 Commission under this Act and employees, experts, and
26 special assistants so appointed by the Commission shall be

1 subject to the provisions of jurisdictions A, B and C of
2 this Act. These powers and duties supersede any contrary
3 provisions herein contained.

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

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

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

26 (13) Whenever the Civil Service Commission is

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

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

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

14 (20 ILCS 505/5) (from Ch. 23, par. 5005)

15 Sec. 5. Direct child welfare services; Department of
16 Children and Family Services. To provide direct child welfare
17 services when not available through other public or private
18 child care or program facilities.

19 (a) For purposes of this Section:

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

23 (A) were committed to the Department pursuant to
24 the Juvenile Court Act or the Juvenile Court Act of

1 1987, ~~as amended,~~ and who continue under the
2 jurisdiction of the court; or

3 (B) were accepted for care, service and training
4 by the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

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

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless,
20 dependent, l or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation, l or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the
7 child and the families when the child can be cared for
8 at home without endangering the child's health and
9 safety;

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

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

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

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

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting, or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) (Blank).

19 (c) The Department shall establish and maintain
20 tax-supported child welfare services and extend and seek to
21 improve voluntary services throughout the State, to the end
22 that services and care shall be available on an equal basis
23 throughout the State to children requiring such services.

24 (d) The Director may authorize advance disbursements for
25 any new program initiative to any agency contracting with the
26 Department. As a prerequisite for an advance disbursement, the

1 contractor must post a surety bond in the amount of the advance
2 disbursement and have a purchase of service contract approved
3 by the Department. The Department may pay up to 2 months
4 operational expenses in advance. The amount of the advance
5 disbursement shall be prorated over the life of the contract
6 or the remaining months of the fiscal year, whichever is less,
7 and the installment amount shall then be deducted from future
8 bills. Advance disbursement authorizations for new initiatives
9 shall not be made to any agency after that agency has operated
10 during 2 consecutive fiscal years. The requirements of this
11 Section concerning advance disbursements shall not apply with
12 respect to the following: payments to local public agencies
13 for child day care services as authorized by Section 5a of this
14 Act; and youth service programs receiving grant funds under
15 Section 17a-4.

16 (e) (Blank).

17 (f) (Blank).

18 (g) The Department shall establish rules and regulations
19 concerning its operation of programs designed to meet the
20 goals of child safety and protection, family preservation,
21 family reunification, and adoption, including, but not limited
22 to:

23 (1) adoption;

24 (2) foster care;

25 (3) family counseling;

26 (4) protective services;

- 1 (5) (blank);
- 2 (6) homemaker service;
- 3 (7) return of runaway children;
- 4 (8) (blank);
- 5 (9) placement under Section 5-7 of the Juvenile Court
- 6 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 7 Court Act of 1987 in accordance with the federal Adoption
- 8 Assistance and Child Welfare Act of 1980; and
- 9 (10) interstate services.

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

21 (h) If the Department finds that there is no appropriate
22 program or facility within or available to the Department for
23 a youth in care and that no licensed private facility has an
24 adequate and appropriate program or none agrees to accept the
25 youth in care, the Department shall create an appropriate
26 individualized, program-oriented plan for such youth in care.

1 The plan may be developed within the Department or through
2 purchase of services by the Department to the extent that it is
3 within its statutory authority to do.

4 (i) Service programs shall be available throughout the
5 State and shall include but not be limited to the following
6 services:

- 7 (1) case management;
- 8 (2) homemakers;
- 9 (3) counseling;
- 10 (4) parent education;
- 11 (5) day care; and
- 12 (6) emergency assistance and advocacy.

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

- 15 (1) comprehensive family-based services;
- 16 (2) assessments;
- 17 (3) respite care; and
- 18 (4) in-home health services.

19 The Department shall provide transportation for any of the
20 services it makes available to children or families or for
21 which it refers children or families.

22 (j) The Department may provide categories of financial
23 assistance and education assistance grants, and shall
24 establish rules and regulations concerning the assistance and
25 grants, to persons who adopt children with physical or mental
26 disabilities, children who are older, or other hard-to-place

1 children who (i) immediately prior to their adoption were
2 youth in care or (ii) were determined eligible for financial
3 assistance with respect to a prior adoption and who become
4 available for adoption because the prior adoption has been
5 dissolved and the parental rights of the adoptive parents have
6 been terminated or because the child's adoptive parents have
7 died. The Department may continue to provide financial
8 assistance and education assistance grants for a child who was
9 determined eligible for financial assistance under this
10 subsection (j) in the interim period beginning when the
11 child's adoptive parents died and ending with the finalization
12 of the new adoption of the child by another adoptive parent or
13 parents. The Department may also provide categories of
14 financial assistance and education assistance grants, and
15 shall establish rules and regulations for the assistance and
16 grants, to persons appointed guardian of the person under
17 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
18 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
19 who were youth in care for 12 months immediately prior to the
20 appointment of the guardian.

21 The amount of assistance may vary, depending upon the
22 needs of the child and the adoptive parents, as set forth in
23 the annual assistance agreement. Special purpose grants are
24 allowed where the child requires special service but such
25 costs may not exceed the amounts which similar services would
26 cost the Department if it were to provide or secure them as

1 guardian of the child.

2 Any financial assistance provided under this subsection is
3 inalienable by assignment, sale, execution, attachment,
4 garnishment, or any other remedy for recovery or collection of
5 a judgment or debt.

6 (j-5) The Department shall not deny or delay the placement
7 of a child for adoption if an approved family is available
8 either outside of the Department region handling the case, or
9 outside of the State of Illinois.

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

14 (l) The Department shall offer family preservation
15 services, as defined in Section 8.2 of the Abused and
16 Neglected Child Reporting Act, to help families, including
17 adoptive and extended families. Family preservation services
18 shall be offered (i) to prevent the placement of children in
19 substitute care when the children can be cared for at home or
20 in the custody of the person responsible for the children's
21 welfare, (ii) to reunite children with their families, or
22 (iii) to maintain an adoptive placement. Family preservation
23 services shall only be offered when doing so will not endanger
24 the children's health or safety. With respect to children who
25 are in substitute care pursuant to the Juvenile Court Act of
26 1987, family preservation services shall not be offered if a

1 goal other than those of subdivisions (A), (B), or (B-1) of
2 subsection (2) of Section 2-28 of that Act has been set, except
3 that reunification services may be offered as provided in
4 paragraph (F) of subsection (2) of Section 2-28 of that Act.
5 Nothing in this paragraph shall be construed to create a
6 private right of action or claim on the part of any individual
7 or child welfare agency, except that when a child is the
8 subject of an action under Article II of the Juvenile Court Act
9 of 1987 and the child's service plan calls for services to
10 facilitate achievement of the permanency goal, the court
11 hearing the action under Article II of the Juvenile Court Act
12 of 1987 may order the Department to provide the services set
13 out in the plan, if those services are not provided with
14 reasonable promptness and if those services are available.

15 The Department shall notify the child and his family of
16 the Department's responsibility to offer and provide family
17 preservation services as identified in the service plan. The
18 child and his family shall be eligible for services as soon as
19 the report is determined to be "indicated". The Department may
20 offer services to any child or family with respect to whom a
21 report of suspected child abuse or neglect has been filed,
22 prior to concluding its investigation under Section 7.12 of
23 the Abused and Neglected Child Reporting Act. However, the
24 child's or family's willingness to accept services shall not
25 be considered in the investigation. The Department may also
26 provide services to any child or family who is the subject of

1 any report of suspected child abuse or neglect or may refer
2 such child or family to services available from other agencies
3 in the community, even if the report is determined to be
4 unfounded, if the conditions in the child's or family's home
5 are reasonably likely to subject the child or family to future
6 reports of suspected child abuse or neglect. Acceptance of
7 such services shall be voluntary. The Department may also
8 provide services to any child or family after completion of a
9 family assessment, as an alternative to an investigation, as
10 provided under the "differential response program" provided
11 for in subsection (a-5) of Section 7.4 of the Abused and
12 Neglected Child Reporting Act.

13 The Department may, at its discretion except for those
14 children also adjudicated neglected or dependent, accept for
15 care and training any child who has been adjudicated addicted,
16 as a truant minor in need of supervision or as a minor
17 requiring authoritative intervention, under the Juvenile Court
18 Act or the Juvenile Court Act of 1987, but no such child shall
19 be committed to the Department by any court without the
20 approval of the Department. On and after January 1, 2015 (the
21 effective date of Public Act 98-803) and before January 1,
22 2017, a minor charged with a criminal offense under the
23 Criminal Code of 1961 or the Criminal Code of 2012 or
24 adjudicated delinquent shall not be placed in the custody of
25 or committed to the Department by any court, except (i) a minor
26 less than 16 years of age committed to the Department under

1 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
2 for whom an independent basis of abuse, neglect, or dependency
3 exists, which must be defined by departmental rule, or (iii) a
4 minor for whom the court has granted a supplemental petition
5 to reinstate wardship pursuant to subsection (2) of Section
6 2-33 of the Juvenile Court Act of 1987. On and after January 1,
7 2017, a minor charged with a criminal offense under the
8 Criminal Code of 1961 or the Criminal Code of 2012 or
9 adjudicated delinquent shall not be placed in the custody of
10 or committed to the Department by any court, except (i) a minor
11 less than 15 years of age committed to the Department under
12 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
13 for whom an independent basis of abuse, neglect, or dependency
14 exists, which must be defined by departmental rule, or (iii) a
15 minor for whom the court has granted a supplemental petition
16 to reinstate wardship pursuant to subsection (2) of Section
17 2-33 of the Juvenile Court Act of 1987. An independent basis
18 exists when the allegations or adjudication of abuse, neglect,
19 or dependency do not arise from the same facts, incident, or
20 circumstances which give rise to a charge or adjudication of
21 delinquency. The Department shall assign a caseworker to
22 attend any hearing involving a youth in the care and custody of
23 the Department who is placed on aftercare release, including
24 hearings involving sanctions for violation of aftercare
25 release conditions and aftercare release revocation hearings.

26 As soon as is possible after August 7, 2009 (the effective

1 date of Public Act 96-134), the Department shall develop and
2 implement a special program of family preservation services to
3 support intact, foster, and adoptive families who are
4 experiencing extreme hardships due to the difficulty and
5 stress of caring for a child who has been diagnosed with a
6 pervasive developmental disorder if the Department determines
7 that those services are necessary to ensure the health and
8 safety of the child. The Department may offer services to any
9 family whether or not a report has been filed under the Abused
10 and Neglected Child Reporting Act. The Department may refer
11 the child or family to services available from other agencies
12 in the community if the conditions in the child's or family's
13 home are reasonably likely to subject the child or family to
14 future reports of suspected child abuse or neglect. Acceptance
15 of these services shall be voluntary. The Department shall
16 develop and implement a public information campaign to alert
17 health and social service providers and the general public
18 about these special family preservation services. The nature
19 and scope of the services offered and the number of families
20 served under the special program implemented under this
21 paragraph shall be determined by the level of funding that the
22 Department annually allocates for this purpose. The term
23 "pervasive developmental disorder" under this paragraph means
24 a neurological condition, including, but not limited to,
25 Asperger's Syndrome and autism, as defined in the most recent
26 edition of the Diagnostic and Statistical Manual of Mental

1 Disorders of the American Psychiatric Association.

2 (1-1) The legislature recognizes that the best interests
3 of the child require that the child be placed in the most
4 permanent living arrangement as soon as is practically
5 possible. To achieve this goal, the legislature directs the
6 Department of Children and Family Services to conduct
7 concurrent planning so that permanency may occur at the
8 earliest opportunity. Permanent living arrangements may
9 include prevention of placement of a child outside the home of
10 the family when the child can be cared for at home without
11 endangering the child's health or safety; reunification with
12 the family, when safe and appropriate, if temporary placement
13 is necessary; or movement of the child toward the most
14 permanent living arrangement and permanent legal status.

15 When determining reasonable efforts to be made with
16 respect to a child, as described in this subsection, and in
17 making such reasonable efforts, the child's health and safety
18 shall be the paramount concern.

19 When a child is placed in foster care, the Department
20 shall ensure and document that reasonable efforts were made to
21 prevent or eliminate the need to remove the child from the
22 child's home. The Department must make reasonable efforts to
23 reunify the family when temporary placement of the child
24 occurs unless otherwise required, pursuant to the Juvenile
25 Court Act of 1987. At any time after the dispositional hearing
26 where the Department believes that further reunification

1 services would be ineffective, it may request a finding from
2 the court that reasonable efforts are no longer appropriate.
3 The Department is not required to provide further
4 reunification services after such a finding.

5 A decision to place a child in substitute care shall be
6 made with considerations of the child's health, safety, and
7 best interests. At the time of placement, consideration should
8 also be given so that if reunification fails or is delayed, the
9 placement made is the best available placement to provide
10 permanency for the child.

11 The Department shall adopt rules addressing concurrent
12 planning for reunification and permanency. The Department
13 shall consider the following factors when determining
14 appropriateness of concurrent planning:

- 15 (1) the likelihood of prompt reunification;
 - 16 (2) the past history of the family;
 - 17 (3) the barriers to reunification being addressed by
18 the family;
 - 19 (4) the level of cooperation of the family;
 - 20 (5) the foster parents' willingness to work with the
21 family to reunite;
 - 22 (6) the willingness and ability of the foster family
23 to provide an adoptive home or long-term placement;
 - 24 (7) the age of the child;
 - 25 (8) placement of siblings.
- 26 (m) The Department may assume temporary custody of any

1 child if:

2 (1) it has received a written consent to such
3 temporary custody signed by the parents of the child or by
4 the parent having custody of the child if the parents are
5 not living together or by the guardian or custodian of the
6 child if the child is not in the custody of either parent,
7 or

8 (2) the child is found in the State and neither a
9 parent, guardian nor custodian of the child can be
10 located.

11 If the child is found in his or her residence without a parent,
12 guardian, custodian, or responsible caretaker, the Department
13 may, instead of removing the child and assuming temporary
14 custody, place an authorized representative of the Department
15 in that residence until such time as a parent, guardian, or
16 custodian enters the home and expresses a willingness and
17 apparent ability to ensure the child's health and safety and
18 resume permanent charge of the child, or until a relative
19 enters the home and is willing and able to ensure the child's
20 health and safety and assume charge of the child until a
21 parent, guardian, or custodian enters the home and expresses
22 such willingness and ability to ensure the child's safety and
23 resume permanent charge. After a caretaker has remained in the
24 home for a period not to exceed 12 hours, the Department must
25 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
26 5-415 of the Juvenile Court Act of 1987.

1 The Department shall have the authority, responsibilities
2 and duties that a legal custodian of the child would have
3 pursuant to subsection (9) of Section 1-3 of the Juvenile
4 Court Act of 1987. Whenever a child is taken into temporary
5 custody pursuant to an investigation under the Abused and
6 Neglected Child Reporting Act, or pursuant to a referral and
7 acceptance under the Juvenile Court Act of 1987 of a minor in
8 limited custody, the Department, during the period of
9 temporary custody and before the child is brought before a
10 judicial officer as required by Section 2-9, 3-11, 4-8, or
11 5-415 of the Juvenile Court Act of 1987, shall have the
12 authority, responsibilities and duties that a legal custodian
13 of the child would have under subsection (9) of Section 1-3 of
14 the Juvenile Court Act of 1987.

15 The Department shall ensure that any child taken into
16 custody is scheduled for an appointment for a medical
17 examination.

18 A parent, guardian, or custodian of a child in the
19 temporary custody of the Department who would have custody of
20 the child if he were not in the temporary custody of the
21 Department may deliver to the Department a signed request that
22 the Department surrender the temporary custody of the child.
23 The Department may retain temporary custody of the child for
24 10 days after the receipt of the request, during which period
25 the Department may cause to be filed a petition pursuant to the
26 Juvenile Court Act of 1987. If a petition is so filed, the

1 Department shall retain temporary custody of the child until
2 the court orders otherwise. If a petition is not filed within
3 the 10-day period, the child shall be surrendered to the
4 custody of the requesting parent, guardian, or custodian not
5 later than the expiration of the 10-day period, at which time
6 the authority and duties of the Department with respect to the
7 temporary custody of the child shall terminate.

8 (m-1) The Department may place children under 18 years of
9 age in a secure child care facility licensed by the Department
10 that cares for children who are in need of secure living
11 arrangements for their health, safety, and well-being after a
12 determination is made by the facility director and the
13 Director or the Director's designate prior to admission to the
14 facility subject to Section 2-27.1 of the Juvenile Court Act
15 of 1987. This subsection (m-1) does not apply to a child who is
16 subject to placement in a correctional facility operated
17 pursuant to Section 3-15-2 of the Unified Code of Corrections,
18 unless the child is a youth in care who was placed in the care
19 of the Department before being subject to placement in a
20 correctional facility and a court of competent jurisdiction
21 has ordered placement of the child in a secure care facility.

22 (n) The Department may place children under 18 years of
23 age in licensed child care facilities when in the opinion of
24 the Department, appropriate services aimed at family
25 preservation have been unsuccessful and cannot ensure the
26 child's health and safety or are unavailable and such

1 placement would be for their best interest. Payment for board,
2 clothing, care, training and supervision of any child placed
3 in a licensed child care facility may be made by the
4 Department, by the parents or guardians of the estates of
5 those children, or by both the Department and the parents or
6 guardians, except that no payments shall be made by the
7 Department for any child placed in a licensed child care
8 facility for board, clothing, care, training and supervision
9 of such a child that exceed the average per capita cost of
10 maintaining and of caring for a child in institutions for
11 dependent or neglected children operated by the Department.
12 However, such restriction on payments does not apply in cases
13 where children require specialized care and treatment for
14 problems of severe emotional disturbance, physical disability,
15 social adjustment, or any combination thereof and suitable
16 facilities for the placement of such children are not
17 available at payment rates within the limitations set forth in
18 this Section. All reimbursements for services delivered shall
19 be absolutely inalienable by assignment, sale, attachment, or
20 garnishment or otherwise.

21 (n-1) The Department shall provide or authorize child
22 welfare services, aimed at assisting minors to achieve
23 sustainable self-sufficiency as independent adults, for any
24 minor eligible for the reinstatement of wardship pursuant to
25 subsection (2) of Section 2-33 of the Juvenile Court Act of
26 1987, whether or not such reinstatement is sought or allowed,

1 provided that the minor consents to such services and has not
2 yet attained the age of 21. The Department shall have
3 responsibility for the development and delivery of services
4 under this Section. An eligible youth may access services
5 under this Section through the Department of Children and
6 Family Services or by referral from the Department of Human
7 Services. Youth participating in services under this Section
8 shall cooperate with the assigned case manager in developing
9 an agreement identifying the services to be provided and how
10 the youth will increase skills to achieve self-sufficiency. A
11 homeless shelter is not considered appropriate housing for any
12 youth receiving child welfare services under this Section. The
13 Department shall continue child welfare services under this
14 Section to any eligible minor until the minor becomes 21 years
15 of age, no longer consents to participate, or achieves
16 self-sufficiency as identified in the minor's service plan.
17 The Department of Children and Family Services shall create
18 clear, readable notice of the rights of former foster youth to
19 child welfare services under this Section and how such
20 services may be obtained. The Department of Children and
21 Family Services and the Department of Human Services shall
22 disseminate this information statewide. The Department shall
23 adopt regulations describing services intended to assist
24 minors in achieving sustainable self-sufficiency as
25 independent adults.

26 (o) The Department shall establish an administrative

1 review and appeal process for children and families who
2 request or receive child welfare services from the Department.
3 Youth in care who are placed by private child welfare
4 agencies, and foster families with whom those youth are
5 placed, shall be afforded the same procedural and appeal
6 rights as children and families in the case of placement by the
7 Department, including the right to an initial review of a
8 private agency decision by that agency. The Department shall
9 ensure that any private child welfare agency, which accepts
10 youth in care for placement, affords those rights to children
11 and foster families. The Department shall accept for
12 administrative review and an appeal hearing a complaint made
13 by (i) a child or foster family concerning a decision
14 following an initial review by a private child welfare agency
15 or (ii) a prospective adoptive parent who alleges a violation
16 of subsection (j-5) of this Section. An appeal of a decision
17 concerning a change in the placement of a child shall be
18 conducted in an expedited manner. A court determination that a
19 current foster home placement is necessary and appropriate
20 under Section 2-28 of the Juvenile Court Act of 1987 does not
21 constitute a judicial determination on the merits of an
22 administrative appeal, filed by a former foster parent,
23 involving a change of placement decision.

24 (p) (Blank).

25 (q) The Department may receive and use, in their entirety,
26 for the benefit of children any gift, donation, or bequest of

1 money or other property which is received on behalf of such
2 children, or any financial benefits to which such children are
3 or may become entitled while under the jurisdiction or care of
4 the Department.

5 The Department shall set up and administer no-cost,
6 interest-bearing accounts in appropriate financial
7 institutions for children for whom the Department is legally
8 responsible and who have been determined eligible for
9 Veterans' Benefits, Social Security benefits, assistance
10 allotments from the armed forces, court ordered payments,
11 parental voluntary payments, Supplemental Security Income,
12 Railroad Retirement payments, Black Lung benefits, or other
13 miscellaneous payments. Interest earned by each account shall
14 be credited to the account, unless disbursed in accordance
15 with this subsection.

16 In disbursing funds from children's accounts, the
17 Department shall:

18 (1) Establish standards in accordance with State and
19 federal laws for disbursing money from children's
20 accounts. In all circumstances, the Department's
21 "Guardianship Administrator" or his or her designee must
22 approve disbursements from children's accounts. The
23 Department shall be responsible for keeping complete
24 records of all disbursements for each account for any
25 purpose.

26 (2) Calculate on a monthly basis the amounts paid from

1 State funds for the child's board and care, medical care
2 not covered under Medicaid, and social services; and
3 utilize funds from the child's account, as covered by
4 regulation, to reimburse those costs. Monthly,
5 disbursements from all children's accounts, up to 1/12 of
6 \$13,000,000, shall be deposited by the Department into the
7 General Revenue Fund and the balance over 1/12 of
8 \$13,000,000 into the DCFS Children's Services Fund.

9 (3) Maintain any balance remaining after reimbursing
10 for the child's costs of care, as specified in item (2).
11 The balance shall accumulate in accordance with relevant
12 State and federal laws and shall be disbursed to the child
13 or his or her guardian, or to the issuing agency.

14 (r) The Department shall promulgate regulations
15 encouraging all adoption agencies to voluntarily forward to
16 the Department or its agent names and addresses of all persons
17 who have applied for and have been approved for adoption of a
18 hard-to-place child or child with a disability and the names
19 of such children who have not been placed for adoption. A list
20 of such names and addresses shall be maintained by the
21 Department or its agent, and coded lists which maintain the
22 confidentiality of the person seeking to adopt the child and
23 of the child shall be made available, without charge, to every
24 adoption agency in the State to assist the agencies in placing
25 such children for adoption. The Department may delegate to an
26 agent its duty to maintain and make available such lists. The

1 Department shall ensure that such agent maintains the
2 confidentiality of the person seeking to adopt the child and
3 of the child.

4 (s) The Department of Children and Family Services may
5 establish and implement a program to reimburse Department and
6 private child welfare agency foster parents licensed by the
7 Department of Children and Family Services for damages
8 sustained by the foster parents as a result of the malicious or
9 negligent acts of foster children, as well as providing third
10 party coverage for such foster parents with regard to actions
11 of foster children to other individuals. Such coverage will be
12 secondary to the foster parent liability insurance policy, if
13 applicable. The program shall be funded through appropriations
14 from the General Revenue Fund, specifically designated for
15 such purposes.

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

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

22 (2) the court has ordered one or both of the parties to
23 the proceeding to reimburse the Department for its
24 reasonable costs for providing such services in accordance
25 with Department rules, or has determined that neither
26 party is financially able to pay.

1 The Department shall provide written notification to the
2 court of the specific arrangements for supervised visitation
3 and projected monthly costs within 60 days of the court order.
4 The Department shall send to the court information related to
5 the costs incurred except in cases where the court has
6 determined the parties are financially unable to pay. The
7 court may order additional periodic reports as appropriate.

8 (u) In addition to other information that must be
9 provided, whenever the Department places a child with a
10 prospective adoptive parent or parents, or ~~or~~ in a licensed
11 foster home, group home, or child care institution, or in a
12 relative home, the Department shall provide to the prospective
13 adoptive parent or parents or other caretaker:

14 (1) available detailed information concerning the
15 child's educational and health history, copies of
16 immunization records (including insurance and medical card
17 information), a history of the child's previous
18 placements, if any, and reasons for placement changes
19 excluding any information that identifies or reveals the
20 location of any previous caretaker;

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

25 (3) information containing details of the child's
26 individualized educational plan when the child is

1 receiving special education services.

2 The caretaker shall be informed of any known social or
3 behavioral information (including, but not limited to,
4 criminal background, fire setting, perpetuation of sexual
5 abuse, destructive behavior, and substance abuse) necessary to
6 care for and safeguard the children to be placed or currently
7 in the home. The Department may prepare a written summary of
8 the information required by this paragraph, which may be
9 provided to the foster or prospective adoptive parent in
10 advance of a placement. The foster or prospective adoptive
11 parent may review the supporting documents in the child's file
12 in the presence of casework staff. In the case of an emergency
13 placement, casework staff shall at least provide known
14 information verbally, if necessary, and must subsequently
15 provide the information in writing as required by this
16 subsection.

17 The information described in this subsection shall be
18 provided in writing. In the case of emergency placements when
19 time does not allow prior review, preparation, and collection
20 of written information, the Department shall provide such
21 information as it becomes available. Within 10 business days
22 after placement, the Department shall obtain from the
23 prospective adoptive parent or parents or other caretaker a
24 signed verification of receipt of the information provided.
25 Within 10 business days after placement, the Department shall
26 provide to the child's guardian ad litem a copy of the

1 information provided to the prospective adoptive parent or
2 parents or other caretaker. The information provided to the
3 prospective adoptive parent or parents or other caretaker
4 shall be reviewed and approved regarding accuracy at the
5 supervisory level.

6 (u-5) Effective July 1, 1995, only foster care placements
7 licensed as foster family homes pursuant to the Child Care Act
8 of 1969 shall be eligible to receive foster care payments from
9 the Department. Relative caregivers who, as of July 1, 1995,
10 were approved pursuant to approved relative placement rules
11 previously promulgated by the Department at 89 Ill. Adm. Code
12 335 and had submitted an application for licensure as a foster
13 family home may continue to receive foster care payments only
14 until the Department determines that they may be licensed as a
15 foster family home or that their application for licensure is
16 denied or until September 30, 1995, whichever occurs first.

17 (v) The Department shall access criminal history record
18 information as defined in the Illinois Uniform Conviction
19 Information Act and information maintained in the adjudicatory
20 and dispositional record system as defined in Section 2605-355
21 of the Illinois Department of State Police Law ~~(20 ILCS~~
22 ~~2605/2605-355)~~ if the Department determines the information is
23 necessary to perform its duties under the Abused and Neglected
24 Child Reporting Act, the Child Care Act of 1969, and the
25 Children and Family Services Act. The Department shall provide
26 for interactive computerized communication and processing

1 equipment that permits direct on-line communication with the
2 Illinois ~~Department of~~ State Police's central criminal history
3 data repository. The Department shall comply with all
4 certification requirements and provide certified operators who
5 have been trained by personnel from the Illinois ~~Department of~~
6 State Police. In addition, one Office of the Inspector General
7 investigator shall have training in the use of the criminal
8 history information access system and have access to the
9 terminal. The Department of Children and Family Services and
10 its employees shall abide by rules and regulations established
11 by the Illinois ~~Department of~~ State Police relating to the
12 access and dissemination of this information.

13 (v-1) Prior to final approval for placement of a child,
14 the Department shall conduct a criminal records background
15 check of the prospective foster or adoptive parent, including
16 fingerprint-based checks of national crime information
17 databases. Final approval for placement shall not be granted
18 if the record check reveals a felony conviction for child
19 abuse or neglect, for spousal abuse, for a crime against
20 children, or for a crime involving violence, including rape,
21 sexual assault, or homicide, but not including other physical
22 assault or battery, or if there is a felony conviction for
23 physical assault, battery, or a drug-related offense committed
24 within the past 5 years.

25 (v-2) Prior to final approval for placement of a child,
26 the Department shall check its child abuse and neglect

1 registry for information concerning prospective foster and
2 adoptive parents, and any adult living in the home. If any
3 prospective foster or adoptive parent or other adult living in
4 the home has resided in another state in the preceding 5 years,
5 the Department shall request a check of that other state's
6 child abuse and neglect registry.

7 (w) Within 120 days of August 20, 1995 (the effective date
8 of Public Act 89-392), the Department shall prepare and submit
9 to the Governor and the General Assembly, a written plan for
10 the development of in-state licensed secure child care
11 facilities that care for children who are in need of secure
12 living arrangements for their health, safety, and well-being.
13 For purposes of this subsection, secure care facility shall
14 mean a facility that is designed and operated to ensure that
15 all entrances and exits from the facility, a building or a
16 distinct part of the building, are under the exclusive control
17 of the staff of the facility, whether or not the child has the
18 freedom of movement within the perimeter of the facility,
19 building, or distinct part of the building. The plan shall
20 include descriptions of the types of facilities that are
21 needed in Illinois; the cost of developing these secure care
22 facilities; the estimated number of placements; the potential
23 cost savings resulting from the movement of children currently
24 out-of-state who are projected to be returned to Illinois; the
25 necessary geographic distribution of these facilities in
26 Illinois; and a proposed timetable for development of such

1 facilities.

2 (x) The Department shall conduct annual credit history
3 checks to determine the financial history of children placed
4 under its guardianship pursuant to the Juvenile Court Act of
5 1987. The Department shall conduct such credit checks starting
6 when a youth in care turns 12 years old and each year
7 thereafter for the duration of the guardianship as terminated
8 pursuant to the Juvenile Court Act of 1987. The Department
9 shall determine if financial exploitation of the child's
10 personal information has occurred. If financial exploitation
11 appears to have taken place or is presently ongoing, the
12 Department shall notify the proper law enforcement agency, the
13 proper State's Attorney, or the Attorney General.

14 (y) Beginning on July 22, 2010 (the effective date of
15 Public Act 96-1189), a child with a disability who receives
16 residential and educational services from the Department shall
17 be eligible to receive transition services in accordance with
18 Article 14 of the School Code from the age of 14.5 through age
19 21, inclusive, notwithstanding the child's residential
20 services arrangement. For purposes of this subsection, "child
21 with a disability" means a child with a disability as defined
22 by the federal Individuals with Disabilities Education
23 Improvement Act of 2004.

24 (z) The Department shall access criminal history record
25 information as defined as "background information" in this
26 subsection and criminal history record information as defined

1 in the Illinois Uniform Conviction Information Act for each
2 Department employee or Department applicant. Each Department
3 employee or Department applicant shall submit his or her
4 fingerprints to the Illinois ~~Department of~~ State Police in the
5 form and manner prescribed by the Illinois ~~Department of~~ State
6 Police. These fingerprints shall be checked against the
7 fingerprint records now and hereafter filed in the Illinois
8 ~~Department of~~ State Police and the Federal Bureau of
9 Investigation criminal history records databases. The Illinois
10 ~~Department of~~ State Police shall charge a fee for conducting
11 the criminal history record check, which shall be deposited
12 into the State Police Services Fund and shall not exceed the
13 actual cost of the record check. The Illinois ~~Department of~~
14 State Police shall furnish, pursuant to positive
15 identification, all Illinois conviction information to the
16 Department of Children and Family Services.

17 For purposes of this subsection:

18 "Background information" means all of the following:

19 (i) Upon the request of the Department of Children and
20 Family Services, conviction information obtained from the
21 Illinois ~~Department of~~ State Police as a result of a
22 fingerprint-based criminal history records check of the
23 Illinois criminal history records database and the Federal
24 Bureau of Investigation criminal history records database
25 concerning a Department employee or Department applicant.

26 (ii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Illinois ~~Department of~~ State Police's Sex Offender
3 Database, as authorized by Section 120 of the Sex Offender
4 Community Notification Law, concerning a Department
5 employee or Department applicant.

6 (iii) Information obtained by the Department of
7 Children and Family Services after performing a check of
8 the Child Abuse and Neglect Tracking System (CANTS)
9 operated and maintained by the Department.

10 "Department employee" means a full-time or temporary
11 employee coded or certified within the State of Illinois
12 Personnel System.

13 "Department applicant" means an individual who has
14 conditional Department full-time or part-time work, a
15 contractor, an individual used to replace or supplement staff,
16 an academic intern, a volunteer in Department offices or on
17 Department contracts, a work-study student, an individual or
18 entity licensed by the Department, or an unlicensed service
19 provider who works as a condition of a contract or an agreement
20 and whose work may bring the unlicensed service provider into
21 contact with Department clients or client records.

22 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
24 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
25 eff. 7-12-19; revised 8-1-19.)

1 (20 ILCS 505/35.5)

2 Sec. 35.5. Inspector General.

3 (a) The Governor shall appoint, and the Senate shall
4 confirm, an Inspector General who shall have the authority to
5 conduct investigations into allegations of or incidents of
6 possible misconduct, misfeasance, malfeasance, or violations
7 of rules, procedures, or laws by any employee, foster parent,
8 service provider, or contractor of the Department of Children
9 and Family Services, except for allegations of violations of
10 the State Officials and Employees Ethics Act which shall be
11 referred to the Office of the Governor's Executive Inspector
12 General for investigation. The Inspector General shall make
13 recommendations to the Director of Children and Family
14 Services concerning sanctions or disciplinary actions against
15 Department employees or providers of service under contract to
16 the Department. The Director of Children and Family Services
17 shall provide the Inspector General with an implementation
18 report on the status of any corrective actions taken on
19 recommendations under review and shall continue sending
20 updated reports until the corrective action is completed. The
21 Director shall provide a written response to the Inspector
22 General indicating the status of any sanctions or disciplinary
23 actions against employees or providers of service involving
24 any investigation subject to review. In any case, information
25 included in the reports to the Inspector General and
26 Department responses shall be subject to the public disclosure

1 requirements of the Abused and Neglected Child Reporting Act.
2 Any investigation conducted by the Inspector General shall be
3 independent and separate from the investigation mandated by
4 the Abused and Neglected Child Reporting Act. The Inspector
5 General shall be appointed for a term of 4 years. The Inspector
6 General shall function independently within the Department of
7 Children and Family Services with respect to the operations of
8 the Office of Inspector General, including the performance of
9 investigations and issuance of findings and recommendations,
10 and shall report to the Director of Children and Family
11 Services and the Governor and perform other duties the
12 Director may designate. The Inspector General shall adopt
13 rules as necessary to carry out the functions, purposes, and
14 duties of the office of Inspector General in the Department of
15 Children and Family Services, in accordance with the Illinois
16 Administrative Procedure Act and any other applicable law.

17 (b) The Inspector General shall have access to all
18 information and personnel necessary to perform the duties of
19 the office. To minimize duplication of efforts, and to assure
20 consistency and conformance with the requirements and
21 procedures established in the B.H. v. Suter consent decree and
22 to share resources when appropriate, the Inspector General
23 shall coordinate his or her activities with the Bureau of
24 Quality Assurance within the Department.

25 (c) The Inspector General shall be the primary liaison
26 between the Department and the Illinois ~~Department of State~~

1 Police with regard to investigations conducted under the
2 Inspector General's auspices. If the Inspector General
3 determines that a possible criminal act has been committed, or
4 that special expertise is required in the investigation, he or
5 she shall immediately notify the Illinois ~~Department of~~ State
6 Police. All investigations conducted by the Inspector General
7 shall be conducted in a manner designed to ensure the
8 preservation of evidence for possible use in a criminal
9 prosecution.

10 (d) The Inspector General may recommend to the Department
11 of Children and Family Services, the Department of Public
12 Health, or any other appropriate agency, sanctions to be
13 imposed against service providers under the jurisdiction of or
14 under contract with the Department for the protection of
15 children in the custody or under the guardianship of the
16 Department who received services from those providers. The
17 Inspector General may seek the assistance of the Attorney
18 General or any of the several State's Attorneys in imposing
19 sanctions.

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

23 (f) Nothing in this Section shall limit investigations by
24 the Department of Children and Family Services that may
25 otherwise be required by law or that may be necessary in that
26 Department's capacity as the central administrative authority

1 for child welfare.

2 (g) The Inspector General shall have the power to subpoena
3 witnesses and compel the production of books and papers
4 pertinent to an investigation authorized by this Act. The
5 power to subpoena or to compel the production of books and
6 papers, however, shall not extend to the person or documents
7 of a labor organization or its representatives insofar as the
8 person or documents of a labor organization relate to the
9 function of representing an employee subject to investigation
10 under this Act. Any person who fails to appear in response to a
11 subpoena or to answer any question or produce any books or
12 papers pertinent to an investigation under this Act, except as
13 otherwise provided in this Section, or who knowingly gives
14 false testimony in relation to an investigation under this Act
15 is guilty of a Class A misdemeanor.

16 (h) The Inspector General shall provide to the General
17 Assembly and the Governor, no later than January 1 of each
18 year, a summary of reports and investigations made under this
19 Section for the prior fiscal year. The summaries shall detail
20 the imposition of sanctions and the final disposition of those
21 recommendations. The summaries shall not contain any
22 confidential or identifying information concerning the
23 subjects of the reports and investigations. The summaries also
24 shall include detailed recommended administrative actions and
25 matters for consideration by the General Assembly.

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

1 (20 ILCS 505/35.6)

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

3 (a) There shall be a State-wide, toll-free telephone
4 number for any person, whether or not mandated by law, to
5 report to the Inspector General of the Department, suspected
6 misconduct, malfeasance, misfeasance, or violations of rules,
7 procedures, or laws by Department employees, service
8 providers, or contractors that is detrimental to the best
9 interest of children receiving care, services, or training
10 from or who were committed to the Department as allowed under
11 Section 5 of this Act. Immediately upon receipt of a telephone
12 call regarding suspected abuse or neglect of children, the
13 Inspector General shall refer the call to the Child Abuse and
14 Neglect Hotline or to the Illinois State Police as mandated by
15 the Abused and Neglected Child Reporting Act and Section 35.5
16 of this Act. A mandated reporter shall not be relieved of his
17 or her duty to report incidents to the Child Abuse and Neglect
18 Hotline referred to in this subsection. The Inspector General
19 shall also establish rules and procedures for evaluating
20 reports of suspected misconduct and violation of rules and for
21 conducting an investigation of such reports.

22 (b) The Inspector General shall prepare and maintain
23 written records from the reporting source that shall contain
24 the following information to the extent known at the time the
25 report is made: (1) the names and addresses of the child and

1 the person responsible for the child's welfare; (2) the nature
2 of the misconduct and the detriment cause to the child's best
3 interest; (3) the names of the persons or agencies responsible
4 for the alleged misconduct. Any investigation conducted by the
5 Inspector General pursuant to such information shall not
6 duplicate and shall be separate from the investigation
7 mandated by the Abused and Neglected Child Reporting Act.
8 However, the Inspector General may include the results of such
9 investigation in reports compiled under this Section. At the
10 request of the reporting agent, the Inspector General shall
11 keep the identity of the reporting agent strictly confidential
12 from the operation of the Department, until the Inspector
13 General shall determine what recommendations shall be made
14 with regard to discipline or sanction of the Department
15 employee, service provider, or contractor, with the exception
16 of suspected child abuse or neglect which shall be handled
17 consistent with the Abused and Neglected Child Reporting Act
18 and Section 35.5 of this Act. The Department shall take
19 whatever steps are necessary to assure that a person making a
20 report in good faith under this Section is not adversely
21 affected solely on the basis of having made such report.

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

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

1 (20 ILCS 510/510-100) (was 20 ILCS 510/65.8)
2 Sec. 510-100. Criminal history record information.
3 Whenever the Department is authorized or required by law to
4 consider some aspect of criminal history record information
5 for 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 Section 135. The Child Death Review Team Act is amended by
15 changing Section 15 as follows:

16 (20 ILCS 515/15)
17 Sec. 15. Child death review teams; establishment.
18 (a) The Inspector General of the Department, in
19 consultation and cooperation with the Executive Council, law
20 enforcement, and other professionals who work in the field of
21 investigating, treating, or preventing child abuse or neglect
22 in that subregion, shall appoint members to a child death
23 review team in each of the Department's administrative

1 subregions of the State outside Cook County and at least one
2 child death review team in Cook County. The members of a team
3 shall be appointed for 2-year terms and shall be eligible for
4 reappointment upon the expiration of the terms. The Inspector
5 General of the Department must fill any vacancy in a team
6 within 60 days after that vacancy occurs.

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

9 (1) Pediatrician or other physician knowledgeable
10 about child abuse and neglect.

11 (2) Representative of the Department.

12 (3) State's attorney or State's attorney's
13 representative.

14 (4) Representative of a local law enforcement agency.

15 (5) Psychologist or psychiatrist.

16 (6) Representative of a local health department.

17 (7) Representative of a school district or other
18 education or child care interests.

19 (8) Coroner or forensic pathologist.

20 (9) Representative of a child welfare agency or child
21 advocacy organization.

22 (10) Representative of a local hospital, trauma
23 center, or provider of emergency medical services.

24 (11) Representative of the Illinois ~~Department of~~
25 State Police.

26 (12) Representative of the Department of Public

1 Health.

2 Each child death review team may make recommendations to
3 the Inspector General of the Department concerning additional
4 appointments. In the event of a disagreement, the Executive
5 Council's decision shall control.

6 Each child death review team member must have demonstrated
7 experience and an interest in investigating, treating, or
8 preventing child abuse or neglect.

9 (c) Each child death review team shall select a
10 chairperson and vice-chairperson from among its members. The
11 chairperson shall also serve on the Illinois Child Death
12 Review Teams Executive Council. The vice-chairperson may also
13 serve on the Illinois Child Death Review Teams Executive
14 Council, but shall not have a vote on child death review team
15 business unless the chairperson is unable to attend a meeting.

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

18 (e) The Department shall provide at least one full-time
19 Statewide Department of Children and Family Services Liaison
20 who shall attend all child death review team meetings, all
21 Executive meetings, all Executive Council meetings, and
22 meetings between the Director and the Executive Council.

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

24 Section 140. The Financial Institutions Code is amended by
25 changing Section 6 as follows:

1 (20 ILCS 1205/6) (from Ch. 17, par. 106)

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

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

11 (2) To exercise the rights, powers and duties vested by
12 law in the Auditor of Public Accounts under "An Act in relation
13 to the definition, licensing and regulation of community
14 currency exchanges and ambulatory currency exchanges, and the
15 operators and employees thereof, and to make an appropriation
16 therefor, and to provide penalties and remedies for the
17 violation thereof", approved June 30, 1943, as amended.

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

23 (4) To exercise the rights, powers, and duties vested by
24 law in the Auditor of Public Accounts under "An Act to provide
25 for and regulate the business of guaranteeing titles to real

1 estate by corporations", approved May 13, 1901, as amended.

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

12 (6) To administer and enforce "An Act to license and
13 regulate the keeping and letting of safety deposit boxes,
14 safes, and vaults, and the opening thereof, and to repeal a
15 certain Act therein named", approved June 13, 1945, as
16 amended.

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

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

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

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

5 (20 ILCS 1305/1-17)

6 Sec. 1-17. Inspector General.

7 (a) Nature and purpose. It is the express intent of the
8 General Assembly to ensure the health, safety, and financial
9 condition of individuals receiving services in this State due
10 to mental illness, developmental disability, or both by
11 protecting those persons from acts of abuse, neglect, or both
12 by service providers. To that end, the Office of the Inspector
13 General for the Department of Human Services is created to
14 investigate and report upon allegations of the abuse, neglect,
15 or financial exploitation of individuals receiving services
16 within mental health facilities, developmental disabilities
17 facilities, and community agencies operated, licensed, funded,
18 or certified by the Department of Human Services, but not
19 licensed or certified by any other State agency.

20 (b) Definitions. The following definitions apply to this
21 Section:

22 "Adult student with a disability" means an adult student,
23 age 18 through 21, inclusive, with an Individual Education
24 Program, other than a resident of a facility licensed by the

1 Department of Children and Family Services in accordance with
2 the Child Care Act of 1969. For purposes of this definition,
3 "through age 21, inclusive", means through the day before the
4 student's 22nd birthday.

5 "Agency" or "community agency" means (i) a community
6 agency licensed, funded, or certified by the Department, but
7 not licensed or certified by any other human services agency
8 of the State, to provide mental health service or
9 developmental disabilities service, or (ii) a program
10 licensed, funded, or certified by the Department, but not
11 licensed or certified by any other human services agency of
12 the State, to provide mental health service or developmental
13 disabilities service.

14 "Aggravating circumstance" means a factor that is
15 attendant to a finding and that tends to compound or increase
16 the culpability of the accused.

17 "Allegation" means an assertion, complaint, suspicion, or
18 incident involving any of the following conduct by an
19 employee, facility, or agency against an individual or
20 individuals: mental abuse, physical abuse, sexual abuse,
21 neglect, or financial exploitation.

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

23 "Deflection" means a situation in which an individual is
24 presented for admission to a facility or agency, and the
25 facility staff or agency staff do not admit the individual.

26 "Deflection" includes triage, redirection, and denial of

1 admission.

2 "Department" means the Department of Human Services.

3 "Developmental disability" means "developmental
4 disability" as defined in the Mental Health and Developmental
5 Disabilities Code.

6 "Egregious neglect" means a finding of neglect as
7 determined by the Inspector General that (i) represents a
8 gross failure to adequately provide for, or a callused
9 indifference to, the health, safety, or medical needs of an
10 individual and (ii) results in an individual's death or other
11 serious deterioration of an individual's physical condition or
12 mental condition.

13 "Employee" means any person who provides services at the
14 facility or agency on-site or off-site. The service
15 relationship can be with the individual or with the facility
16 or agency. Also, "employee" includes any employee or
17 contractual agent of the Department of Human Services or the
18 community agency involved in providing or monitoring or
19 administering mental health or developmental disability
20 services. This includes but is not limited to: owners,
21 operators, payroll personnel, contractors, subcontractors, and
22 volunteers.

23 "Facility" or "State-operated facility" means a mental
24 health facility or developmental disabilities facility
25 operated by the Department.

26 "Financial exploitation" means taking unjust advantage of

1 an individual's assets, property, or financial resources
2 through deception, intimidation, or conversion for the
3 employee's, facility's, or agency's own advantage or benefit.

4 "Finding" means the Office of Inspector General's
5 determination regarding whether an allegation is
6 substantiated, unsubstantiated, or unfounded.

7 "Health Care Worker Registry" or "Registry" means the
8 Health Care Worker Registry under the Health Care Worker
9 Background Check Act.

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

13 "Mental abuse" means the use of demeaning, intimidating,
14 or threatening words, signs, gestures, or other actions by an
15 employee about an individual and in the presence of an
16 individual or individuals that results in emotional distress
17 or maladaptive behavior, or could have resulted in emotional
18 distress or maladaptive behavior, for any individual present.

19 "Mental illness" means "mental illness" as defined in the
20 Mental Health and Developmental Disabilities Code.

21 "Mentally ill" means having a mental illness.

22 "Mitigating circumstance" means a condition that (i) is
23 attendant to a finding, (ii) does not excuse or justify the
24 conduct in question, but (iii) may be considered in evaluating
25 the severity of the conduct, the culpability of the accused,
26 or both the severity of the conduct and the culpability of the

1 accused.

2 "Neglect" means an employee's, agency's, or facility's
3 failure to provide adequate medical care, personal care, or
4 maintenance and that, as a consequence, (i) causes an
5 individual pain, injury, or emotional distress, (ii) results
6 in either an individual's maladaptive behavior or the
7 deterioration of an individual's physical condition or mental
8 condition, or (iii) places the individual's health or safety
9 at substantial risk.

10 "Person with a developmental disability" means a person
11 having a developmental disability.

12 "Physical abuse" means an employee's non-accidental and
13 inappropriate contact with an individual that causes bodily
14 harm. "Physical abuse" includes actions that cause bodily harm
15 as a result of an employee directing an individual or person to
16 physically abuse another individual.

17 "Recommendation" means an admonition, separate from a
18 finding, that requires action by the facility, agency, or
19 Department to correct a systemic issue, problem, or deficiency
20 identified during an investigation.

21 "Required reporter" means any employee who suspects,
22 witnesses, or is informed of an allegation of any one or more
23 of the following: mental abuse, physical abuse, sexual abuse,
24 neglect, or financial exploitation.

25 "Secretary" means the Chief Administrative Officer of the
26 Department.

1 "Sexual abuse" means any sexual contact or intimate
2 physical contact between an employee and an individual,
3 including an employee's coercion or encouragement of an
4 individual to engage in sexual behavior that results in sexual
5 contact, intimate physical contact, sexual behavior, or
6 intimate physical behavior. Sexual abuse also includes (i) an
7 employee's actions that result in the sending or showing of
8 sexually explicit images to an individual via computer,
9 cellular phone, electronic mail, portable electronic device,
10 or other media with or without contact with the individual or
11 (ii) an employee's posting of sexually explicit images of an
12 individual online or elsewhere whether or not there is contact
13 with the individual.

14 "Sexually explicit images" includes, but is not limited
15 to, any material which depicts nudity, sexual conduct, or
16 sado-masochistic abuse, or which contains explicit and
17 detailed verbal descriptions or narrative accounts of sexual
18 excitement, sexual conduct, or sado-masochistic abuse.

19 "Substantiated" means there is a preponderance of the
20 evidence to support the allegation.

21 "Unfounded" means there is no credible evidence to support
22 the allegation.

23 "Unsubstantiated" means there is credible evidence, but
24 less than a preponderance of evidence to support the
25 allegation.

26 (c) Appointment. The Governor shall appoint, and the

1 Senate shall confirm, an Inspector General. The Inspector
2 General shall be appointed for a term of 4 years and shall
3 function within the Department of Human Services and report to
4 the Secretary and the Governor.

5 (d) Operation and appropriation. The Inspector General
6 shall function independently within the Department with
7 respect to the operations of the Office, including the
8 performance of investigations and issuance of findings and
9 recommendations. The appropriation for the Office of Inspector
10 General shall be separate from the overall appropriation for
11 the Department.

12 (e) Powers and duties. The Inspector General shall
13 investigate reports of suspected mental abuse, physical abuse,
14 sexual abuse, neglect, or financial exploitation of
15 individuals in any mental health or developmental disabilities
16 facility or agency and shall have authority to take immediate
17 action to prevent any one or more of the following from
18 happening to individuals under its jurisdiction: mental abuse,
19 physical abuse, sexual abuse, neglect, or financial
20 exploitation. Upon written request of an agency of this State,
21 the Inspector General may assist another agency of the State
22 in investigating reports of the abuse, neglect, or abuse and
23 neglect of persons with mental illness, persons with
24 developmental disabilities, or persons with both. To comply
25 with the requirements of subsection (k) of this Section, the
26 Inspector General shall also review all reportable deaths for

1 which there is no allegation of abuse or neglect. Nothing in
2 this Section shall preempt any duties of the Medical Review
3 Board set forth in the Mental Health and Developmental
4 Disabilities Code. The Inspector General shall have no
5 authority to investigate alleged violations of the State
6 Officials and Employees Ethics Act. Allegations of misconduct
7 under the State Officials and Employees Ethics Act shall be
8 referred to the Office of the Governor's Executive Inspector
9 General for investigation.

10 (f) Limitations. The Inspector General shall not conduct
11 an investigation within an agency or facility if that
12 investigation would be redundant to or interfere with an
13 investigation conducted by another State agency. The Inspector
14 General shall have no supervision over, or involvement in, the
15 routine programmatic, licensing, funding, or certification
16 operations of the Department. Nothing in this subsection
17 limits investigations by the Department that may otherwise be
18 required by law or that may be necessary in the Department's
19 capacity as central administrative authority responsible for
20 the operation of the State's mental health and developmental
21 disabilities facilities.

22 (g) Rulemaking authority. The Inspector General shall
23 promulgate rules establishing minimum requirements for
24 reporting allegations as well as for initiating, conducting,
25 and completing investigations based upon the nature of the
26 allegation or allegations. The rules shall clearly establish

1 that if 2 or more State agencies could investigate an
2 allegation, the Inspector General shall not conduct an
3 investigation that would be redundant to, or interfere with,
4 an investigation conducted by another State agency. The rules
5 shall further clarify the method and circumstances under which
6 the Office of Inspector General may interact with the
7 licensing, funding, or certification units of the Department
8 in preventing further occurrences of mental abuse, physical
9 abuse, sexual abuse, neglect, egregious neglect, and financial
10 exploitation.

11 (h) Training programs. The Inspector General shall (i)
12 establish a comprehensive program to ensure that every person
13 authorized to conduct investigations receives ongoing training
14 relative to investigation techniques, communication skills,
15 and the appropriate means of interacting with persons
16 receiving treatment for mental illness, developmental
17 disability, or both mental illness and developmental
18 disability, and (ii) establish and conduct periodic training
19 programs for facility and agency employees concerning the
20 prevention and reporting of any one or more of the following:
21 mental abuse, physical abuse, sexual abuse, neglect, egregious
22 neglect, or financial exploitation. The Inspector General
23 shall further ensure (i) every person authorized to conduct
24 investigations at community agencies receives ongoing training
25 in Title 59, Parts 115, 116, and 119 of the Illinois
26 Administrative Code, and (ii) every person authorized to

1 conduct investigations shall receive ongoing training in Title
2 59, Part 50 of the Illinois Administrative Code. Nothing in
3 this Section shall be deemed to prevent the Office of
4 Inspector General from conducting any other training as
5 determined by the Inspector General to be necessary or
6 helpful.

7 (i) Duty to cooperate.

8 (1) The Inspector General shall at all times be
9 granted access to any facility or agency for the purpose
10 of investigating any allegation, conducting unannounced
11 site visits, monitoring compliance with a written
12 response, or completing any other statutorily assigned
13 duty. The Inspector General shall conduct unannounced site
14 visits to each facility at least annually for the purpose
15 of reviewing and making recommendations on systemic issues
16 relative to preventing, reporting, investigating, and
17 responding to all of the following: mental abuse, physical
18 abuse, sexual abuse, neglect, egregious neglect, or
19 financial exploitation.

20 (2) Any employee who fails to cooperate with an Office
21 of the Inspector General investigation is in violation of
22 this Act. Failure to cooperate with an investigation
23 includes, but is not limited to, any one or more of the
24 following: (i) creating and transmitting a false report to
25 the Office of the Inspector General hotline, (ii)
26 providing false information to an Office of the Inspector

1 General Investigator during an investigation, (iii)
2 colluding with other employees to cover up evidence, (iv)
3 colluding with other employees to provide false
4 information to an Office of the Inspector General
5 investigator, (v) destroying evidence, (vi) withholding
6 evidence, or (vii) otherwise obstructing an Office of the
7 Inspector General investigation. Additionally, any
8 employee who, during an unannounced site visit or written
9 response compliance check, fails to cooperate with
10 requests from the Office of the Inspector General is in
11 violation of this Act.

12 (j) Subpoena powers. The Inspector General shall have the
13 power to subpoena witnesses and compel the production of all
14 documents and physical evidence relating to his or her
15 investigations and any hearings authorized by this Act. This
16 subpoena power shall not extend to persons or documents of a
17 labor organization or its representatives insofar as the
18 persons are acting in a representative capacity to an employee
19 whose conduct is the subject of an investigation or the
20 documents relate to that representation. Any person who
21 otherwise fails to respond to a subpoena or who knowingly
22 provides false information to the Office of the Inspector
23 General by subpoena during an investigation is guilty of a
24 Class A misdemeanor.

25 (k) Reporting allegations and deaths.

26 (1) Allegations. If an employee witnesses, is told of,

1 or has reason to believe an incident of mental abuse,
2 physical abuse, sexual abuse, neglect, or financial
3 exploitation has occurred, the employee, agency, or
4 facility shall report the allegation by phone to the
5 Office of the Inspector General hotline according to the
6 agency's or facility's procedures, but in no event later
7 than 4 hours after the initial discovery of the incident,
8 allegation, or suspicion of any one or more of the
9 following: mental abuse, physical abuse, sexual abuse,
10 neglect, or financial exploitation. A required reporter as
11 defined in subsection (b) of this Section who knowingly or
12 intentionally fails to comply with these reporting
13 requirements is guilty of a Class A misdemeanor.

14 (2) Deaths. Absent an allegation, a required reporter
15 shall, within 24 hours after initial discovery, report by
16 phone to the Office of the Inspector General hotline each
17 of the following:

18 (i) Any death of an individual occurring within 14
19 calendar days after discharge or transfer of the
20 individual from a residential program or facility.

21 (ii) Any death of an individual occurring within
22 24 hours after deflection from a residential program
23 or facility.

24 (iii) Any other death of an individual occurring
25 at an agency or facility or at any Department-funded
26 site.

1 (3) Retaliation. It is a violation of this Act for any
2 employee or administrator of an agency or facility to take
3 retaliatory action against an employee who acts in good
4 faith in conformance with his or her duties as a required
5 reporter.

6 (1) Reporting to law enforcement.

7 (1) Reporting criminal acts. Within 24 hours after
8 determining that there is credible evidence indicating
9 that a criminal act may have been committed or that
10 special expertise may be required in an investigation, the
11 Inspector General shall notify the Illinois ~~Department of~~
12 State Police or other appropriate law enforcement
13 authority, or ensure that such notification is made. The
14 Illinois ~~Department of~~ State Police shall investigate any
15 report from a State-operated facility indicating a
16 possible murder, sexual assault, or other felony by an
17 employee. All investigations conducted by the Inspector
18 General shall be conducted in a manner designed to ensure
19 the preservation of evidence for possible use in a
20 criminal prosecution.

21 (2) Reporting allegations of adult students with
22 disabilities. Upon receipt of a reportable allegation
23 regarding an adult student with a disability, the
24 Department's Office of the Inspector General shall
25 determine whether the allegation meets the criteria for
26 the Domestic Abuse Program under the Abuse of Adults with

1 Disabilities Intervention Act. If the allegation is
2 reportable to that program, the Office of the Inspector
3 General shall initiate an investigation. If the allegation
4 is not reportable to the Domestic Abuse Program, the
5 Office of the Inspector General shall make an expeditious
6 referral to the respective law enforcement entity. If the
7 alleged victim is already receiving services from the
8 Department, the Office of the Inspector General shall also
9 make a referral to the respective Department of Human
10 Services' Division or Bureau.

11 (m) Investigative reports. Upon completion of an
12 investigation, the Office of Inspector General shall issue an
13 investigative report identifying whether the allegations are
14 substantiated, unsubstantiated, or unfounded. Within 10
15 business days after the transmittal of a completed
16 investigative report substantiating an allegation, finding an
17 allegation is unsubstantiated, or if a recommendation is made,
18 the Inspector General shall provide the investigative report
19 on the case to the Secretary and to the director of the
20 facility or agency where any one or more of the following
21 occurred: mental abuse, physical abuse, sexual abuse, neglect,
22 egregious neglect, or financial exploitation. The director of
23 the facility or agency shall be responsible for maintaining
24 the confidentiality of the investigative report consistent
25 with State and federal law. In a substantiated case, the
26 investigative report shall include any mitigating or

1 aggravating circumstances that were identified during the
2 investigation. If the case involves substantiated neglect, the
3 investigative report shall also state whether egregious
4 neglect was found. An investigative report may also set forth
5 recommendations. All investigative reports prepared by the
6 Office of the Inspector General shall be considered
7 confidential and shall not be released except as provided by
8 the law of this State or as required under applicable federal
9 law. Unsubstantiated and unfounded reports shall not be
10 disclosed except as allowed under Section 6 of the Abused and
11 Neglected Long Term Care Facility Residents Reporting Act. Raw
12 data used to compile the investigative report shall not be
13 subject to release unless required by law or a court order.
14 "Raw data used to compile the investigative report" includes,
15 but is not limited to, any one or more of the following: the
16 initial complaint, witness statements, photographs,
17 investigator's notes, police reports, or incident reports. If
18 the allegations are substantiated, the victim, the victim's
19 guardian, and the accused shall be provided with a redacted
20 copy of the investigative report. Death reports where there
21 was no allegation of abuse or neglect shall only be released
22 pursuant to applicable State or federal law or a valid court
23 order. Unredacted investigative reports, as well as raw data,
24 may be shared with a local law enforcement entity, a State's
25 Attorney's office, or a county coroner's office upon written
26 request.

1 (n) Written responses, clarification requests, and
2 reconsideration requests.

3 (1) Written responses. Within 30 calendar days from
4 receipt of a substantiated investigative report or an
5 investigative report which contains recommendations,
6 absent a reconsideration request, the facility or agency
7 shall file a written response that addresses, in a concise
8 and reasoned manner, the actions taken to: (i) protect the
9 individual; (ii) prevent recurrences; and (iii) eliminate
10 the problems identified. The response shall include the
11 implementation and completion dates of such actions. If
12 the written response is not filed within the allotted 30
13 calendar day period, the Secretary shall determine the
14 appropriate corrective action to be taken.

15 (2) Requests for clarification. The facility, agency,
16 victim or guardian, or the subject employee may request
17 that the Office of Inspector General clarify the finding
18 or findings for which clarification is sought.

19 (3) Requests for reconsideration. The facility,
20 agency, victim or guardian, or the subject employee may
21 request that the Office of the Inspector General
22 reconsider the finding or findings or the recommendations.
23 A request for reconsideration shall be subject to a
24 multi-layer review and shall include at least one reviewer
25 who did not participate in the investigation or approval
26 of the original investigative report. After the

1 multi-layer review process has been completed, the
2 Inspector General shall make the final determination on
3 the reconsideration request. The investigation shall be
4 reopened if the reconsideration determination finds that
5 additional information is needed to complete the
6 investigative record.

7 (o) Disclosure of the finding by the Inspector General.
8 The Inspector General shall disclose the finding of an
9 investigation to the following persons: (i) the Governor, (ii)
10 the Secretary, (iii) the director of the facility or agency,
11 (iv) the alleged victims and their guardians, (v) the
12 complainant, and (vi) the accused. This information shall
13 include whether the allegations were deemed substantiated,
14 unsubstantiated, or unfounded.

15 (p) Secretary review. Upon review of the Inspector
16 General's investigative report and any agency's or facility's
17 written response, the Secretary shall accept or reject the
18 written response and notify the Inspector General of that
19 determination. The Secretary may further direct that other
20 administrative action be taken, including, but not limited to,
21 any one or more of the following: (i) additional site visits,
22 (ii) training, (iii) provision of technical assistance
23 relative to administrative needs, licensure, or certification,
24 or (iv) the imposition of appropriate sanctions.

25 (q) Action by facility or agency. Within 30 days of the
26 date the Secretary approves the written response or directs

1 that further administrative action be taken, the facility or
2 agency shall provide an implementation report to the Inspector
3 General that provides the status of the action taken. The
4 facility or agency shall be allowed an additional 30 days to
5 send notice of completion of the action or to send an updated
6 implementation report. If the action has not been completed
7 within the additional 30-day period, the facility or agency
8 shall send updated implementation reports every 60 days until
9 completion. The Inspector General shall conduct a review of
10 any implementation plan that takes more than 120 days after
11 approval to complete, and shall monitor compliance through a
12 random review of approved written responses, which may
13 include, but are not limited to: (i) site visits, (ii)
14 telephone contact, and (iii) requests for additional
15 documentation evidencing compliance.

16 (r) Sanctions. Sanctions, if imposed by the Secretary
17 under Subdivision (p)(iv) of this Section, shall be designed
18 to prevent further acts of mental abuse, physical abuse,
19 sexual abuse, neglect, egregious neglect, or financial
20 exploitation or some combination of one or more of those acts
21 at a facility or agency, and may include any one or more of the
22 following:

23 (1) Appointment of on-site monitors.

24 (2) Transfer or relocation of an individual or
25 individuals.

26 (3) Closure of units.

1 (4) Termination of any one or more of the following:
2 (i) Department licensing, (ii) funding, or (iii)
3 certification.

4 The Inspector General may seek the assistance of the
5 Illinois Attorney General or the office of any State's
6 Attorney in implementing sanctions.

7 (s) Health Care Worker Registry.

8 (1) Reporting to the Registry. The Inspector General
9 shall report to the Department of Public Health's Health
10 Care Worker Registry, a public registry, the identity and
11 finding of each employee of a facility or agency against
12 whom there is a final investigative report containing a
13 substantiated allegation of physical or sexual abuse,
14 financial exploitation, or egregious neglect of an
15 individual.

16 (2) Notice to employee. Prior to reporting the name of
17 an employee, the employee shall be notified of the
18 Department's obligation to report and shall be granted an
19 opportunity to request an administrative hearing, the sole
20 purpose of which is to determine if the substantiated
21 finding warrants reporting to the Registry. Notice to the
22 employee shall contain a clear and concise statement of
23 the grounds on which the report to the Registry is based,
24 offer the employee an opportunity for a hearing, and
25 identify the process for requesting such a hearing. Notice
26 is sufficient if provided by certified mail to the

1 employee's last known address. If the employee fails to
2 request a hearing within 30 days from the date of the
3 notice, the Inspector General shall report the name of the
4 employee to the Registry. Nothing in this subdivision
5 (s)(2) shall diminish or impair the rights of a person who
6 is a member of a collective bargaining unit under the
7 Illinois Public Labor Relations Act or under any other
8 federal labor statute.

9 (3) Registry hearings. If the employee requests an
10 administrative hearing, the employee shall be granted an
11 opportunity to appear before an administrative law judge
12 to present reasons why the employee's name should not be
13 reported to the Registry. The Department shall bear the
14 burden of presenting evidence that establishes, by a
15 preponderance of the evidence, that the substantiated
16 finding warrants reporting to the Registry. After
17 considering all the evidence presented, the administrative
18 law judge shall make a recommendation to the Secretary as
19 to whether the substantiated finding warrants reporting
20 the name of the employee to the Registry. The Secretary
21 shall render the final decision. The Department and the
22 employee shall have the right to request that the
23 administrative law judge consider a stipulated disposition
24 of these proceedings.

25 (4) Testimony at Registry hearings. A person who makes
26 a report or who investigates a report under this Act shall

1 testify fully in any judicial proceeding resulting from
2 such a report, as to any evidence of abuse or neglect, or
3 the cause thereof. No evidence shall be excluded by reason
4 of any common law or statutory privilege relating to
5 communications between the alleged perpetrator of abuse or
6 neglect, or the individual alleged as the victim in the
7 report, and the person making or investigating the report.
8 Testimony at hearings is exempt from the confidentiality
9 requirements of subsection (f) of Section 10 of the Mental
10 Health and Developmental Disabilities Confidentiality Act.

11 (5) Employee's rights to collateral action. No
12 reporting to the Registry shall occur and no hearing shall
13 be set or proceed if an employee notifies the Inspector
14 General in writing, including any supporting
15 documentation, that he or she is formally contesting an
16 adverse employment action resulting from a substantiated
17 finding by complaint filed with the Illinois Civil Service
18 Commission, or which otherwise seeks to enforce the
19 employee's rights pursuant to any applicable collective
20 bargaining agreement. If an action taken by an employer
21 against an employee as a result of a finding of physical
22 abuse, sexual abuse, or egregious neglect is overturned
23 through an action filed with the Illinois Civil Service
24 Commission or under any applicable collective bargaining
25 agreement and if that employee's name has already been
26 sent to the Registry, the employee's name shall be removed

1 from the Registry.

2 (6) Removal from Registry. At any time after the
3 report to the Registry, but no more than once in any
4 12-month period, an employee may petition the Department
5 in writing to remove his or her name from the Registry.
6 Upon receiving notice of such request, the Inspector
7 General shall conduct an investigation into the petition.
8 Upon receipt of such request, an administrative hearing
9 will be set by the Department. At the hearing, the
10 employee shall bear the burden of presenting evidence that
11 establishes, by a preponderance of the evidence, that
12 removal of the name from the Registry is in the public
13 interest. The parties may jointly request that the
14 administrative law judge consider a stipulated disposition
15 of these proceedings.

16 (t) Review of Administrative Decisions. The Department
17 shall preserve a record of all proceedings at any formal
18 hearing conducted by the Department involving Health Care
19 Worker Registry hearings. Final administrative decisions of
20 the Department are subject to judicial review pursuant to
21 provisions of the Administrative Review Law.

22 (u) Quality Care Board. There is created, within the
23 Office of the Inspector General, a Quality Care Board to be
24 composed of 7 members appointed by the Governor with the
25 advice and consent of the Senate. One of the members shall be
26 designated as chairman by the Governor. Of the initial

1 appointments made by the Governor, 4 Board members shall each
2 be appointed for a term of 4 years and 3 members shall each be
3 appointed for a term of 2 years. Upon the expiration of each
4 member's term, a successor shall be appointed for a term of 4
5 years. In the case of a vacancy in the office of any member,
6 the Governor shall appoint a successor for the remainder of
7 the unexpired term.

8 Members appointed by the Governor shall be qualified by
9 professional knowledge or experience in the area of law,
10 investigatory techniques, or in the area of care of the
11 mentally ill or care of persons with developmental
12 disabilities. Two members appointed by the Governor shall be
13 persons with a disability or parents of persons with a
14 disability. Members shall serve without compensation, but
15 shall be reimbursed for expenses incurred in connection with
16 the performance of their duties as members.

17 The Board shall meet quarterly, and may hold other
18 meetings on the call of the chairman. Four members shall
19 constitute a quorum allowing the Board to conduct its
20 business. The Board may adopt rules and regulations it deems
21 necessary to govern its own procedures.

22 The Board shall monitor and oversee the operations,
23 policies, and procedures of the Inspector General to ensure
24 the prompt and thorough investigation of allegations of
25 neglect and abuse. In fulfilling these responsibilities, the
26 Board may do the following:

1 (1) Provide independent, expert consultation to the
2 Inspector General on policies and protocols for
3 investigations of alleged abuse, neglect, or both abuse
4 and neglect.

5 (2) Review existing regulations relating to the
6 operation of facilities.

7 (3) Advise the Inspector General as to the content of
8 training activities authorized under this Section.

9 (4) Recommend policies concerning methods for
10 improving the intergovernmental relationships between the
11 Office of the Inspector General and other State or federal
12 offices.

13 (v) Annual report. The Inspector General shall provide to
14 the General Assembly and the Governor, no later than January 1
15 of each year, a summary of reports and investigations made
16 under this Act for the prior fiscal year with respect to
17 individuals receiving mental health or developmental
18 disabilities services. The report shall detail the imposition
19 of sanctions, if any, and the final disposition of any
20 corrective or administrative action directed by the Secretary.
21 The summaries shall not contain any confidential or
22 identifying information of any individual, but shall include
23 objective data identifying any trends in the number of
24 reported allegations, the timeliness of the Office of the
25 Inspector General's investigations, and their disposition, for
26 each facility and Department-wide, for the most recent 3-year

1 time period. The report shall also identify, by facility, the
2 staff-to-patient ratios taking account of direct care staff
3 only. The report shall also include detailed recommended
4 administrative actions and matters for consideration by the
5 General Assembly.

6 (w) Program audit. The Auditor General shall conduct a
7 program audit of the Office of the Inspector General on an
8 as-needed basis, as determined by the Auditor General. The
9 audit shall specifically include the Inspector General's
10 compliance with the Act and effectiveness in investigating
11 reports of allegations occurring in any facility or agency.
12 The Auditor General shall conduct the program audit according
13 to the provisions of the Illinois State Auditing Act and shall
14 report its findings to the General Assembly no later than
15 January 1 following the audit period.

16 (x) Nothing in this Section shall be construed to mean
17 that an individual is a victim of abuse or neglect because of
18 health care services appropriately provided or not provided by
19 health care professionals.

20 (y) Nothing in this Section shall require a facility,
21 including its employees, agents, medical staff members, and
22 health care professionals, to provide a service to an
23 individual in contravention of that individual's stated or
24 implied objection to the provision of that service on the
25 ground that that service conflicts with the individual's
26 religious beliefs or practices, nor shall the failure to

1 provide a service to an individual be considered abuse under
2 this Section if the individual has objected to the provision
3 of that service based on his or her religious beliefs or
4 practices.

5 (Source: P.A. 100-313, eff. 8-24-17; 100-432, eff. 8-25-17;
6 100-863, eff. 8-14-18; 100-943, eff. 1-1-19; 100-991, eff.
7 8-20-18; 100-1098, eff. 8-26-18; 101-81, eff. 7-12-19.)

8 Section 150. The Department of Innovation and Technology
9 Act is amended by changing Section 1-5 as follows:

10 (20 ILCS 1370/1-5)

11 Sec. 1-5. Definitions. In this Act:

12 "Bureau of Communications and Computer Services" means the
13 Bureau of Communications and Computer Services, also known as
14 the Bureau of Information and Communication Services, created
15 by rule (2 Illinois Administrative Code 750.40) within the
16 Department of Central Management Services.

17 "Client agency" means each transferring agency, or its
18 successor. When applicable, "client agency" may also include
19 any other public agency to which the Department provides
20 service to the extent specified in an interagency contract
21 with the public agency.

22 "Dedicated unit" means the dedicated bureau, division,
23 office, or other unit within a transferring agency that is
24 responsible for the information technology functions of the

1 transferring agency. For the Office of the Governor,
2 "dedicated unit" means the Information Technology Office, also
3 known as the Office of the Chief Information Officer. For the
4 Department of Central Management Services, "dedicated unit"
5 means the Bureau of Communications and Computer Services, also
6 known as the Bureau of Information and Communication Services.

7 "Department" means the Department of Innovation and
8 Technology.

9 "Information technology" means technology,
10 infrastructure, equipment, systems, software, networks, and
11 processes used to create, send, receive, and store electronic
12 or digital information, including, without limitation,
13 computer systems and telecommunication services and systems.

14 "Information technology" shall be construed broadly to
15 incorporate future technologies (such as sensors and balanced
16 private hybrid or public cloud posture tailored to the mission
17 of the agency) that change or supplant those in effect as of
18 the effective date of this Act.

19 "Information technology functions" means the development,
20 procurement, installation, retention, maintenance, operation,
21 possession, storage, and related functions of all information
22 technology.

23 "Information Technology Office" means the Information
24 Technology Office, also known as the Office of the Chief
25 Information Officer, within the Office of the Governor,
26 created by Executive Order 1999-05, or its successor.

1 "Legacy information technology division" means any
2 division, bureau, or other unit of a transferring agency which
3 has responsibility for information technology functions for
4 the agency prior to the transfer of those functions to the
5 Department, including, without limitation, the Bureau of
6 Communications and Computer Services.

7 "Secretary" means the Secretary of Innovation and
8 Technology.

9 "State agency" means each State agency, department, board,
10 and commission directly responsible to the Governor.

11 "Transferring agency" means the Department on Aging; the
12 Departments of Agriculture, Central Management Services,
13 Children and Family Services, Commerce and Economic
14 Opportunity, Corrections, Employment Security, Financial and
15 Professional Regulation, Healthcare and Family Services, Human
16 Rights, Human Services, Insurance, Juvenile Justice, Labor,
17 Lottery, Military Affairs, Natural Resources, Public Health,
18 Revenue, ~~State Police~~, Transportation, and Veterans' Affairs;
19 the Illinois State Police; the Capital Development Board; the
20 Deaf and Hard of Hearing Commission; the Environmental
21 Protection Agency; the Governor's Office of Management and
22 Budget; the Guardianship and Advocacy Commission; the Historic
23 Preservation Agency; the Illinois Arts Council; the Illinois
24 Council on Developmental Disabilities; the Illinois Emergency
25 Management Agency; the Illinois Gaming Board; the Illinois
26 Health Information Exchange Authority; the Illinois Liquor

1 Control Commission; the Illinois Technology Office; the Office
2 of the State Fire Marshal; and the Prisoner Review Board.
3 "Transferring agency" does not include a State constitutional
4 office, the Office of the Executive Inspector General, or any
5 office of the legislative or judicial branches of State
6 government.

7 (Source: P.A. 100-611, eff. 7-20-18; 100-1169, eff. 1-4-19.)

8 Section 155. The Department of Labor Law of the Civil
9 Administrative Code of Illinois is amended by changing Section
10 1505-200 as follows:

11 (20 ILCS 1505/1505-200) (was 20 ILCS 1505/43.21)

12 Sec. 1505-200. Criminal history record information.
13 Whenever the Department is authorized or required by law to
14 consider some aspect of criminal history record information
15 for the purpose of carrying out its statutory powers and
16 responsibilities, then, upon request and payment of fees in
17 conformance with the requirements of Section 2605-400 of the
18 Illinois Department of State Police Law ~~(20 ILCS~~
19 ~~2605/2605-400)~~, the Illinois Department of State Police is
20 authorized to furnish, pursuant to positive identification,
21 any information contained in State files that is necessary to
22 fulfill the request.

23 (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
5 of Section 10.3, or who does not segregate and keep separate
6 and apart from all other funds and assets, all proceeds from
7 the sale of lottery tickets received by a person in the
8 capacity of a sales agent, shall upon conviction thereof be
9 guilty of a Class 4 felony. The provisions of this Section
10 shall be enforced by the Illinois ~~Department of~~ State Police
11 and 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.
17 The game shall commence on January 1, 2019 or as soon
18 thereafter, at the discretion of the Director, as is
19 reasonably practical. The operation of the game shall be
20 governed by this Act and any rules adopted by the Department.
21 If any provision of this Section is inconsistent with any
22 other provision of this Act, then this Section governs.

23 (b) The net revenue from the State police memorials
24 scratch-off game shall be deposited into the Criminal Justice

1 Information Projects Fund and distributed equally, as soon as
2 practical but at least on a monthly basis, to the Chicago
3 Police Memorial Foundation Fund, the Police Memorial Committee
4 Fund, and the Illinois State Police Memorial Park Fund. Moneys
5 transferred to the funds under this Section shall be used,
6 subject to appropriation, to fund grants for building and
7 maintaining memorials and parks; holding annual memorial
8 commemorations; giving scholarships to children of officers
9 killed or catastrophically injured in the line of duty, or
10 those interested in pursuing a career in law enforcement;
11 providing financial assistance to police officers and their
12 families when a police officer is killed or injured in the line
13 of duty; and providing financial assistance to officers for
14 the purchase or replacement of bulletproof vests to be used in
15 the line of duty.

16 For purposes of this subsection, "net revenue" means the
17 total amount for which tickets have been sold less the sum of
18 the amount paid out in the prizes and the actual
19 administrative expenses of the Department solely related to
20 the scratch-off game under this Section.

21 (c) During the time that tickets are sold for the State
22 police memorials scratch-off game, the Department shall not
23 unreasonably diminish the efforts devoted to marketing any
24 other instant scratch-off lottery game.

25 (d) The Department may adopt any rules necessary to
26 implement and administer the provisions of this Section.

1 (Source: P.A. 100-647, eff. 7-30-18; 101-81, eff. 7-12-19.)

2 Section 165. The Mental Health and Developmental
3 Disabilities Administrative Act is amended by changing Section
4 4.2 as follows:

5 (20 ILCS 1705/4.2) (from Ch. 91 1/2, par. 100-4.2)

6 Sec. 4.2. Facility staff.

7 (a) The Department shall describe and delineate guidelines
8 for each of the facilities it operates regarding the number
9 and qualifications of the staff required to carry out
10 prescribed duties. The guidelines shall be based on
11 consideration of recipient needs as well as professional and
12 programmatic requirements, including those established for
13 purposes of national accreditation and for certification under
14 Titles XVIII and XIX of the federal Social Security Act.

15 (b) As used in this Section, "direct care position" means
16 any position with the Department in which the job titles which
17 will regularly or temporarily entail contact with recipients
18 in the Department's facilities for persons with a mental
19 illness or a developmental disability.

20 (c) The Department shall require that each candidate for
21 employment in a direct care position, as a condition of
22 employment, shall submit to a fingerprint-based criminal
23 background investigation to determine whether the candidate
24 for employment in a direct care position has ever been charged

1 with a crime and, if so, the disposition of those charges. This
2 authorization shall indicate the scope of the inquiry and the
3 agencies which may be contacted. Upon this authorization, the
4 Director (or, on or after July 1, 1997, the Secretary) shall
5 request and receive information and assistance from any
6 federal, State or local governmental agency as part of the
7 authorized investigation. The Illinois ~~Department of~~ State
8 Police shall provide information concerning any criminal
9 charges, and their disposition, now or hereafter filed against
10 a candidate for employment in a direct care position upon
11 request of the Department when the request is made in the form
12 and manner required by the Illinois ~~Department of~~ State
13 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
20 the Department on the application. Information on convictions
21 of a candidate for employment in a direct care position under
22 this Act shall be provided to the director of the employing
23 unit, and, upon request, to the candidate for employment in a
24 direct care position. Any information concerning criminal
25 charges and the disposition of those charges obtained by the
26 Department shall be confidential and may not be transmitted

1 outside the Department, except as required in this Act, and
2 may not be transmitted to anyone within the Department except
3 as needed for the purpose of evaluating an application of a
4 candidate for employment in a direct care position. Only
5 information and standards which bear a reasonable and rational
6 relation to the performance of a direct care position shall be
7 used by the Department. Any employee of the Department or the
8 Illinois Department of State Police receiving confidential
9 information under this Section who gives or causes to be given
10 any confidential information concerning any criminal
11 convictions of a candidate for employment in a direct care
12 position shall be guilty of a Class A misdemeanor unless
13 release of the 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
9 for 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
19 and Minerals) Law of the Civil Administrative Code of Illinois
20 is 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
2 for 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
18 and 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;
15 provided, that no school, college, or university, or
16 department of a university, or other institution that
17 refuses admittance to applicants solely on account of
18 race, color, creed, sex, sexual orientation, or national
19 origin shall be considered 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
24 to 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
8 license to, or shall suspend or revoke a license of, any
9 person 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
21 by a court as being in violation of the Non-Support
22 Punishment Act for more than 60 days. The Department may,
23 however, issue a license or renewal if the person has
24 established a satisfactory repayment record as determined
25 by the Department of Healthcare and Family Services
26 (formerly Illinois Department of Public Aid) or if the

1 person is determined by the court to be in compliance with
2 the Non-Support Punishment Act. The Department may
3 implement this paragraph as added by Public Act 89-6
4 through the use of emergency rules in accordance with
5 Section 5-45 of the Illinois Administrative Procedure Act.
6 For purposes of the Illinois Administrative Procedure Act,
7 the adoption of rules to implement this paragraph shall be
8 considered an emergency and necessary for the public
9 interest, safety, 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
13 when the transfer, acquisition, or acceptance is
14 advantageous to the State and is approved in writing by
15 the Governor.

16 (7) To formulate rules and regulations necessary for
17 the enforcement of any Act administered by the Department.

18 (8) To exchange with the Department of Healthcare and
19 Family Services information that may be necessary for the
20 enforcement of child support orders entered pursuant to
21 the Illinois Public Aid Code, the Illinois Marriage and
22 Dissolution of Marriage Act, the Non-Support of Spouse and
23 Children Act, the Non-Support Punishment Act, the Revised
24 Uniform Reciprocal Enforcement of Support Act, the Uniform
25 Interstate Family Support Act, the Illinois Parentage Act
26 of 1984, or the Illinois Parentage Act of 2015.

1 Notwithstanding any provisions in this Code to the
2 contrary, the Department of Professional Regulation shall
3 not be liable under any federal or State law to any person
4 for any disclosure of information to the Department of
5 Healthcare and Family Services (formerly Illinois
6 Department of Public Aid) under this paragraph (8) or for
7 any other action taken in good faith to comply with the
8 requirements of this paragraph (8).

9 (8.3) To exchange information with the Department of
10 Human Rights regarding recommendations received under
11 paragraph (B) of Section 8-109 of the Illinois Human
12 Rights Act regarding a licensee or candidate for licensure
13 who has committed a civil rights violation that may lead
14 to the refusal, suspension, or revocation of a license
15 from the Department.

16 (8.5) To accept continuing education credit for
17 mandated reporter training on how to recognize and report
18 child abuse offered by the Department of Children and
19 Family Services and completed by any person who holds a
20 professional license issued by the Department and who is a
21 mandated reporter under the Abused and Neglected Child
22 Reporting Act. The Department shall adopt any rules
23 necessary to implement this paragraph.

24 (9) To perform other duties prescribed by law.

25 (a-5) Except in cases involving delinquency in complying
26 with a child support order or violation of the Non-Support

1 Punishment Act and notwithstanding anything that may appear in
2 any individual licensing Act or administrative rule, no person
3 or entity whose license, certificate, or authority has been
4 revoked as authorized in any licensing Act administered by the
5 Department may apply for restoration of that license,
6 certification, or authority until 3 years after the effective
7 date of the revocation.

8 (b) (Blank).

9 (c) For the purpose of securing and preparing evidence,
10 and for the purchase of controlled substances, professional
11 services, and equipment necessary for enforcement activities,
12 recoupment of investigative costs, and other activities
13 directed at suppressing the misuse and abuse of controlled
14 substances, including those activities set forth in Sections
15 504 and 508 of the Illinois Controlled Substances Act, the
16 Director and agents appointed and authorized by the Director
17 may expend sums from the Professional Regulation Evidence Fund
18 that the Director deems necessary from the amounts
19 appropriated for that purpose. Those sums may be advanced to
20 the agent when the Director deems that procedure to be in the
21 public interest. Sums for the purchase of controlled
22 substances, professional services, and equipment necessary for
23 enforcement activities and other activities as set forth in
24 this Section shall be advanced to the agent who is to make the
25 purchase from the Professional Regulation Evidence Fund on
26 vouchers signed by the Director. The Director and those agents

1 are authorized to maintain one or more commercial checking
2 accounts with any State banking corporation or corporations
3 organized under or subject to the Illinois Banking Act for the
4 deposit and withdrawal of moneys to be used for the purposes
5 set forth in this Section; provided, that no check may be
6 written nor any withdrawal made from any such account except
7 upon the written signatures of 2 persons designated by the
8 Director to write those checks and make those withdrawals.
9 Vouchers for those expenditures must be signed by the
10 Director. All such expenditures shall be audited by the
11 Director, and the audit shall be submitted to the Department
12 of Central Management Services for approval.

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

23 (e) The provisions of this Section do not apply to private
24 business and vocational schools as defined by Section 15 of
25 the Private Business and Vocational Schools Act of 2012.

26 (f) (Blank).

1 (f-5) Notwithstanding anything that may appear in any
2 individual licensing statute or administrative rule, the
3 Department shall allow an applicant to provide his or her
4 individual taxpayer identification number as an alternative to
5 providing a social security number when applying for a
6 license.

7 (g) Notwithstanding anything that may appear in any
8 individual licensing statute or administrative rule, the
9 Department shall deny any license application or renewal
10 authorized under any licensing Act administered by the
11 Department to any person who has failed to file a return, or to
12 pay the tax, penalty, or interest shown in a filed return, or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Illinois
15 Department of Revenue, until such time as the requirement of
16 any such tax Act are satisfied; however, the Department may
17 issue a license or renewal if the person has established a
18 satisfactory repayment record as determined by the Illinois
19 Department of Revenue. For the purpose of this Section,
20 "satisfactory repayment record" shall be defined by rule.

21 In addition, a complaint filed with the Department by the
22 Illinois Department of Revenue that includes a certification,
23 signed by its Director or designee, attesting to the amount of
24 the unpaid tax liability or the years for which a return was
25 not filed, or both, is prima facie evidence of the licensee's
26 failure to comply with the tax laws administered by the

1 Illinois Department of Revenue. Upon receipt of that
2 certification, the Department shall, without a hearing,
3 immediately suspend all licenses held by the licensee.
4 Enforcement of the Department's order shall be stayed for 60
5 days. The Department shall provide notice of the suspension to
6 the licensee by mailing a copy of the Department's order to the
7 licensee's address of record or emailing a copy of the order to
8 the licensee's email address of record. The notice shall
9 advise the licensee that the suspension shall be effective 60
10 days after the issuance of the Department's order unless the
11 Department receives, from the licensee, a request for a
12 hearing before the Department to dispute the matters contained
13 in the order.

14 Any suspension imposed under this subsection (g) shall be
15 terminated by the Department upon notification from the
16 Illinois Department of Revenue that the licensee is in
17 compliance with all tax laws administered by the Illinois
18 Department of Revenue.

19 The Department may promulgate rules for the administration
20 of this subsection (g).

21 (h) The Department may grant the title "Retired", to be
22 used immediately adjacent to the title of a profession
23 regulated by the Department, to eligible retirees. For
24 individuals licensed under the Medical Practice Act of 1987,
25 the title "Retired" may be used in the profile required by the
26 Patients' Right to Know Act. The use of the title "Retired"

1 shall not constitute representation of current licensure,
2 registration, or certification. Any person without an active
3 license, registration, or certificate in a profession that
4 requires licensure, registration, or certification shall not
5 be permitted to practice that profession.

6 (i) The Department shall make available on its website
7 general information explaining how the Department utilizes
8 criminal history information in making licensure application
9 decisions, including a list of enumerated offenses that serve
10 as a statutory bar to licensure.

11 (Source: P.A. 100-262, eff. 8-22-17; 100-863, eff. 8-14-18;
12 100-872, eff. 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff.
13 1-1-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20.)

14 (20 ILCS 2105/2105-20)

15 Sec. 2105-20. Criminal history records checks. Licensees
16 or applicants applying for expedited licensure through an
17 interstate compact enacted into law by the General Assembly,
18 including, but not limited to, the Interstate Medical
19 Licensure Compact Act, who have designated Illinois as the
20 principal state of licensure for the purposes of the compact
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
24 furnishing criminal history record information as prescribed
25 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 or
5 licensees a fee for conducting the criminal history records
6 check, which shall be deposited into the State Police Services
7 Fund and shall not exceed the actual cost of the records check.
8 The Illinois ~~Department of~~ State Police shall furnish,
9 pursuant to positive identification, records of Illinois
10 convictions to the Department. The Department may require
11 applicants or licensees to pay a separate fingerprinting fee,
12 either to the Department or to a vendor designated or approved
13 by the Department. The Department, in its discretion, may
14 allow an applicant or licensee who does not have reasonable
15 access to a designated vendor to provide his or her
16 fingerprints in an alternative manner. The Department may
17 adopt any rules necessary to implement this Section.
18 Communication between the Department and an interstate compact
19 governing body, including, but not limited to, the Interstate
20 Commission as defined in Section 180 of the Interstate Medical
21 Licensure Compact Act, may not include information received
22 from the Federal Bureau of Investigation relating to a State
23 and federal criminal history records check.

24 (Source: P.A. 100-230, eff. 8-18-17.)

25 Section 185. The Department of Public Health Powers and

1 Duties Law of the Civil Administrative Code of Illinois is
2 amended by changing Sections 2310-185 and 2310-376 as follows:

3 (20 ILCS 2310/2310-185) (was 20 ILCS 2310/55.51)

4 Sec. 2310-185. Criminal history record information.

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

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

16 (20 ILCS 2310/2310-376)

17 Sec. 2310-376. Hepatitis education and outreach.

18 (a) The Illinois General Assembly finds and declares the
19 following:

20 (1) The World Health Organization characterizes
21 hepatitis as a disease of primary concern to humanity.

22 (2) Hepatitis is considered a silent killer; no
23 recognizable signs or symptoms occur until severe liver
24 damage has occurred.

1 (3) Studies indicate that nearly 4 million Americans
2 (1.8 percent of the population) carry the virus HCV that
3 causes the disease.

4 (4) 30,000 acute new infections occur each year in the
5 United States, and only 25 to 30 percent are diagnosed.

6 (5) 8,000 to 10,000 Americans die from the disease
7 each year.

8 (6) 200,000 Illinois residents may be carriers and
9 could develop the debilitating and potentially deadly
10 liver disease.

11 (7) Inmates of correctional facilities have a higher
12 incidence of hepatitis and, upon their release, present a
13 significant health risk to the general population.

14 (8) Illinois members of the armed services are subject
15 to an increased risk of contracting hepatitis due to their
16 possible receipt of contaminated blood during a
17 transfusion occurring for the treatment of wounds and due
18 to their service in areas of the World where the disease is
19 more prevalent and healthcare is less capable of detecting
20 and treating the disease. Many of these service members
21 are unaware of the danger of hepatitis and their increased
22 risk of contracting the disease.

23 (b) Subject to appropriation, the Department shall conduct
24 an education and outreach campaign, in addition to its overall
25 effort to prevent infectious disease in Illinois, in order to
26 raise awareness about and promote prevention of hepatitis.

1 (c) Subject to appropriation, in addition to the education
2 and outreach campaign provided in subsection (b), the
3 Department shall develop and make available to physicians,
4 other health care providers, members of the armed services,
5 and other persons subject to an increased risk of contracting
6 hepatitis, educational materials, in written and electronic
7 forms, on the diagnosis, treatment, and prevention of the
8 disease. These materials shall include the recommendations of
9 the federal Centers for Disease Control and Prevention and any
10 other persons or entities determined by the Department to have
11 particular expertise on hepatitis, including the American
12 Liver Foundation. These materials shall be written in terms
13 that are understandable by members of the general public.

14 (d) The Department shall establish an Advisory Council on
15 Hepatitis to develop a hepatitis prevention plan. The
16 Department shall specify the membership, members' terms,
17 provisions for removal of members, chairmen, and purpose of
18 the Advisory Council. The Advisory Council shall consist of
19 one representative from each of the following State agencies
20 or offices, appointed by the head of each agency or office:

21 (1) The Department of Public Health.

22 (2) The Department of Public Aid.

23 (3) The Department of Corrections.

24 (4) The Department of Veterans' Affairs.

25 (5) The Department on Aging.

26 (6) The Department of Human Services.

1 (7) The Illinois ~~Department of~~ State Police.

2 (8) The office of the State Fire Marshal.

3 The Director shall appoint representatives of
4 organizations and advocates in the State of Illinois,
5 including, but not limited to, the American Liver Foundation.
6 The Director shall also appoint interested members of the
7 public, including consumers and providers of health services
8 and representatives of local public health agencies, to
9 provide recommendations and information to the members of the
10 Advisory Council. Members of the Advisory Council shall serve
11 on a voluntary, unpaid basis and are not entitled to
12 reimbursement for mileage or other costs they incur in
13 connection with performing their duties.

14 (Source: P.A. 93-129, eff. 1-1-04; 94-406, eff. 8-2-05.)

15 Section 190. The Department of Revenue Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 2505-675 as follows:

18 (20 ILCS 2505/2505-675) (was 20 ILCS 2505/39b50)

19 Sec. 2505-675. Whenever the Department is authorized or
20 required by law to consider some aspect of criminal history
21 record information for the purpose of carrying out its
22 statutory powers and responsibilities, then, upon request and
23 payment of fees in conformance with the requirements of
24 Section 2605-400 of the Illinois ~~Department of~~ State Police

1 Law ~~(20 ILCS 2605/2605-400)~~, the Illinois ~~Department of~~ State
2 Police is authorized to furnish, pursuant to positive
3 identification, the information contained in State files that
4 is necessary to fulfill the request.
5 (Source: P.A. 91-239, eff. 1-1-00.)

6 Section 195. The Department of State Police Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 the heading of Article 2605 and Sections 2605-1, 2605-5,
9 2605-10, 2605-25, 2605-30, 2605-35, 2605-40, 2605-45, 2605-50,
10 2605-52, 2605-54, 2605-55, 2605-75, 2605-190, 2605-200,
11 2605-211, 2605-212, 2605-220, 2605-250, 2605-305, 2605-315,
12 2605-320, 2605-325, 2605-327, 2605-330, 2605-335, 2605-340,
13 2605-345, 2605-355, 2605-375, 2605-377, 2605-378, 2605-380,
14 2605-400, 2605-405, 2605-407, 2605-410, 2605-420, 2605-475,
15 2605-480, 2605-485, 2605-505, 2605-550, 2605-575, 2605-585,
16 2605-590, 2605-595, 2605-600, 2605-605, and 2605-610 and by
17 adding Section 2605-51 as follows:

18 (20 ILCS 2605/Art. 2605 heading)

19 ARTICLE 2605. ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE

20 (20 ILCS 2605/2605-1)

21 Sec. 2605-1. Article short title. This Article 2605 of the
22 Civil Administrative Code of Illinois may be cited as the
23 Illinois ~~Department of~~ State Police Law (formerly the

1 Department of State Police Law).

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

3 (20 ILCS 2605/2605-5)

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

5 ~~"Department" means the Department of State Police.~~

6 "Director" means the Director of the Illinois State
7 Police.

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

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

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

15 (3) incapable of returning to the individual's
16 residence without assistance.

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

18 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

19 Sec. 2605-10. Powers and duties, generally.

20 (a) The Illinois State Police shall exercise the rights,
21 powers, and duties that have been vested in the Illinois State
22 Police by the following:

23 The Illinois State Police Act.

24 The Illinois State Police Radio Act.

- 1 The Criminal Identification Act.
2 The Illinois Vehicle Code.
3 The Firearm Owners Identification Card Act.
4 The Firearm Concealed Carry Act.
5 The Gun Dealer Licensing Act.
6 The Intergovernmental Missing Child Recovery Act of 1984.
7 The Intergovernmental Drug Laws Enforcement Act.
8 The Narcotic Control Division Abolition Act.

9 **(b)** The Illinois State Police ~~Department~~ shall have the
10 powers and duties set forth in the following Sections.

11 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
12 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
13 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

14 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

15 Sec. 2605-25. Illinois State Police ~~Department~~ divisions.

16 (a) The Illinois State Police ~~Department~~ is divided into
17 the Office of the Statewide 9-1-1 Administrator, and the
18 following divisions: the Division of Patrol Operations, the
19 Division of Criminal Investigation, the Division of Forensic
20 Services, the Division of Justice Services, the Division of
21 the Academy and Training, and the Division of Internal
22 Investigation ~~Illinois State Police Academy, the Office of the~~
23 ~~Statewide 9-1-1 Administrator, and 4 divisions: the Division~~
24 ~~of Operations, the Division of Forensic Services, the Division~~
25 ~~of Justice Services, and the Division of Internal~~

1 ~~Investigation.~~

2 (b) The Office of the Director shall:

3 (1) Exercise the rights, powers, and duties vested in
4 the Illinois State Police Department by the Governor's
5 Office of Management and Budget Act.

6 (2) Exercise the rights, powers, and duties vested in
7 the Illinois State Police Department by the Personnel
8 Code.

9 (3) Exercise the rights, powers, and duties vested in
10 the Illinois State Police Department by "An Act relating
11 to internal auditing in State government", approved August
12 11, 1967 (repealed; now the Fiscal Control and Internal
13 Auditing Act).

14 (Source: P.A. 101-378, eff. 1-1-20.)

15 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

16 Sec. 2605-30. Division of Patrol Operations (formerly
17 State Troopers). The Division of Patrol Operations shall
18 exercise the following functions and those in Section 2605-35:

19 (1) Cooperate with federal and State authorities
20 requesting utilization of the Illinois State Police's
21 ~~Department's~~ radio network system under the Illinois
22 Aeronautics Act.

23 (2) Exercise the rights, powers, and duties of the
24 Illinois State Police under the Illinois State Police Act.

25 (3) (Blank) ~~Exercise the rights, powers, and duties~~

1 ~~vested by law in the Department by the State Police Radio~~
2 ~~Act.~~

3 (4) Exercise the rights, powers, and duties of the
4 Illinois State Police Department ~~Department~~ vested by law in the
5 ~~Department and the~~ Illinois State Police by the Illinois
6 Vehicle Code.

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

9 (6) Exercise other duties that may be assigned by the
10 Director in order to fulfill the responsibilities and to
11 achieve the purposes of the Illinois State Police
12 ~~Department~~.

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

14 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

15 Sec. 2605-35. Division of ~~Operations~~ (formerly Criminal
16 Investigation).

17 (a) The Division of Criminal Investigation ~~Operations~~
18 shall exercise the following functions and those in Section
19 2605-30:

20 (1) Exercise the rights, powers, and duties vested by
21 law in the Illinois State Police Department ~~Department~~ by the
22 Illinois Horse Racing Act of 1975, including those set
23 forth in Section 2605-215.

24 (2) Investigate the origins, activities, personnel,
25 and incidents of crime and enforce the criminal laws of

1 this State related thereto.

2 (3) Enforce all laws regulating the production, sale,
3 prescribing, manufacturing, administering, transporting,
4 having in possession, dispensing, delivering,
5 distributing, or use of controlled substances and
6 cannabis.

7 (4) Cooperate with the police of cities, villages, and
8 incorporated towns and with the police officers of any
9 county in enforcing the laws of the State and in making
10 arrests and recovering property.

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

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

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

24 (8) Investigate public corruption. ~~Exercise the powers~~
25 ~~and perform the duties that have been vested in the~~
26 ~~Department by the Sex Offender Registration Act and the~~

1 ~~Sex Offender Community Notification Law; and promulgate~~
2 ~~reasonable rules and regulations necessitated thereby.~~

3 (9) Exercise other duties that may be assigned by the
4 Director in order to fulfill the responsibilities and
5 achieve the purposes of the Illinois State Police, which
6 may include the coordination of gang, terrorist, and
7 organized crime prevention, control activities, and
8 assisting local law enforcement in their crime control
9 activities Department.

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

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

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

26 ~~The Office shall also consult with and use the services of~~

1 ~~religious leaders and other celebrities to assist in gang~~
2 ~~control activities.~~

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

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

7 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

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

10 (1) Provide crime scene services and traffic crash
11 reconstruction. ~~(Blank).~~

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

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

18 (4) (Blank).

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

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

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

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

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

1 the investigation and trial of capital cases.

2 (Source: P.A. 101-378, eff. 1-1-20.)

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

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

6 (1) Operate and maintain the Law Enforcement Agencies
7 Data System (LEADS), a statewide, computerized
8 telecommunications system designed to provide services,
9 information, and capabilities to the law enforcement and
10 criminal justice community in the State of Illinois. The
11 Director is responsible for establishing policy,
12 procedures, and regulations consistent with State and
13 federal rules, policies, and law by which LEADS operates.
14 The Director shall designate a statewide LEADS
15 Administrator for management of the system. The Director
16 may appoint a LEADS Advisory Policy Board to reflect the
17 needs and desires of the law enforcement and criminal
18 justice community and to make recommendations concerning
19 policies and procedures. ~~(Blank).~~

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

22 (3) Serve as the State's point of contact for the
23 Federal Bureau of Investigation's Uniform Crime Reporting
24 Program and National Incident-Based Reporting System
25 ~~(Blank).~~

1 (4) Operate an electronic data processing and computer
2 center for the storage and retrieval of data pertaining to
3 criminal activity.

4 (5) (Blank). ~~Exercise the rights, powers, and duties~~
5 ~~vested in the former Division of State Troopers by Section~~
6 ~~17 of the State Police Act.~~

7 (6) (Blank).

8 (6.5) Exercise the rights, powers, and duties vested
9 in the Illinois State Police Department by the Firearm
10 Owners Identification Card Act, the Firearm Concealed
11 Carry Act, and the Firearm Dealer License Certification
12 Act.

13 (7) Exercise other duties that may be assigned by the
14 Director to fulfill the responsibilities and achieve the
15 purposes of the Illinois State Police Department.

16 (8) Exercise the rights, powers, and duties vested by
17 law in the Illinois State Police Department by the
18 Criminal Identification Act.

19 (9) Exercise the powers and perform the duties that
20 have been vested in the Illinois State Police by the Sex
21 Offender Registration Act and the Sex Offender Community
22 Notification Law and adopt reasonable rules necessitated
23 thereby.

24 (Source: P.A. 101-378, eff. 1-1-20.)

25 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

1 Sec. 2605-50. Division of Internal Investigation. The
2 Division of Internal Investigation shall have jurisdiction and
3 initiate internal Illinois State Police departmental
4 investigations and, at the direction of the Governor,
5 investigate complaints and initiate investigations of official
6 misconduct by State officers and all State employees ~~under the~~
7 ~~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
25 Article 5, Chapter 11 of the Illinois Vehicle Code

1 concerning testing.

2 (7) Duties assigned to the Illinois State Police in
3 Article 108B of the Code of Criminal Procedure.

4 (b) The Division of the Academy and Training shall
5 exercise the rights, powers, and duties vested in the former
6 Division of State Troopers by Section 17 of the Illinois State
7 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
20 training in death and homicide investigation for State
21 police officers. Only State police officers who
22 successfully complete the training may be assigned as lead
23 investigators in death and homicide investigations.
24 Satisfactory completion of the training shall be evidenced
25 by a certificate issued to the officer by the Division of
26 the Academy and Training. The Director shall develop a

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

7 (3) Training; police dog training standards. All
8 police dogs used by the Illinois State Police for drug
9 enforcement purposes pursuant to the Cannabis Control Act,
10 the Illinois Controlled Substances Act, and the
11 Methamphetamine Control and Community Protection Act shall
12 be trained by programs that meet the certification
13 requirements set by the Director or the Director's
14 designee. Satisfactory completion of the training shall be
15 evidenced by a certificate issued by the Division of the
16 Academy and Training.

17 (4) Training; post-traumatic stress disorder. The
18 Division of the Academy and Training shall conduct or
19 approve a training program in post-traumatic stress
20 disorder for State police officers. The purpose of that
21 training shall be to equip State police officers to
22 identify the symptoms of post-traumatic stress disorder
23 and to respond appropriately to individuals exhibiting
24 those symptoms.

25 (5) Training; opioid antagonists. The Division of the
26 Academy and Training shall conduct or approve a training

1 program for State police officers in the administration of
2 opioid antagonists as defined in paragraph (1) of
3 subsection (e) of Section 5-23 of the Substance Use
4 Disorder Act that is in accordance with that Section. As
5 used in this Section, "State police officers" includes
6 full-time or part-time State police officers,
7 investigators, and any other employee of the Illinois
8 State Police exercising the powers of a peace officer.

9 (6) Training; sexual assault and sexual abuse.

10 (A) Every 3 years, the Division of the Academy and
11 Training shall present in-service training on sexual
12 assault and sexual abuse response and report writing
13 training requirements, including, but not limited to,
14 the following:

15 (i) recognizing the symptoms of trauma;

16 (ii) understanding the role trauma has played
17 in a victim's life;

18 (iii) responding to the needs and concerns of
19 a victim;

20 (iv) delivering services in a compassionate,
21 sensitive, and nonjudgmental manner;

22 (v) interviewing techniques in accordance with
23 the curriculum standards in this paragraph (6);

24 (vi) understanding cultural perceptions and
25 common myths of sexual assault and sexual abuse;

26 and

1 (vii) report writing techniques in accordance
2 with the curriculum standards in this paragraph
3 (6).

4 (B) This training must also be presented in all
5 full and part-time basic law enforcement academies.

6 (C) Instructors providing this training shall have
7 successfully completed training on evidence-based,
8 trauma-informed, victim-centered responses to cases of
9 sexual assault and sexual abuse and have experience
10 responding to sexual assault and sexual abuse cases.

11 (D) The Illinois State Police shall adopt rules,
12 in consultation with the Office of the Attorney
13 General and the Illinois Law Enforcement Training
14 Standards Board, to determine the specific training
15 requirements for these courses, including, but not
16 limited to, the following:

17 (i) evidence-based curriculum standards for
18 report writing and immediate response to sexual
19 assault and sexual abuse, including
20 trauma-informed, victim-centered interview
21 techniques, which have been demonstrated to
22 minimize retraumatization, for all State police
23 officers; and

24 (ii) evidence-based curriculum standards for
25 trauma-informed, victim-centered investigation
26 and interviewing techniques, which have been

1 demonstrated to minimize retraumatization, for
2 cases of sexual assault and sexual abuse for all
3 State police officers who conduct sexual assault
4 and sexual abuse investigations.

5 (7) Training; human trafficking. The Division of the
6 Academy and Training shall conduct or approve a training
7 program in the detection and investigation of all forms of
8 human trafficking, including, but not limited to,
9 involuntary servitude under subsection (b) of Section 10-9
10 of the Criminal Code of 2012, involuntary sexual servitude
11 of a minor under subsection (c) of Section 10-9 of the
12 Criminal Code of 2012, and trafficking in persons under
13 subsection (d) of Section 10-9 of the Criminal Code of
14 2012. This program shall be made available to all cadets
15 and State police officers.

16 (8) Training; hate crimes. The Division of the Academy
17 and Training shall provide training for State police
18 officers in identifying, responding to, and reporting all
19 hate crimes.

20 (20 ILCS 2605/2605-52)

21 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

22 (a) There shall be established an Office of the Statewide
23 9-1-1 Administrator within the Illinois State Police
24 ~~Department~~. Beginning January 1, 2016, the Office of the
25 Statewide 9-1-1 Administrator shall be responsible for

1 developing, implementing, and overseeing a uniform statewide
2 9-1-1 system for all areas of the State outside of
3 municipalities having a population over 500,000.

4 (b) The Governor shall appoint, with the advice and
5 consent of the Senate, a Statewide 9-1-1 Administrator. The
6 Administrator shall serve for a term of 2 years, and until a
7 successor is appointed and qualified; except that the term of
8 the first 9-1-1 Administrator appointed under this Act shall
9 expire on the third Monday in January, 2017. The Administrator
10 shall not hold any other remunerative public office. The
11 Administrator shall receive an annual salary as set by the
12 Governor.

13 (c) The Illinois State Police Department, from
14 appropriations made to it for that purpose, shall make grants
15 to 9-1-1 Authorities for the purpose of defraying costs
16 associated with 9-1-1 system consolidations awarded by the
17 Administrator under Section 15.4b of the Emergency Telephone
18 System Act.

19 (d) The Office of the Statewide 9-1-1 Administrator shall
20 exercise the rights, powers, and duties vested by law in the
21 Illinois State Police by the State Police Radio Act.

22 (e) The Office of the Statewide 9-1-1 Administrator shall
23 also conduct the following communication activities:

24 (1) Acquire and operate one or more radio broadcasting
25 stations in the State to be used for police purposes.

26 (2) Operate a statewide communications network to

1 gather and disseminate information for law enforcement
2 agencies.

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

6 (4) Undertake other communication activities that may
7 be required by law.

8 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

9 (20 ILCS 2605/2605-54)

10 Sec. 2605-54. Training policy; persons arrested while
11 under the influence of alcohol or drugs. The Illinois State
12 Police Department shall adopt a policy and provide training to
13 State Police officers concerning response and care for persons
14 under the influence of alcohol or drugs. The policy shall be
15 consistent with the Substance Use Disorder Act and shall
16 provide guidance for the arrest of persons under the influence
17 of alcohol or drugs, proper medical attention if warranted,
18 and care and release of those persons from custody. The policy
19 shall provide guidance concerning the release of persons
20 arrested under the influence of alcohol or drugs who are under
21 the age of 21 years of age which shall include, but not be
22 limited to, language requiring the arresting officer to make a
23 reasonable attempt to contact a responsible adult who is
24 willing to take custody of the person who is under the
25 influence of alcohol or drugs.

1 (Source: P.A. 100-537, eff. 6-1-18; 100-759, eff. 1-1-19.)

2 (20 ILCS 2605/2605-55)

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

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

12 (20 ILCS 2605/2605-75) (was 20 ILCS 2605/55a in part)

13 Sec. 2605-75. Bilingual police officers. The Illinois
14 State Police ~~Department~~ may ascertain the number of bilingual
15 police officers and other personnel needed to provide services
16 in a language other than English and may establish, under
17 applicable personnel rules and Illinois State Police
18 ~~Department~~ guidelines or through a collective bargaining
19 agreement, a bilingual pay supplement program.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
22 90-793, eff. 8-14-98; 91-239; 1-1-00.)

23 (20 ILCS 2605/2605-190) (was 20 ILCS 2605/55a in part)

1 Sec. 2605-190. Other laws in relation to law enforcement.
2 To enforce and administer other laws in relation to law
3 enforcement to the extent that they vest any rights, powers,
4 or duties in the Illinois State Police Department.

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

8 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

9 Sec. 2605-200. Investigations of crime; enforcement of
10 laws; records; crime laboratories; personnel.

11 (a) To do the following:

12 (1) Investigate the origins, activities, personnel,
13 and incidents of crime and the ways and means to redress
14 the victims of crimes; study the impact, if any, of
15 legislation relative to the effusion of crime and growing
16 crime rates; and enforce the criminal laws of this State
17 related thereto.

18 (2) Enforce all laws regulating the production, sale,
19 prescribing, manufacturing, administering, transporting,
20 having in possession, dispensing, delivering,
21 distributing, or use of controlled substances and
22 cannabis.

23 (3) Employ skilled experts, scientists, technicians,
24 investigators, or otherwise specially qualified persons to
25 aid in preventing or detecting crime, apprehending

1 criminals, or preparing and presenting evidence of
2 violations of the criminal laws of the State.

3 (4) Cooperate with the police of cities, villages, and
4 incorporated towns and with the police officers of any
5 county in enforcing the laws of the State and in making
6 arrests and recovering property.

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

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

12 (7) Be a central repository and custodian of criminal
13 statistics for the State.

14 (8) Be a central repository for criminal history
15 record information.

16 (9) Procure and file for record information that is
17 necessary and helpful to plan programs of crime
18 prevention, law enforcement, and criminal justice.

19 (10) Procure and file for record copies of
20 fingerprints that may be required by law.

21 (11) Establish general and field crime laboratories.

22 (12) Register and file for record information that may
23 be required by law for the issuance of firearm owner's
24 identification cards under the Firearm Owners
25 Identification Card Act and concealed carry licenses under
26 the Firearm Concealed Carry Act.

1 (13) Employ laboratory technicians and other specially
2 qualified persons to aid in the identification of criminal
3 activity and the identification, collection, and recovery
4 of cyber forensics, including but not limited to digital
5 evidence, and may employ polygraph operators.

6 (14) Undertake other identification, information,
7 laboratory, statistical, or registration activities that
8 may be required by law.

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

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;
21 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

22 (20 ILCS 2605/2605-211)

23 Sec. 2605-211. Protocol; methamphetamine; illegal
24 manufacture.

25 (a) The Illinois ~~Department of~~ State Police shall develop

1 a protocol to be followed in performing gross remediation of
2 clandestine laboratory sites not to exceed the standards
3 established by the United States Drug Enforcement
4 Administration.

5 (b) "Gross remediation" means the removal of any and all
6 identifiable clandestine laboratory ingredients and apparatus.

7 (c) The Illinois ~~Department of~~ State Police must post the
8 protocol on its official Web site.

9 (Source: P.A. 94-555, eff. 8-12-05.)

10 (20 ILCS 2605/2605-212)

11 Sec. 2605-212. Children; methamphetamine; protocol. The
12 Illinois State Police ~~Department~~ shall cooperate with the
13 Department of Children and Family Services and the State Board
14 of Education in developing the protocol required under Section
15 6.5 of the Children and Family Services Act. The Illinois
16 State Police ~~Department~~ must post the protocol on the official
17 Web site maintained by the Illinois State Police ~~Department~~.

18 (Source: P.A. 94-554, eff. 1-1-06.)

19 (20 ILCS 2605/2605-220) (was 20 ILCS 2605/55a-7)

20 Sec. 2605-220. Public aid fraud investigations. The
21 Illinois State Police ~~Department~~, through the Division of
22 Criminal Investigation ~~Operations~~, shall investigate
23 recipients and providers under the Illinois Public Aid Code
24 and any personnel involved in the administration of the Code

1 who are suspected of any violations of the Code pertaining to
2 fraud in the administration, receipt, or provision of
3 assistance and pertaining to any violation of criminal law.
4 The Illinois State Police ~~Department~~ shall, in addition to
5 functions otherwise authorized by State and federal law,
6 exercise the following functions:

7 (1) Initiate investigations of suspected cases of
8 public aid fraud.

9 (2) Investigate cases of public aid fraud.

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

11 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

12 Sec. 2605-250. Obtaining evidence. To expend the sums the
13 Director deems necessary from contractual services
14 appropriations for the Illinois State Police ~~Division of~~
15 ~~Operations~~ for the purchase of evidence and for the employment
16 of persons to obtain evidence. The sums shall be advanced to
17 agents authorized by the Director to expend funds, on vouchers
18 signed by the Director.

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;
21 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff.
22 1-1-01.)

23 (20 ILCS 2605/2605-305) (was 20 ILCS 2605/55a in part)

24 Sec. 2605-305. Statewide Organized Criminal Gang Database

1 (SWORD). The Illinois State Police ~~Department~~ may establish
2 and maintain, within the Illinois State Police ~~Department~~, a
3 Statewide Organized Criminal Gang Database (SWORD) for the
4 purpose of tracking organized criminal gangs and their
5 memberships. Information in the database may include, but not
6 be limited to, the name, last known address, birth date,
7 physical descriptions (such as scars, marks, or tattoos),
8 officer safety information, organized gang affiliation, and
9 entering agency identifier. The Illinois State Police
10 ~~Department~~ may develop, in consultation with the Criminal
11 Justice Information Authority, and in a form and manner
12 prescribed by the Illinois State Police ~~Department~~, an
13 automated data exchange system to compile, to maintain, and to
14 make this information electronically available to prosecutors
15 and to other law enforcement agencies. The information may be
16 used by authorized agencies to combat the operations of
17 organized criminal gangs statewide.

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;
20 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

21 (20 ILCS 2605/2605-315) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-315. Criminal history record information for
23 Department of Children and Family Services. Upon the request
24 of the Department of Children and Family Services, the
25 Illinois ~~Department of~~ State Police shall provide properly

1 designated employees of the Department of Children and Family
2 Services with criminal history record information as defined
3 in the Illinois Uniform Conviction Information Act and
4 information maintained in the statewide central juvenile
5 records system as defined in Section 2605-355 if the
6 Department of Children and Family Services determines the
7 information is necessary to perform its duties under the
8 Abused and Neglected Child Reporting Act, the Child Care Act
9 of 1969, and the Children and Family Services Act. The request
10 shall be in the form and manner specified by the Illinois
11 ~~Department of~~ State Police.

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

15 (20 ILCS 2605/2605-320)

16 Sec. 2605-320. Criminal history information for Department
17 of Human Services. Upon request of the Department of Human
18 Services, to conduct an assessment and evaluation of sexually
19 violent persons as mandated by the Sexually Violent Persons
20 Commitment Act, the Illinois State Police ~~Department~~ shall
21 furnish criminal history information maintained on the
22 requested person. The request shall be in the form and manner
23 specified by the Illinois State Police ~~Department~~.

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;

1 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

2 (20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-325. Conviction information for school board or
4 regional superintendent. On request of a school board or
5 regional superintendent of schools, to conduct a
6 fingerprint-based criminal history records check pursuant to
7 Section 10-21.9 or 34-18.5 of the School Code. The Illinois
8 State Police Department shall furnish the conviction
9 information to the president of the school board of the school
10 district that has requested the information or, if the
11 information was requested by the regional superintendent, to
12 that regional superintendent.

13 (Source: P.A. 93-909, eff. 8-12-04.)

14 (20 ILCS 2605/2605-327)

15 Sec. 2605-327. Conviction and sex offender information for
16 medical school. Upon the inquiry of a medical school under the
17 Medical School Matriculant Criminal History Records Check Act,
18 to ascertain whether a matriculant of the medical school has
19 been convicted of any violent felony or has been adjudicated a
20 sex offender.

21 The Illinois State Police Department shall make sex
22 offender information available to the inquiring medical school
23 through the Statewide Sex Offender Database. Medical schools
24 in this State must conduct an inquiry into the Statewide Sex

1 Offender Database on all matriculants as part of the
2 admissions process.

3 Pursuant to the Medical School Matriculant Criminal
4 History Records Check Act, the Illinois State Police
5 ~~Department~~ shall conduct a fingerprint-based criminal history
6 records check of the Illinois criminal history records
7 database and the Federal Bureau of Investigation criminal
8 history records database upon the request of a public medical
9 school. Pursuant to the Medical School Matriculant Criminal
10 History Records Check Act, the Illinois State Police
11 ~~Department~~ shall conduct a fingerprint-based, Illinois Uniform
12 Conviction Information Act check of the Illinois criminal
13 history records database upon the request of a private medical
14 school. The Illinois State Police ~~Department~~ may charge the
15 requesting public or private medical school a fee for
16 conducting the fingerprint-based criminal history records
17 check. The fee shall not exceed the cost of the inquiry and
18 shall be deposited into the State Police Services Fund.

19 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

20 (20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-330. Firefighter applicant criminal history
22 records checks. Upon the request of the chief of a fire
23 department or the board of trustees of a fire protection
24 district, the Illinois State Police ~~Department~~ shall conduct
25 fingerprint-based criminal history records checks of both

1 State and Federal Bureau of Investigation criminal history
2 record databases concerning prospective firefighters and
3 report to the requesting chief or the board of trustees of a
4 fire protection district any conviction information about
5 those persons. The Illinois State Police ~~Department~~ may charge
6 the requesting chief or board of trustees a fee for conducting
7 the criminal history records check. The fee shall be deposited
8 into the State Police Services Fund and shall not exceed the
9 cost of the inquiry. The Illinois State Police ~~Department~~ may
10 prescribe the form and manner for requesting and furnishing
11 conviction information under this Section.

12 (Source: P.A. 92-16, eff. 6-28-01; 93-952, eff. 1-1-05.)

13 (20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

14 Sec. 2605-335. Conviction information for private child
15 services organization. Upon the request of any private
16 organization that devotes a major portion of its time to the
17 provision of recreational, social, educational, or child
18 safety services to children, to conduct, pursuant to positive
19 identification, criminal background investigations of all of
20 that organization's current employees, current volunteers,
21 prospective employees, or prospective volunteers charged with
22 the care and custody of children during the provision of the
23 organization's services, and to report to the requesting
24 organization any record of convictions maintained in the
25 Illinois State Police's ~~Department's~~ files about those

1 persons. The Illinois State Police ~~Department~~ shall charge an
2 application fee, based on actual costs, for the dissemination
3 of conviction information pursuant to this Section. The
4 Illinois State Police ~~Department~~ is empowered to establish
5 this fee and shall prescribe the form and manner for
6 requesting and furnishing conviction information pursuant to
7 this Section.

8 Information received by the organization from the Illinois
9 State Police ~~Department~~ concerning an individual shall be
10 provided to the individual. Any such information obtained by
11 the organization shall be confidential and may not be
12 transmitted outside the organization and may not be
13 transmitted to anyone within the organization except as needed
14 for the purpose of evaluating the individual. Only information
15 and standards that bear a reasonable and rational relation to
16 the performance of child care shall be used by the
17 organization.

18 Any employee of the Illinois State Police ~~Department~~ or
19 any member, employee, or volunteer of the organization
20 receiving confidential information under this Section who
21 gives or causes to be given any confidential information
22 concerning any criminal convictions of an individual shall be
23 guilty of a Class A misdemeanor unless release of the
24 information is authorized by this Section.

25 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
26 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;

1 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

2 (20 ILCS 2605/2605-340) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-340. Conviction information for private carrier
4 company under Metropolitan Transit Authority Act. Upon the
5 request of a private carrier company that provides
6 transportation under Section 28b of the Metropolitan Transit
7 Authority Act, to ascertain whether an applicant for a driver
8 position has been convicted of any criminal or drug offense
9 enumerated in that Section. The Illinois State Police
10 ~~Department~~ shall furnish the conviction information to the
11 private carrier company that requested the information.

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

15 (20 ILCS 2605/2605-345)

16 Sec. 2605-345. Conviction information for financial
17 institutions. Upon the request of (i) an insured depository
18 institution, as defined by the Federal Deposit Insurance
19 Corporation Act, (ii) a depository institution holding
20 company, as defined by the Federal Deposit Insurance
21 Corporation Act, (iii) a foreign banking corporation, as
22 defined by the Foreign Banking Office Act, (iv) a corporate
23 fiduciary, as defined by the Corporate Fiduciary Act, (v) a
24 credit union, as defined in the Illinois Credit Union Act, or

1 (vi) a subsidiary of any entity listed in items (i) through (v)
2 of this Section (each such entity or subsidiary hereinafter
3 referred to as a "requesting institution"), to ascertain
4 whether any employee of the requesting institution, applicant
5 for employment by the requesting institution, or officer,
6 director, agent, institution-affiliated party, or any other
7 party who owns or controls, directly or indirectly, or
8 participates, directly or indirectly, in the affairs of the
9 requesting institution, has been convicted of a felony or of
10 any criminal offense relating to dishonesty, breach of trust,
11 or money laundering, the Illinois State Police ~~Department~~
12 shall furnish the conviction information to the requesting
13 institution.

14 (Source: P.A. 97-1120, eff. 1-1-13.)

15 (20 ILCS 2605/2605-355) (was 20 ILCS 2605/55a in part)
16 Sec. 2605-355. Delinquent minors; statewide central
17 juvenile records system. To develop a separate statewide
18 central juvenile records system for persons arrested prior to
19 the age of 17 under Section 5-401 of the Juvenile Court Act of
20 1987 or adjudicated delinquent minors and to make information
21 available to local law enforcement officers so that law
22 enforcement officers will be able to obtain rapid access to
23 the background of the minor from other jurisdictions to the
24 end that the juvenile police officers can make appropriate
25 decisions that will best serve the interest of the child and

1 the community. The Illinois State Police ~~Department~~ shall
2 submit a quarterly report to the General Assembly and
3 Governor. The report shall contain the number of juvenile
4 records that the Illinois State Police ~~Department~~ has received
5 in that quarter and a list, by category, of offenses that
6 minors were arrested for or convicted of by age, race, and
7 gender.

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;
10 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

11 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

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

14 (a) To utilize the ~~establish and maintain a~~ statewide Law
15 Enforcement Agencies Data System (LEADS) for the purpose of
16 providing electronic access by authorized entities to criminal
17 justice data repositories and effecting an immediate law
18 enforcement response to reports of missing persons, including
19 lost, missing or runaway minors, lost or missing individuals
20 with developmental or intellectual disabilities, and missing
21 endangered seniors. The Illinois State Police ~~Department~~ shall
22 implement an automatic data exchange system to compile, to
23 maintain, and to make available to other law enforcement
24 agencies for immediate dissemination data that can assist
25 appropriate agencies in recovering missing persons and provide

1 access by authorized entities to various data repositories
2 available through LEADS for criminal justice and related
3 purposes. To assist the Illinois State Police ~~Department~~ in
4 this effort, funds may be appropriated from the LEADS
5 Maintenance Fund. Funds may be appropriated from the LEADS
6 Maintenance Fund to the Illinois State Police ~~Department~~ to
7 finance any of its lawful purposes or functions in relation to
8 defraying the expenses associated with establishing,
9 maintaining, and supporting the issuance of electronic
10 citations.

11 (b) In exercising its duties under this Section, the
12 Illinois State Police ~~Department~~ shall provide a uniform
13 reporting format (LEADS) for the entry of pertinent
14 information regarding the report of a missing person into
15 LEADS. The report must include all of the following:

16 (1) Relevant information obtained from the
17 notification concerning the missing person, including all
18 of the following:

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

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

22 (C) the missing person's address.

23 (2) Information gathered by a preliminary
24 investigation, if one was made.

25 (3) A statement by the law enforcement officer in
26 charge stating the officer's assessment of the case based

1 on the evidence and information received.

2 (b-5) The Illinois ~~Department of~~ State Police shall:

3 (1) Develop and implement a policy whereby a statewide
4 or regional alert would be used in situations relating to
5 the disappearances of individuals, based on criteria and
6 in a format established by the Illinois State Police
7 ~~Department~~. Such a format shall include, but not be
8 limited to, the age of the missing person and the
9 suspected circumstance of the disappearance.

10 (2) Notify all law enforcement agencies that reports
11 of missing persons shall be entered as soon as the minimum
12 level of data specified by the Illinois State Police
13 ~~Department~~ is available to the reporting agency and that
14 no waiting period for the entry of the data exists.

15 (3) Compile and retain information regarding lost,
16 abducted, missing, or runaway minors in a separate data
17 file, in a manner that allows that information to be used
18 by law enforcement and other agencies deemed appropriate
19 by the Director, for investigative purposes. The
20 information shall include the disposition of all reported
21 lost, abducted, missing, or runaway minor cases.

22 (4) Compile and maintain an historic data repository
23 relating to lost, abducted, missing, or runaway minors and
24 other missing persons, including, but not limited to, lost
25 or missing individuals with developmental or intellectual
26 disabilities and missing endangered seniors, in order to

1 develop and improve techniques utilized by law enforcement
2 agencies when responding to reports of missing persons.

3 (5) Create a quality control program regarding
4 confirmation of missing person data, timeliness of entries
5 of missing person reports into LEADS, and performance
6 audits of all entering agencies.

7 (c) The Illinois Law Enforcement Training Standards Board
8 shall conduct a training program for law enforcement personnel
9 of local governmental agencies in the Missing Persons
10 Identification Act.

11 (d) The Illinois ~~Department of~~ State Police shall perform
12 the duties prescribed in the Missing Persons Identification
13 Act, subject to appropriation.

14 (Source: P.A. 100-662, eff. 1-1-19.)

15 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

16 Sec. 2605-377. Department of Healthcare and Family
17 Services; LEADS access.

18 (a) The Department of Healthcare and Family Services is an
19 authorized entity under this Law for the purpose of exchanging
20 information, in the form and manner required by the Illinois
21 ~~Department of~~ State Police, to facilitate the location of
22 individuals for establishing paternity, and establishing,
23 modifying, and enforcing child support obligations, pursuant
24 to the Illinois Public Aid Code and Title IV, Part D of the
25 Social Security Act.

1 (b) The Department of Healthcare and Family Services is an
2 authorized entity under this Section for the purpose of
3 obtaining access to various data repositories available
4 through LEADS, to facilitate the location of individuals for
5 establishing paternity, and establishing, modifying, and
6 enforcing child support obligations, pursuant to the Illinois
7 Public Aid Code and Title IV, Part D of the Social Security
8 Act. The Illinois State Police ~~Department~~ shall enter into an
9 agreement with the Department of Healthcare and Family
10 Services consistent with these purposes.

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

12 (20 ILCS 2605/2605-378)

13 Sec. 2605-378. I-CLEAR. The Illinois ~~Department of~~ State
14 Police shall provide for the entry into the Illinois Citizens
15 and Law Enforcement Analysis and Reporting System (I-CLEAR) of
16 the names and addresses of arsonists as defined in the
17 Arsonist Registration Act who are required to register under
18 that Act. The information shall be immediately accessible to
19 law enforcement agencies and peace officers of this State or
20 any other state or of the federal government. Similar
21 information may be requested from any other state or of the
22 federal government for the purposes of that Act.

23 (Source: P.A. 93-949, eff. 1-1-05.)

24 (20 ILCS 2605/2605-380) (was 20 ILCS 2605/55a-8)

1 Sec. 2605-380. Dental records. The Illinois State Police
2 ~~Department~~ shall do the following:

3 (1) Coordinate State participation in a national
4 central repository for dental records of missing persons
5 and unidentified dead bodies.

6 (2) Receive and file dental records submitted by
7 county medical examiners and coroners from unidentified
8 dead bodies and submitted by law enforcement agencies from
9 persons reported missing for more than 30 days.

10 (3) Provide information from the file on possible
11 identifications resulting from the comparison of dental
12 records submitted with those records on file, to county
13 medical examiners, coroners, and law enforcement agencies.

14 (4) Expunge the dental records of those missing
15 persons who are found, and expunge from the file the
16 dental records of missing persons who are positively
17 identified as a result of comparisons made with this file
18 or the files maintained by other states, territories,
19 insular possessions of the United States, or the United
20 States.

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

22 (20 ILCS 2605/2605-400) (was 20 ILCS 2605/55a in part)

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

24 (a) To charge, collect, and receive fees or moneys
25 equivalent to the cost of providing Illinois State Police

1 ~~Department~~ personnel, equipment, and services to local
2 governmental agencies when explicitly requested by a local
3 governmental agency and pursuant to an intergovernmental
4 agreement as provided by this Law, other State agencies, and
5 federal agencies, including but not limited to fees or moneys
6 equivalent to the cost of providing dispatching services,
7 radio and radar repair, and training to local governmental
8 agencies on terms and conditions that in the judgment of the
9 Director are in the best interest of the State; and to
10 establish, charge, collect, and receive fees or moneys based
11 on the cost of providing responses to requests for criminal
12 history record information pursuant to positive identification
13 and any Illinois or federal law authorizing access to some
14 aspect of that information and to prescribe the form and
15 manner for requesting and furnishing the information to the
16 requestor on terms and conditions that in the judgment of the
17 Director are in the best interest of the State, provided fees
18 for requesting and furnishing criminal history record
19 information may be waived for requests in the due
20 administration of the criminal laws. The Illinois State Police
21 ~~Department~~ may also charge, collect, and receive fees or
22 moneys equivalent to the cost of providing electronic data
23 processing lines or related telecommunication services to
24 local governments, but only when those services can be
25 provided by the Illinois State Police ~~Department~~ at a cost
26 less than that experienced by those local governments through

1 other means. All services provided by the Illinois State
2 Police Department shall be conducted pursuant to contracts in
3 accordance with the Intergovernmental Cooperation Act, and all
4 telecommunication services shall be provided pursuant to the
5 provisions of Section 405-270 of the Department of Central
6 Management Services Law ~~(20 ILCS 405/405-270)~~.

7 (b) All fees received by the Illinois State Police
8 Department under the Civil Administrative Code of Illinois or
9 the Illinois Uniform Conviction Information Act shall be
10 deposited in a special fund in the State treasury to be known
11 as the State Police Services Fund. The money deposited in the
12 State Police Services Fund shall be appropriated to the
13 Illinois State Police Department for expenses of the Illinois
14 State Police Department.

15 (c) Upon the completion of any audit of the Illinois State
16 Police Department as prescribed by the Illinois State Auditing
17 Act, which audit includes an audit of the State Police
18 Services Fund, the Illinois State Police Department shall make
19 the audit open to inspection by any interested person.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
22 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

23 (20 ILCS 2605/2605-405) (was 20 ILCS 2605/55a in part)

24 Sec. 2605-405. Applying for grants or contracts; moneys
25 from other entities. To apply for grants or contracts and

1 receive, expend, allocate, or disburse funds and moneys made
2 available by public or private entities, including, but not
3 limited to, contracts, bequests, grants, or receiving
4 equipment from corporations, foundations, or public or private
5 institutions of higher learning. All funds received by the
6 Illinois State Police Department from these sources shall be
7 deposited into the appropriate fund in the State treasury to
8 be appropriated to the Illinois State Police Department for
9 purposes as indicated by the grantor or contractor or, in the
10 case of funds or moneys bequeathed or granted for no specific
11 purpose, for any purpose deemed appropriate by the Director in
12 administering the responsibilities of the Illinois State
13 Police Department.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
15 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
16 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

17 (20 ILCS 2605/2605-407)

18 Sec. 2605-407. Illinois State Police Federal Projects
19 Fund. The Illinois State Police Federal Projects Fund is
20 established as a federal trust fund in the State treasury.
21 This federal Trust Fund is established to receive funds
22 awarded to the Illinois Department of State Police from the
23 following: (i) all federal departments and agencies for the
24 specific purposes established by the terms and conditions of
25 the federal awards and (ii) federal pass-through grants from

1 State departments and agencies for the specific purposes
2 established by the terms and conditions of the grant
3 agreements. Any interest earnings that are attributable to
4 moneys in the federal trust fund must be deposited into the
5 Fund.

6 (Source: P.A. 97-116, eff. 1-1-12; 97-826, eff. 7-18-12.)

7 (20 ILCS 2605/2605-410)

8 Sec. 2605-410. Over Dimensional Load Police Escort Fund.
9 To charge, collect, and receive fees or moneys as described in
10 Section 15-312 of the Illinois Vehicle Code. All fees received
11 by the Illinois State Police under Section 15-312 of the
12 Illinois Vehicle Code shall be deposited into the Over
13 Dimensional Load Police Escort Fund, a special fund that is
14 created in the State treasury. Subject to appropriation, the
15 money in the Over Dimensional Load Police Escort Fund shall be
16 used by the Illinois State Police ~~Department~~ for its expenses
17 in providing police escorts and commercial vehicle enforcement
18 activities.

19 (Source: P.A. 95-787, eff. 1-1-09.)

20 (20 ILCS 2605/2605-420) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-420. Assisting victims and witnesses of gang
22 crime. To assist victims and witnesses in gang crime
23 prosecutions through the administration of funds appropriated
24 from the Gang Violence Victims and Witnesses Fund to the

1 Illinois State Police ~~Department~~. Those funds shall be
2 appropriated to the Illinois State Police ~~Department~~ and shall
3 only be used to assist victims and witnesses in gang crime
4 prosecutions. The assistance may include any of the following:

5 (1) Temporary living costs.

6 (2) Moving expenses.

7 (3) Closing costs on the sale of a private residence.

8 (4) First month's rent.

9 (5) Security deposits.

10 (6) Apartment location assistance.

11 (7) Other expenses that the Illinois State Police
12 ~~Department~~ considers appropriate.

13 (8) Compensation for any loss of or injury to real or
14 personal property resulting from a gang crime to a maximum
15 of \$5,000, subject to the following provisions:

16 (A) In the case of loss of property, the amount of
17 compensation shall be measured by the replacement cost
18 of similar or like property that has been incurred by
19 and that is substantiated by the property owner.

20 (B) In the case of injury to property, the amount
21 of compensation shall be measured by the cost of
22 repair incurred and that can be substantiated by the
23 property owner.

24 (C) Compensation under this provision is a
25 secondary source of compensation and shall be reduced
26 by any amount the property owner receives from any

1 other source as compensation for the loss or injury,
2 including, but not limited to, personal insurance
3 coverage.

4 (D) No compensation may be awarded if the property
5 owner was an offender or an accomplice of the offender
6 or if the award would unjustly benefit the offender or
7 offenders or an accomplice of the offender or
8 offenders.

9 No victim or witness may receive assistance under this
10 Section if he or she is not a part of or fails to fully
11 cooperate in the prosecution of gang crime members by law
12 enforcement authorities.

13 The Illinois State Police Department shall promulgate any
14 rules necessary for the implementation of this amendatory Act
15 of 1985.

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

19 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

20 Sec. 2605-475. Emergency Telephone System Act. The Illinois
21 State Police Department and Statewide 9-1-1 Administrator
22 shall exercise the powers and perform the duties specifically
23 assigned to each under the Emergency Telephone System Act.
24 Nothing in the Emergency Telephone System Act shall require
25 the Illinois Department of State Police to provide wireless

1 enhanced 9-1-1 services.

2 (Source: P.A. 100-20, eff. 7-1-17.)

3 (20 ILCS 2605/2605-480)

4 Sec. 2605-480. Statewide kidnapping alert and prevention
5 program; Child Safety Coordinator.

6 (a) The Illinois ~~Department of~~ State Police shall develop
7 a coordinated program for a statewide emergency alert system
8 when a child is missing or kidnapped. The system shall
9 include, but is not limited to, the use in coordination with
10 the Illinois Department of Transportation, of electronic
11 message signs on roads and highways in the vicinity of a child
12 abduction to immediately provide critical information to the
13 public.

14 (b) The Illinois ~~Department of~~ State Police shall
15 establish an AMBER Plan Task Force to monitor and review the
16 implementation and operation of the system developed under
17 subsection (a), including procedures, budgetary requirements,
18 and response protocols. The Task Force shall also develop
19 additional network resources for use in the system.

20 (c) The Illinois ~~Department of~~ State Police, in
21 coordination with the Illinois Emergency Management Agency,
22 shall develop and implement a community outreach program to
23 promote awareness among the State's parents and children of
24 child abduction prevention and response.

25 (d) The Illinois ~~Department of~~ State Police, in

1 coordination with the State Board of Education, shall develop
2 child abduction prevention instruction for inclusion in
3 elementary and secondary school curricula throughout the
4 State. The Illinois State Police ~~Department~~ and State Board of
5 Education shall encourage the inclusion of the child abduction
6 prevention instruction in private elementary and secondary
7 school curricula throughout the State.

8 (e) The Illinois State Police ~~Department~~ shall appoint a
9 Child Safety Coordinator to assist in the establishment of
10 State standards for child safety from kidnap and abduction and
11 to advocate for the achievement of those standards. The Child
12 Safety Coordinator shall have the qualifications and
13 experience that the Illinois State Police ~~Department~~ shall
14 require by rule. The Child Safety Coordinator shall receive no
15 compensation but shall be reimbursed for his or her expenses
16 from the Illinois State Police's ~~Department's~~ operations
17 budget. No funds shall be appropriated solely for the expenses
18 of the Child Safety Coordinator. The Illinois State Police
19 ~~Department~~ shall provide technical assistance for the Child
20 Safety Coordinator from its existing resources.

21 (Source: P.A. 92-259, eff. 1-1-02; 92-468, eff. 8-22-01;
22 93-310, eff. 7-23-03.)

23 (20 ILCS 2605/2605-485)

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

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

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

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

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

24 (c-5) Subject to appropriation, the Illinois Department ~~of~~
25 State Police, in coordination with the Illinois Department of
26 Human Services, shall develop and implement a community

1 outreach program to promote awareness of the Endangered
2 Missing Person Advisory among applicable entities, including,
3 but not limited to, developmental disability facilities as
4 defined in Section 1-107 of the Mental Health and
5 Developmental Disabilities Code. The guidelines and procedures
6 shall ensure that specific health information about the
7 missing person is not made public through the alert or
8 otherwise.

9 (d) The Child Safety Coordinator, created under Section
10 2605-480 of this ~~the Department of State Police~~ Law, shall act
11 in the dual capacity of Child Safety Coordinator and
12 Endangered Missing Person Coordinator. The Coordinator shall
13 assist in the establishment of State standards and monitor the
14 availability of federal funding that may become available to
15 further the objectives of the Endangered Missing Person
16 Advisory. The Illinois State Police ~~Department~~ shall provide
17 technical assistance for the Coordinator from its existing
18 resources.

19 (e)(1) The Illinois ~~Department~~ of State Police, in
20 cooperation with the Silver Search Task Force, shall develop
21 as part of the Endangered Missing Person Advisory a
22 coordinated statewide awareness program and toolkit to be used
23 when a person 21 years of age or older who is believed to have
24 Alzheimer's disease, other related dementia, or other
25 dementia-like cognitive impairment is reported missing, which
26 shall be referred to as Silver Search.

1 (2) The Illinois State Police ~~Department~~ shall complete
2 development and deployment of the Silver Search Awareness
3 Program and toolkit on or before July 1, 2017.

4 (3) The Illinois ~~Department~~ of State Police shall
5 establish a Silver Search Task Force within 90 days after the
6 effective date of this amendatory Act of the 99th General
7 Assembly to assist the Illinois State Police ~~Department~~ in
8 development and deployment of the Silver Search Awareness
9 Program and toolkit. The Task Force shall establish the
10 criteria and create a toolkit, which may include usage of
11 Department of Transportation signs, under Section 2705-505.6
12 of the Department of Transportation Law of the Civil
13 Administrative Code of Illinois. The Task Force shall monitor
14 and review the implementation and operation of that program,
15 including procedures, budgetary requirements, standards, and
16 minimum requirements for the training of law enforcement
17 personnel on how to interact appropriately and effectively
18 with individuals that suffer from Alzheimer's disease, other
19 dementia, or other dementia-like cognitive impairment. The
20 Task Force shall also develop additional network and financial
21 resources for use in the system. The Task Force shall include,
22 but is not limited to, one representative from each of the
23 following:

- 24 (A) the Illinois ~~Department~~ of State Police;
- 25 (B) the Department on Aging;
- 26 (C) the Department of Public Health;

1 (D) the Illinois Law Enforcement Training Standards
2 Board;

3 (E) the Illinois Emergency Management Agency;

4 (F) the Secretary of State;

5 (G) the Department of Transportation;

6 (H) the Department of the Lottery;

7 (I) the Illinois Toll Highway Authority;

8 (J) a State association dedicated to Alzheimer's care,
9 support, and research;

10 (K) a State association dedicated to improving quality
11 of life for persons age 50 and over;

12 (L) a State group of area agencies involved in
13 planning and coordinating services and programs for older
14 persons in their respective areas;

15 (M) a State organization dedicated to enhancing
16 communication and cooperation between sheriffs;

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

19 (O) a State association representing Illinois
20 publishers;

21 (P) a State association that advocates for the
22 broadcast industry;

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

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

26 The members of the Task Force designated in subparagraphs

1 (A) through (I) of this paragraph (3) shall be appointed by the
2 head of the respective agency. The members of the Task Force
3 designated in subparagraphs (J) through (R) of this paragraph
4 (3) shall be appointed by the Director of the Illinois State
5 Police. The Director of the Illinois State Police or his or her
6 designee shall serve as Chair of the Task Force.

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

11 (4) Subject to appropriation, the Illinois ~~Department of~~
12 ~~State Police~~, in coordination with the Department on Aging and
13 the Silver Search Task Force, shall develop and implement a
14 community outreach program to promote awareness of the Silver
15 Search Program as part of the Endangered Missing Person
16 Advisory among law enforcement agencies, the State's
17 healthcare facilities, nursing homes, assisted living
18 facilities, other senior centers, and the general population
19 on or before January 1, 2017.

20 (5) The Child Safety Coordinator, created under Section
21 2605-480 of this ~~the Department of State Police Law of the~~
22 ~~Civil Administrative Code of Illinois~~, shall act in the
23 capacity of Child Safety Coordinator, Endangered Missing
24 Person Coordinator, and Silver Search Program Coordinator. The
25 Coordinator, in conjunction with the members of the Task
26 Force, shall assist the Illinois State Police ~~Department~~ and

1 the Silver Search Task Force in the establishment of State
2 standards and monitor the availability of federal and private
3 funding that may become available to further the objectives of
4 the Endangered Missing Person Advisory and Silver Search
5 Awareness Program. The Illinois State Police ~~Department~~ shall
6 provide technical assistance for the Coordinator from its
7 existing resources.

8 (6) The Illinois ~~Department of~~ State Police shall provide
9 administrative and other support to the Task Force.

10 (Source: P.A. 99-322, eff. 1-1-16; 100-662, eff. 1-1-19.)

11 (20 ILCS 2605/2605-505) (was 20 ILCS 2605/55b)

12 Sec. 2605-505. Local citizens radio groups. The Illinois
13 State Police ~~Department~~ is authorized to use local citizens
14 radio groups in connection with its communication duties under
15 the Civil Administrative Code of Illinois and to coordinate
16 those local citizens radio groups with the functions of local
17 law enforcement agencies as the Illinois State Police
18 ~~Department~~ deems advisable. With the approval of the Illinois
19 State Police ~~Department~~, those local citizens radio groups
20 shall be eligible for law enforcement grants.

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

22 (20 ILCS 2605/2605-550) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-550. Transfer of realty to State agency;
24 acquisition of federal land. To transfer jurisdiction of any

1 realty title to which is held by the State of Illinois under
2 the control of the Illinois State Police ~~Department~~ to any
3 other department of the State government or to the State
4 Employees Housing Commission or to acquire or accept federal
5 land when the transfer, acquisition, or acceptance is
6 advantageous to the State and is approved in writing by the
7 Governor.

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;
10 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

11 (20 ILCS 2605/2605-575)

12 Sec. 2605-575. Children's fingerprints. With the written
13 permission of the child's parent or guardian, the Illinois
14 State Police ~~Department~~ may retain the fingerprint record of a
15 child fingerprinted by the Illinois State Police ~~Department~~ at
16 any location of collection, such as a State fair, county fair,
17 or other place the Illinois State Police ~~Department~~ collects
18 such data. The record may be retained and used only if the
19 child is later missing or abducted, if an Amber Alert is issued
20 for that child, or if a missing person report is filed for that
21 child with one or more local law enforcement agencies, and for
22 no other purpose. After the child reaches the age of 18, the
23 record must be destroyed unless the Illinois State Police
24 ~~Department~~, within a reasonable period after the fingerprinted
25 person's 18th birthday, obtains the permission of the

1 fingerprinted person to retain the fingerprint record.

2 (Source: P.A. 94-481, eff. 1-1-06.)

3 (20 ILCS 2605/2605-585)

4 Sec. 2605-585. Money Laundering Asset Recovery Fund.

5 Moneys and the sale proceeds distributed to the Illinois

6 ~~Department of~~ State Police under paragraph (3) of Section

7 29B-26 of the Criminal Code of 2012 shall be deposited in a

8 special fund in the State treasury to be known as the Money

9 Laundering Asset Recovery Fund. The moneys deposited in the

10 Money Laundering Asset Recovery Fund shall be appropriated to

11 and administered by the Illinois ~~Department of~~ State Police

12 for State law enforcement purposes.

13 (Source: P.A. 100-699, eff. 8-3-18.)

14 (20 ILCS 2605/2605-590)

15 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys

16 deposited into the Drug Traffic Prevention Fund pursuant to

17 subsection (e) of Section 5-9-1.1 and subsection (c) of

18 Section 5-9-1.1-5 of the Unified Code of Corrections shall be

19 appropriated to and administered by the Illinois ~~Department of~~

20 State Police for funding of drug task forces and Metropolitan

21 Enforcement Groups in accordance with the Intergovernmental

22 Drug Laws Enforcement Act.

23 (Source: P.A. 98-463, eff. 8-16-13.)

1 (20 ILCS 2605/2605-595)

2 Sec. 2605-595. State Police Firearm Services Fund.

3 (a) There is created in the State treasury a special fund
4 known as the State Police Firearm Services Fund. The Fund
5 shall receive revenue under the Firearm Concealed Carry Act
6 and Section 5 of the Firearm Owners Identification Card Act.
7 The Fund may also receive revenue from grants, pass-through
8 grants, donations, appropriations, and any other legal source.

9 (b) The Illinois ~~Department of~~ State Police may use moneys
10 in the Fund to finance any of its lawful purposes, mandates,
11 functions, and duties under the Firearm Owners Identification
12 Card Act and the Firearm Concealed Carry Act, including the
13 cost of sending notices of expiration of Firearm Owner's
14 Identification Cards, concealed carry licenses, the prompt and
15 efficient processing of applications under the Firearm Owners
16 Identification Card Act and the Firearm Concealed Carry Act,
17 the improved efficiency and reporting of the LEADS and federal
18 NICS law enforcement data systems, and support for
19 investigations required under these Acts and law. Any surplus
20 funds beyond what is needed to comply with the aforementioned
21 purposes shall be used by the Illinois State Police ~~Department~~
22 to improve the Law Enforcement Agencies Data System (LEADS)
23 and criminal history background check system.

24 (c) Investment income that is attributable to the
25 investment of moneys in the Fund shall be retained in the Fund
26 for the uses specified in this Section.

1 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

2 (20 ILCS 2605/2605-600)

3 Sec. 2605-600. Crimes Against Police Officers Advisory.

4 (a) For purposes of this Section:

5 "Attempt" has the meaning ascribed to that term in
6 Section 8-4 of the Criminal Code of 2012.

7 "Concealment of homicidal death" has the meaning
8 ascribed to that term in Section 9-3.4 of the Criminal
9 Code of 2012.

10 "First degree murder" has the meaning ascribed to that
11 term in Section 9-1 of the Criminal Code of 2012.

12 "Involuntary manslaughter" and "reckless homicide"
13 have the meanings ascribed to those terms in Section 9-3
14 of the Criminal Code of 2012.

15 "Second degree murder" has the meaning ascribed to
16 that term in Section 9-2 of the Criminal Code of 2012.

17 (b) A coordinated program known as the Crimes Against
18 Police Officers Advisory is established within the Illinois
19 ~~Department of~~ State Police. The purpose of the Crimes Against
20 Police Officers Advisory is to provide a regional system for
21 the rapid dissemination of information regarding a person who
22 is suspected of committing or attempting to commit any of the
23 offenses described in subsection (c).

24 (c) The Illinois ~~Department of~~ State Police shall develop
25 an advisory to assist law enforcement agencies when the

1 commission or attempted commission of the following offenses
2 against a peace officer occur:

- 3 (1) first degree murder;
- 4 (2) second degree murder;
- 5 (3) involuntary manslaughter;
- 6 (4) reckless homicide; and
- 7 (5) concealment of homicidal death.

8 (d) Law enforcement agencies participating in the advisory
9 may request assistance when:

- 10 (1) the agency believes that a suspect has not been
11 apprehended;
- 12 (2) the agency believes that the suspect may be a
13 serious threat to the public; and
- 14 (3) sufficient information is available to disseminate
15 to the public that could assist in locating the suspect.

16 (e) The Illinois ~~Department of~~ State Police shall reserve
17 the authority to determine if dissemination of the information
18 will pose a significant risk to the public or jeopardize the
19 investigation.

20 (f) The Illinois ~~Department of~~ State Police may partner
21 with media and may request a media broadcast concerning
22 details of the suspect in order to obtain the public's
23 assistance in locating the suspect or vehicle used in the
24 offense, or both.

25 (Source: P.A. 98-263, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 (20 ILCS 2605/2605-605)

2 Sec. 2605-605. Violent Crime Intelligence Task Force. The
3 Director of the Illinois State Police may establish a
4 statewide multi-jurisdictional Violent Crime Intelligence Task
5 Force led by the Illinois ~~Department of~~ State Police dedicated
6 to combating gun violence, gun-trafficking, and other violent
7 crime with the primary mission of preservation of life and
8 reducing the occurrence and the fear of crime. The objectives
9 of the Task Force shall include, but not be limited to,
10 reducing and preventing illegal possession and use of
11 firearms, firearm-related homicides, and other violent crimes.

12 (1) The Task Force may develop and acquire information,
13 training, tools, and resources necessary to implement a
14 data-driven approach to policing, with an emphasis on
15 intelligence development.

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

20 (3) The Task Force may recognize and utilize best
21 practices of community policing and may develop potential
22 partnerships with faith-based and community organizations to
23 achieve its goals.

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

1 (5) The Task Force may assist in violence suppression
2 strategies including, but not limited to, details in
3 identified locations that have shown to be the most prone to
4 gun violence and violent crime, focused deterrence against
5 violent gangs and groups considered responsible for the
6 violence in communities, and other intelligence driven methods
7 deemed necessary to interrupt cycles of violence or prevent
8 retaliation.

9 (6) In consultation with the Chief Procurement Officer,
10 the Illinois ~~Department of~~ State Police may obtain contracts
11 for software, commodities, resources, and equipment to assist
12 the Task Force with achieving this Act. Any contracts
13 necessary to support the delivery of necessary software,
14 commodities, resources, and equipment are not subject to the
15 Illinois Procurement Code, except for Sections 20-60, 20-65,
16 20-70, and 20-160 and Article 50 of that Code, provided that
17 the Chief Procurement Officer may, in writing with
18 justification, waive any certification required under Article
19 50 of the Illinois Procurement Code.

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

21 (20 ILCS 2605/2605-610)

22 Sec. 2605-610. Possession of a Firearm Owner's
23 Identification Card. The Illinois State Police ~~Department~~
24 shall not make possession of a Firearm Owner's Identification
25 Card a condition of continued employment if the State Police

1 officer's Firearm Owner's Identification Card is revoked or
2 seized because the State Police officer has been a patient of a
3 mental health facility and the State Police officer has not
4 been determined to pose a clear and present danger to himself,
5 herself, or others as determined by a physician, clinical
6 psychologist, or qualified examiner. Nothing in this Section
7 shall otherwise impair an employer's ability to determine a
8 State Police officer's fitness for duty. A collective
9 bargaining agreement already in effect on this issue on the
10 effective date of this amendatory Act of the 101st General
11 Assembly cannot be modified, but on or after the effective
12 date of this amendatory Act of the 101st General Assembly, the
13 employer cannot require a Firearm Owner's Identification Card
14 as a condition of continued employment in a collective
15 bargaining agreement. The employer shall document if and why a
16 State Police officer has been determined to pose a clear and
17 present danger.

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

19 (20 ILCS 2605/2605-85 rep.)

20 (20 ILCS 2605/2605-90 rep.)

21 (20 ILCS 2605/2605-95 rep.)

22 (20 ILCS 2605/2605-96 rep.)

23 (20 ILCS 2605/2605-97 rep.)

24 (20 ILCS 2605/2605-98 rep.)

25 (20 ILCS 2605/2605-99 rep.)

1 (20 ILCS 2605/2605-100 rep.)

2 (20 ILCS 2605/2605-105 rep.)

3 (20 ILCS 2605/2605-110 rep.)

4 (20 ILCS 2605/2605-115 rep.)

5 (20 ILCS 2605/2605-120 rep.)

6 (20 ILCS 2605/2605-130 rep.)

7 (20 ILCS 2605/2605-135 rep.)

8 (20 ILCS 2605/2605-140 rep.)

9 (20 ILCS 2605/2605-300 rep.)

10 (20 ILCS 2605/2605-390 rep.)

11 (20 ILCS 2605/2605-500 rep.)

12 Section 197. The Department of State Police Law of the
13 Civil Administrative Code of Illinois is amended by repealing
14 Sections 2605-85, 2605-90, 2605-95, 2605-96, 2605-97, 2605-98,
15 2605-99, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120,
16 2605-130, 2605-135, 2605-140, 2605-300, 2605-390, and
17 2605-500.

18 Section 200. The State Police Act is amended by changing
19 the title of the Act and Sections 0.01, 1, 2, 3, 8, 9, 10,
20 12.2, 12.5, 13, 14, 16, 17b, 18, 20, 21, 22, 24, 30, 35, 38,
21 40, and 45 as follows:

22 (20 ILCS 2610/Act title)

23 An Act in relation to the Illinois ~~Department of~~ State
24 Police.

1 (20 ILCS 2610/0.01) (from Ch. 121, par. 307.01)

2 Sec. 0.01. Short title. This Act may be cited as the
3 Illinois State Police Act.

4 (Source: P.A. 86-1324.)

5 (20 ILCS 2610/1) (from Ch. 121, par. 307.1)

6 Sec. 1. The Illinois ~~Department of~~ State Police,
7 ~~hereinafter called the Department,~~ shall maintain divisions in
8 accordance with Section 2605-25 of the Illinois ~~Department of~~
9 State Police Law ~~(20 ILCS 2605/2605-25)~~. The Illinois State
10 Police ~~Department,~~ by the Director, shall appoint State
11 policemen, also known as State Police Officers, as provided in
12 this Act.

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

14 (20 ILCS 2610/2) (from Ch. 121, par. 307.2)

15 Sec. 2. The Director shall be responsible for the
16 management and control of the Illinois State Police
17 ~~Department~~. The Director shall make and adopt rules and
18 regulations for the direction, control, discipline and conduct
19 of the members of the Illinois State Police ~~Department~~ and
20 such other rules for the government and operation of the
21 Illinois State Police ~~Department~~ as he may deem necessary. He
22 shall also designate the authority and responsibility within
23 the limits of this Act for each rank of State policemen in the

1 Illinois State Police Department.

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

3 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

4 Sec. 3. The Governor shall appoint, by and with the advice
5 and consent of the Senate, an Illinois ~~a Department of State~~
6 Police Merit Board, hereinafter called the Board, consisting
7 of 5 members to hold office, one until the third Monday in
8 March, 1951, one until the third Monday in March, 1953, and one
9 until the third Monday in March, 1955, and until their
10 respective successors are appointed and qualified. One of the
11 members added by this amendatory Act of 1977 shall serve a term
12 expiring on the third Monday in March, 1980, and until his
13 successor is appointed and qualified, and one shall serve a
14 term expiring on the third Monday in March, 1982, and until his
15 successor is appointed and qualified. Upon the expiration of
16 the terms of office of those first appointed, their respective
17 successors shall be appointed to hold office from the third
18 Monday in March of the year of their respective appointments
19 for a term of six years and until their successors are
20 appointed and qualified for a like term. No more than 3 members
21 of the Board shall be affiliated with the same political
22 party. If the Senate is not in session at the time initial
23 appointments are made pursuant to this section, the Governor
24 shall make temporary appointments as in the case of a vacancy.

25 (Source: P.A. 87-284.)

1 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

2 Sec. 8. The Board shall exercise jurisdiction over the
3 certification for appointment and promotion, and over the
4 discipline, removal, demotion and suspension of Illinois
5 ~~Department of~~ State Police officers. Pursuant to recognized
6 merit principles of public employment, the Board shall
7 formulate, adopt, and put into effect rules, regulations and
8 procedures for its operation and the transaction of its
9 business. The Board shall establish a classification of ranks
10 of persons subject to its jurisdiction and shall set standards
11 and qualifications for each rank. Each Illinois ~~Department of~~
12 State Police officer appointed by the Director shall be
13 classified as a State Police officer as follows: trooper,
14 sergeant, master sergeant, lieutenant, captain, major, or
15 Special Agent.

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

17 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

18 Sec. 9. Appointment; qualifications.

19 (a) Except as otherwise provided in this Section, the
20 appointment of Illinois ~~Department of~~ State Police officers
21 shall be made from those applicants who have been certified by
22 the Board as being qualified for appointment. All persons so
23 appointed shall, at the time of their appointment, be not less
24 than 21 years of age, or 20 years of age and have successfully

1 completed an associate's degree or 60 credit hours at an
2 accredited college or university. Any person appointed
3 subsequent to successful completion of an associate's degree
4 or 60 credit hours at an accredited college or university
5 shall not have power of arrest, nor shall he or she be
6 permitted to carry firearms, until he or she reaches 21 years
7 of age. In addition, all persons so certified for appointment
8 shall be of sound mind and body, be of good moral character, be
9 citizens of the United States, have no criminal records,
10 possess such prerequisites of training, education, and
11 experience as the Board may from time to time prescribe so long
12 as persons who have an associate's degree or 60 credit hours at
13 an accredited college or university are not disqualified, and
14 shall be required to pass successfully such mental and
15 physical tests and examinations as may be prescribed by the
16 Board. All persons who meet one of the following requirements
17 are deemed to have met the collegiate educational
18 requirements:

19 (i) have been honorably discharged and who have been
20 awarded a Southwest Asia Service Medal, Kosovo Campaign
21 Medal, Korean Defense Service Medal, Afghanistan Campaign
22 Medal, Iraq Campaign Medal, or Global War on Terrorism
23 Expeditionary Medal by the United States Armed Forces;

24 (ii) are active members of the Illinois National Guard
25 or a reserve component of the United States Armed Forces
26 and who have been awarded a Southwest Asia Service Medal,

1 Kosovo Campaign Medal, Korean Defense Service Medal,
2 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
3 War on Terrorism Expeditionary Medal as a result of
4 honorable service during deployment on active duty;

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

8 (iv) have at least 3 years of full active and
9 continuous military duty and received an honorable
10 discharge before hiring.

11 Preference shall be given in such appointments to persons
12 who have honorably served in the military or naval services of
13 the United States. All appointees shall serve a probationary
14 period of 12 months from the date of appointment and during
15 that period may be discharged at the will of the Director.
16 However, the Director may in his or her sole discretion extend
17 the probationary period of an officer up to an additional 6
18 months when to do so is deemed in the best interest of the
19 Illinois State Police Department. Nothing in this subsection

20 (a) limits the Board's ability to prescribe education
21 prerequisites or requirements to certify Illinois Department
22 ~~of~~ State Police officers for promotion as provided in Section
23 10 of this Act.

24 (b) Notwithstanding the other provisions of this Act,
25 after July 1, 1977 and before July 1, 1980, the Director of
26 State Police may appoint and promote not more than 20 persons

1 having special qualifications as special agents as he or she
2 deems necessary to carry out the Department's objectives. Any
3 such appointment or promotion shall be ratified by the Board.

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

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

21 Persons appointed under this subsection (c) shall
22 thereafter be subject to the same requirements and procedures
23 as other State police officers. A person appointed under this
24 subsection must serve a probationary period of 12 months from
25 the date of appointment, during which he or she may be
26 discharged at the will of the Director.

1 This subsection (c) does not affect or limit the
2 Director's authority to appoint other State Police officers
3 under subsection (a) of this Section.

4 (Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

5 (20 ILCS 2610/10) (from Ch. 121, par. 307.10)

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

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

15 (20 ILCS 2610/12.2)

16 Sec. 12.2. Burial benefit for State police officers killed
17 in the line of duty.

18 (a) The Illinois ~~Department of~~ State Police shall pay
19 directly or reimburse, up to a maximum of \$20,000, the burial
20 expenses of each State police officer who is killed in the line
21 of duty after June 30, 2018.

22 (b) The payments provided for in this Section shall be
23 paid out of moneys appropriated to the Illinois State Police
24 ~~Department~~ for the personal services of State police officers.

1 (c) The Illinois ~~Department of~~ State Police shall adopt
2 rules governing the administration of this Section.

3 (Source: P.A. 101-28, eff. 1-1-20.)

4 (20 ILCS 2610/12.5)

5 Sec. 12.5. Zero tolerance drug policy. Any person employed
6 by the Illinois ~~Department of~~ State Police who tests positive
7 in accordance with established Illinois State Police
8 ~~Departmental~~ drug testing procedures for any substance
9 prohibited by the Illinois Controlled Substances Act or the
10 Methamphetamine Control and Community Protection Act shall be
11 discharged from employment. Any person employed by the
12 Illinois ~~Department of~~ State Police who tests positive in
13 accordance with established Illinois State Police ~~Departmental~~
14 drug testing procedures for any substance prohibited by the
15 Cannabis Control Act may be discharged from employment.
16 Refusal to submit to a drug test, ordered in accordance with
17 Illinois State Police ~~Departmental~~ procedures, by any person
18 employed by the Illinois State Police ~~Department~~ shall be
19 construed as a positive test, and the person shall be
20 discharged from employment. The changes made in this Section
21 by this amendatory Act of the 100th General Assembly shall
22 apply to all pending and future incidents under this Section.

23 (Source: P.A. 100-1130, eff. 11-27-18.)

24 (20 ILCS 2610/13) (from Ch. 121, par. 307.13)

1 Sec. 13. Disciplinary measures prescribed by the Board for
2 Illinois ~~Department of~~ State Police officers may be taken by
3 the Director for the punishment of infractions of the rules
4 and regulations of the respective divisions as promulgated by
5 the Illinois State Police ~~Department~~. Such disciplinary
6 measures may include suspension of any such officer for a
7 reasonable period, not exceeding 30 days.

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

1 review of the suspension. In all other respects, the hearing
2 shall be conducted in the manner provided for in Section 14
3 hereof. The provisions of the "Administrative Review Law" and
4 the rules adopted pursuant thereto shall apply to and govern
5 all proceedings for the judicial review of any order of the
6 board rendered pursuant to the provisions of this Section.

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

8 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

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

23 Before any such officer may be interrogated or examined by
24 or before the Board, or by an Illinois State Police ~~a~~
25 ~~departmental~~ agent or investigator specifically assigned to

1 conduct an internal investigation, the results of which
2 hearing, interrogation or examination may be the basis for
3 filing charges seeking his or her suspension for more than 15
4 days or his or her removal or discharge, he or she shall be
5 advised in writing as to what specific improper or illegal act
6 he or she is alleged to have committed; he or she shall be
7 advised in writing that his or her admissions made in the
8 course of the hearing, interrogation or examination may be
9 used as the basis for charges seeking his or her suspension,
10 removal or discharge; and he or she shall be advised in writing
11 that he or she has a right to counsel of his or her choosing,
12 who may be present to advise him or her at any hearing,
13 interrogation or examination. A complete record of any
14 hearing, interrogation or examination shall be made, and a
15 complete transcript or electronic recording thereof shall be
16 made available to such officer without charge and without
17 delay.

18 The Board shall have the power to secure by its subpoena
19 both the attendance and testimony of witnesses and the
20 production of books and papers in support of the charges and
21 for the defense. Each member of the Board or a designated
22 hearing officer shall have the power to administer oaths or
23 affirmations. If the charges against an accused are
24 established by a preponderance of evidence, the Board shall
25 make a finding of guilty and order either removal, demotion,
26 suspension for a period of not more than 180 days, or such

1 other disciplinary punishment as may be prescribed by the
2 rules and regulations of the Board which, in the opinion of the
3 members thereof, the offense merits. Thereupon the Director
4 shall direct such removal or other punishment as ordered by
5 the Board and if the accused refuses to abide by any such
6 disciplinary order, the Director shall remove him or her
7 forthwith.

8 If the accused is found not guilty or has served a period
9 of suspension greater than prescribed by the Board, the Board
10 shall order that the officer receive compensation for the
11 period involved. The award of compensation shall include
12 interest at the rate of 7% per annum.

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

23 In case of the neglect or refusal of any person to obey a
24 subpoena issued by the Board, any circuit court, upon
25 application of any member of the Board, may order such person
26 to appear before the Board and give testimony or produce

1 evidence, and any failure to obey such order is punishable by
2 the court as a contempt thereof.

3 The provisions of the Administrative Review Law, and all
4 amendments and modifications thereof, and the rules adopted
5 pursuant thereto, shall apply to and govern all proceedings
6 for the judicial review of any order of the Board rendered
7 pursuant to the provisions of this Section.

8 Notwithstanding the provisions of this Section, a policy
9 making officer, as defined in the Employee Rights Violation
10 Act, of the Illinois ~~Department of~~ State Police shall be
11 discharged from the Illinois ~~Department of~~ State Police as
12 provided in the Employee Rights Violation Act, enacted by the
13 85th General Assembly.

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

15 (20 ILCS 2610/16) (from Ch. 121, par. 307.16)

16 Sec. 16. State policemen shall enforce the provisions of
17 The Illinois Vehicle Code, approved September 29, 1969, as
18 amended, and Article 9 of the "Illinois Highway Code" as
19 amended; and shall patrol the public highways and rural
20 districts to make arrests for violations of the provisions of
21 such Acts. They are conservators of the peace and as such have
22 all powers possessed by policemen in cities, and sheriffs,
23 except that they may exercise such powers anywhere in this
24 State. The State policemen shall cooperate with the police of
25 cities, villages and incorporated towns, and with the police

1 officers of any county, in enforcing the laws of the State and
2 in making arrests and recovering property. They may be
3 equipped with standardized and tested devices for weighing
4 motor vehicles and may stop and weigh, acting reasonably, or
5 cause to be weighed, any motor vehicle which appears to weigh
6 in excess of the weight permitted by law. It shall also be the
7 duty of the Illinois State Police ~~State police~~ to determine,
8 whenever possible, the person or persons or the causes
9 responsible for the breaking or destruction of any improved
10 hard-surfaced roadway; to arrest all persons criminally
11 responsible for such breaking or destruction and bring them
12 before the proper officer for trial. The Illinois ~~Department~~
13 ~~of~~ State Police shall divide the State into Districts and
14 assign each district to one or more policemen. No person
15 employed under this Act, however, shall serve or execute civil
16 process, except for process issued under the authority of the
17 General Assembly, or a committee or commission thereof vested
18 with subpoena powers when the county sheriff refuses or fails
19 to serve such process, and except for process issued under the
20 authority of the Illinois Department of Revenue.

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

22 (20 ILCS 2610/17b)

23 Sec. 17b. Retiring officer; purchase of service firearm
24 and police badge. The Director of the Illinois State Police
25 shall establish a policy to allow a State Police officer who is

1 honorably retiring or separating in good standing to purchase
2 either one or both of the following: (i) any State Police badge
3 previously issued to that officer; or (ii) if the officer has a
4 currently valid Firearm Owner's Identification Card, the
5 service firearm issued or previously issued to the officer by
6 the Illinois ~~Department of~~ State Police. The cost of the
7 firearm purchased shall be the replacement value of the
8 firearm and not the firearm's fair market value.

9 (Source: P.A. 100-931, eff. 8-17-18.)

10 (20 ILCS 2610/18) (from Ch. 121, par. 307.18)

11 Sec. 18. The Director may also authorize any civilian
12 employee of the Illinois State Police ~~Department~~ who is not a
13 State policeman to be a truck weighing inspector with the
14 power of enforcing the provisions of Sections 15-102, 15-103,
15 15-107, 15-111, and 15-301 and subsection (d) of Section 3-401
16 of the Illinois Vehicle Code.

17 (Source: P.A. 100-830, eff. 1-1-19.)

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

19 Sec. 20. The Illinois State Police ~~Department~~ from time to
20 time may enter into contracts with The Illinois State Toll
21 Highway Authority, hereinafter called the Authority, with
22 respect to the policing of toll highways by the Illinois State
23 Police. Such contracts shall provide among other matters for
24 the compensation or reimbursement of the Illinois State Police

1 ~~Department~~ by the Authority for the costs incurred by this
2 State with respect to such policing service, including, but
3 not limited to, the costs of: (1) compensation and training of
4 the State policemen and the clerical employees assigned to
5 such policing service; and (2) uniforms, equipment, supplies
6 and housing used by such personnel; and (3) reimbursement of
7 such sums as the State expends in connection with payments of
8 claims for injuries or illnesses suffered by such personnel in
9 the line of duty. Each such contract may provide for the
10 methods of ascertaining such costs, and shall be of such
11 duration and may contain such other appropriate terms as the
12 Illinois State Police ~~Department~~ and the Authority may agree
13 upon. The Illinois State Police ~~Department~~ is not obliged to
14 furnish policing service on any highway under the jurisdiction
15 of the Authority except as required by contract.

16 (Source: P.A. 81-840.)

17 (20 ILCS 2610/21) (from Ch. 121, par. 307.18b)

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

25 (b) The Director shall assign such policemen in accordance

1 with the contract provisions, which may authorize temporary
2 increases or decreases in the number of policemen so assigned
3 when emergency conditions so require.

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

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

17 (20 ILCS 2610/22) (from Ch. 121, par. 307.18c)

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

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

1 therefor signed by the Director.

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

3 (20 ILCS 2610/24)

4 Sec. 24. Illinois State Police quotas prohibited. The
5 Illinois State Police Department may not require an Illinois a
6 ~~Department of~~ State Police officer to issue a specific number
7 of citations within a designated period of time. This
8 prohibition shall not affect the conditions of any federal or
9 State grants or funds awarded to the Illinois State Police
10 ~~Department~~ and used to fund traffic enforcement programs.

11 The Illinois State Police Department may not, for purposes
12 of evaluating an Illinois a Department of State Police
13 officer's job performance, compare the number of citations
14 issued by the Illinois Department of State Police officer to
15 the number of citations issued by any other Illinois
16 ~~Department of~~ State Police officer who has similar job duties.
17 Nothing in this Section shall prohibit the Illinois State
18 Police Department from evaluating an Illinois a Department of
19 State Police officer based on the Illinois Department of State
20 Police officer's points of contact. For the purposes of this
21 Section, "points of contact" means any quantifiable contact
22 made in the furtherance of the Illinois Department of State
23 Police officer's duties, including, but not limited to, the
24 number of traffic stops completed, arrests, written warnings,
25 and crime prevention measures. Points of contact shall not

1 include either the issuance of citations or the number of
2 citations issued by an Illinois ~~a Department of~~ State Police
3 officer.

4 (Source: P.A. 98-650, eff. 1-1-15.)

5 (20 ILCS 2610/30)

6 Sec. 30. Patrol vehicles with in-car video recording
7 cameras.

8 (a) Definitions. As used in this Section:

9 "Audio recording" means the recorded conversation
10 between an officer and a second party.

11 "Emergency lights" means oscillating, rotating, or
12 flashing lights on patrol vehicles.

13 "In-car video camera" means a video camera located in
14 an Illinois State Police ~~a Department~~ patrol vehicle.

15 "In-car video camera recording equipment" means a
16 video camera recording system located in an Illinois State
17 Police ~~a Department~~ patrol vehicle consisting of a camera
18 assembly, recording mechanism, and an in-car video
19 recording medium.

20 "Enforcement stop" means an action by an officer of
21 the Illinois State Police ~~Department~~ in relation to
22 enforcement and investigation duties, including but not
23 limited to, traffic stops, pedestrian stops, abandoned
24 vehicle contacts, motorist assists, commercial motor
25 vehicle stops, roadside safety checks, requests for

1 identification, or responses to requests for emergency
2 assistance.

3 "Recording" means the process of capturing data or
4 information stored on a recording medium as required under
5 this Section.

6 "Recording medium" means any recording medium
7 authorized by the Illinois State Police ~~Department~~ for the
8 retention and playback of recorded audio and video
9 including, but not limited to, VHS, DVD, hard drive, solid
10 state, digital, or flash memory technology.

11 "Wireless microphone" means a device ~~devise~~ worn by
12 the officer or any other equipment used to record
13 conversations between the officer and a second party and
14 transmitted to the recording equipment.

15 (b) By June 1, 2009, the Illinois State Police ~~Department~~
16 shall install in-car video camera recording equipment in all
17 patrol vehicles. Subject to appropriation, all patrol vehicles
18 shall be equipped with in-car video camera recording equipment
19 with a recording medium capable of recording for a period of 10
20 hours or more by June 1, 2011. In-car video camera recording
21 equipment shall be capable of making audio recordings with the
22 assistance of a wireless microphone.

23 (c) As of the effective date of this amendatory Act of the
24 95th General Assembly, in-car video camera recording equipment
25 with a recording medium incapable of recording for a period of
26 10 hours or more shall record activities outside a patrol

1 vehicle whenever (i) an officer assigned a patrol vehicle is
2 conducting an enforcement stop; (ii) patrol vehicle emergency
3 lights are activated or would otherwise be activated if not
4 for the need to conceal the presence of law enforcement; or
5 (iii) an officer reasonably believes recording may assist with
6 prosecution, enhance safety, or for any other lawful purpose.
7 As of the effective date of this amendatory Act of the 95th
8 General Assembly, in-car video camera recording equipment with
9 a recording medium incapable of recording for a period of 10
10 hours or more shall record activities inside the vehicle when
11 transporting an arrestee or when an officer reasonably
12 believes recording may assist with prosecution, enhance
13 safety, or for any other lawful purpose.

14 (1) Recording for an enforcement stop shall begin when
15 the officer determines an enforcement stop is necessary
16 and shall continue until the enforcement action has been
17 completed and the subject of the enforcement stop or the
18 officer has left the scene.

19 (2) Recording shall begin when patrol vehicle
20 emergency lights are activated or when they would
21 otherwise be activated if not for the need to conceal the
22 presence of law enforcement, and shall continue until the
23 reason for the activation ceases to exist, regardless of
24 whether the emergency lights are no longer activated.

25 (3) An officer may begin recording if the officer
26 reasonably believes recording may assist with prosecution,

1 enhance safety, or for any other lawful purpose; and shall
2 continue until the reason for recording ceases to exist.

3 (d) In-car video camera recording equipment with a
4 recording medium capable of recording for a period of 10 hours
5 or more shall record activities whenever a patrol vehicle is
6 assigned to patrol duty.

7 (e) Any enforcement stop resulting from a suspected
8 violation of the Illinois Vehicle Code shall be video and
9 audio recorded. Audio recording shall terminate upon release
10 of the violator and prior to initiating a separate criminal
11 investigation.

12 (f) Recordings made on in-car video camera recording
13 medium shall be retained by the Illinois State Police
14 ~~Department~~ for a storage period of at least 90 days. Under no
15 circumstances shall any recording made on in-car video camera
16 recording medium be altered or erased prior to the expiration
17 of the designated storage period. Upon completion of the
18 storage period, the recording medium may be erased and
19 reissued for operational use unless otherwise ordered by the
20 District Commander or his or her designee or by a court, or if
21 designated for evidentiary or training purposes.

22 (g) Audio or video recordings made pursuant to this
23 Section shall be available under the applicable provisions of
24 the Freedom of Information Act. Only recorded portions of the
25 audio recording or video recording medium applicable to the
26 request will be available for inspection or copying.

1 (h) The Illinois State Police ~~Department~~ shall ensure
2 proper care and maintenance of in-car video camera recording
3 equipment and recording medium. An officer operating a patrol
4 vehicle must immediately document and notify the District
5 Commander or his or her designee of any technical
6 difficulties, failures, or problems with the in-car video
7 camera recording equipment or recording medium. Upon receiving
8 notice, the District Commander or his or her designee shall
9 make every reasonable effort to correct and repair any of the
10 in-car video camera recording equipment or recording medium
11 and determine if it is in the public interest to permit the use
12 of the patrol vehicle.

13 (i) The Illinois State Police ~~Department~~ may promulgate
14 rules to implement this amendatory Act of the 95th General
15 Assembly only to the extent necessary to apply the existing
16 rules or applicable internal directives.

17 (Source: P.A. 95-1009, eff. 12-15-08.)

18 (20 ILCS 2610/35)

19 Sec. 35. Officer-worn body cameras; policy; training.

20 (a) For the purposes of this Section, "officer-worn body
21 camera" shall have the same meaning as defined in Section 10 of
22 the Law Enforcement Officer-Worn Body Camera Act.

23 (b) If the Illinois State Police ~~Department~~ employs the
24 use of officer-worn body cameras, the Illinois State Police
25 ~~Department~~ shall develop a written policy which must include,

1 at a minimum, the guidelines established by the Law
2 Enforcement Officer-Worn Body Camera Act.

3 (c) The Illinois State Police ~~Department~~ shall provide
4 training to those officers who utilize officer-worn body
5 cameras.

6 (Source: P.A. 99-352, eff. 1-1-16.)

7 (20 ILCS 2610/38)

8 Sec. 38. Disposal of medications. The Illinois State
9 Police ~~Department~~ may by rule authorize State Police officers
10 to dispose of any unused medications under Section 18 of the
11 Safe Pharmaceutical Disposal Act.

12 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)

13 (20 ILCS 2610/40)

14 Sec. 40. Training; administration of epinephrine.

15 (a) This Section, along with Section 10.19 of the Illinois
16 Police Training Act, may be referred to as the Annie LeGere
17 Law.

18 (b) For the purposes of this Section, "epinephrine
19 auto-injector" means a single-use device used for the
20 automatic injection of a pre-measured dose of epinephrine into
21 the human body prescribed in the name of the Illinois State
22 Police ~~Department~~.

23 (c) The Illinois State Police ~~Department~~ may conduct or
24 approve a training program for State Police officers to

1 recognize and respond to anaphylaxis, including, but not
2 limited to:

3 (1) how to recognize symptoms of an allergic reaction;

4 (2) how to respond to an emergency involving an
5 allergic reaction;

6 (3) how to administer an epinephrine auto-injector;

7 (4) how to respond to an individual with a known
8 allergy as well as an individual with a previously unknown
9 allergy;

10 (5) a test demonstrating competency of the knowledge
11 required to recognize anaphylaxis and administer an
12 epinephrine auto-injector; and

13 (6) other criteria as determined in rules adopted by
14 the Illinois State Police Department.

15 (d) The Illinois State Police Department may authorize a
16 State Police officer who has completed the training program
17 under subsection (c) to carry, administer, or assist with the
18 administration of epinephrine auto-injectors whenever he or
19 she is performing official duties.

20 (e) The Illinois State Police Department must establish a
21 written policy to control the acquisition, storage,
22 transportation, administration, and disposal of epinephrine
23 auto-injectors before it allows any State Police officer to
24 carry and administer epinephrine auto-injectors.

25 (f) A physician, physician ~~physician's~~ assistant with
26 prescriptive authority, or advanced practice registered nurse

1 with prescriptive authority may provide a standing protocol or
2 prescription for epinephrine auto-injectors in the name of the
3 Illinois State Police Department to be maintained for use when
4 necessary.

5 (g) When a State Police officer administers an epinephrine
6 auto-injector in good faith, the officer and the Illinois
7 State Police Department, and its employees and agents,
8 including a physician, physician ~~physician's~~ assistant with
9 prescriptive authority, or advanced practice registered nurse
10 with prescriptive authority who provides a standing order or
11 prescription for an epinephrine auto-injector, incur no civil
12 or professional liability, except for willful and wanton
13 conduct, as a result of any injury or death arising from the
14 use of an epinephrine auto-injector.

15 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
16 100-648, eff. 7-31-18; revised 1-14-20.)

17 (20 ILCS 2610/45)

18 Sec. 45. Compliance with the Health Care Violence
19 Prevention Act; training. The Illinois State Police Department
20 shall comply with the Health Care Violence Prevention Act and
21 shall provide an appropriate level of training for its
22 officers concerning the Health Care Violence Prevention Act.

23 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

24 Section 205. The State Police Radio Act is amended by

1 changing Sections 0.01, 1, 2, 6, and 10 as follows:

2 (20 ILCS 2615/0.01) (from Ch. 121, par. 307.20)

3 Sec. 0.01. Short title. This Act may be cited as the
4 Illinois State Police Radio Act.

5 (Source: P.A. 86-1324.)

6 (20 ILCS 2615/1) (from Ch. 121, par. 307.21)

7 Sec. 1. The Illinois ~~Department of~~ State Police is
8 authorized to purchase, lease or otherwise acquire and operate
9 one or more radio broadcasting stations in the State to be used
10 for police purposes only. Such radio stations shall broadcast
11 all police dispatches and reports submitted to them which
12 pertain to the apprehension of criminals, the prevention of
13 crime and the maintenance of law and order in order to assist
14 peace officers more effectively to discharge their duties.

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

16 (20 ILCS 2615/2) (from Ch. 121, par. 307.22)

17 Sec. 2. The Illinois ~~Department of~~ State Police, the
18 county board of any county, the city council of any city and
19 the board of trustees of any village or incorporated town are
20 authorized to purchase or acquire and furnish radio receiving
21 sets to all peace officers under their jurisdiction. These
22 radio receiving sets shall only be used by such officers in the
23 performance of their duties as police officers in this State

1 and shall always be set and in readiness to receive any report
2 or message that may be broadcasted from any radio broadcasting
3 station operated by the Illinois ~~Department of~~ State Police
4 under this Act. Every police officer receiving a radio set
5 shall make a report to the Illinois ~~Department of~~ State Police
6 at such times and containing such information as the Illinois
7 State Police ~~Department~~ may require.

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

9 (20 ILCS 2615/6) (from Ch. 121, par. 307.26)

10 Sec. 6. The Illinois ~~Department of~~ State Police is
11 authorized to use any money appropriated to it for the purpose
12 of patrolling and policing the public highways in carrying out
13 the provisions of this Act.

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

15 (20 ILCS 2615/10)

16 Sec. 10. Public safety radio interoperability. Upon their
17 establishment and thereafter, the Director of the Illinois
18 State Police, or his or her designee, shall serve as the
19 chairman of the Illinois Statewide Interoperability Executive
20 Committee (SIEC) and as the chairman of the STARCOM21
21 Oversight Committee. The Director, as chairman, may increase
22 the size and makeup of the voting membership of each committee
23 when deemed necessary for improved public safety radio
24 interoperability, but the voting membership of each committee

1 must represent public safety users (police, fire, or EMS) and
2 must, at a minimum, include the representatives specified in
3 this Section. The STARCOM21 Oversight Committee must comprise
4 public safety users accessing the system. The SIEC shall have
5 at a minimum one representative from each of the following:
6 the Illinois Fire Chiefs Association, the Rural Fire
7 Protection Association, the Office of the State Fire Marshal,
8 the Illinois Association of Chiefs of Police, the Illinois
9 Sheriffs' Association, the Illinois State Police, the Illinois
10 Emergency Management Agency, the Department of Public Health,
11 and the Secretary of State Police (which representative shall
12 be the Director of the Secretary of State Police or his or her
13 designee).

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

15 Section 210. The Narcotic Control Division Abolition Act
16 is amended by changing Sections 1, 2, 3, 4, 5, 6, 7, and 8 as
17 follows:

18 (20 ILCS 2620/1) (from Ch. 127, par. 55d)

19 Sec. 1. The Division of Narcotic Control is abolished and
20 its functions are transferred to and shall be administered by
21 the Illinois Department of State Police.

22 When used in this Act, unless the context otherwise
23 indicates:

24 ~~"Department" means the Department of State Police;~~

1 "Director" means the Director of the Illinois Department
2 ~~of~~ State Police.

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

4 (20 ILCS 2620/2) (from Ch. 127, par. 55e)

5 Sec. 2. The Illinois State Police Department shall enforce
6 all laws regulating the production, sale, prescribing,
7 manufacturing, administering, transporting, having in
8 possession, dispensing, delivering, distributing or use of
9 controlled substances as defined in the "Illinois Controlled
10 Substances Act", and cannabis as defined in the "Cannabis
11 Control Act" enacted by the 77th General Assembly, as now or
12 hereafter amended, and any other duties conferred upon the
13 Illinois State Police Department by law.

14 (Source: P.A. 77-770.)

15 (20 ILCS 2620/3) (from Ch. 127, par. 55f)

16 Sec. 3. The Director may, in conformity with the Personnel
17 Code, employ such inspectors, physicians, pharmacists,
18 chemists, clerical and other employees as are necessary to
19 carry out the duties of the Illinois State Police Department.

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

21 (20 ILCS 2620/4) (from Ch. 127, par. 55g)

22 Sec. 4. The Director and the inspectors appointed by him
23 are conservators of the peace and as such have all the powers

1 possessed by policemen in cities and by sheriffs, except that
2 they may exercise such powers anywhere in the State, in
3 enforcing the duties conferred upon the Illinois State Police
4 ~~Department~~ by Section 2 of this Act.

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

6 (20 ILCS 2620/5) (from Ch. 127, par. 55h)

7 Sec. 5. The Illinois State Police ~~Department~~ shall advise
8 and inform local and other State law-enforcement officers of
9 various controlled substances and cannabis law-enforcement
10 practices and shall establish a central office where local and
11 other State law-enforcement officers may report controlled
12 substances and cannabis violations and obtain information
13 about controlled substances and cannabis violators. Every
14 local and other State law-enforcement officer shall report any
15 violation of the controlled substances and cannabis laws of
16 this State to the Illinois State Police ~~Department~~.

17 (Source: P.A. 77-770.)

18 (20 ILCS 2620/6) (from Ch. 127, par. 55i)

19 Sec. 6. The Illinois ~~Department of~~ State Police is
20 authorized to establish laboratories for the purpose of
21 testing of controlled substances and cannabis which are
22 seized.

23 The Illinois ~~Department of~~ State Police shall formulate,
24 adopt and put into effect such reasonable rules and

1 regulations as are necessary to carry out the provisions of
2 this Act.

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

4 (20 ILCS 2620/7) (from Ch. 127, par. 55j)

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

6 (a) The Director and the inspectors appointed by him, when
7 authorized by the Director, may expend such sums as the
8 Director deems necessary in the purchase of controlled
9 substances and cannabis for evidence and in the employment of
10 persons to obtain evidence.

11 Such sums to be expended shall be advanced to the officer
12 who is to make such purchase or employment from funds
13 appropriated or made available by law for the support or use of
14 the Illinois State Police ~~Department~~ on vouchers therefor
15 signed by the Director. The Director and such officers are
16 authorized to maintain one or more commercial checking
17 accounts with any State banking corporation or corporations
18 organized under or subject to the Illinois Banking Act for the
19 deposit and withdrawal of moneys to be used for the purchase of
20 evidence and for the employment of persons to obtain evidence;
21 provided that no check may be written on nor any withdrawal
22 made from any such account except on the written signatures of
23 2 persons designated by the Director to write such checks and
24 make such withdrawals.

25 (b) The Director is authorized to maintain one or more

1 commercial bank accounts with any State banking corporation or
2 corporations organized under or subject to the Illinois
3 Banking Act, as now or hereafter amended, for the deposit or
4 withdrawal of (i) moneys forfeited to the Illinois State
5 Police Department, including the proceeds of the sale of
6 forfeited property, as provided in Section 2 of the State
7 Officers and Employees Money Disposition Act, as now or
8 hereafter amended, pending disbursement to participating
9 agencies and deposit of the Illinois State Police's
10 ~~Department's~~ share as provided in subsection (c), and (ii) all
11 moneys being held as evidence by the Illinois State Police
12 ~~Department~~, pending final court disposition; provided that no
13 check may be written on or any withdrawal made from any such
14 account except on the written signatures of 2 persons
15 designated by the Director to write such checks and make such
16 withdrawals.

17 (c) All moneys received by the Illinois State Police as
18 their share of forfeited funds (including the proceeds of the
19 sale of forfeited property) received pursuant to the Drug
20 Asset Forfeiture Procedure Act, the Cannabis Control Act, the
21 Illinois Controlled Substances Act, the Methamphetamine
22 Control and Community Protection Act, the Environmental
23 Protection Act, or any other Illinois law shall be deposited
24 into the State Asset Forfeiture Fund, which is hereby created
25 as an interest-bearing special fund in the State treasury.

26 All moneys received by the Illinois State Police as their

1 share of forfeited funds (including the proceeds of the sale
2 of forfeited property) received pursuant to federal equitable
3 sharing transfers shall be deposited into the Federal Asset
4 Forfeiture Fund, which is hereby created as an
5 interest-bearing special fund in the State treasury.

6 The moneys deposited into the State Asset Forfeiture Fund
7 and the Federal Asset Forfeiture Fund shall be appropriated to
8 the Illinois ~~Department of~~ State Police and may be used by the
9 Illinois State Police in accordance with law.

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

11 (20 ILCS 2620/8) (from Ch. 127, par. 55k)

12 Sec. 8. The Attorney General, upon the request of the
13 Illinois State Police ~~Department~~, shall prosecute any
14 violation of this Act, and of the Illinois Controlled
15 Substances Act, the Cannabis Control Act, and the
16 Methamphetamine Control and Community Protection Act.

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

18 Section 215. The Volunteer Firefighting Rescue Unit Use
19 Act is amended by changing the title of the Act and Sections 1,
20 2, 3, and 4 as follows:

21 (20 ILCS 2625/Act title)

22 An Act relating to the use of rescue units of volunteer
23 fire fighting organizations by the Illinois ~~Department of~~

1 State Police and making an appropriation therefor.

2 (20 ILCS 2625/1) (from Ch. 127, par. 289)

3 Sec. 1. As used in this Act, unless the context otherwise
4 requires, the following terms have the following meanings:

5 ~~Department means the Department of State Police;~~

6 Rescue unit means a unit of an unpaid volunteer fire
7 fighting organization which is specially trained for emergency
8 rescue work such as resuscitation of heart attack, drowning,
9 suffocation or epilepsy victims, recovery of bodies of
10 drowning victims and similar activities;

11 District means a geographical area designated by the
12 Illinois State Police Department for administration of laws by
13 the Division of Fire Prevention of the Illinois State Police
14 ~~Department~~.

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

16 (20 ILCS 2625/2) (from Ch. 127, par. 290)

17 Sec. 2. The Illinois State Police Department may request
18 the cooperation and use of facilities of any rescue unit to aid
19 it when engaged in any activity designed to save human life or
20 to recover the body of a victim. Such a request shall be
21 directed to a rescue unit or units located within the district
22 where the rescue work is to be performed. If there is no rescue
23 unit located within the district or if there are not
24 sufficient rescue units therein to perform the required work,

1 requests may be directed to rescue units located in other
2 districts.

3 (Source: Laws 1953, p. 178.)

4 (20 ILCS 2625/3) (from Ch. 127, par. 291)

5 Sec. 3. When the Illinois State Police ~~Department~~ requests
6 the services of a rescue unit it shall pay the personnel of
7 such unit for time actually spent in rescue work at the rate of
8 \$2.50 per hour.

9 (Source: Laws 1953, p. 178.)

10 (20 ILCS 2625/4) (from Ch. 127, par. 292)

11 Sec. 4. If any equipment of a volunteer fire fighting
12 organization is lost or damaged while its rescue unit is
13 engaged in rescue work at the request of the Illinois State
14 Police ~~Department~~, it shall be reimbursed by the State of
15 Illinois. A claim for such reimbursement may be filed with the
16 Court of Claims.

17 (Source: Laws 1953, p. 178.)

18 Section 220. The Criminal Identification Act is amended by
19 changing Sections 1, 2, 2.1, 2.2, 3, 3.1, 3.3, 4, 4.5, 5, 5.2,
20 7, 7.5, 8, 9, 9.5, 10, 13, and 14 as follows:

21 (20 ILCS 2630/1) (from Ch. 38, par. 206-1)

22 Sec. 1. The Illinois ~~Department~~ of State Police

1 ~~hereinafter referred to as the "Department",~~ is hereby
2 empowered to cope with the task of criminal identification and
3 investigation.

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

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

11 (20 ILCS 2630/2) (from Ch. 38, par. 206-2)

12 Sec. 2. The Illinois State Police ~~Department~~ shall procure
13 and file for record, as far as can be procured from any source,
14 photographs, all plates, outline pictures, measurements,
15 descriptions and information of all persons who have been
16 arrested on a charge of violation of a penal statute of this
17 State and such other information as is necessary and helpful
18 to plan programs of crime prevention, law enforcement and
19 criminal justice, and aid in the furtherance of those
20 programs.

21 (Source: P.A. 76-444.)

22 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

23 Sec. 2.1. For the purpose of maintaining complete and
24 accurate criminal records of the Illinois ~~Department of~~ State

1 Police, it is necessary for all policing bodies of this State,
2 the clerk of the circuit court, the Illinois Department of
3 Corrections, the sheriff of each county, and State's Attorney
4 of each county to submit certain criminal arrest, charge, and
5 disposition information to the Illinois State Police
6 ~~Department~~ for filing at the earliest time possible. Unless
7 otherwise noted herein, it shall be the duty of all policing
8 bodies of this State, the clerk of the circuit court, the
9 Illinois Department of Corrections, the sheriff of each
10 county, and the State's Attorney of each county to report such
11 information as provided in this Section, both in the form and
12 manner required by the Illinois State Police ~~Department~~ and
13 within 30 days of the criminal history event. Specifically:

14 (a) Arrest Information. All agencies making arrests
15 for offenses which are required by statute to be
16 collected, maintained or disseminated by the Illinois
17 ~~Department~~ of State Police shall be responsible for
18 furnishing daily to the Illinois State Police ~~Department~~
19 fingerprints, charges and descriptions of all persons who
20 are arrested for such offenses. All such agencies shall
21 also notify the Illinois State Police ~~Department~~ of all
22 decisions by the arresting agency not to refer such
23 arrests for prosecution. With approval of the Illinois
24 State Police ~~Department~~, an agency making such arrests may
25 enter into arrangements with other agencies for the
26 purpose of furnishing daily such fingerprints, charges and

1 descriptions to the Illinois State Police ~~Department~~ upon
2 its behalf.

3 (b) Charge Information. The State's Attorney of each
4 county shall notify the Illinois State Police ~~Department~~
5 of all charges filed and all petitions filed alleging that
6 a minor is delinquent, including all those added
7 subsequent to the filing of a case, and whether charges
8 were not filed in cases for which the Illinois State
9 Police ~~Department~~ has received information required to be
10 reported pursuant to paragraph (a) of this Section. With
11 approval of the Illinois State Police ~~Department~~, the
12 State's Attorney may enter into arrangements with other
13 agencies for the purpose of furnishing the information
14 required by this subsection (b) to the Illinois State
15 Police ~~Department~~ upon the State's Attorney's behalf.

16 (c) Disposition Information. The clerk of the circuit
17 court of each county shall furnish the Illinois State
18 Police ~~Department~~, in the form and manner required by the
19 Supreme Court, with all final dispositions of cases for
20 which the Illinois State Police ~~Department~~ has received
21 information required to be reported pursuant to paragraph
22 (a) or (d) of this Section. Such information shall
23 include, for each charge, all (1) judgments of not guilty,
24 judgments of guilty including the sentence pronounced by
25 the court with statutory citations to the relevant
26 sentencing provision, findings that a minor is delinquent

1 and any sentence made based on those findings, discharges
2 and dismissals in the court; (2) reviewing court orders
3 filed with the clerk of the circuit court which reverse or
4 remand a reported conviction or findings that a minor is
5 delinquent or that vacate or modify a sentence or sentence
6 made following a trial that a minor is delinquent; (3)
7 continuances to a date certain in furtherance of an order
8 of supervision granted under Section 5-6-1 of the Unified
9 Code of Corrections or an order of probation granted under
10 Section 10 of the Cannabis Control Act, Section 410 of the
11 Illinois Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
14 the Criminal Code of 1961 or the Criminal Code of 2012,
15 Section 10-102 of the Illinois Alcoholism and Other Drug
16 Dependency Act, Section 40-10 of the Substance Use
17 Disorder Act, Section 10 of the Steroid Control Act, or
18 Section 5-615 of the Juvenile Court Act of 1987; and (4)
19 judgments or court orders terminating or revoking a
20 sentence to or juvenile disposition of probation,
21 supervision or conditional discharge and any resentencing
22 or new court orders entered by a juvenile court relating
23 to the disposition of a minor's case involving delinquency
24 after such revocation.

25 (d) Fingerprints After Sentencing.

26 (1) After the court pronounces sentence, sentences

1 a minor following a trial in which a minor was found to
2 be delinquent or issues an order of supervision or an
3 order of probation granted under Section 10 of the
4 Cannabis Control Act, Section 410 of the Illinois
5 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
8 12-3.05 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, Section 10-102 of the Illinois
10 Alcoholism and Other Drug Dependency Act, Section
11 40-10 of the Substance Use Disorder Act, Section 10 of
12 the Steroid Control Act, or Section 5-615 of the
13 Juvenile Court Act of 1987 for any offense which is
14 required by statute to be collected, maintained, or
15 disseminated by the Illinois Department of State
16 Police, the State's Attorney of each county shall ask
17 the court to order a law enforcement agency to
18 fingerprint immediately all persons appearing before
19 the court who have not previously been fingerprinted
20 for the same case. The court shall so order the
21 requested fingerprinting, if it determines that any
22 such person has not previously been fingerprinted for
23 the same case. The law enforcement agency shall submit
24 such fingerprints to the Illinois State Police
25 ~~Department~~ daily.

26 (2) After the court pronounces sentence or makes a

1 disposition of a case following a finding of
2 delinquency for any offense which is not required by
3 statute to be collected, maintained, or disseminated
4 by the Illinois ~~Department of~~ State Police, the
5 prosecuting attorney may ask the court to order a law
6 enforcement agency to fingerprint immediately all
7 persons appearing before the court who have not
8 previously been fingerprinted for the same case. The
9 court may so order the requested fingerprinting, if it
10 determines that any so sentenced person has not
11 previously been fingerprinted for the same case. The
12 law enforcement agency may retain such fingerprints in
13 its files.

14 (e) Corrections Information. The Illinois Department
15 of Corrections and the sheriff of each county shall
16 furnish the Illinois State Police ~~Department~~ with all
17 information concerning the receipt, escape, execution,
18 death, release, pardon, parole, commutation of sentence,
19 granting of executive clemency or discharge of an
20 individual who has been sentenced or committed to the
21 agency's custody for any offenses which are mandated by
22 statute to be collected, maintained or disseminated by the
23 Illinois ~~Department of~~ State Police. For an individual who
24 has been charged with any such offense and who escapes
25 from custody or dies while in custody, all information
26 concerning the receipt and escape or death, whichever is

1 appropriate, shall also be so furnished to the Illinois
2 State Police Department.

3 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19.)

4 (20 ILCS 2630/2.2)

5 Sec. 2.2. Notification to the Illinois State Police
6 ~~Department~~. Upon judgment of conviction of a violation of
7 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 when the
9 defendant has been determined, pursuant to Section 112A-11.1
10 of the Code of Criminal Procedure of 1963, to be subject to the
11 prohibitions of 18 U.S.C. 922(g)(9), the circuit court clerk
12 shall include notification and a copy of the written
13 determination in a report of the conviction to the Illinois
14 ~~Department of State Police~~ Firearm Owner's Identification Card
15 Office to enable the office to perform its duties under
16 Sections 4 and 8 of the Firearm Owners Identification Card Act
17 and to report that determination to the Federal Bureau of
18 Investigation to assist the Bureau in identifying persons
19 prohibited from purchasing and possessing a firearm pursuant
20 to the provisions of 18 U.S.C. 922. The written determination
21 described in this Section shall be included in the defendant's
22 record of arrest and conviction in the manner and form
23 prescribed by the Illinois Department of State Police.

24 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

2 Sec. 3. Information to be furnished peace officers and
3 commanding officers of certain military installations in
4 Illinois.

5 (A) The Illinois State Police ~~Department~~ shall file or
6 cause to be filed all plates, photographs, outline pictures,
7 measurements, descriptions and information which shall be
8 received by it by virtue of its office and shall make a
9 complete and systematic record and index of the same,
10 providing thereby a method of convenient reference and
11 comparison. The Illinois State Police ~~Department~~ shall
12 furnish, upon application, all information pertaining to the
13 identification of any person or persons, a plate, photograph,
14 outline picture, description, measurements, or any data of
15 which there is a record in its office. Such information shall
16 be furnished to peace officers of the United States, of other
17 states or territories, of the Insular possessions of the
18 United States, of foreign countries duly authorized to receive
19 the same, to all peace officers of the State of Illinois, to
20 investigators of the Illinois Law Enforcement Training
21 Standards Board and, conviction information only, to units of
22 local government, school districts, private organizations, and
23 requesting institutions as defined in Section 2605-345 of the
24 Illinois ~~Department of~~ State Police Law under the provisions
25 of Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,
26 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130,~~

1 ~~2605-140,~~ 2605-190, 2605-200, 2605-205, 2605-210, 2605-215,
2 2605-250, 2605-275, ~~2605-300,~~ 2605-305, 2605-315, 2605-325,
3 2605-335, 2605-340, 2605-345, 2605-350, 2605-355, 2605-360,
4 2605-365, 2605-375, ~~2605-390,~~ 2605-400, 2605-405, 2605-420,
5 2605-430, 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the
6 Illinois ~~Department of State Police Law (20 ILCS 2605/2605 10,~~
7 ~~2605/2605 15,~~ ~~2605/2605 75,~~ ~~2605/2605 100,~~ ~~2605/2605 105,~~
8 ~~2605/2605 110,~~ ~~2605/2605 115,~~ ~~2605/2605 120,~~ ~~2605/2605 130,~~
9 ~~2605/2605 140,~~ ~~2605/2605 190,~~ ~~2605/2605 200,~~ ~~2605/2605 205,~~
10 ~~2605/2605 210,~~ ~~2605/2605 215,~~ ~~2605/2605 250,~~ ~~2605/2605 275,~~
11 ~~2605/2605 300,~~ ~~2605/2605 305,~~ ~~2605/2605 315,~~ ~~2605/2605 325,~~
12 ~~2605/2605 335,~~ ~~2605/2605 340,~~ ~~2605/2605 350,~~ ~~2605/2605 355,~~
13 ~~2605/2605 360,~~ ~~2605/2605 365,~~ ~~2605/2605 375,~~ ~~2605/2605 390,~~
14 ~~2605/2605 400,~~ ~~2605/2605 405,~~ ~~2605/2605 420,~~ ~~2605/2605 430,~~
15 ~~2605/2605 435,~~ ~~2605/2605 500,~~ ~~2605/2605 525,~~ ~~or~~
16 ~~2605/2605 550).~~ Applications shall be in writing and
17 accompanied by a certificate, signed by the peace officer or
18 chief administrative officer or his designee making such
19 application, to the effect that the information applied for is
20 necessary in the interest of and will be used solely in the due
21 administration of the criminal laws or for the purpose of
22 evaluating the qualifications and character of employees,
23 prospective employees, volunteers, or prospective volunteers
24 of units of local government, school districts, and private
25 organizations, or for the purpose of evaluating the character
26 of persons who may be granted or denied access to municipal

1 utility facilities under Section 11-117.1-1 of the Illinois
2 Municipal Code.

3 For the purposes of this subsection, "chief administrative
4 officer" is defined as follows:

5 a) The city manager of a city or, if a city does not
6 employ a city manager, the mayor of the city.

7 b) The manager of a village or, if a village does not
8 employ a manager, the president of the village.

9 c) The chairman or president of a county board or, if a
10 county has adopted the county executive form of
11 government, the chief executive officer of the county.

12 d) The president of the school board of a school
13 district.

14 e) The supervisor of a township.

15 f) The official granted general administrative control
16 of a special district, an authority, or organization of
17 government establishment by law which may issue
18 obligations and which either may levy a property tax or
19 may expend funds of the district, authority, or
20 organization independently of any parent unit of
21 government.

22 g) The executive officer granted general
23 administrative control of a private organization defined
24 in Section 2605-335 of the Illinois ~~Department of~~ State
25 Police Law ~~(20 ILCS 2605/2605-335)~~.

26 (B) Upon written application and payment of fees

1 authorized by this subsection, State agencies and units of
2 local government, not including school districts, are
3 authorized to submit fingerprints of employees, prospective
4 employees and license applicants to the Illinois State Police
5 ~~Department~~ for the purpose of obtaining conviction information
6 maintained by the Illinois State Police ~~Department~~ and the
7 Federal Bureau of Investigation about such persons. The
8 Illinois State Police ~~Department~~ shall submit such
9 fingerprints to the Federal Bureau of Investigation on behalf
10 of such agencies and units of local government. The Illinois
11 State Police ~~Department~~ shall charge an application fee, based
12 on actual costs, for the dissemination of conviction
13 information pursuant to this subsection. The Illinois State
14 Police ~~Department~~ is empowered to establish this fee and shall
15 prescribe the form and manner for requesting and furnishing
16 conviction information pursuant to this subsection.

17 (C) Upon payment of fees authorized by this subsection,
18 the Illinois State Police ~~Department~~ shall furnish to the
19 commanding officer of a military installation in Illinois
20 having an arms storage facility, upon written request of such
21 commanding officer or his designee, and in the form and manner
22 prescribed by the Illinois State Police ~~Department~~, all
23 criminal history record information pertaining to any
24 individual seeking access to such a storage facility, where
25 such information is sought pursuant to a federally-mandated
26 security or criminal history check.

1 The Illinois State Police ~~Department~~ shall establish and
2 charge a fee, not to exceed actual costs, for providing
3 information pursuant to this subsection.

4 (Source: P.A. 97-1120, eff. 1-1-13.)

5 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

6 Sec. 3.1. (a) The Illinois State Police ~~Department~~ may
7 furnish, pursuant to positive identification, records of
8 convictions to the Department of Professional Regulation for
9 the purpose of meeting registration or licensure requirements
10 under the Private Detective, Private Alarm, Private Security,
11 Fingerprint Vendor, and Locksmith Act of 2004.

12 (b) The Illinois State Police ~~Department~~ may furnish,
13 pursuant to positive identification, records of convictions to
14 policing bodies of this State for the purpose of assisting
15 local liquor control commissioners in carrying out their duty
16 to refuse to issue licenses to persons specified in paragraphs
17 (4), (5) and (6) of Section 6-2 of the Liquor Control Act of
18 1934.

19 (c) The Illinois State Police ~~Department~~ shall charge an
20 application fee, based on actual costs, for the dissemination
21 of records pursuant to this Section. Fees received for the
22 dissemination of records pursuant to this Section shall be
23 deposited in the State Police Services Fund. The Illinois
24 State Police ~~Department~~ is empowered to establish this fee and
25 to prescribe the form and manner for requesting and furnishing

1 conviction information pursuant to this Section.

2 (d) Any dissemination of any information obtained pursuant
3 to this Section to any person not specifically authorized
4 hereby to receive or use it for the purpose for which it was
5 disseminated shall constitute a violation of Section 7.

6 (Source: P.A. 95-613, eff. 9-11-07.)

7 (20 ILCS 2630/3.3)

8 Sec. 3.3. Federal Rap Back Service.

9 (a) In this Section:

10 "National criminal history record check" means a check of
11 criminal history records entailing the fingerprinting of the
12 person and submission of the fingerprints to the United States
13 Federal Bureau of Investigation for the purpose of obtaining
14 the national criminal history record of the person from the
15 Federal Bureau of Investigation.

16 "Rap Back Service" means the system that enables an
17 authorized agency or entity to receive ongoing status
18 notifications of any criminal history from the Illinois
19 ~~Department of~~ State Police or the Federal Bureau of
20 Investigation reported on a person whose fingerprints are
21 registered in the system, after approval and implementation of
22 the system.

23 (b) Agencies and entities in this State authorized by law
24 to conduct or obtain national criminal history background
25 checks for persons shall be eligible to participate in the

1 Federal Rap Back Service administered by the Illinois
2 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
3 Police may submit fingerprints to the Federal Bureau of
4 Investigation Rap Back Service to be retained in the Federal
5 Bureau of Investigation Rap Back Service for the purpose of
6 being searched by future submissions to the Federal Bureau of
7 Investigation Rap Back Service, including latent fingerprint
8 searches and to collect all Federal Rap Back Service fees from
9 eligible agencies and entities wishing to participate in the
10 Rap Back Service and remit those fees to the Federal Bureau of
11 Investigation.

12 (c) The Illinois ~~Department of~~ State Police may adopt any
13 rules necessary for implementation of this Section.

14 (Source: P.A. 100-718, eff. 1-1-19.)

15 (20 ILCS 2630/4) (from Ch. 38, par. 206-4)

16 Sec. 4. The Illinois State Police ~~Department~~ may use the
17 following systems of identification: the Bertillon system, the
18 fingerprint ~~finger print~~ system, and any system of measurement
19 or identification that may be adopted by law or rule in the
20 various penal institutions or bureaus of identification
21 wherever located.

22 The Illinois State Police ~~Department~~ shall make a record
23 consisting of duplicates of all measurements, processes,
24 operations, signaletic ~~signalletic~~ cards, plates, photographs,
25 outline pictures, measurements, descriptions of and data

1 relating to all persons confined in penal institutions
2 wherever located, so far as the same are obtainable, in
3 accordance with whatever system or systems may be found most
4 efficient and practical.

5 (Source: P.A. 98-756, eff. 7-16-14.)

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 Sec. 5. Arrest reports. All policing bodies of this State
8 shall furnish to the Illinois State Police ~~Department~~, daily,
9 in the form and detail the Illinois State Police ~~Department~~
10 requires, fingerprints, descriptions, and ethnic and racial
11 background data as provided in Section 4.5 of this Act of all
12 persons who are arrested on charges of violating any penal
13 statute of this State for offenses that are classified as
14 felonies and Class A or B misdemeanors and of all minors of the
15 age of 10 and over who have been arrested for an offense which
16 would be a felony if committed by an adult, and may forward
17 such fingerprints and descriptions for minors arrested for
18 Class A or B misdemeanors. Moving or nonmoving traffic
19 violations under the Illinois Vehicle Code shall not be
20 reported except for violations of Chapter 4, Section 11-204.1,
21 or Section 11-501 of that Code. In addition, conservation
22 offenses, as defined in the Supreme Court Rule 501(c), that
23 are classified as Class B misdemeanors shall not be reported.
24 Those law enforcement records maintained by the Illinois State
25 Police ~~Department~~ for minors arrested for an offense prior to

1 their 17th birthday, or minors arrested for a non-felony
2 offense, if committed by an adult, prior to their 18th
3 birthday, shall not be forwarded to the Federal Bureau of
4 Investigation unless those records relate to an arrest in
5 which a minor was charged as an adult under any of the transfer
6 provisions of the Juvenile Court Act of 1987.

7 (Source: P.A. 98-528, eff. 1-1-15.)

8 (20 ILCS 2630/7) (from Ch. 38, par. 206-7)

9 Sec. 7. No file or record of the Illinois State Police
10 ~~Department~~ hereby created shall be made public, except as
11 provided in the "Illinois Uniform Conviction Information Act"
12 or other Illinois law or as may be necessary in the
13 identification of persons suspected or accused of crime and in
14 their trial for offenses committed after having been
15 imprisoned for a prior offense; and no information of any
16 character relating to its records shall be given or furnished
17 by the Illinois State Police ~~said Department~~ to any person,
18 bureau or institution other than as provided in this Act or
19 other State law, or when a governmental unit is required by
20 state or federal law to consider such information in the
21 performance of its duties. Violation of this Section shall
22 constitute a Class A misdemeanor.

23 However, if an individual requests the Illinois State
24 Police ~~Department~~ to release information as to the existence
25 or nonexistence of any criminal record he might have, the

1 Illinois State Police ~~Department~~ shall do so upon determining
2 that the person for whom the record is to be released is
3 actually the person making the request. The Illinois State
4 Police ~~Department~~ shall establish reasonable fees and rules to
5 allow an individual to review and correct any criminal history
6 record information the Illinois State Police ~~Department~~ may
7 hold concerning that individual upon verification of the
8 identity of the individual. Such rulemaking is subject to the
9 provisions of the Illinois Administrative Procedure Act.

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

11 (20 ILCS 2630/7.5)

12 Sec. 7.5. Notification of outstanding warrant. If the
13 existence of an outstanding arrest warrant is identified by
14 the Illinois ~~Department of~~ State Police in connection with the
15 criminal history background checks conducted pursuant to
16 subsection (b) of Section 2-201.5 of the Nursing Home Care
17 Act, Section 2-201.5 of the ID/DD Community Care Act, Section
18 2-201.5 of the MC/DD Act, or subsection (d) of Section 6.09 of
19 the Hospital Licensing Act, the Illinois State Police
20 ~~Department~~ shall notify the jurisdiction issuing the warrant
21 of the following:

22 (1) Existence of the warrant.

23 (2) The name, address, and telephone number of the
24 licensed long term care facility in which the wanted
25 person resides.

1 Local issuing jurisdictions shall be aware that nursing
2 facilities have residents who may be fragile or vulnerable or
3 who may have a mental illness. When serving a warrant, law
4 enforcement shall make every attempt to mitigate the adverse
5 impact on other facility residents.

6 (Source: P.A. 99-180, eff. 7-29-15.)

7 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

8 Sec. 8. Crime statistics; sex offenders.

9 (a) The Illinois State Police ~~Department~~ shall be a
10 central repository and custodian of crime statistics for the
11 State and it shall have all power incident thereto to carry out
12 the purposes of this Act, including the power to demand and
13 receive cooperation in the submission of crime statistics from
14 all units of government. On an annual basis, the Illinois
15 Criminal Justice Information Authority shall make available
16 compilations published by the Authority of crime statistics
17 required to be reported by each policing body of the State, the
18 clerks of the circuit court of each county, the Illinois
19 Department of Corrections, the Sheriff of each county, and the
20 State's Attorney of each county, including, but not limited
21 to, criminal arrest, charge and disposition information.

22 (b) The Illinois State Police ~~Department~~ shall develop
23 information relating to the number of sex offenders and sexual
24 predators as defined in Section 2 of the Sex Offender
25 Registration Act who are placed on parole, mandatory

1 supervised release, or extended mandatory supervised release
2 and who are subject to electronic monitoring.

3 (Source: P.A. 94-988, eff. 1-1-07.)

4 (20 ILCS 2630/9) (from Ch. 38, par. 206-9)

5 Sec. 9. (a) Every county medical examiner and coroner
6 shall, in every death investigation where the identity of a
7 dead body cannot be determined by visual means, fingerprints,
8 or other identifying data, have a qualified dentist, as
9 determined by the county medical examiner or coroner, conduct
10 a dental examination of the dead body. If the county medical
11 examiner or coroner, with the aid of the dental examination
12 and other identifiers, is still unable to establish the
13 identity of the dead body, the medical examiner or coroner
14 shall forthwith submit the dental records to the Illinois
15 State Police Department.

16 (b) If a person reported missing has not been found within
17 30 days, the law enforcement agency to whom the person was
18 reported missing shall, within the next 5 days, make all
19 necessary efforts to locate and request from the family or
20 next of kin of the missing person written consent to contact
21 and receive from the dentist of the missing person that
22 person's dental records and shall forthwith make every
23 reasonable effort to acquire such records. Within 5 days of
24 the receipt of the missing person's dental records, the law
25 enforcement agency shall submit such records to the Illinois

1 State Police Department.

2 (c) The Illinois State Police Department shall be the
3 State central repository for all dental records submitted
4 pursuant to this Section. The Illinois State Police Department
5 may promulgate rules for the form and manner of submission of
6 dental records, reporting of the location or identification of
7 persons for whom dental records have been submitted and other
8 procedures for program operations.

9 (d) When a person who has been reported missing is located
10 and that person's dental records have been submitted to the
11 Illinois State Police Department, the law enforcement agency
12 which submitted that person's dental records to the Illinois
13 State Police Department shall report that fact to the Illinois
14 State Police Department and the Illinois State Police
15 Department shall expunge the dental records of that person
16 from the Illinois State Police's Department's file. The
17 Illinois State Police Department shall also expunge from its
18 files the dental records of those dead and missing persons who
19 are positively identified as a result of comparisons made with
20 its files, the files maintained by other states, territories,
21 insular possessions of the United States, or the United
22 States.

23 (Source: P.A. 84-255.)

24 (20 ILCS 2630/9.5)

25 Sec. 9.5. Material for DNA fingerprint analysis. Every

1 county medical examiner and coroner shall provide to the
2 Illinois State Police ~~Department~~ a sample of dried blood and
3 buccal specimens (tissue may be submitted if no uncontaminated
4 blood or buccal specimens can be obtained) from a dead body for
5 DNA fingerprint analysis if the Illinois State Police
6 ~~Department~~ notifies the medical examiner or coroner that the
7 Illinois State Police ~~Department~~ has determined that providing
8 that sample may be useful for law enforcement purposes in a
9 criminal investigation. In addition, if a local law
10 enforcement agency notifies a county medical examiner or
11 coroner that such a sample would be useful in a criminal
12 examination, the county medical examiner or coroner shall
13 provide a sample to the local law enforcement agency for
14 submission to the Illinois State Police ~~Department~~.

15 (Source: P.A. 95-500, eff. 1-1-08.)

16 (20 ILCS 2630/10) (from Ch. 38, par. 206-10)

17 Sec. 10. Judicial Remedies. The Attorney General or a
18 State's Attorney may bring suit in the circuit courts to
19 prevent and restrain violations of the Illinois Uniform
20 Conviction Information Act, enacted by the 85th General
21 Assembly and to enforce the reporting provisions of Section
22 2.1 of this Act. The Illinois ~~Department of~~ State Police may
23 request the Attorney General to bring any such action
24 authorized by this subsection.

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

1 (20 ILCS 2630/13)

2 Sec. 13. Retention and release of sealed records.

3 (a) The Illinois ~~Department of~~ State Police shall retain
4 records sealed under subsection (c) or (e-5) of Section 5.2 or
5 impounded under subparagraph (B) or (B-5) of paragraph (9) of
6 subsection (d) of Section 5.2 and shall release them only as
7 authorized by this Act. Felony records sealed under subsection
8 (c) or (e-5) of Section 5.2 or impounded under subparagraph
9 (B) or (B-5) of paragraph (9) of subsection (d) of Section 5.2
10 shall be used and disseminated by the Illinois State Police
11 ~~Department~~ only as otherwise specifically required or
12 authorized by a federal or State law, rule, or regulation that
13 requires inquiry into and release of criminal records,
14 including, but not limited to, subsection (A) of Section 3 of
15 this Act. However, all requests for records that have been
16 expunged, sealed, and impounded and the use of those records
17 are subject to the provisions of Section 2-103 of the Illinois
18 Human Rights Act. Upon conviction for any offense, the
19 Department of Corrections shall have access to all sealed
20 records of the Illinois State Police ~~Department~~ pertaining to
21 that individual.

22 (b) Notwithstanding the foregoing, all sealed or impounded
23 records are subject to inspection and use by the court and
24 inspection and use by law enforcement agencies and State's
25 Attorneys or other prosecutors in carrying out the duties of

1 their offices.

2 (c) The sealed or impounded records maintained under
3 subsection (a) are exempt from disclosure under the Freedom of
4 Information Act.

5 (d) The Illinois ~~Department of~~ State Police shall commence
6 the sealing of records of felony arrests and felony
7 convictions pursuant to the provisions of subsection (c) of
8 Section 5.2 of this Act no later than one year from the date
9 that funds have been made available for purposes of
10 establishing the technologies necessary to implement the
11 changes made by this amendatory Act of the 93rd General
12 Assembly.

13 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;
14 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

15 (20 ILCS 2630/14)

16 Sec. 14. Expungement Backlog Accountability Law.

17 (a) On or before August 1 of each year, the Illinois
18 ~~Department of~~ State Police shall report to the Governor, the
19 Attorney General, the Office of the State Appellate Defender,
20 and both houses of the General Assembly the following
21 information for the previous fiscal year:

22 (1) the number of petitions to expunge received by the
23 Illinois State Police ~~Department~~;

24 (2) the number of petitions to expunge to which the
25 Illinois State Police ~~Department~~ objected pursuant to

- 1 subdivision (d) (5) (B) of Section 5.2 of this Act;
- 2 (3) the number of petitions to seal records received
- 3 by the Illinois State Police ~~Department~~;
- 4 (4) the number of petitions to seal records to which
- 5 the Illinois State Police ~~Department~~ objected pursuant to
- 6 subdivision (d) (5) (B) of Section 5.2 of this Act;
- 7 (5) the number of orders to expunge received by the
- 8 Illinois State Police ~~Department~~;
- 9 (6) the number of orders to expunge to which the
- 10 Illinois State Police ~~Department~~ successfully filed a
- 11 motion to vacate, modify or reconsider under paragraph
- 12 (12) of subsection (d) of Section 5.2 of this Act;
- 13 (7) the number of orders to expunge records entered by
- 14 the Illinois State Police ~~Department~~;
- 15 (8) the number of orders to seal records received by
- 16 the Illinois State Police ~~Department~~;
- 17 (9) the number of orders to seal records to which the
- 18 Illinois State Police ~~Department~~ successfully filed a
- 19 motion to vacate, modify or reconsider under paragraph
- 20 (12) of subsection (d) of Section 5.2 of this Act;
- 21 (10) the number of orders to seal records entered by
- 22 the Illinois State Police ~~Department~~;
- 23 (11) the amount of fees received by the Illinois State
- 24 Police ~~Department~~ pursuant to subdivision (d) (10) of
- 25 Section 5.2 of this Act and deposited into the State
- 26 Police Services Fund;

1 (12) the number of orders to expunge or to seal
2 records received by the Illinois State Police ~~Department~~
3 that have not been entered as of June 30 of the previous
4 fiscal year.

5 (b) The information reported under this Section shall be
6 made available to the public, at the time it is reported, on
7 the official web site of the Illinois ~~Department of~~ State
8 Police.

9 (c) Upon request of a State's Attorney or the Attorney
10 General, the Illinois State Police ~~Department~~ shall provide
11 within 90 days a list of all orders to expunge or seal with
12 which the Illinois State Police ~~Department~~ has not yet
13 complied. This list shall include the date of the order, the
14 name of the petitioner, the case number, and a detailed
15 statement of the basis for non-compliance.

16 (Source: P.A. 98-163, eff. 8-5-13.)

17 Section 225. The Illinois Uniform Conviction Information
18 Act is amended by changing the title of the Act and Sections 2,
19 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, and 21
20 as follows:

21 (20 ILCS 2635/Act title)

22 An Act providing for uniform, public access to conviction
23 records maintained by the Illinois ~~Department of~~ State Police,
24 amending certain Acts in relation thereto.

1 (20 ILCS 2635/2) (from Ch. 38, par. 1602)

2 Sec. 2. Legislative Findings and Purposes. (A) The
3 legislature finds and hereby declares that conviction
4 information maintained by the Illinois ~~Department of~~ State
5 Police shall be publicly available in the State of Illinois.

6 (B) The purpose of this Act is: (1) to establish uniform
7 policy for gaining access to and disseminating conviction
8 information maintained by the State of Illinois; (2) to
9 establish guidelines and priorities which fully support
10 effective law enforcement and ongoing criminal investigations
11 and which ensure that conviction information is made
12 accessible within appropriate time frames; (3) to ensure the
13 accuracy and completeness of conviction information in the
14 State of Illinois; and (4) to establish procedures for
15 effectively correcting errors and providing individuals with
16 redress of grievances in the event that inaccurate or
17 incomplete information may be disseminated about them.

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

19 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

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

23 (A) "Accurate" means factually correct, containing no
24 mistake or error of a material nature.

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

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

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

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

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

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

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

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

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

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

16 (I) (Blank). ~~"The Department" means the Illinois~~
17 ~~Department of State Police.~~

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

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

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

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

1 individuals, corporations, or non-governmental agencies or
2 organizations.

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

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

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

19 (P) "Sentencing commission" means the Sentencing Policy
20 Advisory Council.

21 (Source: P.A. 99-880, eff. 8-22-16; 100-201, eff. 8-18-17;
22 100-759, eff. 1-1-19.)

23 (20 ILCS 2635/4) (from Ch. 38, par. 1604)
24 Sec. 4. Applicability.

25 (A) The provisions of this Act shall apply only to

1 conviction information mandated by statute to be reported to
2 or to be collected, maintained, or disseminated by the
3 Illinois Department of State Police.

4 (B) The provisions of this Act shall not apply to
5 statistical information.

6 (C) In the event of conflict between the application of
7 this Act and the statutes listed in paragraphs (1), (2), (3),
8 (4), or (5) below, the statutes listed below, as hereafter
9 amended, shall control unless specified otherwise:

10 (1) The Juvenile Court Act of 1987; or

11 (2) Section 5-3-4 of the Unified Code of Corrections;

12 or

13 (3) Paragraph (4) of Section 12 of the Probation and
14 Probation Officers Act; or

15 (4) Section 2.1 of the Criminal Identification Act; or

16 (5) The Pretrial Services Act.

17 (Source: P.A. 89-198, eff. 7-21-95; 89-626, eff. 8-9-96.)

18 (20 ILCS 2635/5) (from Ch. 38, par. 1605)

19 Sec. 5. Public Availability of Conviction Information. All
20 conviction information mandated by statute to be collected and
21 maintained by the Illinois Department of State Police shall be
22 open to public inspection in the State of Illinois. All
23 persons, state agencies and units of local government shall
24 have access to inspect, examine and reproduce such
25 information, in accordance with this Act, and shall have the

1 right to take memoranda and abstracts concerning such
2 information, except to the extent that the provisions of this
3 Act or other Illinois statutes might create specific
4 restrictions on the use or disclosure of such information.

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

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

7 Sec. 6. Dissemination Time Frames and Priorities. (A) The
8 Illinois State Police's ~~Department's~~ duty and obligation to
9 furnish criminal history record information to peace officers
10 and criminal justice agencies shall take precedence over any
11 requirement of this Act to furnish conviction information to
12 non-criminal justice agencies or to the public. When, in the
13 judgment of the Director, such duties and obligations are
14 being fulfilled in a timely manner, the Illinois State Police
15 ~~Department~~ shall furnish conviction information to requesters
16 in accordance with the provisions of this Act. The Illinois
17 State Police ~~Department~~ may give priority to requests for
18 conviction information from non-criminal justice agencies over
19 other requests submitted pursuant to this Act.

20 (B) The Illinois State Police ~~Department~~ shall attempt to
21 honor requests for conviction information made pursuant to
22 this Act in the shortest time possible. Subject to the
23 dissemination priorities of subsection (A) of this Section,
24 the Illinois State Police ~~Department~~ shall respond to a
25 request for conviction information within 2 weeks from receipt

1 of a request.

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

3 (20 ILCS 2635/7) (from Ch. 38, par. 1607)

4 Sec. 7. Restrictions on the Use of Conviction Information.

5 (A) The following provisions shall apply to requests
6 submitted pursuant to this Act for employment or licensing
7 purposes or submitted to comply with the provisions of
8 subsection (B) of this Section:

9 (1) A requester shall, in the form and manner
10 prescribed by the Illinois State Police ~~Department~~, submit
11 a request to the Illinois State Police ~~Department~~, and
12 maintain on file for at least 2 years a release signed by
13 the individual to whom the information request pertains.
14 The Illinois State Police ~~Department~~ shall furnish the
15 requester with a copy of its response.

16 (2) Each requester of conviction information furnished
17 by the Illinois State Police ~~Department~~ shall provide the
18 individual named in the request with a copy of the
19 response furnished by the Illinois State Police
20 ~~Department~~. Within 7 working days of receipt of such copy,
21 the individual shall have the obligation and
22 responsibility to notify the requester if the information
23 is inaccurate or incomplete.

24 (3) Unless notified by the individual named in the
25 request or by the Illinois State Police ~~Department~~ that

1 the information furnished is inaccurate or incomplete, no
2 requester of conviction information shall be liable for
3 damages to any person to whom the information pertains for
4 actions the requester may reasonably take in reliance on
5 the accuracy and completeness of conviction information
6 received from the Illinois State Police Department
7 pursuant to this act, if: (a) the requester in good faith
8 believes the conviction information furnished by the
9 Illinois State Police Department to be accurate and
10 complete; (b) the requester has complied with the
11 requirements of paragraphs (1) and (2) of this subsection
12 (A); and (c) the identifying information submitted by the
13 requester to the Illinois State Police Department is
14 accurate with respect to the individual about whom the
15 information was requested.

16 (4) Consistent with rules adopted by the Illinois
17 State Police Department pursuant to Section 7 of the
18 Criminal Identification Act "~~An Act in relation to~~
19 ~~criminal identification and investigation~~", approved July
20 ~~2, 1931, as amended~~, the individual to whom the conviction
21 information pertains may initiate proceedings directly
22 with the Illinois State Police Department to challenge or
23 correct a record furnished by the Illinois State Police
24 ~~Department~~ pursuant to this subsection (A). Such
25 correction proceedings shall be given priority over other
26 individual record review and challenges filed with the

1 Illinois State Police Department.

2 (B) Regardless of the purpose of the request, no requester
3 of conviction information shall be liable for damages to any
4 person to whom the information pertains for actions the
5 requester may reasonably take in reliance on the accuracy and
6 completeness of conviction information received from the
7 Illinois State Police Department pursuant to this Act, if: (1)
8 the requester in good faith believes the conviction
9 information furnished by the Illinois State Police Department
10 to be accurate and complete; (2) the requester has complied
11 with the requirements of paragraphs (1) and (2) of subsection
12 (A) of this Section; and (3) the identifying information
13 submitted by the requester to the Illinois State Police
14 ~~Department~~ is accurate with respect to the individual about
15 whom the information was requested.

16 (Source: P.A. 88-368.)

17 (20 ILCS 2635/8) (from Ch. 38, par. 1608)

18 Sec. 8. Form, Manner and Fees for Requesting and Obtaining
19 Conviction Information.

20 (A) The Illinois State Police Department shall prescribe
21 the form and manner for requesting and furnishing conviction
22 information pursuant to this Act. The Illinois State Police
23 ~~Department~~ shall prescribe the types of identifying
24 information that must be submitted to the Illinois State
25 Police Department in order to process any request for

1 conviction information and the form and manner for making such
2 application, consistent with this Act.

3 (B) The Illinois State Police ~~Department~~ shall establish
4 the maximum fee it shall charge and assess for processing
5 requests for conviction information, and the Authority shall
6 establish the maximum fee that other criminal justice agencies
7 shall charge and assess for processing requests for conviction
8 information pursuant to this Act. Such fees shall include the
9 general costs associated with performing a search for all
10 information about each person for which a request is received
11 including classification, search, retrieval, reproduction,
12 manual and automated data processing, telecommunications
13 services, supplies, mailing and those general costs associated
14 with the inquiries required by subsection (B) of Section 9 and
15 Section 13 of this Act, and, when applicable, such fees shall
16 provide for the direct payment to or reimbursement of a
17 criminal justice agency for assisting the requester or the
18 Illinois State Police ~~Department~~ pursuant to this Act. In
19 establishing the fees required by this Section, the Illinois
20 State Police ~~Department~~ and the Authority may also take into
21 account the costs relating to multiple or automated requests
22 and disseminations and the costs relating to any other special
23 factors or circumstances required by statute or rule. The
24 maximum fees established by the Authority pursuant to this
25 Section may be waived or reduced at the discretion of a
26 criminal justice agency.

1 (Source: P.A. 94-365, eff. 7-29-05.)

2 (20 ILCS 2635/9) (from Ch. 38, par. 1609)

3 Sec. 9. Procedural Requirements for Disseminating
4 Conviction Information.

5 (A) In accordance with the time parameters of Section 6
6 and the requirements of subsection (B) of this Section 9, the
7 Illinois State Police ~~Department~~ shall either: (1) transmit
8 conviction information to the requester, including an
9 explanation of any code or abbreviation; (2) explain to the
10 requester why the information requested cannot be transmitted;
11 or (3) inform the requester of any deficiency in the request.

12 (B) Prior to a non-automated dissemination or within 30
13 days subsequent to an automated dissemination made pursuant to
14 this Act, the Illinois State Police ~~Department~~ shall first
15 conduct a formal update inquiry and review to make certain
16 that the information disseminated is complete, except (1) in
17 cases of exigency, (2) upon request of another criminal
18 justice agency, (3) for conviction information that is less
19 than 30 days old, or (4) for information intentionally
20 fabricated upon the express written authorization of the
21 Director of the Illinois State Police to support undercover
22 law enforcement efforts.

23 It shall be the responsibility of the Illinois State
24 Police ~~Department~~ to retain a record of every extra-agency
25 dissemination of conviction information for a period of not

1 less than 3 years. Such records shall be subject to audit by
2 the Illinois State Police Department, and shall, upon request,
3 be supplied to the individual to whom the information pertains
4 for requests from members of the general public, corporations,
5 organizations, employers, employment agencies, labor
6 organizations and non-criminal justice agencies. At a minimum,
7 the following information shall be recorded and retained by
8 the Illinois State Police Department:

9 (1) The name of the individual to whom the
10 disseminated information pertains;

11 (2) The name of the individual requesting the
12 information;

13 (3) The date of the request;

14 (4) The name and address of the private individual,
15 corporation, organization, employer, employment agency,
16 labor organization or non-criminal justice agency
17 receiving the information; and

18 (5) The date of the dissemination.

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

20 (20 ILCS 2635/10) (from Ch. 38, par. 1610)

21 Sec. 10. Dissemination requests Based Upon Fingerprint
22 Identification. When fingerprint identification accompanies a
23 request for conviction information maintained by the Illinois
24 State Police Department, an appropriate statement shall be
25 issued by the Illinois State Police Department indicating that

1 the information furnished by the Illinois State Police
2 ~~Department~~ positively pertains to the individual whose
3 fingerprints were submitted and that the response contains all
4 the conviction information that has been reported to the
5 Illinois State Police Department pursuant to Section 2.1 of
6 the Criminal Identification Act "~~An Act in relation to~~
7 ~~criminal identification and investigation~~", ~~approved July 2,~~
8 ~~1931, as amended.~~

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

10 (20 ILCS 2635/11) (from Ch. 38, par. 1611)

11 Sec. 11. Dissemination requests Not Based Upon Fingerprint
12 Identification. (A) When a requester is not legally mandated
13 to submit positive fingerprint identification to the Illinois
14 State Police Department or when a requester is precluded from
15 submitting positive fingerprint identification to the Illinois
16 State Police Department due to exigency, an appropriate
17 warning shall be issued by the Illinois State Police
18 ~~Department~~ indicating that the information furnished cannot be
19 identified with certainty as pertaining to the individual
20 named in the request and may only be relied upon as being
21 accurate and complete if the requester has first complied with
22 the requirements of subsection (B) of Section 7.

23 (B) If the identifying information submitted by the
24 requester to the Illinois State Police Department corresponds
25 to more than one individual found in the files maintained by

1 the Illinois State Police ~~Department~~, the Illinois State
2 Police ~~Department~~ shall not disclose the information to the
3 requester, unless it is determined by the Illinois State
4 Police ~~Department~~ that dissemination is still warranted due to
5 exigency or to administer the criminal laws. In such
6 instances, the Illinois State Police ~~Department~~ may require
7 the requester to submit additional identifying information or
8 fingerprints in the form and manner prescribed by the Illinois
9 State Police ~~Department~~.

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

11 (20 ILCS 2635/12) (from Ch. 38, par. 1612)

12 Sec. 12. Error Notification and Correction Procedure. It
13 is the duty and responsibility of the Illinois State Police
14 ~~Department~~ to maintain accurate and complete criminal history
15 record information and to correct or update such information
16 after determination by audit, individual review and challenge
17 procedures, or by other verifiable means, that it is
18 incomplete or inaccurate. Except as may be required for a
19 longer period of time by Illinois law, the Illinois State
20 Police ~~Department~~ shall notify a requester if a subsequent
21 disposition of conviction or a subsequent modification of
22 conviction information has been reported to the Illinois State
23 Police ~~Department~~ within 30 days of responding to the
24 requester.

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

1 (20 ILCS 2635/13) (from Ch. 38, par. 1613)

2 Sec. 13. Limitation on Further Dissemination. Unless
3 otherwise permitted by law or in the case of exigency, the
4 subsequent dissemination of conviction information furnished
5 by the Illinois State Police ~~Department~~ pursuant to this Act
6 shall only be permitted by a requester for the 30 day period
7 immediately following receipt of the information. Except as
8 permitted in this Section, any requester still wishing to
9 further disseminate or to rely on the accuracy and
10 completeness of conviction information more than 30 days from
11 receipt of the information from the Illinois State Police
12 ~~Department~~ shall initiate a new request to the Illinois State
13 Police ~~Department~~ for current information.

14 (Source: P.A. 88-368.)

15 (20 ILCS 2635/14) (from Ch. 38, par. 1614)

16 Sec. 14. Judicial Remedies. (A) The Attorney General or a
17 State's Attorney may bring suit in the circuit courts to
18 prevent and restrain violations of this Act and to enforce the
19 reporting provisions of Section 2.1 of the Criminal
20 Identification Act ~~"An Act in relation to criminal~~
21 ~~identification and investigation", approved July 2, 1931, as~~
22 ~~amended~~. The Illinois State Police ~~Department~~ may request the
23 Attorney General to bring any such action authorized by this
24 subsection.

1 (B) An individual aggrieved by a violation of this Act by a
2 State agency or unit of local government shall have the right
3 to pursue a civil action for damages or other appropriate
4 legal or equitable remedy, including an action to compel the
5 Illinois State Police ~~Department~~ to disclose or correct
6 conviction information in its files, once administrative
7 remedies have been exhausted.

8 (C) Any civil action for damages alleging the negligent
9 dissemination of inaccurate or incomplete conviction
10 information by a State agency or by a unit of local government
11 in violation of this Act may only be brought against the State
12 agency or unit of local government and shall not be brought
13 against any employee or official thereof.

14 (D) Civil remedies authorized by this Section may be
15 brought in any circuit court of the State of Illinois in the
16 county in which the violation occurs or in the county where the
17 State agency or unit of local government is situated; except
18 all damage claims against the State of Illinois for violations
19 of this Act shall be determined by the Court of Claims.

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

21 (20 ILCS 2635/15) (from Ch. 38, par. 1615)

22 Sec. 15. Civil Damages. (A) In any action brought pursuant
23 to this Act, an individual aggrieved by any violation of this
24 Act shall be entitled to recover actual and general
25 compensatory damages for each violation, together with costs

1 and attorney's fees reasonably incurred, consistent with
2 Section 16 of this Act. In addition, an individual aggrieved
3 by a willful violation of this Act shall be entitled to recover
4 \$1,000. In addition, an individual aggrieved by a non-willful
5 violation of this Act for which there has been dissemination
6 of inaccurate or incomplete conviction information shall be
7 entitled to recover \$200; provided, however, if conviction
8 information is determined to be incomplete or inaccurate, by
9 audit, by individual review and challenge procedures, or by
10 other verifiable means, then the individual aggrieved shall
11 only be entitled to recover such amount if the Illinois State
12 Police Department fails to correct the information within 30
13 days.

14 (B) For the purposes of this Act, the State of Illinois
15 shall be liable for damages as provided in this Section and for
16 attorney's fees and litigation costs as provided in Section 16
17 of this Act. All damage claims against the State of Illinois or
18 any of its agencies for violations of this Act shall be
19 determined by the Court of Claims.

20 (C) For purposes of limiting the amount of civil damages
21 that may be assessed against the State of Illinois or a unit of
22 local government pursuant to this Section, a State agency, a
23 unit of local government, and the officials or employees of a
24 State agency or a unit of local government may in good faith
25 rely upon the assurance of another State agency or unit of
26 local government that conviction information is maintained or

1 disseminated in compliance with the provisions of this Act.
2 However, such reliance shall not constitute a defense with
3 respect to equitable or declaratory relief.

4 (D) For purposes of limiting the amount of damages that
5 may be assessed against the State of Illinois pursuant to this
6 Section, the Illinois State Police Department may in good
7 faith presume that the conviction information reported to it
8 by a clerk of the circuit court or a criminal justice agency is
9 accurate. However, such presumption shall not constitute a
10 defense with respect to equitable or declaratory relief.

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

12 (20 ILCS 2635/17) (from Ch. 38, par. 1617)

13 Sec. 17. Administrative Sanctions. The Illinois State
14 Police Department shall refuse to comply with any request to
15 furnish conviction information maintained in its files, if the
16 requester has not acted in accordance with the requirements of
17 this Act or rules and regulations issued pursuant thereto. The
18 requester may appeal such a refusal by the Illinois State
19 Police Department to the Director. Upon written application by
20 the requester, the Director shall hold a hearing to determine
21 whether dissemination of the requested information would be in
22 violation of this Act or rules and regulations issued pursuant
23 to it or other federal or State law pertaining to the
24 collection, maintenance or dissemination of criminal history
25 record information. When the Director finds such a violation,

1 the Illinois State Police ~~Department~~ shall be prohibited from
2 disseminating conviction information to the requester, under
3 such terms and conditions and for such periods of time as the
4 Director deems appropriate.

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

6 (20 ILCS 2635/19) (from Ch. 38, par. 1619)

7 Sec. 19. Coordinating and Implementing Policy. The
8 Illinois State Police ~~Department~~ shall adopt rules to
9 prescribe the appropriate form, manner and fees for complying
10 with the requirements of this Act. The Authority shall adopt
11 rules to prescribe form, manner and maximum fees which the
12 Authority is authorized to establish pursuant to subsection
13 (B) of Section 8 of this Act. Such rulemaking is subject to the
14 provisions of the Illinois Administrative Procedure Act.

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

16 (20 ILCS 2635/20) (from Ch. 38, par. 1620)

17 Sec. 20. State Liability and Indemnification of Units of
18 Local Government. (A) The State of Illinois shall guarantee
19 the accuracy and completeness of conviction information
20 disseminated by the Illinois State Police ~~Department~~ that is
21 based upon fingerprint identification. The State of Illinois
22 shall not be liable for the accuracy and completeness of any
23 information disseminated upon identifying information other
24 than fingerprints.

1 (B) The State of Illinois shall indemnify a clerk of the
2 circuit court, a criminal justice agency, and their employees
3 and officials from, and against, all damage claims brought by
4 others due to dissemination by the Illinois State Police
5 ~~Department~~ of inaccurate or incomplete conviction information
6 based upon positive fingerprint identification, provided that
7 the conviction information in question was initially reported
8 to the Illinois State Police ~~Department~~ accurately and in the
9 timely manner mandated by Section 2.1 of the Criminal
10 Identification Act ~~"An Act in relation to criminal~~
11 ~~identification and investigation"~~, approved July 2, 1931, as
12 amended.

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

14 (20 ILCS 2635/21) (from Ch. 38, par. 1621)

15 Sec. 21. Audits. The Illinois State Police ~~Department~~
16 shall regularly conduct representative audits of the criminal
17 history record keeping and criminal history record reporting
18 policies, practices, and procedures of the repositories for
19 such information in Illinois to ensure compliance with the
20 provisions of this Act and Section 2.1 of the Criminal
21 Identification Act ~~"An Act in relation to criminal~~
22 ~~identification and investigation"~~, approved July 2, 1931, as
23 amended. The findings of such audits shall be reported to the
24 Governor, General Assembly, and, upon request, to members of
25 the general public.

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

2 Section 230. The Criminal Diversion Racial Impact Data
3 Collection Act is amended by changing Sections 5 and 15 as
4 follows:

5 (20 ILCS 2637/5)

6 (Section scheduled to be repealed on December 31, 2021)

7 Sec. 5. Legislative intent. Racial and ethnic disparity in
8 the criminal justice system, or the over-representation of
9 certain minority groups compared to their representation in
10 the general population, has been well documented, along with
11 the harmful effects of such disproportionality. There is no
12 single cause of the racial and ethnic disparity evident at
13 every stage of the criminal justice system; suggested causes
14 have included differing patterns of criminal activity, law
15 enforcement activity, and discretionary decisions of criminal
16 justice practitioners, along with effects of legislative
17 policies. In order to make progress in reducing this harmful
18 phenomenon, information on the racial composition of offenders
19 at each stage of the criminal justice system must be
20 systematically gathered and analyzed to lay the foundation for
21 determining the impact of proposed remedies. Gaps of
22 information at any stage will hamper valid analysis at
23 subsequent stages. At the earliest stages of the criminal
24 justice system, systematic statewide information on arrested

1 persons, including race and ethnicity, is collected in the
2 Illinois State Police Criminal History Record Information
3 System. However, under the Criminal Identification Act,
4 systematic statewide information on the racial and ethnic
5 composition of adults diverted from arrest by law enforcement
6 and diverted from prosecution by each county's State's
7 Attorney's office is not available. Therefore, it is the
8 intent of this legislation to provide a mechanism by which
9 statewide data on the race and ethnicity of offenders diverted
10 from the criminal justice system before the filing of a court
11 case can be provided by the criminal justice entity involved
12 for future racial disparity impact analyses of the criminal
13 justice system.

14 (Source: P.A. 99-666, eff. 1-1-17.)

15 (20 ILCS 2637/15)

16 (Section scheduled to be repealed on December 31, 2021)

17 Sec. 15. Reporting; publication.

18 (a) Under the reporting guidelines for law enforcement
19 agencies in Sections 2.1, 4.5, and 5 of the Criminal
20 Identification Act, the Authority shall determine and report
21 the number of persons arrested and released without being
22 charged, and report the racial and ethnic composition of those
23 persons.

24 (b) Under the reporting guidelines for State's Attorneys
25 in Sections 2.1, 4.5, and 5 of the Criminal Identification

1 Act, the Authority shall determine and report the number of
2 persons for which formal charges were dismissed, and the race
3 and ethnicity of those persons.

4 (c) Under the reporting guidelines for circuit court
5 clerks in Sections 2.1, 4.5, and 5 of the Criminal
6 Identification Act, the Authority shall determine and report
7 the number of persons admitted to a diversion from prosecution
8 program, and the racial and ethnic composition of those
9 persons, separated by each type of diversion program.

10 (d) The Authority shall publish the information received
11 and an assessment of the quality of the information received,
12 aggregated to the county level in the case of law enforcement
13 reports, on its publicly available website for the previous
14 calendar year, as affirmed by each reporting agency at the
15 time of its report submission.

16 (e) The Authority, Illinois ~~Department of~~ State Police,
17 Administrative Office of the Illinois Courts, and Illinois
18 State's Attorneys Association may collaborate on any necessary
19 training concerning the provisions of this Act.

20 (Source: P.A. 99-666, eff. 1-1-17.)

21 Section 235. The Statewide Organized Gang Database Act is
22 amended by changing Sections 5 and 10 as follows:

23 (20 ILCS 2640/5)

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

1 ~~"Department" means the Department of State Police.~~

2 "Director" means the Director of the Illinois State
3 Police.

4 "Organized gang" has the meaning ascribed to it in Section
5 10 of the Illinois Streetgang Terrorism Omnibus Prevention
6 Act.

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

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

13 (20 ILCS 2640/10)

14 Sec. 10. Duties of the Illinois State Police ~~Department~~.

15 The Illinois State Police ~~Department~~ may:

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

19 (b) notify all law enforcement agencies that reports of
20 arrested organized gang members or organized gang affiliates
21 shall be entered into the database as soon as the minimum level
22 of data specified by the Illinois State Police ~~Department~~ is
23 available to the reporting agency, and that no waiting period
24 for the entry of that data exists;

25 (c) develop and implement a policy for notifying law

1 enforcement agencies of the emergence of new organized gangs,
2 or the change of a name or other identifying sign by an
3 existing organized gang;

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

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

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

20 (g) locate all law enforcement agencies that could, in the
21 opinion of the Director, benefit from access to SWORD, and
22 notify them of its existence; and

23 (h) cooperate with all law enforcement agencies wishing to
24 gain access to the SWORD system, and facilitate their entry
25 into the system and their continued maintenance of access to
26 it.

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

2 Section 240. The Statewide Senior Citizen Victimizer
3 Database Act is amended by changing Sections 5 and 10 as
4 follows:

5 (20 ILCS 2645/5)

6 Sec. 5. Definitions. In this Act:

7 ~~"Department" means Department of State Police.~~

8 "Director" means the Director of the Illinois State
9 Police.

10 "Senior citizen" means a person of the age of 60 years or
11 older.

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

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

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

20 (20 ILCS 2645/10)

21 Sec. 10. Duties of the Illinois State Police ~~Department~~.

22 The Illinois State Police ~~Department~~ may:

23 (a) Provide a uniform reporting format for the entry of

1 pertinent information regarding the report of an arrested
2 senior citizen victimizer into the Senior Citizen Victimizer
3 Database Terminal;

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

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

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

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

24 (f) Cooperate with all law enforcement agencies wishing to
25 gain access to the Statewide Senior Citizen Victimizer
26 Database system, and to facilitate their entry into the system

1 and to their continued maintenance of access to it.

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

3 Section 245. The Department of Transportation Law of the
4 Civil Administrative Code of Illinois is amended by changing
5 Sections 2705-90, 2705-125, 2705-317, 2705-505.5, and
6 2705-505.6 as follows:

7 (20 ILCS 2705/2705-90) (was 20 ILCS 2705/49.31)

8 Sec. 2705-90. Criminal history record information from
9 Illinois ~~Department of~~ State Police. Whenever the Department
10 is authorized or required by law to consider some aspect of
11 criminal history record information for the purpose of
12 carrying out its statutory powers and responsibilities, then,
13 upon request and payment of fees in conformance with the
14 requirements of Section 2605-400 of the Illinois ~~Department of~~
15 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois
16 ~~Department of~~ State Police is authorized to furnish, pursuant
17 to positive identification, the information contained in State
18 files that is necessary to fulfill the request.

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

20 (20 ILCS 2705/2705-125) (was 20 ILCS 2705/49.22)

21 Sec. 2705-125. Safety inspection of motor vehicles;
22 transfer from various State agencies. The Department has the
23 power to administer, exercise, and enforce the rights, powers,

1 and duties presently vested in the Illinois ~~Department of~~
2 State Police and the Division of State Troopers under the
3 Illinois Vehicle Inspection Law, in the Illinois Commerce
4 Commission, in the State Board of Education, and in the
5 Secretary of State under laws relating to the safety
6 inspection of motor vehicles operated by common carriers, of
7 school buses, and of motor vehicles used in the transportation
8 of school children and motor vehicles used in driver exam
9 training schools for hire licensed under Article IV of the
10 Illinois Driver Licensing Law or under any other law relating
11 to the safety inspection of motor vehicles of the second
12 division as defined in the Illinois Vehicle Code.

13 (Source: P.A. 96-740, eff. 1-1-10.)

14 (20 ILCS 2705/2705-317)

15 Sec. 2705-317. Safe Routes to School Construction Program.

16 (a) Upon enactment of a federal transportation bill with a
17 dedicated fund available to states for safe routes to schools,
18 the Department, in cooperation with the State Board of
19 Education and the Illinois ~~Department of~~ State Police, shall
20 establish and administer a Safe Routes to School Construction
21 Program for the construction of bicycle and pedestrian safety
22 and traffic-calming projects using the federal Safe Routes to
23 Schools Program funds.

24 (b) The Department shall make construction grants
25 available to local governmental agencies under the Safe Routes

1 to School Construction Program based on the results of a
2 statewide competition that requires submission of Safe Routes
3 to School proposals for funding and that rates those proposals
4 on all of the following factors:

5 (1) Demonstrated needs of the grant applicant.

6 (2) Potential of the proposal for reducing child
7 injuries and fatalities.

8 (3) Potential of the proposal for encouraging
9 increased walking and bicycling among students.

10 (4) Identification of safety hazards.

11 (5) Identification of current and potential walking
12 and bicycling routes to school.

13 (6) Consultation and support for projects by
14 school-based associations, local traffic engineers, local
15 elected officials, law enforcement agencies, and school
16 officials.

17 (7) Proximity to parks and other recreational
18 facilities.

19 With respect to the use of federal Safe Routes to Schools
20 Program funds, prior to the award of a construction grant or
21 the use of those funds for a Safe Routes to School project
22 encompassing a highway, the Department shall consult with and
23 obtain approval from the Illinois ~~Department of~~ State Police
24 and the highway authority with jurisdiction to ensure that the
25 Safe Routes to School proposal is consistent with a statewide
26 pedestrian safety statistical analysis.

1 (c) On March 30, 2006 and each March 30th thereafter, the
2 Department shall submit a report to the General Assembly
3 listing and describing the projects funded under the Safe
4 Routes to School Construction Program.

5 (d) The Department shall study the effectiveness of the
6 Safe Routes to School Construction Program, with particular
7 emphasis on the Program's effectiveness in reducing traffic
8 accidents and its contribution to improving safety and
9 reducing the number of child injuries and fatalities in the
10 vicinity of a Safe Routes to School project. The Department
11 shall submit a report to the General Assembly on or before
12 December 31, 2006 regarding the results of the study.

13 (e) The Department, the State Board of Education, and the
14 Illinois ~~Department of~~ State Police may adopt any rules
15 necessary to implement this Section.

16 (Source: P.A. 94-493, eff. 8-8-05.)

17 (20 ILCS 2705/2705-505.5)

18 Sec. 2705-505.5. Child abduction message signs. The
19 Department of Transportation shall coordinate with the
20 Illinois ~~Department of~~ State Police in the use of electronic
21 message signs on roads and highways in the vicinity of a child
22 abduction to immediately provide critical information to the
23 public.

24 (Source: P.A. 93-310, eff. 7-23-03.)

1 (20 ILCS 2705/2705-505.6)

2 Sec. 2705-505.6. Endangered Missing Persons Advisory
3 message signs. The Department of Transportation shall
4 coordinate with the Illinois ~~Department of~~ State Police in the
5 use of electronic message signs on roads and highways to
6 immediately provide critical information to the public
7 concerning missing persons who are believed to be high risk,
8 missing persons with Alzheimer's disease, other related
9 dementia, or other dementia-like cognitive impairment, as
10 allowed by federal guidelines.

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

12 Section 255. The State Fire Marshal Act is amended by
13 changing Section 2 as follows:

14 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

15 Sec. 2. The Office shall have the following powers and
16 duties:

17 1. To exercise the rights, powers and duties which
18 have been vested by law in the Illinois ~~Department of~~
19 State Police as the successor of the Department of Public
20 Safety, State Fire Marshal, inspectors, officers and
21 employees of the State Fire Marshal, including arson
22 investigation. Arson investigations conducted by the State
23 Fire Marshal's Office shall be conducted by State Fire
24 Marshal Arson Investigator Special Agents, who shall be

1 peace officers as provided in the Peace Officer Fire
2 Investigation Act.

3 2. To keep a record, as may be required by law, of all
4 fires occurring in the State, together with all facts,
5 statistics and circumstances, including the origin of
6 fires.

7 3. To exercise the rights, powers and duties which
8 have been vested in the Illinois ~~Department of State~~
9 Police by the "Boiler and Pressure Vessel Safety Act",
10 ~~approved August 7, 1951, as amended.~~

11 4. To administer the Illinois Fire Protection Training
12 Act.

13 5. To aid in the establishment and maintenance of the
14 training facilities and programs of the Illinois Fire
15 Service Institute.

16 6. To disburse Federal grants for fire protection
17 purposes to units of local government.

18 7. To pay to or in behalf of the City of Chicago for
19 the maintenance, expenses, facilities and structures
20 directly incident to the Chicago Fire Department training
21 program. Such payments may be made either as
22 reimbursements for expenditures previously made by the
23 City, or as payments at the time the City has incurred an
24 obligation which is then due and payable for such
25 expenditures. Payments for the Chicago Fire Department
26 training program shall be made only for those expenditures

1 which are not claimable by the City under "An Act relating
2 to fire protection training", certified November 9, 1971,
3 as amended.

4 8. To administer grants to areas not located in a fire
5 protection district or in a municipality which provides
6 fire protection services, to defray the organizational
7 expenses of forming a fire protection district.

8 9. In cooperation with the Illinois Environmental
9 Protection Agency, to administer the Illinois Leaking
10 Underground Storage Tank program in accordance with
11 Section 4 of this Act and Section 22.12 of the
12 Environmental Protection Act.

13 10. To expend state and federal funds as appropriated
14 by the General Assembly.

15 11. To provide technical assistance, to areas not
16 located in a fire protection district or in a municipality
17 which provides fire protection service, to form a fire
18 protection district, to join an existing district, or to
19 establish a municipal fire department, whichever is
20 applicable.

21 12. To exercise such other powers and duties as may be
22 vested in the Office by law.

23 (Source: P.A. 100-67, eff. 8-11-17.)

24 Section 260. The Division of Banking Act is amended by
25 changing Section 5 as follows:

1 (20 ILCS 3205/5) (from Ch. 17, par. 455)

2 Sec. 5. Powers. In addition to all the other powers and
3 duties provided by law, the Commissioner shall have the
4 following powers:

5 (a) To exercise the rights, powers and duties formerly
6 vested by law in the Director of Financial Institutions under
7 the Illinois Banking Act.

8 (b) To exercise the rights, powers and duties formerly
9 vested by law in the Department of Financial Institutions
10 under "An act to provide for and regulate the administration
11 of trusts by trust companies", approved June 15, 1887, as
12 amended.

13 (c) To exercise the rights, powers and duties formerly
14 vested by law in the Director of Financial Institutions under
15 "An act authorizing foreign corporations, including banks and
16 national banking associations domiciled in other states, to
17 act in a fiduciary capacity in this state upon certain
18 conditions herein set forth", approved July 13, 1953, as
19 amended.

20 (c-5) To exercise all of the rights, powers, and duties
21 granted to the Director or Secretary under the Illinois
22 Banking Act, the Corporate Fiduciary Act, the Electronic Fund
23 Transfer Act, the Illinois Bank Holding Company Act of 1957,
24 the Savings Bank Act, the Illinois Savings and Loan Act of
25 1985, the Savings and Loan Share and Account Act, the

1 Residential Mortgage License Act of 1987, and the Pawnbroker
2 Regulation Act.

3 (c-15) To enter into cooperative agreements with
4 appropriate federal and out-of-state state regulatory agencies
5 to conduct and otherwise perform any examination of a
6 regulated entity as authorized under the Illinois Banking Act,
7 the Corporate Fiduciary Act, the Electronic Fund Transfer Act,
8 the Illinois Bank Holding Company Act of 1957, the Savings
9 Bank Act, the Illinois Savings and Loan Act of 1985, the
10 Residential Mortgage License Act of 1987, and the Pawnbroker
11 Regulation Act.

12 (d) Whenever the Commissioner is authorized or required by
13 law to consider or to make findings regarding the character of
14 incorporators, directors, management personnel, or other
15 relevant individuals under the Illinois Banking Act, the
16 Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at
17 other times as the Commissioner deems necessary for the
18 purpose of carrying out the Commissioner's statutory powers
19 and responsibilities, the Commissioner shall consider criminal
20 history record information, including nonconviction
21 information, pursuant to the Criminal Identification Act. The
22 Commissioner shall, in the form and manner required by the
23 Illinois ~~Department of~~ State Police and the Federal Bureau of
24 Investigation, cause to be conducted a criminal history record
25 investigation to obtain information currently contained in the
26 files of the Illinois ~~Department of~~ State Police or the

1 Federal Bureau of Investigation, provided that the
2 Commissioner need not cause additional criminal history record
3 investigations to be conducted on individuals for whom the
4 Commissioner, a federal bank regulatory agency, or any other
5 government agency has caused such investigations to have been
6 conducted previously unless such additional investigations are
7 otherwise required by law or unless the Commissioner deems
8 such additional investigations to be necessary for the
9 purposes of carrying out the Commissioner's statutory powers
10 and responsibilities. The Illinois ~~Department of~~ State Police
11 shall provide, on the Commissioner's request, information
12 concerning criminal charges and their disposition currently on
13 file with respect to a relevant individual. Information
14 obtained as a result of an investigation under this Section
15 shall be used in determining eligibility to be an
16 incorporator, director, management personnel, or other
17 relevant individual in relation to a financial institution or
18 other entity supervised by the Commissioner. Upon request and
19 payment of fees in conformance with the requirements of
20 Section 2605-400 of the Illinois ~~Department of~~ State Police
21 Law ~~(20 ILCS 2605/2605-400)~~, the Illinois ~~Department of~~ State
22 Police is authorized to furnish, pursuant to positive
23 identification, such information contained in State files as
24 is necessary to fulfill the request.

25 (e) When issuing charters, permits, licenses, or other
26 authorizations, the Commissioner may impose such terms and

1 conditions on the issuance as he deems necessary or
2 appropriate. Failure to abide by those terms and conditions
3 may result in the revocation of the issuance, the imposition
4 of corrective orders, or the imposition of civil money
5 penalties.

6 (f) If the Commissioner has reasonable cause to believe
7 that any entity that has not submitted an application for
8 authorization or licensure is conducting any activity that
9 would otherwise require authorization or licensure by the
10 Commissioner, the Commissioner shall have the power to
11 subpoena witnesses, to compel their attendance, to require the
12 production of any relevant books, papers, accounts, and
13 documents, and to conduct an examination of the entity in
14 order to determine whether the entity is subject to
15 authorization or licensure by the Commissioner or the
16 Division. If the Secretary determines that the entity is
17 subject to authorization or licensure by the Secretary, then
18 the Secretary shall have the power to issue orders against or
19 take any other action, including initiating a receivership
20 against the unauthorized or unlicensed entity.

21 (g) The Commissioner may, through the Attorney General,
22 request the circuit court of any county to issue an injunction
23 to restrain any person from violating the provisions of any
24 Act administered by the Commissioner.

25 (h) Whenever the Commissioner is authorized to take any
26 action or required by law to consider or make findings, the

1 Commissioner may delegate or appoint, in writing, an officer
2 or employee of the Division to take that action or make that
3 finding.

4 (i) Whenever the Secretary determines that it is in the
5 public's interest, he or she may publish any cease and desist
6 order or other enforcement action issued by the Division.

7 (Source: P.A. 96-1365, eff. 7-28-10; 97-492, eff. 1-1-12.)

8 Section 265. The Illinois Emergency Management Agency Act
9 is amended by changing Section 5 as follows:

10 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

11 Sec. 5. Illinois Emergency Management Agency.

12 (a) There is created within the executive branch of the
13 State Government an Illinois Emergency Management Agency and a
14 Director of the Illinois Emergency Management Agency, herein
15 called the "Director" who shall be the head thereof. The
16 Director shall be appointed by the Governor, with the advice
17 and consent of the Senate, and shall serve for a term of 2
18 years beginning on the third Monday in January of the
19 odd-numbered year, and until a successor is appointed and has
20 qualified; except that the term of the first Director
21 appointed under this Act shall expire on the third Monday in
22 January, 1989. The Director shall not hold any other
23 remunerative public office. For terms ending before December
24 31, 2019, the Director shall receive an annual salary as set by

1 the Compensation Review Board. For terms beginning after the
2 effective date of this amendatory Act of the 100th General
3 Assembly, the annual salary of the Director shall be as
4 provided in Section 5-300 of the Civil Administrative Code of
5 Illinois.

6 (b) The Illinois Emergency Management Agency shall obtain,
7 under the provisions of the Personnel Code, technical,
8 clerical, stenographic and other administrative personnel, and
9 may make expenditures within the appropriation therefor as may
10 be necessary to carry out the purpose of this Act. The agency
11 created by this Act is intended to be a successor to the agency
12 created under the Illinois Emergency Services and Disaster
13 Agency Act of 1975 and the personnel, equipment, records, and
14 appropriations of that agency are transferred to the successor
15 agency as of June 30, 1988 (the effective date of this Act).

16 (c) The Director, subject to the direction and control of
17 the Governor, shall be the executive head of the Illinois
18 Emergency Management Agency and the State Emergency Response
19 Commission and shall be responsible under the direction of the
20 Governor, for carrying out the program for emergency
21 management of this State. The Director shall also maintain
22 liaison and cooperate with the emergency management
23 organizations of this State and other states and of the
24 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
8 areas, 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
17 serve as an advisory committee to the emergency services and
18 disaster agency or agencies serving within the boundaries of
19 that Local 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
7 by the Division of Water Resources within the Department
8 of 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
13 disaster as defined in this Act. These resources will be
14 made 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
18 and 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
9 number 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
13 at least 50% of the cost of the project for which the grant
14 is 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,
21 public K-12 school districts, area vocational centers as
22 designated by the State Board of Education, inter-district
23 special education cooperatives, regional safe schools, and
24 nonpublic K-12 schools for safety and security improvements.
25 For the purpose of this subsection (g), "higher education
26 institution" means a public university, a public community

1 college, or an independent, not-for-profit or for-profit
2 higher education institution located in this State. Grants
3 made under this subsection (g) shall be paid out of moneys
4 appropriated for that purpose from the Build Illinois Bond
5 Fund. The Illinois Emergency Management Agency shall adopt
6 rules to implement this subsection (g). These rules may
7 specify: (i) the manner of applying for grants; (ii) project
8 eligibility requirements; (iii) restrictions on the use of
9 grant moneys; (iv) the manner in which the various higher
10 education institutions must account for the use of grant
11 moneys; and (v) any other provision that the Illinois
12 Emergency Management Agency determines to be necessary or
13 useful for the administration of this subsection (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
13 be 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
24 effectuate 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
5 appropriation, 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
16 Children and Family Services, the Sheriff of Cook County, the
17 State's Attorney of Cook County, the clerk of the circuit
18 court of Cook 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
21 Attorneys Appellate Prosecutor, the Executive Director of the
22 Illinois Law Enforcement Training Standards Board, the State
23 Appellate Defender, the Public Defender of Cook County, and
24 the following additional members, each of whom shall be

1 appointed by the Governor: a circuit court clerk, a sheriff, a
2 State's Attorney of a county other than Cook, a Public
3 Defender of a county other than Cook, a chief of police, and 6
4 members of the 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
11 pleasure of the Governor for a term not to exceed 4 years. The
12 initial appointed members of the Authority shall serve from
13 January, 1983 until the third Monday in January, 1987 or until
14 their 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
21 as a special fund in the State Treasury. Grants and other
22 moneys obtained by the Authority from governmental entities
23 (other 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
5 for the operating and other expenses of the Authority
6 incidental to those projects, and for the costs associated
7 with making grants from the Prescription Pill and Drug
8 Disposal Fund. The moneys deposited into the Criminal Justice
9 Information Projects Fund under Sections 15-15 and 15-35 of
10 the Criminal and Traffic Assessment Act shall be appropriated
11 to and administered by the Illinois Criminal Justice
12 Information Authority for distribution to fund Illinois
13 ~~Department of~~ State Police drug task forces and Metropolitan
14 Enforcement Groups by dividing the funds equally by the total
15 number of Illinois ~~Department of~~ State Police drug task forces
16 and Illinois Metropolitan Enforcement Groups. Any interest
17 earned on moneys in the Fund 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
24 Board (hereinafter referred to as the Board), which shall

1 consist of 7 persons, one each appointed by the Director of
2 Agriculture, the Director of Natural Resources, the Secretary
3 of Human Services, the Director of Public Health, the Director
4 of the Illinois State Police, the Director of the
5 Environmental 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
10 of 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
19 police from other than Chicago, a representative of a
20 statewide law enforcement officer organization and a retired
21 Illinois law enforcement officer. Of the appointed members,
22 the sheriff and police chief shall each serve a 2-year term and
23 the 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
10 Trust Fund. The State Police Motor Vehicle Theft Prevention
11 Trust Fund is created as a trust fund in the State treasury.
12 The State Treasurer shall be the custodian of the Trust Fund.
13 The Trust Fund is established to receive funds from the
14 Illinois Motor Vehicle Theft Prevention and Insurance
15 Verification Council. All interest earned from the investment
16 or deposit of moneys accumulated in the Trust Fund shall be
17 deposited into the Trust Fund. Moneys in the Trust Fund shall
18 be used by the Illinois ~~Department of~~ State Police for motor
19 vehicle theft 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
4 Attorney General is responsible for administering the
5 activities of the Task Force. The Task Force shall consist of
6 the following 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
21 Secretary of State, appointed by the Secretary of State;

22 (7) One member representing the Office of the
23 Governor, 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
24 organizations, who may include representatives of clerks
25 of the circuit court, recorders of deeds, counties, and
26 municipalities;

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

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

5 (b) The Task Force shall examine the procedures used by
6 the State to protect an individual against the unauthorized
7 disclosure of his or her social security number when the State
8 requires the individual to provide his or her social security
9 number to an officer or agency of the State.

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

15 (Source: P.A. 94-611, eff. 8-18-05; 95-331, eff. 8-21-07;
16 95-482, eff. 8-28-07.)

17 Section 310. The Commission to Study Disproportionate
18 Justice Impact Act is amended by changing Section 10 as
19 follows:

20 (20 ILCS 4085/10)

21 Sec. 10. Composition. The Commission shall be composed of
22 the following members:

23 (a) Two members of the Senate appointed by the Senate
24 President, one of whom the President shall designate to

1 serve as co-chair, and two members of the Senate appointed
2 by the Minority Leader of the Senate.

3 (b) Two members of the House of Representatives
4 appointed by the Speaker of the House of Representatives,
5 one of whom the Speaker shall designate to serve as
6 co-chair, and two members of the House of Representatives
7 appointed by the Minority Leader of the House of
8 Representatives.

9 (c) The following persons or their designees:

10 (1) the Attorney General,

11 (2) the Chief Judge of the Circuit Court of Cook
12 County,

13 (3) the Director of the Illinois State Police,

14 (4) the Superintendent of the Chicago Police
15 Department,

16 (5) the sheriff of Cook County,

17 (6) the State Appellate Defender,

18 (7) the Cook County Public Defender,

19 (8) the Director of the Office of the State's
20 Attorneys Appellate Prosecutor,

21 (9) the Cook County State's Attorney,

22 (10) the Executive Director of the Criminal
23 Justice Information Authority,

24 (11) the Director of Corrections,

25 (12) the Director of Juvenile Justice, and

26 (13) the Executive Director of the Illinois

1 African-American Family Commission.

2 (d) The co-chairs may name up to 8 persons,
3 representing minority communities within Illinois, groups
4 involved in the improvement of the administration of
5 justice, behavioral health, criminal justice, law
6 enforcement, and the rehabilitation of former inmates,
7 community groups, and other interested parties.

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

9 Section 315. The Racial and Ethnic Impact Research Task
10 Force Act is amended by changing Section 10 as follows:

11 (20 ILCS 5025/10)

12 Sec. 10. Racial and Ethnic Impact Research Task Force.
13 There is created the Racial and Ethnic Impact Research Task
14 Force, composed of the following members:

15 (1) Two members of the Senate appointed by the Senate
16 President, one of whom the President shall designate to
17 serve as co-chair, and 2 members of the Senate appointed
18 by the Minority Leader of the Senate.

19 (2) Two members of the House of Representatives
20 appointed by the Speaker of the House of Representatives,
21 one of whom the Speaker shall designate to serve as
22 co-chair, and 2 members of the House of Representatives
23 appointed by the Minority Leader of the House of
24 Representatives.

- 1 (3) The following persons or their designees:
2 (A) the Attorney General,
3 (B) the Chief Judge of the Circuit Court of Cook
4 County,
5 (C) the Director of the Illinois State Police,
6 (D) the Superintendent of the Chicago Police
7 Department,
8 (E) the Sheriff of Cook County,
9 (F) the State Appellate Defender,
10 (G) the Cook County Public Defender,
11 (H) the Director of the Office of the State's
12 Attorneys Appellate Prosecutor,
13 (I) the Cook County State's Attorney,
14 (J) the Executive Director of the Illinois
15 Criminal Justice Information Authority,
16 (K) the Director of Corrections,
17 (L) the Director of Juvenile Justice, and
18 (M) the Executive Director of the Illinois
19 African-American Family Commission.

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

26 (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
9 Assessment Act. The Fund may also receive revenue from grants,
10 donations, 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
21 the contrary, on or after July 1, 2012, and until June 30,
22 2013, in addition to any other transfers that may be provided
23 for by law, at the direction of and upon notification from the
24 Director of the Illinois State Police, the State Comptroller

1 shall direct and the State Treasurer shall transfer amounts
2 into the State Police Operations Assistance Fund from the
3 designated funds not exceeding the following totals:

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

8 (Source: P.A. 100-987, eff. 7-1-19.)

9 (30 ILCS 105/6z-99)

10 Sec. 6z-99. The Mental Health Reporting Fund.

11 (a) There is created in the State treasury a special fund
12 known as the Mental Health Reporting Fund. The Fund shall
13 receive revenue under the Firearm Concealed Carry Act. The
14 Fund may also receive revenue from grants, pass-through
15 grants, donations, appropriations, and any other legal source.

16 (b) The Illinois ~~Department of~~ State Police and Department
17 of Human Services shall coordinate to use moneys in the Fund to
18 finance their respective duties of collecting and reporting
19 data on mental health records and ensuring that mental health
20 firearm possession prohibitors are enforced as set forth under
21 the Firearm Concealed Carry Act and the Firearm Owners
22 Identification Card Act. Any surplus in the Fund beyond what
23 is necessary to ensure compliance with mental health reporting
24 under these Acts shall be used by the Department of Human
25 Services for mental health treatment programs.

1 (c) Investment income that is attributable to the
2 investment of moneys in the Fund shall be retained in the Fund
3 for the uses specified in this Section.

4 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

5 (30 ILCS 105/6z-106)

6 Sec. 6z-106. State Police Law Enforcement Administration
7 Fund.

8 (a) There is created in the State treasury a special fund
9 known as the State Police Law Enforcement Administration Fund.
10 The Fund shall receive revenue under subsection (c) of Section
11 10-5 of the Criminal and Traffic Assessment Act. The Fund may
12 also receive revenue from grants, donations, appropriations,
13 and any other legal source.

14 (b) The Illinois ~~Department of~~ State Police may use moneys
15 in the Fund to finance any of its lawful purposes or functions;
16 however, the primary purpose shall be to finance State Police
17 cadet classes in May and October of each year.

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

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

23 (e) The State Police Law Enforcement Administration Fund
24 shall not be subject to administrative chargebacks.

25 (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 to pay the costs of the Executive Ethics
14 Commission for oversight and administration of the Chief
15 Procurement Officer for transportation; and

16 secondly -- for expenses of the Department of
17 Transportation for construction, reconstruction,
18 improvement, repair, maintenance, operation, and
19 administration of highways in accordance with the
20 provisions of laws relating thereto, or for any purpose
21 related or incident to and connected therewith, including
22 the separation of grades of those highways with railroads
23 and with highways and including the payment of awards made
24 by the Illinois Workers' Compensation Commission under the
25 terms of the Workers' Compensation Act or Workers'

1 Occupational Diseases Act for injury or death of an
2 employee of the Division of Highways in the Department of
3 Transportation; or for the acquisition of land and the
4 erection of buildings for highway purposes, including the
5 acquisition of highway right-of-way or for investigations
6 to determine the reasonably anticipated future highway
7 needs; or for making of surveys, plans, specifications and
8 estimates for and in the construction and maintenance of
9 flight strips and of highways necessary to provide access
10 to military and naval reservations, to defense industries
11 and defense-industry sites, and to the sources of raw
12 materials and for replacing existing highways and highway
13 connections shut off from general public use at military
14 and naval reservations and defense-industry sites, or for
15 the purchase of right-of-way, except that the State shall
16 be reimbursed in full for any expense incurred in building
17 the flight strips; or for the operating and maintaining of
18 highway garages; or for patrolling and policing the public
19 highways and conserving the peace; or for the operating
20 expenses of the Department relating to the administration
21 of public transportation programs; or, during fiscal year
22 2020 only, for the purposes of a grant not to exceed
23 \$8,394,800 to the Regional Transportation Authority on
24 behalf of PACE for the purpose of ADA/Para-transit
25 expenses; or, during fiscal year 2021 only, for the
26 purposes of a grant not to exceed \$8,394,800 to the

1 Regional Transportation Authority on behalf of PACE for
2 the purpose of ADA/Para-transit expenses; or for any of
3 those purposes or any other purpose that may be provided
4 by law.

5 Appropriations for any of those purposes are payable from
6 the Road Fund. Appropriations may also be made from the Road
7 Fund for the administrative expenses of any State agency that
8 are related to motor vehicles or arise from the use of motor
9 vehicles.

10 Beginning with fiscal year 1980 and thereafter, no Road
11 Fund monies shall be appropriated to the following Departments
12 or agencies of State government for administration, grants, or
13 operations; but this limitation is not a restriction upon
14 appropriating for those purposes any Road Fund monies that are
15 eligible for federal reimbursement:

- 16 1. Department of Public Health;
- 17 2. Department of Transportation, only with respect to
18 subsidies for one-half fare Student Transportation and
19 Reduced Fare for Elderly, except fiscal year 2020 only
20 when no more than \$17,570,000 may be expended and except
21 fiscal year 2021 only when no more than \$17,570,000 may be
22 expended;
- 23 3. Department of Central Management Services, except
24 for expenditures incurred for group insurance premiums of
25 appropriate personnel;
- 26 4. Judicial Systems and Agencies.

1 Beginning with fiscal year 1981 and thereafter, no Road
2 Fund monies shall be appropriated to the following Departments
3 or agencies of State government for administration, grants, or
4 operations; but this limitation is not a restriction upon
5 appropriating for those purposes any Road Fund monies that are
6 eligible for federal reimbursement:

7 1. Illinois Department of State Police, except for
8 expenditures with respect to the Division of Patrol
9 Operations and Division of Criminal Investigation
10 Operations;

11 2. Department of Transportation, only with respect to
12 Intercity Rail Subsidies, except fiscal year 2020 only
13 when no more than \$50,000,000 may be expended and except
14 fiscal year 2021 only when no more than \$50,000,000 may be
15 expended, and Rail Freight Services.

16 Beginning with fiscal year 1982 and thereafter, no Road
17 Fund monies shall be appropriated to the following Departments
18 or agencies of State government for administration, grants, or
19 operations; but this limitation is not a restriction upon
20 appropriating for those purposes any Road Fund monies that are
21 eligible for federal reimbursement: Department of Central
22 Management Services, except for awards made by the Illinois
23 Workers' Compensation Commission under the terms of the
24 Workers' Compensation Act or Workers' Occupational Diseases
25 Act for injury or death of an employee of the Division of
26 Highways in the Department of Transportation.

1 Beginning with fiscal year 1984 and thereafter, no Road
2 Fund monies shall be appropriated to the following Departments
3 or agencies of State government for administration, grants, or
4 operations; but this limitation is not a restriction upon
5 appropriating for those purposes any Road Fund monies that are
6 eligible for federal reimbursement:

7 1. Illinois Department of State Police, except not
8 more than 40% of the funds appropriated for the Division
9 of Patrol Operations and Division of Criminal
10 Investigation Operations;

11 2. State Officers.

12 Beginning with fiscal year 1984 and thereafter, no Road
13 Fund monies shall be appropriated to any Department or agency
14 of State government for administration, grants, or operations
15 except as provided hereafter; but this limitation is not a
16 restriction upon appropriating for those purposes any Road
17 Fund monies that are eligible for federal reimbursement. It
18 shall not be lawful to circumvent the above appropriation
19 limitations by governmental reorganization or other methods.
20 Appropriations shall be made from the Road Fund only in
21 accordance with the provisions of this Section.

22 Money in the Road Fund shall, if and when the State of
23 Illinois incurs any bonded indebtedness for the construction
24 of permanent highways, be set aside and used for the purpose of
25 paying and discharging during each fiscal year the principal
26 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no
2 other purpose. The surplus, if any, in the Road Fund after the
3 payment of principal and interest on that bonded indebtedness
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters
6 2 through 10 of the Illinois Vehicle Code; and

7 secondly -- no Road Fund monies derived from fees,
8 excises, or license taxes relating to registration,
9 operation and use of vehicles on public highways or to
10 fuels used for the propulsion of those vehicles, shall be
11 appropriated or expended other than for costs of
12 administering the laws imposing those fees, excises, and
13 license taxes, statutory refunds and adjustments allowed
14 thereunder, administrative costs of the Department of
15 Transportation, including, but not limited to, the
16 operating expenses of the Department relating to the
17 administration of public transportation programs, payment
18 of debts and liabilities incurred in construction and
19 reconstruction of public highways and bridges, acquisition
20 of rights-of-way for and the cost of construction,
21 reconstruction, maintenance, repair, and operation of
22 public highways and bridges under the direction and
23 supervision of the State, political subdivision, or
24 municipality collecting those monies, or during fiscal
25 year 2020 only for the purposes of a grant not to exceed
26 \$8,394,800 to the Regional Transportation Authority on

1 behalf of PACE for the purpose of ADA/Para-transit
2 expenses, or during fiscal year 2021 only for the purposes
3 of a grant not to exceed \$8,394,800 to the Regional
4 Transportation Authority on behalf of PACE for the purpose
5 of ADA/Para-transit expenses, and the costs for patrolling
6 and policing the public highways (by State, political
7 subdivision, or municipality collecting that money) for
8 enforcement of traffic laws. The separation of grades of
9 such highways with railroads and costs associated with
10 protection of at-grade highway and railroad crossing shall
11 also be permissible.

12 Appropriations for any of such purposes are payable from
13 the Road Fund or the Grade Crossing Protection Fund as
14 provided in Section 8 of the Motor Fuel Tax Law.

15 Except as provided in this paragraph, beginning with
16 fiscal year 1991 and thereafter, no Road Fund monies shall be
17 appropriated to the Illinois ~~Department of~~ State Police for
18 the purposes of this Section in excess of its total fiscal year
19 1990 Road Fund appropriations for those purposes unless
20 otherwise provided in Section 5g of this Act. For fiscal years
21 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies
22 shall be appropriated to the Department of State Police for
23 the purposes of this Section in excess of \$97,310,000. For
24 fiscal year 2008 only, no Road Fund monies shall be
25 appropriated to the Department of State Police for the
26 purposes of this Section in excess of \$106,100,000. For fiscal

1 year 2009 only, no Road Fund monies shall be appropriated to
2 the Department of State Police for the purposes of this
3 Section in excess of \$114,700,000. Beginning in fiscal year
4 2010, no road fund moneys shall be appropriated to the
5 Illinois ~~Department of~~ State Police. It shall not be lawful to
6 circumvent this limitation on appropriations by governmental
7 reorganization or other methods unless otherwise provided in
8 Section 5g of this Act.

9 In fiscal year 1994, no Road Fund monies shall be
10 appropriated to the Secretary of State for the purposes of
11 this Section in excess of the total fiscal year 1991 Road Fund
12 appropriations to the Secretary of State for those purposes,
13 plus \$9,800,000. It shall not be lawful to circumvent this
14 limitation on appropriations by governmental reorganization or
15 other method.

16 Beginning with fiscal year 1995 and thereafter, no Road
17 Fund monies shall be appropriated to the Secretary of State
18 for the purposes of this Section in excess of the total fiscal
19 year 1994 Road Fund appropriations to the Secretary of State
20 for those purposes. It shall not be lawful to circumvent this
21 limitation on appropriations by governmental reorganization or
22 other methods.

23 Beginning with fiscal year 2000, total Road Fund
24 appropriations to the Secretary of State for the purposes of
25 this Section shall not exceed the amounts specified for the
26 following fiscal years:

1	Fiscal Year 2000	\$80,500,000;
2	Fiscal Year 2001	\$80,500,000;
3	Fiscal Year 2002	\$80,500,000;
4	Fiscal Year 2003	\$130,500,000;
5	Fiscal Year 2004	\$130,500,000;
6	Fiscal Year 2005	\$130,500,000;
7	Fiscal Year 2006	\$130,500,000;
8	Fiscal Year 2007	\$130,500,000;
9	Fiscal Year 2008	\$130,500,000;
10	Fiscal Year 2009	\$130,500,000.

11 For fiscal year 2010, no road fund moneys shall be
12 appropriated to the Secretary of State.

13 Beginning in fiscal year 2011, moneys in the Road Fund
14 shall be appropriated to the Secretary of State for the
15 exclusive purpose of paying refunds due to overpayment of fees
16 related to Chapter 3 of the Illinois Vehicle Code unless
17 otherwise provided for by law.

18 It shall not be lawful to circumvent this limitation on
19 appropriations by governmental reorganization or other
20 methods.

21 No new program may be initiated in fiscal year 1991 and
22 thereafter that is not consistent with the limitations imposed
23 by this Section for fiscal year 1984 and thereafter, insofar
24 as appropriation of Road Fund monies is concerned.

25 Nothing in this Section prohibits transfers from the Road
26 Fund to the State Construction Account Fund under Section 5e

1 of this Act; nor to the General Revenue Fund, as authorized by
2 Public Act 93-25.

3 The additional amounts authorized for expenditure in this
4 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
5 shall be repaid to the Road Fund from the General Revenue Fund
6 in the next succeeding fiscal year that the General Revenue
7 Fund has a positive budgetary balance, as determined by
8 generally accepted accounting principles applicable to
9 government.

10 The additional amounts authorized for expenditure by the
11 Secretary of State and the Department of State Police in this
12 Section by Public Act 94-91 shall be repaid to the Road Fund
13 from the General Revenue Fund in the next succeeding fiscal
14 year that the General Revenue Fund has a positive budgetary
15 balance, as determined by generally accepted accounting
16 principles applicable to government.

17 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
18 100-863, eff.8-14-18; 101-10, eff. 6-5-19; 101-636, eff.
19 6-10-20.)

20 (30 ILCS 105/8.37)

21 Sec. 8.37. State Police Wireless Service Emergency Fund.

22 (a) The State Police Wireless Service Emergency Fund is
23 created as a special fund in the State Treasury.

24 (b) Grants or surcharge funds allocated to the Illinois
25 ~~Department of~~ State Police from the Statewide 9-1-1 Fund shall

1 be deposited into the State Police Wireless Service Emergency
2 Fund and shall be used in accordance with Section 30 of the
3 Emergency Telephone System Act.

4 (c) On July 1, 1999, the State Comptroller and State
5 Treasurer shall transfer \$1,300,000 from the General Revenue
6 Fund to the State Police Wireless Service Emergency Fund. On
7 June 30, 2003 the State Comptroller and State Treasurer shall
8 transfer \$1,300,000 from the State Police Wireless Service
9 Emergency Fund to the General Revenue Fund.

10 (Source: P.A. 100-20, eff. 7-1-17.)

11 (30 ILCS 105/8p)

12 Sec. 8p. State Police Streetgang-Related Crime Fund.

13 (a) The State Police Streetgang-Related Crime Fund is
14 created as a special fund in the State treasury.

15 (b) All moneys collected and payable to the Illinois
16 ~~Department~~ of State Police from the State Police
17 Streetgang-Related Crime Fund shall be appropriated to and
18 administered by the Illinois ~~Department~~ of State Police for
19 operations and initiatives to combat and prevent
20 streetgang-related crime.

21 (c) The State Police Streetgang-Related Crime Fund shall
22 not be subject to administrative chargebacks.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 (30 ILCS 105/14) (from Ch. 127, par. 150)

1 Sec. 14. The item "personal services", when used in an
2 appropriation Act, means the reward or recompense made for
3 personal services rendered for the State by an officer or
4 employee of the State or of an instrumentality thereof, or for
5 the purpose of Section 14a of this Act, or any amount required
6 or authorized to be deducted from the salary of any such person
7 under the provisions of Section 30c of this Act, or any
8 retirement or tax law, or both, or deductions from the salary
9 of any such person under the Social Security Enabling Act or
10 deductions from the salary of such person pursuant to the
11 Voluntary Payroll Deductions Act of 1983.

12 If no home is furnished to a person who is a full-time
13 chaplain employed by the State or a former full-time chaplain
14 retired from State employment, 20% of the salary or pension
15 paid to that person for his personal services to the State as
16 chaplain are considered to be a rental allowance paid to him to
17 rent or otherwise provide a home. This amendatory Act of 1973
18 applies to State salary amounts received after December 31,
19 1973.

20 When any appropriation payable from trust funds or federal
21 funds includes an item for personal services but does not
22 include a separate item for State contribution for employee
23 group insurance, the State contribution for employee group
24 insurance in relation to employees paid under that personal
25 services line item shall also be payable under that personal
26 services line item.

1 When any appropriation payable from trust funds or federal
2 funds includes an item for personal services but does not
3 include a separate item for employee retirement contributions
4 paid by the employer, the State contribution for employee
5 retirement contributions paid by the employer in relation to
6 employees paid under that personal services line item shall
7 also be payable under that personal services line item.

8 The item "personal services", when used in an
9 appropriation Act, shall also mean and include a payment to a
10 State retirement system by a State agency to discharge a debt
11 arising from the over-refund to an employee of retirement
12 contributions. The payment to a State retirement system
13 authorized by this paragraph shall not be construed to release
14 the employee from his or her obligation to return to the State
15 the amount of the over-refund.

16 The item "personal services", when used in an
17 appropriation Act, also includes a payment to reimburse the
18 Department of Central Management Services for temporary total
19 disability benefit payments in accordance with subdivision (9)
20 of Section 405-105 of the Department of Central Management
21 Services Law ~~(20 ILCS 405/405-105)~~.

22 Beginning July 1, 1993, the item "personal services" and
23 related line items, when used in an appropriation Act or this
24 Act, shall also mean and include back wage claims of State
25 officers and employees to the extent those claims have not
26 been satisfied from the back wage appropriation to the

1 Department of Central Management Services in the preceding
2 fiscal year, as provided in Section 14b of this Act and
3 subdivision (13) of Section 405-105 of the Department of
4 Central Management Services Law ~~(20 ILCS 405/405-105)~~.

5 The item "personal services", when used with respect to
6 State police officers in an appropriation Act, also includes a
7 payment for the burial expenses of a State police officer
8 killed in the line of duty, made in accordance with Section
9 12.2 of the Illinois State Police Act and any rules adopted
10 under that Section.

11 For State fiscal year 2005, the item "personal services",
12 when used in an appropriation Act, also includes payments for
13 employee retirement contributions paid by the employer.

14 (Source: P.A. 93-839, eff. 7-30-04.)

15 Section 335. The State Officers and Employees Money
16 Disposition Act is amended by changing Section 2 as follows:

17 (30 ILCS 230/2) (from Ch. 127, par. 171)

18 Sec. 2. Accounts of money received; payment into State
19 treasury.

20 (a) Every officer, board, commission, commissioner,
21 department, institution, arm or agency brought within the
22 provisions of this Act by Section 1 shall keep in proper books
23 a detailed itemized account of all moneys received for or on
24 behalf of the State of Illinois, showing the date of receipt,

1 the payor, and purpose and amount, and the date and manner of
2 disbursement as hereinafter provided, and, unless a different
3 time of payment is expressly provided by law or by rules or
4 regulations promulgated under subsection (b) of this Section,
5 shall pay into the State treasury the gross amount of money so
6 received on the day of actual physical receipt with respect to
7 any single item of receipt exceeding \$10,000, within 24 hours
8 of actual physical receipt with respect to an accumulation of
9 receipts of \$10,000 or more, or within 48 hours of actual
10 physical receipt with respect to an accumulation of receipts
11 exceeding \$500 but less than \$10,000, disregarding holidays,
12 Saturdays and Sundays, after the receipt of same, without any
13 deduction on account of salaries, fees, costs, charges,
14 expenses or claims of any description whatever; provided that:

15 (1) the provisions of (i) Section 2505-475 of the
16 Department of Revenue Law ~~(20 ILCS 2505/2505-475)~~, (ii)
17 any specific taxing statute authorizing a claim for credit
18 procedure instead of the actual making of refunds, (iii)
19 Section 505 of the Illinois Controlled Substances Act,
20 (iv) Section 85 of the Methamphetamine Control and
21 Community Protection Act, authorizing the Director of the
22 Illinois State Police to dispose of forfeited property,
23 which includes the sale and disposition of the proceeds of
24 the sale of forfeited property, and the Department of
25 Central Management Services to be reimbursed for costs
26 incurred with the sales of forfeited vehicles, boats or

1 aircraft and to pay to bona fide or innocent purchasers,
2 conditional sales vendors or mortgagees of such vehicles,
3 boats or aircraft their interest in such vehicles, boats
4 or aircraft, and (v) Section 6b-2 of the State Finance
5 Act, establishing procedures for handling cash receipts
6 from the sale of pari-mutuel wagering tickets, shall not
7 be deemed to be in conflict with the requirements of this
8 Section;

9 (2) any fees received by the State Registrar of Vital
10 Records pursuant to the Vital Records Act which are
11 insufficient in amount may be returned by the Registrar as
12 provided in that Act;

13 (3) any fees received by the Department of Public
14 Health under the Food Handling Regulation Enforcement Act
15 that are submitted for renewal of an expired food service
16 sanitation manager certificate may be returned by the
17 Director as provided in that Act;

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

1 (4) if the amount of money received does not exceed
2 \$500, such money may be retained and need not be paid into
3 the State treasury until the total amount of money so
4 received exceeds \$500, or until the next succeeding 1st or
5 15th day of each month (or until the next business day if
6 these days fall on Sunday or a holiday), whichever is
7 earlier, at which earlier time such money shall be paid
8 into the State treasury, except that if a local bank or
9 savings and loan association account has been authorized
10 by law, any balances shall be paid into the State treasury
11 on Monday of each week if more than \$500 is to be deposited
12 in any fund.

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

18 No money belonging to or left for the use of the State
19 shall be expended or applied except in consequence of an
20 appropriation made by law and upon the warrant of the State
21 Comptroller. However, payments made by the Comptroller to
22 persons by direct deposit need not be made upon the warrant of
23 the Comptroller, but if not made upon a warrant, shall be made
24 in accordance with Section 9.02 of the State Comptroller Act.
25 All moneys so paid into the State treasury shall, unless
26 required by some statute to be held in the State treasury in a

1 separate or special fund, be covered into the General Revenue
2 Fund in the State treasury. Moneys received in the form of
3 checks, drafts or similar instruments shall be properly
4 endorsed, if necessary, and delivered to the State Treasurer
5 for collection. The State Treasurer shall remit such collected
6 funds to the depositing officer, board, commission,
7 commissioner, department, institution, arm or agency by
8 Treasurers Draft or through electronic funds transfer. The
9 draft or notification of the electronic funds transfer shall
10 be provided to the State Comptroller to allow deposit into the
11 appropriate fund.

12 (b) Different time periods for the payment of public funds
13 into the State treasury or to the State Treasurer, in excess of
14 the periods established in subsection (a) of this Section, but
15 not in excess of 30 days after receipt of such funds, may be
16 established and revised from time to time by rules or
17 regulations promulgated jointly by the State Treasurer and the
18 State Comptroller in accordance with the Illinois
19 Administrative Procedure Act. The different time periods
20 established by rule or regulation under this subsection may
21 vary according to the nature and amounts of the funds
22 received, the locations at which the funds are received,
23 whether compliance with the deposit requirements specified in
24 subsection (a) of this Section would be cost effective, and
25 such other circumstances and conditions as the promulgating
26 authorities consider to be appropriate. The Treasurer and the

1 Comptroller shall review all such different time periods
2 established pursuant to this subsection every 2 years from the
3 establishment thereof and upon such review, unless it is
4 determined that it is economically unfeasible for the agency
5 to comply with the provisions of subsection (a), shall repeal
6 such different time period.

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

8 Section 340. The Illinois Procurement Code is amended by
9 changing Section 25-75 as follows:

10 (30 ILCS 500/25-75)

11 Sec. 25-75. Purchase of motor vehicles.

12 (a) Beginning on the effective date of this amendatory Act
13 of the 94th General Assembly, all gasoline-powered vehicles
14 purchased from State funds must be flexible fuel vehicles.
15 Beginning July 1, 2007, all gasoline-powered vehicles
16 purchased from State funds must be flexible fuel or fuel
17 efficient hybrid vehicles. For purposes of this Section,
18 "flexible fuel vehicles" are automobiles or light trucks that
19 operate on either gasoline or E-85 (85% ethanol, 15% gasoline)
20 fuel and "Fuel efficient hybrid vehicles" are automobiles or
21 light trucks that use a gasoline or diesel engine and an
22 electric motor to provide power and gain at least a 20%
23 increase in combined US-EPA city-highway fuel economy over the
24 equivalent or most-similar conventionally-powered model.

1 (b) On and after the effective date of this amendatory Act
2 of the 94th General Assembly, any vehicle purchased from State
3 funds that is fueled by diesel fuel shall be certified by the
4 manufacturer to run on 5% biodiesel (B5) fuel.

5 (b-5) On and after January 1, 2016, 15% of passenger
6 vehicles, other than Department of Corrections vehicles,
7 Secretary of State vehicles (except for mid-sized sedans), and
8 Illinois ~~Department of~~ State Police patrol vehicles, purchased
9 with State funds shall be vehicles fueled by electricity,
10 electricity and gasohol (hybrids or plug-in hybrids),
11 compressed natural gas, liquid petroleum gas, or liquid
12 natural gas, including dedicated or non-dedicated fuel type
13 vehicles.

14 (c) The Chief Procurement Officer may determine that
15 certain vehicle procurements are exempt from this Section
16 based on intended use or other reasonable considerations such
17 as health and safety of Illinois citizens.

18 (Source: P.A. 98-442, eff. 1-1-14; 98-759, eff. 7-16-14;
19 99-406, eff. 1-1-16.)

20 Section 345. The State Property Control Act is amended by
21 changing Sections 7, 7b and 7c as follows:

22 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

23 Sec. 7. Disposition of transferable property.

24 (a) Except as provided in subsection (c), whenever a

1 responsible officer considers it advantageous to the State to
2 dispose of transferable property by trading it in for credit
3 on a replacement of like nature, the responsible officer shall
4 report the trade-in and replacement to the administrator on
5 forms furnished by the latter. The exchange, trade or transfer
6 of "textbooks" as defined in Section 18-17 of the School Code
7 between schools or school districts pursuant to regulations
8 adopted by the State Board of Education under that Section
9 shall not constitute a disposition of transferable property
10 within the meaning of this Section, even though such exchange,
11 trade or transfer occurs within 5 years after the textbooks
12 are first provided for loan pursuant to Section 18-17 of the
13 School Code.

14 (b) Except as provided in subsection (c), whenever it is
15 deemed necessary to dispose of any item of transferable
16 property, the administrator shall proceed to dispose of the
17 property by sale or scrapping as the case may be, in whatever
18 manner he considers most advantageous and most profitable to
19 the State. Items of transferable property which would
20 ordinarily be scrapped and disposed of by burning or by burial
21 in a landfill may be examined and a determination made whether
22 the property should be recycled. This determination and any
23 sale of recyclable property shall be in accordance with rules
24 promulgated by the Administrator.

25 When the administrator determines that property is to be
26 disposed of by sale, he shall offer it first to the

1 municipalities, counties, and school districts of the State
2 and to charitable, not-for-profit educational and public
3 health organizations, including but not limited to medical
4 institutions, clinics, hospitals, health centers, schools,
5 colleges, universities, child care centers, museums, nursing
6 homes, programs for the elderly, food banks, State Use
7 Sheltered Workshops and the Boy and Girl Scouts of America,
8 for purchase at an appraised value. Notice of inspection or
9 viewing dates and property lists shall be distributed in the
10 manner provided in rules and regulations promulgated by the
11 Administrator for that purpose.

12 Electronic data processing equipment purchased and charged
13 to appropriations may, at the discretion of the administrator,
14 be sold, pursuant to contracts entered into by the Director of
15 Central Management Services or the heads of agencies exempt
16 from "The Illinois Purchasing Act". However such equipment
17 shall not be sold at prices less than the purchase cost thereof
18 or depreciated value as determined by the administrator. No
19 sale of the electronic data processing equipment and lease to
20 the State by the purchaser of such equipment shall be made
21 under this Act unless the Director of Central Management
22 Services finds that such contracts are financially
23 advantageous to the State.

24 Disposition of other transferable property by sale, except
25 sales directly to local governmental units, school districts,
26 and not-for-profit educational, charitable and public health

1 organizations, shall be subject to the following minimum
2 conditions:

3 (1) The administrator shall cause the property to be
4 advertised for sale to the highest responsible bidder,
5 stating time, place, and terms of such sale at least 7 days
6 prior to the time of sale and at least once in a newspaper
7 having a general circulation in the county where the
8 property is to be sold.

9 (2) If no acceptable bids are received, the
10 administrator may then sell the property in whatever
11 manner he considers most advantageous and most profitable
12 to the State.

13 (c) Notwithstanding any other provision of this Act, an
14 agency covered by this Act may transfer books, serial
15 publications, or other library materials that are transferable
16 property, or that have been withdrawn from the agency's
17 library collection through a regular collection evaluation
18 process, to any of the following entities:

19 (1) Another agency covered by this Act located in
20 Illinois.

21 (2) A State supported university library located in
22 Illinois.

23 (3) A tax-supported public library located in
24 Illinois, including a library established by a public
25 library district.

26 (4) A library system organized under the Illinois

1 Library System Act or any library located in Illinois that
2 is a member of such a system.

3 (5) A non-profit agency, located in or outside
4 Illinois.

5 A transfer of property under this subsection is not
6 subject to the requirements of subsection (a) or (b).

7 In addition, an agency covered by this Act may sell or
8 exchange books, serial publications, and other library
9 materials that have been withdrawn from its library collection
10 through a regular collection evaluation process. Those items
11 may be sold to the public at library book sales or to book
12 dealers or may be offered through exchange to book dealers or
13 other organizations. Revenues generated from the sale of
14 withdrawn items shall be retained by the agency in a separate
15 account to be used solely for the purchase of library
16 materials; except that in the case of the State Library,
17 revenues from the sale of withdrawn items shall be deposited
18 into the State Library Fund to be used for the purposes stated
19 in Section 25 of the State Library Act.

20 For purposes of this subsection (c), "library materials"
21 means physical entities of any substance that serve as
22 carriers of information, including, without limitation, books,
23 serial publications, periodicals, microforms, graphics, audio
24 or video recordings, and machine readable data files.

25 (d) Notwithstanding any other provision of this Act, the
26 Director of the Illinois State Police may dispose of a service

1 firearm or police badge issued or previously issued to a
2 retiring or separating State Police officer as provided in
3 Section 17b of the Illinois State Police Act. The Director of
4 Natural Resources may dispose of a service firearm or police
5 badge issued previously to a retiring Conservation Police
6 Officer as provided in Section 805-538 of the Department of
7 Natural Resources (Conservation) Law of the Civil
8 Administrative Code of Illinois. The Director of the Secretary
9 of State Department of Police may dispose of a service firearm
10 or police badge issued or previously issued to a retiring
11 Secretary of State Police officer, inspector, or investigator
12 as provided in Section 2-116 of the Illinois Vehicle Code. The
13 Office of the State Fire Marshal may dispose of a service
14 firearm or badge previously issued to a State Fire Marshal
15 Arson Investigator Special Agent who is honorably retiring or
16 separating in good standing as provided in subsection (c) of
17 Section 1 of the Peace Officer Fire Investigation Act.

18 (Source: P.A. 100-931, eff. 8-17-18.)

19 (30 ILCS 605/7b)

20 Sec. 7b. Maintenance and operation of Illinois State
21 Police vehicles. All proceeds received by the Department of
22 Central Management Services under this Act from the sale of
23 vehicles operated by the Illinois ~~Department of~~ State Police
24 shall be deposited into the State Police Vehicle Maintenance
25 Fund.

1 The State Police Vehicle Maintenance Fund is created as a
2 special fund in the State treasury. All moneys in the State
3 Police Vehicle Maintenance Fund, subject to appropriation,
4 shall be used by the Illinois ~~Department of~~ State Police for
5 the maintenance and operation of vehicles for that Department.
6 (Source: P.A. 101-636, eff. 6-10-20.)

7 (30 ILCS 605/7c)

8 Sec. 7c. Acquisition of Illinois State Police vehicles.
9 The State Police Vehicle Fund is created as a special fund in
10 the State treasury. All moneys in the Fund, subject to
11 appropriation, shall be used by the Illinois ~~Department of~~
12 State Police:

13 (1) for the acquisition of vehicles for that
14 Department; or

15 (2) for debt service on bonds issued to finance the
16 acquisition of vehicles for that Department.

17 (Source: P.A. 100-987, eff. 7-1-19.)

18 Section 350. The State Vehicle Identification Act is
19 amended by changing Section 4 as follows:

20 (30 ILCS 610/4) (from Ch. 127, par. 133e4)

21 Sec. 4. This Act shall not apply to vehicles used by
22 elective State officers, by executive heads of State agencies
23 and departments, by presidents of colleges or universities

1 placed under control of officers of this State, or by any
2 employee of a State agency or department in the performance of
3 investigative services exclusively when the executive head
4 thereof has requested an exception in writing, and such
5 exception has been approved in writing by the Department, on
6 the basis that the identification would hamper the individual
7 employee in the routine performance of his investigative
8 duties. A record, open to public inspection, shall be kept by
9 the Department of all such exceptions approved by it.

10 This Act shall not apply to vehicles assigned to the use of
11 the Illinois ~~Department of~~ State Police and the Division of
12 Law Enforcement of the Department of Natural Resources, and
13 the executive heads thereof shall have within their discretion
14 determination of the type of markings or identification, if
15 any, to be affixed to vehicles assigned to said Department or
16 Division nor shall this Act apply to vehicles assigned to the
17 use of Secretary of State police officers.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 Section 355. The Intergovernmental Drug Laws Enforcement
20 Act is amended by changing Sections 2.01, 3, 4, 5, and 5.1 as
21 follows:

22 (30 ILCS 715/2.01) (from Ch. 56 1/2, par. 1702.01)

23 Sec. 2.01. ~~"Department" means the Department of State~~
24 ~~Police and~~ "Director" means the Director of the Illinois State

1 Police.

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

3 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

4 Sec. 3. A Metropolitan Enforcement Group which meets the
5 minimum criteria established in this Section is eligible to
6 receive State grants to help defray the costs of operation. To
7 be eligible a MEG must:

8 (1) Be established and operating pursuant to
9 intergovernmental contracts written and executed in
10 conformity with the Intergovernmental Cooperation Act, and
11 involve 2 or more units of local government.

12 (2) Establish a MEG Policy Board composed of an
13 elected official, or his designee, and the chief law
14 enforcement officer, or his designee, from each
15 participating unit of local government to oversee the
16 operations of the MEG and make such reports to the
17 Illinois Department of State Police as the Illinois State
18 Police Department may require.

19 (3) Designate a single appropriate elected official of
20 a participating unit of local government to act as the
21 financial officer of the MEG for all participating units
22 of local government and to receive funds for the operation
23 of the MEG.

24 (4) Limit its operations to enforcement of drug laws;
25 enforcement of Sections 24-2.1, 24-2.2, 24-3, 24-3.1,

1 24-3.3, 24-3.4, 24-4, and 24-5 and subsections 24-1(a)(4),
2 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and
3 24-1(c) of the Criminal Code of 2012; and the
4 investigation of streetgang related offenses.

5 (5) Cooperate with the Illinois ~~Department of~~ State
6 Police in order to assure compliance with this Act and to
7 enable the Illinois State Police ~~Department~~ to fulfill its
8 duties under this Act, and supply the Illinois State
9 Police ~~Department~~ with all information the Illinois State
10 Police ~~Department~~ deems necessary therefor.

11 (6) Receive funding of at least 50% of the total
12 operating budget of the MEG from the participating units
13 of local government.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (30 ILCS 715/4) (from Ch. 56 1/2, par. 1704)

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

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

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

2 Sec. 5. The Illinois ~~Department of~~ State Police shall
3 coordinate the operations of all MEG units and may establish
4 such reasonable rules and regulations and conduct those
5 investigations the Director deems necessary to carry out its
6 duties under this Act, including the establishment of forms
7 for reporting by each MEG to the Illinois State Police
8 ~~Department~~.

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

10 (30 ILCS 715/5.1) (from Ch. 56 1/2, par. 1705.1)

11 Sec. 5.1. The Director may assign the functions and duties
12 created under this Act to be administered by the Illinois
13 ~~Department of~~ State Police, Division of Investigation.

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

15 Section 360. The State Mandates Act is amended by changing
16 Section 8.40 as follows:

17 (30 ILCS 805/8.40)

18 Sec. 8.40. Exempt mandate.

19 (a) Notwithstanding Sections 6 and 8 of this Act, no
20 reimbursement by the State is required for the implementation
21 of any mandate created by Public Act 99-683, 99-745, or
22 99-905.

1 (b) Notwithstanding Sections 6 and 8 of this Act, no
2 reimbursement by the State is required for the implementation
3 of any mandate created by Section 40 of the Illinois State
4 Police Act and Section 10.19 of the Illinois Police Training
5 Act.

6 (Source: P.A. 99-683, eff. 7-29-16; 99-711, eff. 1-1-17;
7 99-745, eff. 8-5-16; 99-905, eff. 11-29-16; 100-201, eff.
8 8-18-17.)

9 Section 365. The Illinois Income Tax Act is amended by
10 changing Section 1109 as follows:

11 (35 ILCS 5/1109) (from Ch. 120, par. 11-1109)

12 Sec. 1109. Demand and Seizure. In addition to any other
13 remedy provided for by the laws of this State, if the tax
14 imposed by this Act is not paid within the time required by
15 this Act, the Department, or some person designated by it, may
16 cause a demand to be made on the taxpayer for the payment
17 thereof. If such tax remains unpaid for 10 days after such
18 demand has been made and no proceedings have been taken to
19 review the same, the Department may issue a warrant directed
20 to any sheriff or other person authorized to serve process,
21 commanding the sheriff or other person to levy upon the
22 property and rights to property (whether real or personal,
23 tangible or intangible) of the taxpayer, without exemption,
24 found within his jurisdiction, for the payment of the amount

1 thereof with the added penalties, interest and the cost of
2 executing the warrant. The term "levy" includes the power of
3 distrain and seizure by any means. In any case in which the
4 warrant to levy has been issued, the sheriff or other person to
5 whom the warrant was directed may seize and sell such property
6 or rights to property. Such warrant shall be returned to the
7 Department together with the money collected by virtue thereof
8 within the time therein specified, which shall not be less
9 than 20 nor more than 90 days from the date of the warrant. The
10 sheriff or other person to whom such warrant is directed shall
11 proceed in the same manner as prescribed by law in respect to
12 the enforcement against property upon judgments by a court,
13 and shall be entitled to the same fees for his services in
14 executing the warrant, to be collected in the same manner. The
15 Department, or some officer, employee or agent designated by
16 it, is hereby authorized to bid for and purchase any property
17 sold under the provisions hereof. No proceedings for a levy
18 under this Section shall be commenced more than 20 years after
19 the latest date for filing of the notice of lien under the
20 provisions of Section 1103, without regard to whether such
21 notice was actually filed.

22 Any officer or employee of the Department designated in
23 writing by the Director is authorized to serve process under
24 this Section to levy upon accounts or other intangible assets
25 of a taxpayer held by a financial organization, as defined in
26 Section 1501 of this Act. In addition to any other provisions

1 of this Section, any officer or employee of the Department
2 designated in writing by the Director may levy upon the
3 following property and rights to property belonging to a
4 taxpayer: contractual payments, accounts and notes receivable
5 and other evidences of debt, and interest on bonds, by serving
6 a notice of levy on the person making such payment. Levy shall
7 not be made until the Department has caused a demand to be made
8 on the taxpayer in the manner provided above. In addition to
9 any other provisions of this Section, any officer or employee
10 of the Department designated in writing by the Director, may
11 levy upon the salary, wages, commissions and bonuses of any
12 employee, including officers, employees, or elected officials
13 of the United States as authorized by Section 5520a of the
14 Government Organization and Employees Act (5 U.S.C. 5520a),
15 but not upon the salary or wages of officers, employees, or
16 elected officials of any state other than this State, by
17 serving a notice of levy on the employer, as defined in Section
18 701(d). Levy shall not be made until the Department has caused
19 a demand to be made on the employee in the manner provided
20 above. The provisions of Section 12-803 of the Code of Civil
21 Procedure relating to maximum compensation subject to
22 collection under wage deduction orders shall apply to all
23 levies made upon compensation under this Section. To the
24 extent of the amount due on the levy, the employer or other
25 person making payments to the taxpayer shall hold any
26 non-exempt wages or other payments due or which subsequently

1 come due. The levy or balance due thereon is a lien on wages or
2 other payments due at the time of the service of the notice of
3 levy, and such lien shall continue as to subsequent earnings
4 and other payments until the total amount due upon the levy is
5 paid, except that such lien on subsequent earnings or other
6 payments shall terminate sooner if the employment relationship
7 is terminated or if the notice of levy is rescinded or
8 modified. The employer or other person making payments to the
9 taxpayer shall file, on or before the return dates stated in
10 the notice of levy (which shall not be more often than
11 bimonthly) a written answer under oath to interrogatories,
12 setting forth the amount due as wages or other payments to the
13 taxpayer for the payment periods ending immediately prior to
14 the appropriate return date. A lien obtained hereunder shall
15 have priority over any subsequent lien obtained pursuant to
16 Section 12-808 of the Code of Civil Procedure, except that
17 liens for the support of a spouse or dependent children shall
18 have priority over all liens obtained hereunder.

19 In any case where property or rights to property have been
20 seized by an officer of the Illinois ~~Department of~~ State
21 Police, or successor agency thereto, under the authority of a
22 warrant to levy issued by the Department of Revenue, the
23 Department of Revenue may take possession of and may sell such
24 property or rights to property and the Department of Revenue
25 may contract with third persons to conduct sales of such
26 property or rights to the property. In the conduct of such

1 sales, the Department of Revenue shall proceed in the same
2 manner as is prescribed by law for proceeding against property
3 to enforce judgments which are entered by a circuit court of
4 this State. If, in the Department of Revenue's opinion, no
5 offer to purchase at such sale is acceptable and the State's
6 interest would be better served by retaining the property for
7 sale at a later date, then the Department may decline to accept
8 any bid and may retain the property for sale at a later date.

9 (Source: P.A. 89-399, eff. 8-20-95.)

10 Section 370. The Cigarette Use Tax Act is amended by
11 changing Section 3-10 as follows:

12 (35 ILCS 135/3-10)

13 Sec. 3-10. Cigarette enforcement.

14 (a) Prohibitions. It is unlawful for any person:

15 (1) to sell or distribute in this State; to acquire,
16 hold, own, possess, or transport, for sale or distribution
17 in this State; or to import, or cause to be imported into
18 this State for sale or distribution in this State:

19 (A) any cigarettes the package of which:

20 (i) bears any statement, label, stamp,
21 sticker, or notice indicating that the
22 manufacturer did not intend the cigarettes to be
23 sold, distributed, or used in the United States,
24 including but not limited to labels stating "For

1 Export Only", "U.S. Tax Exempt", "For Use Outside
2 U.S.", or similar wording; or

3 (ii) does not comply with:

4 (aa) all requirements imposed by or
5 pursuant to federal law regarding warnings and
6 other information on packages of cigarettes
7 manufactured, packaged, or imported for sale,
8 distribution, or use in the United States,
9 including but not limited to the precise
10 warning labels specified in the federal
11 Cigarette Labeling and Advertising Act, 15
12 U.S.C. 1333; and

13 (bb) all federal trademark and copyright
14 laws;

15 (B) any cigarettes imported into the United States
16 in violation of 26 U.S.C. 5754 or any other federal
17 law, or implementing federal regulations;

18 (C) any cigarettes that such person otherwise
19 knows or has reason to know the manufacturer did not
20 intend to be sold, distributed, or used in the United
21 States; or

22 (D) any cigarettes for which there has not been
23 submitted to the Secretary of the U.S. Department of
24 Health and Human Services the list or lists of the
25 ingredients added to tobacco in the manufacture of the
26 cigarettes required by the federal Cigarette Labeling

1 and Advertising Act, 15 U.S.C. 1335a;

2 (2) to alter the package of any cigarettes, prior to
3 sale or distribution to the ultimate consumer, so as to
4 remove, conceal, or obscure:

5 (A) any statement, label, stamp, sticker, or
6 notice described in subdivision (a)(1)(A)(i) of this
7 Section;

8 (B) any health warning that is not specified in,
9 or does not conform with the requirements of, the
10 federal Cigarette Labeling and Advertising Act, 15
11 U.S.C. 1333; or

12 (3) to affix any stamp required pursuant to this Act
13 to the package of any cigarettes described in subdivision
14 (a)(1) of this Section or altered in violation of
15 subdivision (a)(2).

16 (b) Documentation. On the first business day of each
17 month, each person licensed to affix the State tax stamp to
18 cigarettes shall file with the Department, for all cigarettes
19 imported into the United States to which the person has
20 affixed the tax stamp in the preceding month:

21 (1) a copy of:

22 (A) the permit issued pursuant to the Internal
23 Revenue Code, 26 U.S.C. 5713, to the person importing
24 the cigarettes into the United States allowing the
25 person to import the cigarettes; and

26 (B) the customs form containing, with respect to

1 the cigarettes, the internal revenue tax information
2 required by the U.S. Bureau of Alcohol, Tobacco and
3 Firearms;

4 (2) a statement, signed by the person under penalty of
5 perjury, which shall be treated as confidential by the
6 Department and exempt from disclosure under the Freedom of
7 Information Act, identifying the brand and brand styles of
8 all such cigarettes, the quantity of each brand style of
9 such cigarettes, the supplier of such cigarettes, and the
10 person or persons, if any, to whom such cigarettes have
11 been conveyed for resale; and a separate statement, signed
12 by the individual under penalty of perjury, which shall
13 not be treated as confidential or exempt from disclosure,
14 separately identifying the brands and brand styles of such
15 cigarettes; and

16 (3) a statement, signed by an officer of the
17 manufacturer or importer under penalty of perjury,
18 certifying that the manufacturer or importer has complied
19 with:

20 (A) the package health warning and ingredient
21 reporting requirements of the federal Cigarette
22 Labeling and Advertising Act, 15 U.S.C. 1333 and
23 1335a, with respect to such cigarettes; and

24 (B) the provisions of Exhibit T of the Master
25 Settlement Agreement entered in the case of People of
26 the State of Illinois v. Philip Morris, et al.

1 (Circuit Court of Cook County, No. 96-L13146),
2 including a statement indicating whether the
3 manufacturer is, or is not, a participating tobacco
4 manufacturer within the meaning of Exhibit T.

5 (c) Administrative sanctions.

6 (1) Upon finding that a distributor, secondary
7 distributor, retailer, or a person has committed any of
8 the acts prohibited by subsection (a), knowing or having
9 reason to know that he or she has done so, or upon finding
10 that a distributor or person has failed to comply with any
11 requirement of subsection (b), the Department may revoke
12 or suspend the license or licenses of any distributor,
13 retailer, or secondary distributor pursuant to the
14 procedures set forth in Section 6 and impose on the
15 distributor, secondary distributor, retailer, or person, a
16 civil penalty in an amount not to exceed the greater of
17 500% of the retail value of the cigarettes involved or
18 \$5,000.

19 (2) Cigarettes that are acquired, held, owned,
20 possessed, transported in, imported into, or sold or
21 distributed in this State in violation of this Section
22 shall be deemed contraband under this Act and are subject
23 to seizure and forfeiture as provided in this Act, and all
24 such cigarettes seized and forfeited shall be destroyed or
25 maintained and used in an undercover capacity. Such
26 cigarettes shall be deemed contraband whether the

1 violation of this Section is knowing or otherwise.

2 (d) Unfair trade practices. In addition to any other
3 penalties provided for in this Act, a violation of subsection
4 (a) or subsection (b) of this Section shall constitute an
5 unlawful practice as provided in the Consumer Fraud and
6 Deceptive Business Practices Act.

7 (d-1) Retailers who are licensed under Section 4g of the
8 Cigarette Tax Act and secondary distributors shall not be
9 liable under subsections (c)(1) and (d) of this Section for
10 unknowingly possessing, selling, or distributing to consumers
11 or users cigarettes identified in subsection (a)(1) of this
12 Section if the cigarettes possessed, sold, or distributed by
13 the licensed retailer were obtained from a distributor or
14 secondary distributor licensed under this Act or the Cigarette
15 Tax Act.

16 (d-2) Criminal Penalties. A distributor, secondary
17 distributor, retailer, or person who violates subsection (a),
18 or a distributor, secondary distributor, or person who
19 violates subsection (b) of this Section shall be guilty of a
20 Class 4 felony.

21 (e) Unfair cigarette sales. For purposes of the Trademark
22 Registration and Protection Act and the Counterfeit Trademark
23 Act, cigarettes imported or reimported into the United States
24 for sale or distribution under any trade name, trade dress, or
25 trademark that is the same as, or is confusingly similar to,
26 any trade name, trade dress, or trademark used for cigarettes

1 manufactured in the United States for sale or distribution in
2 the United States shall be presumed to have been purchased
3 outside of the ordinary channels of trade.

4 (f) General provisions.

5 (1) This Section shall be enforced by the Department;
6 provided that, at the request of the Director of Revenue
7 or the Director's duly authorized agent, the Illinois
8 State Police ~~police~~ and all local police authorities shall
9 enforce the provisions of this Section. The Attorney
10 General has concurrent power with the State's Attorney of
11 any county to enforce this Section.

12 (2) For the purpose of enforcing this Section, the
13 Director of Revenue and any agency to which the Director
14 has delegated enforcement responsibility pursuant to
15 subdivision (f)(1) may request information from any State
16 or local agency and may share information with and request
17 information from any federal agency and any agency of any
18 other state or any local agency of any other state.

19 (3) In addition to any other remedy provided by law,
20 including enforcement as provided in subdivision (f)(1),
21 any person may bring an action for appropriate injunctive
22 or other equitable relief for a violation of this Section;
23 actual damages, if any, sustained by reason of the
24 violation; and, as determined by the court, interest on
25 the damages from the date of the complaint, taxable costs,
26 and reasonable attorney's fees. If the trier of fact finds

1 that the violation is flagrant, it may increase recovery
2 to an amount not in excess of 3 times the actual damages
3 sustained by reason of the violation.

4 (g) Definitions. As used in this Section:

5 "Importer" means that term as defined in 26 U.S.C.
6 5702(1).

7 "Package" means that term as defined in 15 U.S.C. 1332(4).

8 (h) Applicability.

9 (1) This Section does not apply to:

10 (A) cigarettes allowed to be imported or brought
11 into the United States for personal use; and

12 (B) cigarettes sold or intended to be sold as
13 duty-free merchandise by a duty-free sales enterprise
14 in accordance with the provisions of 19 U.S.C. 1555(b)
15 and any implementing regulations; except that this
16 Section shall apply to any such cigarettes that are
17 brought back into the customs territory for resale
18 within the customs territory.

19 (2) The penalties provided in this Section are in
20 addition to any other penalties imposed under other
21 provision of law.

22 (Source: P.A. 98-1055, eff. 1-1-16.)

23 Section 380. The Illinois Pension Code is amended by
24 changing Sections 14-103.05, 14-110, 14-123.1, and 14-124 as
25 follows:

1 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

2 Sec. 14-103.05. Employee.

3 (a) Any person employed by a Department who receives
4 salary for personal services rendered to the Department on a
5 warrant issued pursuant to a payroll voucher certified by a
6 Department and drawn by the State Comptroller upon the State
7 Treasurer, including an elected official described in
8 subparagraph (d) of Section 14-104, shall become an employee
9 for purpose of membership in the Retirement System on the
10 first day of such employment.

11 A person entering service on or after January 1, 1972 and
12 prior to January 1, 1984 shall become a member as a condition
13 of employment and shall begin making contributions as of the
14 first day of employment.

15 A person entering service on or after January 1, 1984
16 shall, upon completion of 6 months of continuous service which
17 is not interrupted by a break of more than 2 months, become a
18 member as a condition of employment. Contributions shall begin
19 the first of the month after completion of the qualifying
20 period.

21 A person employed by the Chicago Metropolitan Agency for
22 Planning on the effective date of this amendatory Act of the
23 95th General Assembly who was a member of this System as an
24 employee of the Chicago Area Transportation Study and makes an
25 election under Section 14-104.13 to participate in this System

1 for his or her employment with the Chicago Metropolitan Agency
2 for Planning.

3 The qualifying period of 6 months of service is not
4 applicable to: (1) a person who has been granted credit for
5 service in a position covered by the State Universities
6 Retirement System, the Teachers' Retirement System of the
7 State of Illinois, the General Assembly Retirement System, or
8 the Judges Retirement System of Illinois unless that service
9 has been forfeited under the laws of those systems; (2) a
10 person entering service on or after July 1, 1991 in a
11 noncovered position; (3) a person to whom Section 14-108.2a or
12 14-108.2b applies; or (4) a person to whom subsection (a-5) of
13 this Section applies.

14 (a-5) A person entering service on or after December 1,
15 2010 shall become a member as a condition of employment and
16 shall begin making contributions as of the first day of
17 employment. A person serving in the qualifying period on
18 December 1, 2010 will become a member on December 1, 2010 and
19 shall begin making contributions as of December 1, 2010.

20 (b) The term "employee" does not include the following:

21 (1) members of the State Legislature, and persons
22 electing to become members of the General Assembly
23 Retirement System pursuant to Section 2-105;

24 (2) incumbents of offices normally filled by vote of
25 the people;

26 (3) except as otherwise provided in this Section, any

1 person appointed by the Governor with the advice and
2 consent of the Senate unless that person elects to
3 participate in this system;

4 (3.1) any person serving as a commissioner of an
5 ethics commission created under the State Officials and
6 Employees Ethics Act unless that person elects to
7 participate in this system with respect to that service as
8 a commissioner;

9 (3.2) any person serving as a part-time employee in
10 any of the following positions: Legislative Inspector
11 General, Special Legislative Inspector General, employee
12 of the Office of the Legislative Inspector General,
13 Executive Director of the Legislative Ethics Commission,
14 or staff of the Legislative Ethics Commission, regardless
15 of whether he or she is in active service on or after July
16 8, 2004 (the effective date of Public Act 93-685), unless
17 that person elects to participate in this System with
18 respect to that service; in this item (3.2), a "part-time
19 employee" is a person who is not required to work at least
20 35 hours per week;

21 (3.3) any person who has made an election under
22 Section 1-123 and who is serving either as legal counsel
23 in the Office of the Governor or as Chief Deputy Attorney
24 General;

25 (4) except as provided in Section 14-108.2 or
26 14-108.2c, any person who is covered or eligible to be

1 covered by the Teachers' Retirement System of the State of
2 Illinois, the State Universities Retirement System, or the
3 Judges Retirement System of Illinois;

4 (5) an employee of a municipality or any other
5 political subdivision of the State;

6 (6) any person who becomes an employee after June 30,
7 1979 as a public service employment program participant
8 under the Federal Comprehensive Employment and Training
9 Act and whose wages or fringe benefits are paid in whole or
10 in part by funds provided under such Act;

11 (7) enrollees of the Illinois Young Adult Conservation
12 Corps program, administered by the Department of Natural
13 Resources, authorized grantee pursuant to Title VIII of
14 the "Comprehensive Employment and Training Act of 1973",
15 29 USC 993, as now or hereafter amended;

16 (8) enrollees and temporary staff of programs
17 administered by the Department of Natural Resources under
18 the Youth Conservation Corps Act of 1970;

19 (9) any person who is a member of any professional
20 licensing or disciplinary board created under an Act
21 administered by the Department of Professional Regulation
22 or a successor agency or created or re-created after the
23 effective date of this amendatory Act of 1997, and who
24 receives per diem compensation rather than a salary,
25 notwithstanding that such per diem compensation is paid by
26 warrant issued pursuant to a payroll voucher; such persons

1 have never been included in the membership of this System,
2 and this amendatory Act of 1987 (P.A. 84-1472) is not
3 intended to effect any change in the status of such
4 persons;

5 (10) any person who is a member of the Illinois Health
6 Care Cost Containment Council, and receives per diem
7 compensation rather than a salary, notwithstanding that
8 such per diem compensation is paid by warrant issued
9 pursuant to a payroll voucher; such persons have never
10 been included in the membership of this System, and this
11 amendatory Act of 1987 is not intended to effect any
12 change in the status of such persons;

13 (11) any person who is a member of the Oil and Gas
14 Board created by Section 1.2 of the Illinois Oil and Gas
15 Act, and receives per diem compensation rather than a
16 salary, notwithstanding that such per diem compensation is
17 paid by warrant issued pursuant to a payroll voucher;

18 (12) a person employed by the State Board of Higher
19 Education in a position with the Illinois Century Network
20 as of June 30, 2004, who remains continuously employed
21 after that date by the Department of Central Management
22 Services in a position with the Illinois Century Network
23 and participates in the Article 15 system with respect to
24 that employment;

25 (13) any person who first becomes a member of the
26 Civil Service Commission on or after January 1, 2012;

1 (14) any person, other than the Director of Employment
2 Security, who first becomes a member of the Board of
3 Review of the Department of Employment Security on or
4 after January 1, 2012;

5 (15) any person who first becomes a member of the
6 Civil Service Commission on or after January 1, 2012;

7 (16) any person who first becomes a member of the
8 Illinois Liquor Control Commission on or after January 1,
9 2012;

10 (17) any person who first becomes a member of the
11 Secretary of State Merit Commission on or after January 1,
12 2012;

13 (18) any person who first becomes a member of the
14 Human Rights Commission on or after January 1, 2012 unless
15 he or she is eligible to participate in accordance with
16 subsection (d) of this Section;

17 (19) any person who first becomes a member of the
18 State Mining Board on or after January 1, 2012;

19 (20) any person who first becomes a member of the
20 Property Tax Appeal Board on or after January 1, 2012;

21 (21) any person who first becomes a member of the
22 Illinois Racing Board on or after January 1, 2012;

23 (22) any person who first becomes a member of the
24 Illinois ~~Department of~~ State Police Merit Board on or
25 after January 1, 2012;

26 (23) any person who first becomes a member of the

1 Illinois State Toll Highway Authority on or after January
2 1, 2012; or

3 (24) any person who first becomes a member of the
4 Illinois State Board of Elections on or after January 1,
5 2012.

6 (c) An individual who represents or is employed as an
7 officer or employee of a statewide labor organization that
8 represents members of this System may participate in the
9 System and shall be deemed an employee, provided that (1) the
10 individual has previously earned creditable service under this
11 Article, (2) the individual files with the System an
12 irrevocable election to become a participant within 6 months
13 after the effective date of this amendatory Act of the 94th
14 General Assembly, and (3) the individual does not receive
15 credit for that employment under any other provisions of this
16 Code. An employee under this subsection (c) is responsible for
17 paying to the System both (i) employee contributions based on
18 the actual compensation received for service with the labor
19 organization and (ii) employer contributions based on the
20 percentage of payroll certified by the board; all or any part
21 of these contributions may be paid on the employee's behalf or
22 picked up for tax purposes (if authorized under federal law)
23 by the labor organization.

24 A person who is an employee as defined in this subsection
25 (c) may establish service credit for similar employment prior
26 to becoming an employee under this subsection by paying to the

1 System for that employment the contributions specified in this
2 subsection, plus interest at the effective rate from the date
3 of service to the date of payment. However, credit shall not be
4 granted under this subsection (c) for any such prior
5 employment for which the applicant received credit under any
6 other provision of this Code or during which the applicant was
7 on a leave of absence.

8 (d) A person appointed as a member of the Human Rights
9 Commission on or after June 1, 2019 may elect to participate in
10 the System and shall be deemed an employee. Service and
11 contributions shall begin on the first payroll period
12 immediately following the employee's election to participate
13 in the System.

14 A person who is an employee as described in this
15 subsection (d) may establish service credit for employment as
16 a Human Rights Commissioner that occurred on or after June 1,
17 2019 and before establishing service under this subsection by
18 paying to the System for that employment the contributions
19 specified in paragraph (1) of subsection (a) of Section
20 14-133, plus regular interest from the date of service to the
21 date of payment.

22 (Source: P.A. 101-10, eff. 6-5-19.)

23 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

24 Sec. 14-110. Alternative retirement annuity.

25 (a) Any member who has withdrawn from service with not

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

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

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

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

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

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

13 (1) State policeman;

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

16 (3) air pilot;

17 (4) special agent;

18 (5) investigator for the Secretary of State;

19 (6) conservation police officer;

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

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

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

26 (10) security employee of the Department of

- 1 Corrections or the Department of Juvenile Justice;
- 2 (11) dangerous drugs investigator;
- 3 (12) investigator for the Illinois ~~Department of State~~
4 Police;
- 5 (13) investigator for the Office of the Attorney
6 General;
- 7 (14) controlled substance inspector;
- 8 (15) investigator for the Office of the State's
9 Attorneys Appellate Prosecutor;
- 10 (16) Commerce Commission police officer;
- 11 (17) arson investigator;
- 12 (18) State highway maintenance worker;
- 13 (19) security employee of the Department of Innovation
14 and Technology; or
- 15 (20) transferred employee.

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

26 A person under paragraph (20) is entitled to eligible

1 creditable service for service credit earned under this
2 Article on and after his or her transfer by Executive Order No.
3 2003-10, Executive Order No. 2004-2, or Executive Order No.
4 2016-1.

5 (c) For the purposes of this Section:

6 (1) The term "State policeman" includes any title or
7 position in the Illinois ~~Department of~~ State Police that
8 is held by an individual employed under the Illinois State
9 Police Act.

10 (2) The term "fire fighter in the fire protection
11 service of a department" includes all officers in such
12 fire protection service including fire chiefs and
13 assistant fire chiefs.

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

24 (4) The term "special agent" means any person who by
25 reason of employment by the Division of Narcotic Control,
26 the Bureau of Investigation or, after July 1, 1977, the

1 Division of Criminal Investigation, the Division of
2 Internal Investigation, the Division of Operations, the
3 Division of Patrol Operations, or any other Division or
4 organizational entity in the Illinois ~~Department of~~ State
5 Police is vested by law with duties to maintain public
6 order, investigate violations of the criminal law of this
7 State, enforce the laws of this State, make arrests and
8 recover property. The term "special agent" includes any
9 title or position in the Illinois ~~Department of~~ State
10 Police that is held by an individual employed under the
11 Illinois State Police Act.

12 (5) The term "investigator for the Secretary of State"
13 means any person employed by the Office of the Secretary
14 of State and vested with such investigative duties as
15 render him ineligible for coverage under the Social
16 Security Act by reason of Sections 218(d)(5)(A),
17 218(d)(8)(D) and 218(1)(1) of that Act.

18 A person who became employed as an investigator for
19 the Secretary of State between January 1, 1967 and
20 December 31, 1975, and who has served as such until
21 attainment of age 60, either continuously or with a single
22 break in service of not more than 3 years duration, which
23 break terminated before January 1, 1976, shall be entitled
24 to have his retirement annuity calculated in accordance
25 with subsection (a), notwithstanding that he has less than
26 20 years of credit for such service.

1 (6) The term "Conservation Police Officer" means any
2 person employed by the Division of Law Enforcement of the
3 Department of Natural Resources and vested with such law
4 enforcement duties as render him ineligible for coverage
5 under the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
7 term "Conservation Police Officer" includes the positions
8 of Chief Conservation Police Administrator and Assistant
9 Conservation Police Administrator.

10 (7) The term "investigator for the Department of
11 Revenue" means any person employed by the Department of
12 Revenue and vested with such investigative duties as
13 render him ineligible for coverage under the Social
14 Security Act by reason of Sections 218(d)(5)(A),
15 218(d)(8)(D) and 218(1)(1) of that Act.

16 The term "investigator for the Illinois Gaming Board"
17 means any person employed as such by the Illinois Gaming
18 Board and vested with such peace officer duties as render
19 the person ineligible for coverage under the Social
20 Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D), and 218(1)(1) of that Act.

22 (8) The term "security employee of the Department of
23 Human Services" means any person employed by the
24 Department of Human Services who (i) is employed at the
25 Chester Mental Health Center and has daily contact with
26 the residents thereof, (ii) is employed within a security

1 unit at a facility operated by the Department and has
2 daily contact with the residents of the security unit,
3 (iii) is employed at a facility operated by the Department
4 that includes a security unit and is regularly scheduled
5 to work at least 50% of his or her working hours within
6 that security unit, or (iv) is a mental health police
7 officer. "Mental health police officer" means any person
8 employed by the Department of Human Services in a position
9 pertaining to the Department's mental health and
10 developmental disabilities functions who is vested with
11 such law enforcement duties as render the person
12 ineligible for coverage under the Social Security Act by
13 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
14 218(1)(1) of that Act. "Security unit" means that portion
15 of a facility that is devoted to the care, containment,
16 and treatment of persons committed to the Department of
17 Human Services as sexually violent persons, persons unfit
18 to stand trial, or persons not guilty by reason of
19 insanity. With respect to past employment, references to
20 the Department of Human Services include its predecessor,
21 the Department of Mental Health and Developmental
22 Disabilities.

23 The changes made to this subdivision (c)(8) by Public
24 Act 92-14 apply to persons who retire on or after January
25 1, 2001, notwithstanding Section 1-103.1.

26 (9) "Central Management Services security police

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

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

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

4 (12) The term "investigator for the Illinois
5 ~~Department of State Police~~" means a person employed by the
6 Illinois Department of State Police who is vested under
7 Section 4 of the Narcotic Control Division Abolition Act
8 with such law enforcement powers as render him ineligible
9 for coverage under the Social Security Act by reason of
10 Sections 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that
11 Act.

12 (13) "Investigator for the Office of the Attorney
13 General" means any person who is employed as such by the
14 Office of the Attorney General and is vested with such
15 investigative 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. For
18 the period before January 1, 1989, the term includes all
19 persons who were employed as investigators by the Office
20 of the Attorney General, without regard to social security
21 status.

22 (14) "Controlled substance inspector" means any person
23 who is employed as such by the Department of Professional
24 Regulation and is vested with such law enforcement duties
25 as render him ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d) (5) (A),

1 218(d)(8)(D) and 218(1)(1) of that Act. The term
2 "controlled substance inspector" includes the Program
3 Executive of Enforcement and the Assistant Program
4 Executive of Enforcement.

5 (15) The term "investigator for the Office of the
6 State's Attorneys Appellate Prosecutor" means a person
7 employed in that capacity on a full time basis under the
8 authority of Section 7.06 of the State's Attorneys
9 Appellate Prosecutor's Act.

10 (16) "Commerce Commission police officer" means any
11 person employed by the Illinois Commerce Commission who is
12 vested with such law enforcement duties as render him
13 ineligible for coverage under the Social Security Act by
14 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
15 218(1)(1) of that Act.

16 (17) "Arson investigator" means any person who is
17 employed as such by the Office of the State Fire Marshal
18 and is vested with such law enforcement duties as render
19 the person ineligible for coverage under the Social
20 Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
22 employed as an arson investigator on January 1, 1995 and
23 is no longer in service but not yet receiving a retirement
24 annuity may convert his or her creditable service for
25 employment as an arson investigator into eligible
26 creditable service by paying to the System the difference

1 between the employee contributions actually paid for that
2 service and the amounts that would have been contributed
3 if the applicant were contributing at the rate applicable
4 to persons with the same social security status earning
5 eligible creditable service on the date of application.

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

8 (i) A person employed on a full-time basis by the
9 Illinois Department of Transportation in the position
10 of highway maintainer, highway maintenance lead
11 worker, highway maintenance lead/lead worker, heavy
12 construction equipment operator, power shovel
13 operator, or bridge mechanic; and whose principal
14 responsibility is to perform, on the roadway, the
15 actual maintenance necessary to keep the highways that
16 form a part of the State highway system in serviceable
17 condition for vehicular traffic.

18 (ii) A person employed on a full-time basis by the
19 Illinois State Toll Highway Authority in the position
20 of equipment operator/laborer H-4, equipment
21 operator/laborer H-6, welder H-4, welder H-6,
22 mechanical/electrical H-4, mechanical/electrical H-6,
23 water/sewer H-4, water/sewer H-6, sign maker/hanger
24 H-4, sign maker/hanger H-6, roadway lighting H-4,
25 roadway lighting H-6, structural H-4, structural H-6,
26 painter H-4, or painter H-6; and whose principal

1 responsibility is to perform, on the roadway, the
2 actual maintenance necessary to keep the Authority's
3 tollways in serviceable condition for vehicular
4 traffic.

5 (19) The term "security employee of the Department of
6 Innovation and Technology" means a person who was a
7 security employee of the Department of Corrections or the
8 Department of Juvenile Justice, was transferred to the
9 Department of Innovation and Technology pursuant to
10 Executive Order 2016-01, and continues to perform similar
11 job functions under that Department.

12 (20) "Transferred employee" means an employee who was
13 transferred to the Department of Central Management
14 Services by Executive Order No. 2003-10 or Executive Order
15 No. 2004-2 or transferred to the Department of Innovation
16 and Technology by Executive Order No. 2016-1, or both, and
17 was entitled to eligible creditable service for services
18 immediately preceding the transfer.

19 (d) A security employee of the Department of Corrections
20 or the Department of Juvenile Justice, a security employee of
21 the Department of Human Services who is not a mental health
22 police officer, and a security employee of the Department of
23 Innovation and Technology shall not be eligible for the
24 alternative retirement annuity provided by this Section unless
25 he or she meets the following minimum age and service
26 requirements at the time of retirement:

1 (i) 25 years of eligible creditable service and age
2 55; or

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

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

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

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

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

18 Persons who have service credit under Article 16 of this
19 Code for service as a security employee of the Department of
20 Corrections or the Department of Juvenile Justice, or the
21 Department of Human Services in a position requiring
22 certification as a teacher may count such service toward
23 establishing their eligibility under the service requirements
24 of this Section; but such service may be used only for
25 establishing such eligibility, and not for the purpose of
26 increasing or calculating any benefit.

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

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

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

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

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

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

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

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

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, or investigator for
23 the Secretary of State may elect to establish eligible
24 creditable service for up to 10 years of service as a sheriff's
25 law enforcement employee under Article 7, by filing a written
26 election with the Board on or before January 31, 1993, and

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

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

26 Subject to the limitation in subsection (i), an

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

18 Subject to the limitation in subsection (i), a State
19 policeman, conservation police officer, investigator for the
20 Office of the Attorney General, an investigator for the
21 Department of Revenue, or investigator for the Secretary of
22 State may elect to establish eligible creditable service for
23 up to 5 years of service as a person employed by a
24 participating municipality to perform police duties, or law
25 enforcement officer employed on a full-time basis by a forest
26 preserve district under Article 7, a county corrections

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

12 (i) The total amount of eligible creditable service
13 established by any person under subsections (g), (h), (j),
14 (k), (l), (l-5), and (o) of this Section shall not exceed 12
15 years.

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

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

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

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

15 (1-5) Subject to the limitation in subsection (i) of this
16 Section, a State policeman may elect to establish eligible
17 creditable service for up to 5 years of service as a full-time
18 law enforcement officer employed by the federal government or
19 by a state or local government located outside of Illinois for
20 which credit is not held in any other public employee pension
21 fund or retirement system. To obtain this credit, the
22 applicant must file a written application with the Board no
23 later than 3 years after the effective date of this amendatory
24 Act of the 101st General Assembly, accompanied by evidence of
25 eligibility acceptable to the Board and payment of an amount
26 to be determined by the Board, equal to (1) employee

1 contributions for the credit being established, based upon the
2 applicant's salary on the first day as an alternative formula
3 employee after the employment for which credit is being
4 established and the rates then applicable to alternative
5 formula employees, plus (2) an amount determined by the Board
6 to be the employer's normal cost of the benefits accrued for
7 the credit being established, plus (3) regular interest on the
8 amounts in items (1) and (2) from the first day as an
9 alternative formula employee after the employment for which
10 credit is being established to the date of payment.

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

26 (n) A person employed in a position under subsection (b)

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

11 (o) Subject to the limitation in subsection (i), a
12 conservation police officer, investigator for the Secretary of
13 State, Commerce Commission police officer, investigator for
14 the Department of Revenue or the Illinois Gaming Board, or
15 arson investigator subject to subsection (g) of Section 1-160
16 may elect to convert up to 8 years of service credit
17 established before the effective date of this amendatory Act
18 of the 101st General Assembly as a conservation police
19 officer, investigator for the Secretary of State, Commerce
20 Commission police officer, investigator for the Department of
21 Revenue or the Illinois Gaming Board, or arson investigator
22 under this Article into eligible creditable service by filing
23 a written election with the Board no later than one year after
24 the effective date of this amendatory Act of the 101st General
25 Assembly, accompanied by payment of an amount to be determined
26 by the Board equal to (i) the difference between the amount of

1 the employee contributions actually paid for that service and
2 the amount of the employee contributions that would have been
3 paid had the employee contributions been made as a noncovered
4 employee serving in a position in which eligible creditable
5 service, as defined in this Section, may be earned, plus (ii)
6 interest thereon at the effective rate for each year,
7 compounded annually, from the date of service to the date of
8 payment.

9 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;
10 101-610, eff. 1-1-20.)

11 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

12 Sec. 14-123.1. Temporary disability benefit.

13 (a) A member who has at least 18 months of creditable
14 service and who becomes physically or mentally incapacitated
15 to perform the duties of his position shall receive a
16 temporary disability benefit, provided that:

17 (1) the agency responsible for determining the
18 liability of the State (i) has formally denied all
19 employer-paid temporary total disability benefits under
20 the Workers' Compensation Act or the Workers' Occupational
21 Diseases Act and an appeal of that denial is pending
22 before the Illinois Workers' Compensation Commission, or
23 (ii) has granted and then terminated for any reason an
24 employer-paid temporary total disability benefit and the
25 member has filed a petition for a hearing under Section

1 19(b) or Section 19(b-1) of the Workers' Compensation Act
2 or Section 19(b) or Section 19(b-1) of the Workers'
3 Occupational Diseases Act;

4 (2) application is made after the date that the
5 disability results in loss of pay, and after the date the
6 agency responsible for determining the liability of the
7 State under the Workers' Compensation Act or Workers'
8 Occupational Diseases Act has formally denied or
9 terminated the employer-paid temporary total disability
10 benefit; and

11 (3) proper proof is received from one or more licensed
12 health care professionals designated by the Board
13 certifying that the member is mentally or physically
14 incapacitated.

15 (b) In the case of a denial of benefits, the temporary
16 disability benefit shall begin to accrue on the 31st day of
17 absence from work on account of disability, but the benefit
18 shall not become actually payable to the member until the
19 expiration of 31 days from the day upon which the member last
20 received or had a right to receive any compensation.

21 In the case of termination of an employer-paid temporary
22 total disability benefit, the temporary disability benefit
23 under this Section shall be calculated from the day following
24 the date of termination of the employer-paid benefit or the
25 31st day of absence from work on account of disability,
26 whichever is later, but shall not become payable to the member

1 until (i) the member's right to an employer-paid temporary
2 total disability benefit is denied as a result of the hearing
3 held under Section 19(b) or Section 19(b-1) of the Workers'
4 Compensation Act or Section 19(b) or Section 19(b-1) of the
5 Workers' Occupational Diseases Act or (ii) the expiration of
6 30 days from the date of termination of the employer-paid
7 benefit, whichever occurs first. If a terminated employer-paid
8 temporary total disability benefit is resumed or replaced with
9 another employer-paid disability benefit and the resumed or
10 replacement benefit is later terminated and the member again
11 files a petition for a hearing under Section 19(b) or Section
12 19(b-1) of the Workers' Compensation Act or Section 19(b) or
13 Section 19(b-1) of the Workers' Occupational Diseases Act, the
14 member may again become eligible to receive a temporary
15 disability benefit under this Section. The waiting period
16 before the temporary disability benefit under this Section
17 becomes payable applies each time that the benefit is
18 reinstated.

19 The benefit shall continue to accrue until the first of
20 the following events occurs:

21 (1) the disability ceases;

22 (2) the member engages in gainful employment;

23 (3) the end of the month in which the member attains
24 age 65, in the case of benefits commencing prior to
25 attainment of age 60;

26 (4) the end of the month following the fifth

1 anniversary of the effective date of the benefit in the
2 case of benefits commencing on or after attainment of age
3 60;

4 (5) the end of the month in which the death of the
5 member occurs;

6 (6) the end of the month in which the aggregate period
7 for which temporary disability payments have been made
8 becomes equal to 1/2 of the member's total period of
9 creditable service, not including the time for which he
10 has received a temporary disability benefit or
11 nonoccupational disability benefit; for purposes of this
12 item (6) only, in the case of a member to whom Section
13 14-108.2a or 14-108.2b applies and who, at the time
14 disability commences, is performing services for the
15 Illinois Department of Public Health or the Illinois
16 ~~Department of~~ State Police relating to the transferred
17 functions referred to in that Section and has less than 10
18 years of creditable service under this Article, the
19 member's "total period of creditable service" shall be
20 augmented by an amount equal to (i) one half of the
21 member's period of creditable service in the Fund
22 established under Article 8 (excluding any creditable
23 service over 20 years), minus (ii) the amount of the
24 member's creditable service under this Article;

25 (7) a payment is made on the member's claim pursuant
26 to a determination made by the agency responsible for

1 determining the liability of the State under the Workers'
2 Compensation Act or the Workers' Occupational Diseases
3 Act;

4 (8) a final determination is made on the member's
5 claim by the Illinois Workers' Compensation Commission.

6 (c) The temporary disability benefit shall be 50% of the
7 member's final average compensation at the date of disability.

8 If a covered employee is eligible under the Social
9 Security Act for a disability benefit before attaining the
10 Social Security full retirement age, or a retirement benefit
11 on or after attaining the Social Security full retirement age,
12 then the amount of the member's temporary disability benefit
13 shall be reduced by the amount of primary benefit the member is
14 eligible to receive under the Social Security Act, whether or
15 not such eligibility came about as the result of service as a
16 covered employee under this Article. The Board may make such
17 reduction pending a determination of eligibility if it appears
18 that the employee may be so eligible, and shall make an
19 appropriate adjustment if necessary after such determination
20 has been made. The amount of temporary disability benefit
21 payable under this Article shall not be reduced by reason of
22 any increase in benefits payable under the Social Security Act
23 which occurs after the reduction required by this paragraph
24 has been applied. As used in this subsection, "Social Security
25 full retirement age" means the age at which an individual is
26 eligible to receive full Social Security retirement benefits.

1 (d) The temporary disability benefit provided under this
2 Section is intended as a temporary payment of occupational or
3 nonoccupational disability benefit, whichever is appropriate,
4 in cases in which the occupational or nonoccupational
5 character of the disability has not been finally determined.

6 When an employer-paid disability benefit is paid or
7 resumed, the Board shall calculate the benefit that is payable
8 under Section 14-123 and shall deduct from the benefit payable
9 under Section 14-123 the amounts already paid under this
10 Section; those amounts shall then be treated as if they had
11 been paid under Section 14-123.

12 When a final determination of the character of the
13 disability has been made by the Illinois Workers' Compensation
14 Commission, or by settlement between the parties to the
15 disputed claim, the Board shall calculate the benefit that is
16 payable under Section 14-123 or 14-124, whichever is
17 applicable, and shall deduct from such benefit the amounts
18 already paid under this Section; such amounts shall then be
19 treated as if they had been paid under such Section 14-123 or
20 14-124.

21 (e) Any excess benefits paid under this Section shall be
22 subject to recovery by the System from benefits payable under
23 the Workers' Compensation Act or the Workers' Occupational
24 Diseases Act or from third parties as provided in Section
25 14-129, or from any other benefits payable either to the
26 member or on his behalf under this Article. A member who

1 accepts benefits under this Section acknowledges and
2 authorizes these recovery rights of the System.

3 (f) Service credits under the State Universities
4 Retirement System and the Teachers' Retirement System of the
5 State of Illinois shall be considered for the purposes of
6 determining temporary disability benefit eligibility under
7 this Section, and for determining the total period of time for
8 which such benefits are payable.

9 (g) The Board shall prescribe rules and regulations
10 governing the filing of claims for temporary disability
11 benefits, and the investigation, control and supervision of
12 such claims.

13 (h) References in this Section to employer-paid benefits
14 include benefits paid for by the State, either directly or
15 through a program of insurance or self-insurance, whether paid
16 through the member's own department or through some other
17 department or entity; but the term does not include benefits
18 paid by the System under this Article.

19 (Source: P.A. 101-54, eff. 7-12-19.)

20 (40 ILCS 5/14-124) (from Ch. 108 1/2, par. 14-124)

21 Sec. 14-124. Nonoccupational disability benefit. A member
22 with at least 1 1/2 years of creditable service may be granted
23 a nonoccupational disability benefit, if:

24 (1) application for the benefit is made to the system
25 by the member in writing after the commencement of

1 disability;

2 (2) the member is found upon medical examination to be
3 mentally or physically incapacitated to perform the duties
4 of the member's position;

5 (3) the disability resulted from a cause other than an
6 injury or illness sustained in connection with the
7 member's performance of duty as a State employee;

8 (4) the member has been granted a leave of absence for
9 disability at the time of commencement of disability.
10 Renewal of a disability leave of absence shall not be
11 required for the continued payment of benefits; and

12 (5) the member has used all accumulated sick leave
13 available at the beginning of the leave of absence for
14 disability.

15 The benefit shall begin to accrue on the latest of (i) the
16 31st day of absence from work on account of disability
17 (including any periods of such absence for which sick pay was
18 received); or (ii) the day following the day on which the
19 member last receives or has a right to receive any
20 compensation as an employee, including any sick pay. The
21 benefit shall continue to accrue until the first of the
22 following to occur:

23 (a) the date on which disability ceases;

24 (b) the end of the month in which the member attains
25 age 65 in the case of benefits commencing prior to
26 attainment of age 60;

1 (c) the end of the month following the fifth
2 anniversary of the effective date of the benefit, or of
3 the temporary disability benefit if one was received, in
4 the case of benefits commencing on or after attainment of
5 age 60;

6 (d) the end of the month in which the aggregate period
7 for which non-occupational disability and temporary
8 disability benefit payments have been made becomes equal
9 to 1/2 of the member's total period of creditable service,
10 not including the time during which he has received a
11 temporary disability benefit or nonoccupational disability
12 benefit; for purposes of this item (d) only, in the case of
13 a member to whom Section 14-108.2a or 14-108.2b applies
14 and who, at the time disability commences, is performing
15 services for the Illinois Department of Public Health or
16 the Illinois ~~Department of~~ State Police relating to the
17 transferred functions referred to in that Section and has
18 less than 10 years of creditable service under this
19 Article, the member's "total period of creditable service"
20 shall be augmented by an amount equal to (i) one half of
21 the member's period of creditable service in the Fund
22 established under Article 8 (excluding any creditable
23 service over 20 years), minus (ii) the amount of the
24 member's creditable service under this Article;

25 (e) the date on which the member engages in gainful
26 employment;

1 (f) the end of the month in which the death of the
2 member occurs.

3 If disability has ceased and the member again becomes
4 disabled within 60 days from date of resumption of State
5 employment, and if the disability is due to the same cause for
6 which he received nonoccupational disability benefit
7 immediately preceding such reentry into service, the 30 days
8 waiting period prescribed for the receipt of benefits is
9 waived as to such new period of disability.

10 A member shall be considered disabled only when the board
11 has received:

12 (a) a written certificate by one or more licensed
13 health care professionals designated by the board,
14 certifying that the member is disabled and unable properly
15 to perform the duties of his position at the time of
16 disability; and

17 (b) the employee certifies that he is not and has not
18 been engaged in gainful employment.

19 The board shall prescribe rules and regulations governing
20 the filing of claims for nonoccupational disability benefits,
21 and the investigation, control and supervision of such claims.

22 Service credits under the State Universities Retirement
23 System and the Teachers' Retirement System of the State of
24 Illinois shall be considered for the purposes of
25 nonoccupational disability benefit eligibility under this
26 Article and for the total period of time for which such

1 benefits are payable.

2 (Source: P.A. 101-54, eff. 7-12-19.)

3 Section 385. The State Pension Funds Continuing
4 Appropriation Act is amended by changing Section 1.2 as
5 follows:

6 (40 ILCS 15/1.2)

7 Sec. 1.2. Appropriations for the State Employees'
8 Retirement System.

9 (a) From each fund from which an amount is appropriated
10 for personal services to a department or other employer under
11 Article 14 of the Illinois Pension Code, there is hereby
12 appropriated to that department or other employer, on a
13 continuing annual basis for each State fiscal year, an
14 additional amount equal to the amount, if any, by which (1) an
15 amount equal to the percentage of the personal services line
16 item for that department or employer from that fund for that
17 fiscal year that the Board of Trustees of the State Employees'
18 Retirement System of Illinois has certified under Section
19 14-135.08 of the Illinois Pension Code to be necessary to meet
20 the State's obligation under Section 14-131 of the Illinois
21 Pension Code for that fiscal year, exceeds (2) the amounts
22 otherwise appropriated to that department or employer from
23 that fund for State contributions to the State Employees'
24 Retirement System for that fiscal year.

1 (a-1) (Blank).

2 (a-2) (Blank).

3 (a-3) (Blank).

4 (a-4) If a Prior Fiscal Year Shortfall is certified under
5 subsection (k) of Section 14-131 of the Illinois Pension Code,
6 there is hereby appropriated to the State Employees'
7 Retirement System of Illinois on a continuing basis from the
8 General Revenue Fund an additional aggregate amount equal to
9 the Prior Fiscal Year Shortfall.

10 (b) The continuing appropriations provided for by this
11 Section shall first be available in State fiscal year 1996.

12 (c) Beginning in Fiscal Year 2005, any continuing
13 appropriation under this Section arising out of an
14 appropriation for personal services from the Road Fund to the
15 Illinois Department of State Police or the Secretary of State
16 shall be payable from the General Revenue Fund rather than the
17 Road Fund.

18 (d) (Blank).

19 (e) (Blank).

20 (f) (Blank).

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 101-10, eff. 6-5-19.)

23 Section 390. The Illinois Police Training Act is amended
24 by changing Sections 3, 6.1, 9, 10.10, 10.19, and 10.21 as
25 follows:

1 (50 ILCS 705/3) (from Ch. 85, par. 503)

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

1 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

2 (50 ILCS 705/6.1)

3 Sec. 6.1. Decertification of full-time and part-time
4 police officers.

5 (a) The Board must review police officer conduct and
6 records to ensure that no police officer is certified or
7 provided a valid waiver if that police officer has been
8 convicted of, or entered a plea of guilty to, a felony offense
9 under the laws of this State or any other state which if
10 committed in this State would be punishable as a felony. The
11 Board must also ensure that no police officer is certified or
12 provided a valid waiver if that police officer has been
13 convicted of, or entered a plea of guilty to, on or after the
14 effective date of this amendatory Act of 1999 of any
15 misdemeanor specified in this Section or if committed in any
16 other state would be an offense similar to Section 11-1.50,
17 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1,
18 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, to
20 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, or
22 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, or to Section 5 or 5.2 of the
24 Cannabis Control Act. The Board must appoint investigators to
25 enforce the duties conferred upon the Board by this Act.

1 (b) It is the responsibility of the sheriff or the chief
2 executive officer of every local law enforcement agency or
3 department within this State to report to the Board any
4 arrest, conviction, or plea of guilty of any officer for an
5 offense identified in this Section.

6 (c) It is the duty and responsibility of every full-time
7 and part-time police officer in this State to report to the
8 Board within 30 days, and the officer's sheriff or chief
9 executive officer, of his or her arrest, conviction, or plea
10 of guilty for an offense identified in this Section. Any
11 full-time or part-time police officer who knowingly makes,
12 submits, causes to be submitted, or files a false or
13 untruthful report to the Board must have his or her
14 certificate or waiver immediately decertified or revoked.

15 (d) Any person, or a local or State agency, or the Board is
16 immune from liability for submitting, disclosing, or releasing
17 information of arrests, convictions, or pleas of guilty in
18 this Section as long as the information is submitted,
19 disclosed, or released in good faith and without malice. The
20 Board has qualified immunity for the release of the
21 information.

22 (e) Any full-time or part-time police officer with a
23 certificate or waiver issued by the Board who is convicted of,
24 or entered a plea of guilty to, any offense described in this
25 Section immediately becomes decertified or no longer has a
26 valid waiver. The decertification and invalidity of waivers

1 occurs as a matter of law. Failure of a convicted person to
2 report to the Board his or her conviction as described in this
3 Section or any continued law enforcement practice after
4 receiving a conviction is a Class 4 felony.

5 (f) The Board's investigators are peace officers and have
6 all the powers possessed by policemen in cities and by
7 sheriff's, and these investigators may exercise those powers
8 anywhere in the State. An investigator shall not have peace
9 officer status or exercise police powers unless he or she
10 successfully completes the basic police training course
11 mandated and approved by the Board or the Board waives the
12 training requirement by reason of the investigator's prior law
13 enforcement experience, training, or both. The Board shall not
14 waive the training requirement unless the investigator has had
15 a minimum of 5 years experience as a sworn officer of a local,
16 State, or federal law enforcement agency.

17 (g) The Board must request and receive information and
18 assistance from any federal, state, or local governmental
19 agency as part of the authorized criminal background
20 investigation. The Illinois ~~Department of~~ State Police must
21 process, retain, and additionally provide and disseminate
22 information to the Board concerning criminal charges, arrests,
23 convictions, and their disposition, that have been filed
24 before, on, or after the effective date of this amendatory Act
25 of the 91st General Assembly against a basic academy
26 applicant, law enforcement applicant, or law enforcement

1 officer whose fingerprint identification cards are on file or
2 maintained by the Illinois ~~Department of~~ State Police. The
3 Federal Bureau of Investigation must provide the Board any
4 criminal history record information contained in its files
5 pertaining to law enforcement officers or any applicant to a
6 Board certified basic law enforcement academy as described in
7 this Act based on fingerprint identification. The Board must
8 make payment of fees to the Illinois ~~Department of~~ State
9 Police for each fingerprint card submission in conformance
10 with the requirements of paragraph 22 of Section 55a of the
11 Civil Administrative Code of Illinois.

12 (h) A police officer who has been certified or granted a
13 valid waiver shall also be decertified or have his or her
14 waiver revoked upon a determination by the Illinois Labor
15 Relations Board State Panel that he or she, while under oath,
16 has knowingly and willfully made false statements as to a
17 material fact going to an element of the offense of murder. If
18 an appeal is filed, the determination shall be stayed.

19 (1) In the case of an acquittal on a charge of murder,
20 a verified complaint may be filed:

21 (A) by the defendant; or

22 (B) by a police officer with personal knowledge of
23 perjured testimony.

24 The complaint must allege that a police officer, while
25 under oath, knowingly and willfully made false statements
26 as to a material fact going to an element of the offense of

1 murder. The verified complaint must be filed with the
2 Executive Director of the Illinois Law Enforcement
3 Training Standards Board within 2 years of the judgment of
4 acquittal.

5 (2) Within 30 days, the Executive Director of the
6 Illinois Law Enforcement Training Standards Board shall
7 review the verified complaint and determine whether the
8 verified complaint is frivolous and without merit, or
9 whether further investigation is warranted. The Illinois
10 Law Enforcement Training Standards Board shall notify the
11 officer and the Executive Director of the Illinois Labor
12 Relations Board State Panel of the filing of the complaint
13 and any action taken thereon. If the Executive Director of
14 the Illinois Law Enforcement Training Standards Board
15 determines that the verified complaint is frivolous and
16 without merit, it shall be dismissed. The Executive
17 Director of the Illinois Law Enforcement Training
18 Standards Board has sole discretion to make this
19 determination and this decision is not subject to appeal.

20 (i) If the Executive Director of the Illinois Law
21 Enforcement Training Standards Board determines that the
22 verified complaint warrants further investigation, he or she
23 shall refer the matter to a task force of investigators
24 created for this purpose. This task force shall consist of 8
25 sworn police officers: 2 from the Illinois State Police, 2
26 from the City of Chicago Police Department, 2 from county

1 police departments, and 2 from municipal police departments.
2 These investigators shall have a minimum of 5 years of
3 experience in conducting criminal investigations. The
4 investigators shall be appointed by the Executive Director of
5 the Illinois Law Enforcement Training Standards Board. Any
6 officer or officers acting in this capacity pursuant to this
7 statutory provision will have statewide police authority while
8 acting in this investigative capacity. Their salaries and
9 expenses for the time spent conducting investigations under
10 this paragraph shall be reimbursed by the Illinois Law
11 Enforcement Training Standards Board.

12 (j) Once the Executive Director of the Illinois Law
13 Enforcement Training Standards Board has determined that an
14 investigation is warranted, the verified complaint shall be
15 assigned to an investigator or investigators. The investigator
16 or investigators shall conduct an investigation of the
17 verified complaint and shall write a report of his or her
18 findings. This report shall be submitted to the Executive
19 Director of the Illinois Labor Relations Board State Panel.

20 Within 30 days, the Executive Director of the Illinois
21 Labor Relations Board State Panel shall review the
22 investigative report and determine whether sufficient evidence
23 exists to conduct an evidentiary hearing on the verified
24 complaint. If the Executive Director of the Illinois Labor
25 Relations Board State Panel determines upon his or her review
26 of the investigatory report that a hearing should not be

1 conducted, the complaint shall be dismissed. This decision is
2 in the Executive Director's sole discretion, and this
3 dismissal may not be appealed.

4 If the Executive Director of the Illinois Labor Relations
5 Board State Panel determines that there is sufficient evidence
6 to warrant a hearing, a hearing shall be ordered on the
7 verified complaint, to be conducted by an administrative law
8 judge employed by the Illinois Labor Relations Board State
9 Panel. The Executive Director of the Illinois Labor Relations
10 Board State Panel shall inform the Executive Director of the
11 Illinois Law Enforcement Training Standards Board and the
12 person who filed the complaint of either the dismissal of the
13 complaint or the issuance of the complaint for hearing. The
14 Executive Director shall assign the complaint to the
15 administrative law judge within 30 days of the decision
16 granting a hearing.

17 (k) In the case of a finding of guilt on the offense of
18 murder, if a new trial is granted on direct appeal, or a state
19 post-conviction evidentiary hearing is ordered, based on a
20 claim that a police officer, under oath, knowingly and
21 willfully made false statements as to a material fact going to
22 an element of the offense of murder, the Illinois Labor
23 Relations Board State Panel shall hold a hearing to determine
24 whether the officer should be decertified if an interested
25 party requests such a hearing within 2 years of the court's
26 decision. The complaint shall be assigned to an administrative

1 law judge within 30 days so that a hearing can be scheduled.

2 At the hearing, the accused officer shall be afforded the
3 opportunity to:

4 (1) Be represented by counsel of his or her own
5 choosing;

6 (2) Be heard in his or her own defense;

7 (3) Produce evidence in his or her defense;

8 (4) Request that the Illinois Labor Relations Board
9 State Panel compel the attendance of witnesses and
10 production of related documents including but not limited
11 to court documents and records.

12 Once a case has been set for hearing, the verified
13 complaint shall be referred to the Department of Professional
14 Regulation. That office shall prosecute the verified complaint
15 at the hearing before the administrative law judge. The
16 Department of Professional Regulation shall have the
17 opportunity to produce evidence to support the verified
18 complaint and to request the Illinois Labor Relations Board
19 State Panel to compel the attendance of witnesses and the
20 production of related documents, including, but not limited
21 to, court documents and records. The Illinois Labor Relations
22 Board State Panel shall have the power to issue subpoenas
23 requiring the attendance of and testimony of witnesses and the
24 production of related documents including, but not limited to,
25 court documents and records and shall have the power to
26 administer oaths.

1 The administrative law judge shall have the responsibility
2 of receiving into evidence relevant testimony and documents,
3 including court records, to support or disprove the
4 allegations made by the person filing the verified complaint
5 and, at the close of the case, hear arguments. If the
6 administrative law judge finds that there is not clear and
7 convincing evidence to support the verified complaint that the
8 police officer has, while under oath, knowingly and willfully
9 made false statements as to a material fact going to an element
10 of the offense of murder, the administrative law judge shall
11 make a written recommendation of dismissal to the Illinois
12 Labor Relations Board State Panel. If the administrative law
13 judge finds that there is clear and convincing evidence that
14 the police officer has, while under oath, knowingly and
15 willfully made false statements as to a material fact that
16 goes to an element of the offense of murder, the
17 administrative law judge shall make a written recommendation
18 so concluding to the Illinois Labor Relations Board State
19 Panel. The hearings shall be transcribed. The Executive
20 Director of the Illinois Law Enforcement Training Standards
21 Board shall be informed of the administrative law judge's
22 recommended findings and decision and the Illinois Labor
23 Relations Board State Panel's subsequent review of the
24 recommendation.

25 (1) An officer named in any complaint filed pursuant to
26 this Act shall be indemnified for his or her reasonable

1 attorney's fees and costs by his or her employer. These fees
2 shall be paid in a regular and timely manner. The State, upon
3 application by the public employer, shall reimburse the public
4 employer for the accused officer's reasonable attorney's fees
5 and costs. At no time and under no circumstances will the
6 accused officer be required to pay his or her own reasonable
7 attorney's fees or costs.

8 (m) The accused officer shall not be placed on unpaid
9 status because of the filing or processing of the verified
10 complaint until there is a final non-appealable order
11 sustaining his or her guilt and his or her certification is
12 revoked. Nothing in this Act, however, restricts the public
13 employer from pursuing discipline against the officer in the
14 normal course and under procedures then in place.

15 (n) The Illinois Labor Relations Board State Panel shall
16 review the administrative law judge's recommended decision and
17 order and determine by a majority vote whether or not there was
18 clear and convincing evidence that the accused officer, while
19 under oath, knowingly and willfully made false statements as
20 to a material fact going to the offense of murder. Within 30
21 days of service of the administrative law judge's recommended
22 decision and order, the parties may file exceptions to the
23 recommended decision and order and briefs in support of their
24 exceptions with the Illinois Labor Relations Board State
25 Panel. The parties may file responses to the exceptions and
26 briefs in support of the responses no later than 15 days after

1 the service of the exceptions. If exceptions are filed by any
2 of the parties, the Illinois Labor Relations Board State Panel
3 shall review the matter and make a finding to uphold, vacate,
4 or modify the recommended decision and order. If the Illinois
5 Labor Relations Board State Panel concludes that there is
6 clear and convincing evidence that the accused officer, while
7 under oath, knowingly and willfully made false statements as
8 to a material fact going to an element of the offense murder,
9 the Illinois Labor Relations Board State Panel shall inform
10 the Illinois Law Enforcement Training Standards Board and the
11 Illinois Law Enforcement Training Standards Board shall revoke
12 the accused officer's certification. If the accused officer
13 appeals that determination to the Appellate Court, as provided
14 by this Act, he or she may petition the Appellate Court to stay
15 the revocation of his or her certification pending the court's
16 review of the matter.

17 (o) None of the Illinois Labor Relations Board State
18 Panel's findings or determinations shall set any precedent in
19 any of its decisions decided pursuant to the Illinois Public
20 Labor Relations Act by the Illinois Labor Relations Board
21 State Panel or the courts.

22 (p) A party aggrieved by the final order of the Illinois
23 Labor Relations Board State Panel may apply for and obtain
24 judicial review of an order of the Illinois Labor Relations
25 Board State Panel, in accordance with the provisions of the
26 Administrative Review Law, except that such judicial review

1 shall be afforded directly in the Appellate Court for the
2 district in which the accused officer resides. Any direct
3 appeal to the Appellate Court shall be filed within 35 days
4 from the date that a copy of the decision sought to be reviewed
5 was served upon the party affected by the decision.

6 (q) Interested parties. Only interested parties to the
7 criminal prosecution in which the police officer allegedly,
8 while under oath, knowingly and willfully made false
9 statements as to a material fact going to an element of the
10 offense of murder may file a verified complaint pursuant to
11 this Section. For purposes of this Section, "interested
12 parties" shall be limited to the defendant and any police
13 officer who has personal knowledge that the police officer who
14 is the subject of the complaint has, while under oath,
15 knowingly and willfully made false statements as to a material
16 fact going to an element of the offense of murder.

17 (r) Semi-annual reports. The Executive Director of the
18 Illinois Labor Relations Board shall submit semi-annual
19 reports to the Governor, President, and Minority Leader of the
20 Senate, and to the Speaker and Minority Leader of the House of
21 Representatives beginning on June 30, 2004, indicating:

22 (1) the number of verified complaints received since
23 the date of the last report;

24 (2) the number of investigations initiated since the
25 date of the last report;

26 (3) the number of investigations concluded since the

1 date of the last report;

2 (4) the number of investigations pending as of the
3 reporting date;

4 (5) the number of hearings held since the date of the
5 last report; and

6 (6) the number of officers decertified since the date
7 of the last report.

8 (Source: P.A. 101-187, eff. 1-1-20.)

9 (50 ILCS 705/9) (from Ch. 85, par. 509)

10 Sec. 9. A special fund is hereby established in the State
11 Treasury to be known as the Traffic and Criminal Conviction
12 Surcharge Fund. Moneys in this Fund shall be expended as
13 follows:

14 (1) a portion of the total amount deposited in the
15 Fund may be used, as appropriated by the General Assembly,
16 for the ordinary and contingent expenses of the Illinois
17 Law Enforcement Training Standards Board;

18 (2) a portion of the total amount deposited in the
19 Fund shall be appropriated for the reimbursement of local
20 governmental agencies participating in training programs
21 certified by the Board, in an amount equaling 1/2 of the
22 total sum paid by such agencies during the State's
23 previous fiscal year for mandated training for
24 probationary police officers or probationary county
25 corrections officers and for optional advanced and

1 specialized law enforcement or county corrections
2 training; these reimbursements may include the costs for
3 tuition at training schools, the salaries of trainees
4 while in schools, and the necessary travel and room and
5 board expenses for each trainee; if the appropriations
6 under this paragraph (2) are not sufficient to fully
7 reimburse the participating local governmental agencies,
8 the available funds shall be apportioned among such
9 agencies, with priority first given to repayment of the
10 costs of mandatory training given to law enforcement
11 officer or county corrections officer recruits, then to
12 repayment of costs of advanced or specialized training for
13 permanent police officers or permanent county corrections
14 officers;

15 (3) a portion of the total amount deposited in the
16 Fund may be used to fund the Intergovernmental Law
17 Enforcement Officer's In-Service Training Act, veto
18 overridden October 29, 1981, as now or hereafter amended,
19 at a rate and method to be determined by the board;

20 (4) a portion of the Fund also may be used by the
21 Illinois ~~Department of~~ State Police for expenses incurred
22 in the training of employees from any State, county or
23 municipal agency whose function includes enforcement of
24 criminal or traffic law;

25 (5) a portion of the Fund may be used by the Board to
26 fund grant-in-aid programs and services for the training

1 of employees from any county or municipal agency whose
2 functions include corrections or the enforcement of
3 criminal or traffic law;

4 (6) for fiscal years 2013 through 2017 only, a portion
5 of the Fund also may be used by the Department of State
6 Police to finance any of its lawful purposes or functions;

7 (7) a portion of the Fund may be used by the Board,
8 subject to appropriation, to administer grants to local
9 law enforcement agencies for the purpose of purchasing
10 bulletproof vests under the Law Enforcement Officer
11 Bulletproof Vest Act; and

12 (8) a portion of the Fund may be used by the Board to
13 create a law enforcement grant program available for units
14 of local government to fund crime prevention programs,
15 training, and interdiction efforts, including enforcement
16 and prevention efforts, relating to the illegal cannabis
17 market and driving under the influence of cannabis.

18 All payments from the Traffic and Criminal Conviction
19 Surcharge Fund shall be made each year from moneys
20 appropriated for the purposes specified in this Section. No
21 more than 50% of any appropriation under this Act shall be
22 spent in any city having a population of more than 500,000. The
23 State Comptroller and the State Treasurer shall from time to
24 time, at the direction of the Governor, transfer from the
25 Traffic and Criminal Conviction Surcharge Fund to the General
26 Revenue Fund in the State Treasury such amounts as the

1 Governor determines are in excess of the amounts required to
2 meet the obligations of the Traffic and Criminal Conviction
3 Surcharge Fund.

4 (Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)

5 (50 ILCS 705/10.10)

6 Sec. 10.10. Training in child abduction and missing
7 endangered senior alert system.

8 (a) The Board shall conduct training programs for law
9 enforcement personnel of local governmental agencies in the
10 statewide coordinated child abduction alert system developed
11 under Section 2605-480 of the Illinois ~~Department of~~ State
12 Police Law of the Civil Administrative Code of Illinois and
13 the statewide coordinated missing endangered senior alert
14 system developed under Section 2605-375 of the Illinois
15 ~~Department of~~ State Police Law of the Civil Administrative
16 Code of Illinois.

17 (b) The Board shall conduct a training program for law
18 enforcement personnel of local governmental agencies in the
19 statewide Alzheimer's disease, other related dementia, or
20 other dementia-like cognitive impairment coordinated Silver
21 Search Awareness Program and toolkit developed under Section
22 2605-485 of the Illinois ~~Department of~~ State Police Law of the
23 Civil Administrative Code of Illinois. The Board shall adopt
24 written protocols and guidelines for the handling of missing
25 persons cases involving Alzheimer's disease, other related

1 dementia, or other dementia-like cognitive impairment based
2 upon protocols developed by the Silver Search Task Force in
3 conjunction with the Illinois ~~Department of~~ State Police on or
4 before July 1, 2016.

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

6 (50 ILCS 705/10.19)

7 Sec. 10.19. Training; administration of epinephrine.

8 (a) This Section, along with Section 40 of the Illinois
9 State Police Act, may be referred to as the Annie LeGere Law.

10 (b) For purposes of this Section, "epinephrine
11 auto-injector" means a single-use device used for the
12 automatic injection of a pre-measured dose of epinephrine into
13 the human body prescribed in the name of a local governmental
14 agency.

15 (c) The Board shall conduct or approve an optional
16 advanced training program for police officers to recognize and
17 respond to anaphylaxis, including the administration of an
18 epinephrine auto-injector. The training must include, but is
19 not limited to:

20 (1) how to recognize symptoms of an allergic reaction;

21 (2) how to respond to an emergency involving an
22 allergic reaction;

23 (3) how to administer an epinephrine auto-injector;

24 (4) how to respond to an individual with a known
25 allergy as well as an individual with a previously unknown

1 allergy;

2 (5) a test demonstrating competency of the knowledge
3 required to recognize anaphylaxis and administer an
4 epinephrine auto-injector; and

5 (6) other criteria as determined in rules adopted by
6 the Board.

7 (d) A local governmental agency may authorize a police
8 officer who has completed an optional advanced training
9 program under subsection (c) to carry, administer, or assist
10 with the administration of epinephrine auto-injectors provided
11 by the local governmental agency whenever he or she is
12 performing official duties.

13 (e) A local governmental agency that authorizes its
14 officers to carry and administer epinephrine auto-injectors
15 under subsection (d) must establish a policy to control the
16 acquisition, storage, transportation, administration, and
17 disposal of epinephrine auto-injectors and to provide
18 continued training in the administration of epinephrine
19 auto-injectors.

20 (f) A physician, physician's assistant with prescriptive
21 authority, or advanced practice registered nurse with
22 prescriptive authority may provide a standing protocol or
23 prescription for epinephrine auto-injectors in the name of a
24 local governmental agency to be maintained for use when
25 necessary.

26 (g) When a police officer administers an epinephrine

1 auto-injector in good faith, the police officer and local
2 governmental agency, and its employees and agents, including a
3 physician, physician's assistant with prescriptive authority,
4 or advanced practice registered nurse with prescriptive
5 authority who provides a standing order or prescription for an
6 epinephrine auto-injector, incur no civil or professional
7 liability, except for willful and wanton conduct, as a result
8 of any injury or death arising from the use of an epinephrine
9 auto-injector.

10 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
11 100-648, eff. 7-31-18.)

12 (50 ILCS 705/10.21)

13 Sec. 10.21. Training; sexual assault and sexual abuse.

14 (a) The Illinois Law Enforcement Training Standards Board
15 shall conduct or approve training programs in trauma-informed
16 responses and investigations of sexual assault and sexual
17 abuse, which include, but is not limited to, the following:

18 (1) recognizing the symptoms of trauma;

19 (2) understanding the role trauma has played in a
20 victim's life;

21 (3) responding to the needs and concerns of a victim;

22 (4) delivering services in a compassionate, sensitive,
23 and nonjudgmental manner;

24 (5) interviewing techniques in accordance with the
25 curriculum standards in subsection (f) of this Section;

1 (6) understanding cultural perceptions and common
2 myths of sexual assault and sexual abuse;

3 (7) report writing techniques in accordance with the
4 curriculum standards in subsection (f) of this Section;
5 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
11 sexual abuse, including trauma-informed, victim-centered,
12 age 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
9 any 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
17 relationship, 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
12 cooperation in the submission of crime statistics from all law
13 enforcement agencies. All data and information provided to the
14 Illinois State Police ~~Department~~ under this Act must be
15 provided in a manner and form prescribed by the Illinois State
16 Police ~~Department~~. On an annual basis, the Illinois State
17 Police ~~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
4 the 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
7 under 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
11 instance when a law enforcement officer discharges his or
12 her firearm causing a non-fatal injury to a person, during
13 the performance of his or her official duties or in the
14 line of 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
18 bias motivation. If no hate crime incidents occurred
19 during a reporting month, the law enforcement agency must
20 submit a no incident record, as required by the Illinois
21 State 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
26 the commission of the offense, and the relationship

1 between the 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,
5 and likelihood of being reported to law enforcement. The
6 data shall include the number of index crime offenses
7 committed 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
11 Police Department is vested with the full power to adopt and
12 prescribe reasonable rules for the purpose of administering
13 the provisions of this Act and conditions under which all data
14 is 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.
23 Acceptance of a missing person report filed in person may not

1 be refused on any ground. No law enforcement agency may refuse
2 to accept a 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
5 indicate 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
16 not 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
23 state or medical condition; or

24 (10) for any other reason.

25 (b) Manner of reporting. All law enforcement agencies
26 shall 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
9 limited 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
19 or 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
17 the 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
7 law 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
11 cards, banking information, and cellular telephone
12 records; 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
22 and Exploited Children shall be given. If the missing
23 person is age 18 or older, contact information for the
24 National 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
3 the death and location of the remains of their family
4 member.

5 The law enforcement agency is encouraged to make
6 available informational materials, through publications or
7 electronic or other media, that advise the public about
8 how the information or materials identified in this
9 subsection are used to help locate or identify missing
10 persons.

11 (2) Follow up action. If the person identified in the
12 missing person report remains missing after 30 days, and
13 the additional information and materials specified below
14 have not been received, the law enforcement agency shall
15 attempt to obtain:

16 (A) DNA samples from family members or from the
17 missing person along with any needed documentation, or
18 both, including any consent forms, required for the
19 use of State or federal DNA databases, including, but
20 not limited to, the Local DNA Index System (LDIS),
21 State DNA Index System (SDIS), and National DNA Index
22 System (NDIS);

23 (B) an authorization to release dental or skeletal
24 x-rays of the missing person;

25 (C) any additional photographs of the missing
26 person that may aid the investigation or an

1 identification; the law enforcement agency is not
2 required to obtain written authorization before it
3 releases publicly any photograph that would aid in the
4 investigation or identification of the missing person;

5 (D) dental information and x-rays; and

6 (E) fingerprints.

7 (3) All DNA samples obtained in missing person cases
8 shall be immediately forwarded to the Illinois Department
9 ~~of State Police~~ for analysis. The Illinois Department
10 ~~of State Police~~ shall establish procedures for determining
11 how to prioritize analysis of the samples relating to
12 missing person cases.

13 (4) This subsection shall not be interpreted to
14 preclude a law enforcement agency from attempting to
15 obtain the materials identified in this subsection before
16 the expiration of the 30-day period.

17 (Source: P.A. 99-244, eff. 1-1-16; 99-581, eff. 1-1-17.)

18 (Text of Section after amendment by P.A. 101-266)

19 Sec. 5. Missing person reports.

20 (a) Report acceptance. All law enforcement agencies shall
21 accept without delay any report of a missing person and may
22 attempt to obtain a DNA sample from the missing person or a DNA
23 reference sample created from family members' DNA samples for
24 submission under paragraph (1) of subsection (c) of Section
25 10. Acceptance of a missing person report filed in person may

1 not be refused on any ground. No law enforcement agency may
2 refuse to accept a 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
5 indicate 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
16 not 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
23 state or medical condition; or

24 (10) for any other reason.

25 (b) Manner of reporting. All law enforcement agencies
26 shall 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
9 limited 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
19 or 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
17 the 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
7 law 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
11 cards, banking information, and cellular telephone
12 records; 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
22 and Exploited Children shall be given. If the missing
23 person is age 18 or older, contact information for the
24 National Missing and Unidentified Persons System (NamUs)
25 organization shall be given.

26 The law enforcement agency is encouraged to make

1 available informational materials, through publications or
2 electronic or other media, that advise the public about
3 how the information or materials identified in this
4 subsection are used to help locate or identify missing
5 persons.

6 (2) Follow up action. If the person identified in the
7 missing person report remains missing after 30 days, but
8 not more than 60 days, the law enforcement agency may
9 generate a report of the missing person within the
10 National Missing and Unidentified Persons System (NamUs),
11 and the law enforcement agency may attempt to obtain the
12 additional information and materials that have not been
13 received, specified below:

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
17 use of State or federal DNA databases, including, but
18 not limited to, the Local DNA Index System (LDIS),
19 State DNA Index System (SDIS), National DNA Index
20 System (NDIS), and National Missing and Unidentified
21 Persons System (NamUs) partner laboratories;

22 (B) an authorization to release dental or skeletal
23 x-rays of the missing person;

24 (C) any additional photographs of the missing
25 person that may aid the investigation or an
26 identification; the law enforcement agency is not

1 required to obtain written authorization before it
2 releases publicly any photograph that would aid in the
3 investigation or identification of the missing person;

4 (D) dental information and x-rays; and

5 (E) fingerprints.

6 (3) Samples collected for DNA analysis may be
7 submitted to a National Missing and Unidentified Persons
8 System (NamUs) partner laboratory or other resource where
9 DNA profiles are entered into local, State, and national
10 DNA Index Systems within 60 days. The Illinois ~~Department~~
11 ~~of~~ State Police shall establish procedures for determining
12 how to prioritize analysis of the samples relating to
13 missing person cases. All DNA samples obtained in missing
14 person cases from family members of the missing person may
15 not be retained after the location or identification of
16 the remains of the missing person unless there is a search
17 warrant signed by a court of competent jurisdiction.

18 (4) This subsection shall not be interpreted to
19 preclude a law enforcement agency from attempting to
20 obtain the materials identified in this subsection before
21 the expiration of the 30-day period. The responsible law
22 enforcement agency may make a National Missing and
23 Unidentified Persons System (NamUs) report on the missing
24 person within 60 days after the report of the
25 disappearance of the missing person.

26 (5) Law enforcement agencies are encouraged to

1 establish written protocols for the handling of missing
2 person cases to accomplish the purposes of this Act.

3 (Source: P.A. 101-266, eff. 1-1-21.)

4 (50 ILCS 722/10)

5 (Text of Section before amendment by P.A. 101-266)

6 Sec. 10. Law enforcement analysis and reporting of missing
7 person information.

8 (a) Prompt determination of high-risk missing person.

9 (1) Definition. "High-risk missing person" means a
10 person whose whereabouts are not currently known and whose
11 circumstances indicate that the person may be at risk of
12 injury or death. The circumstances that indicate that a
13 person is a high-risk missing person include, but are not
14 limited to, any of the following:

15 (A) the person is missing as a result of a stranger
16 abduction;

17 (B) the person is missing under suspicious
18 circumstances;

19 (C) the person is missing under unknown
20 circumstances;

21 (D) the person is missing under known dangerous
22 circumstances;

23 (E) the person is missing more than 30 days;

24 (F) the person has already been designated as a
25 high-risk missing person by another law enforcement

1 agency;

2 (G) there is evidence that the person is at risk
3 because:

4 (i) the person is in need of medical
5 attention, including but not limited to persons
6 with dementia-like symptoms, or prescription
7 medication;

8 (ii) the person does not have a pattern of
9 running away or disappearing;

10 (iii) the person may have been abducted by a
11 non-custodial parent;

12 (iv) the person is mentally impaired,
13 including, but not limited to, a person having a
14 developmental disability, as defined in Section
15 1-106 of the Mental Health and Developmental
16 Disabilities Code, or a person having an
17 intellectual disability, as defined in Section
18 1-116 of the Mental Health and Developmental
19 Disabilities Code;

20 (v) the person is under the age of 21;

21 (vi) the person has been the subject of past
22 threats or acts of violence;

23 (vii) the person has eloped from a nursing
24 home;

25 (G-5) the person is a veteran or active duty
26 member of the United States Armed Forces, the National

1 Guard, or any reserve component of the United States
2 Armed Forces who is believed to have a physical or
3 mental health condition that is related to his or her
4 service; or

5 (H) any other factor that may, in the judgment of
6 the law enforcement official, indicate that the
7 missing person may be at risk.

8 (2) Law enforcement risk assessment.

9 (A) Upon initial receipt of a missing person
10 report, the law enforcement agency shall immediately
11 determine whether there is a basis to determine that
12 the missing person is a high-risk missing person.

13 (B) If a law enforcement agency has previously
14 determined that a missing person is not a high-risk
15 missing person, but obtains new information, it shall
16 immediately determine whether the information
17 indicates that the missing person is a high-risk
18 missing person.

19 (C) Law enforcement agencies are encouraged to
20 establish written protocols for the handling of
21 missing person cases to accomplish the purposes of
22 this Act.

23 (3) Law enforcement agency reports.

24 (A) The responding local law enforcement agency
25 shall immediately enter all collected information
26 relating to the missing person case in the Law

1 Enforcement Agencies Data System (LEADS) and the
2 National Crime Information Center (NCIC) databases.
3 The information shall be provided in accordance with
4 applicable guidelines relating to the databases. The
5 information shall be entered as follows:

6 (i) All appropriate DNA profiles, as
7 determined by the Illinois ~~Department of~~ State
8 Police, shall be uploaded into the missing person
9 databases of the State DNA Index System (SDIS) and
10 National DNA Index System (NDIS) after completion
11 of the DNA analysis and other procedures required
12 for database entry.

13 (ii) Information relevant to the Federal
14 Bureau of Investigation's Violent Criminal
15 Apprehension Program shall be entered as soon as
16 possible.

17 (iii) The Illinois ~~Department of~~ State Police
18 shall ensure that persons entering data relating
19 to medical or dental records in State or federal
20 databases are specifically trained to understand
21 and correctly enter the information sought by
22 these databases. The Illinois ~~Department of~~ State
23 Police shall either use a person with specific
24 expertise in medical or dental records for this
25 purpose or consult with a chief medical examiner,
26 forensic anthropologist, or odontologist to ensure

1 the accuracy and completeness of information
2 entered into the State and federal databases.

3 (B) The Illinois ~~Department of~~ State Police shall
4 immediately notify all law enforcement agencies within
5 this State and the surrounding region of the
6 information that will aid in the prompt location and
7 safe return of the high-risk missing person.

8 (C) The local law enforcement agencies that
9 receive the notification from the Illinois ~~Department~~
10 ~~of~~ State Police shall notify officers to be on the
11 lookout for the missing person or a suspected
12 abductor.

13 (D) Pursuant to any applicable State criteria,
14 local law enforcement agencies shall also provide for
15 the prompt use of an Amber Alert in cases involving
16 abducted children; or use of the Endangered Missing
17 Person Advisory in appropriate high risk cases.

18 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
19 100-835, eff. 1-1-19; 101-81, eff. 7-12-19.)

20 (Text of Section after amendment by P.A. 101-266)

21 Sec. 10. Law enforcement analysis and reporting of missing
22 person information.

23 (a) Prompt determination and definition of a high-risk
24 missing person.

25 (1) Definition. "High-risk missing person" means a

1 person whose whereabouts are not currently known and whose
2 circumstances indicate that the person may be at risk of
3 injury or death. The circumstances that indicate that a
4 person is a high-risk missing person include, but are not
5 limited to, any of the following:

6 (A) the person is missing as a result of a stranger
7 abduction;

8 (B) the person is missing under suspicious
9 circumstances;

10 (C) the person is missing under unknown
11 circumstances;

12 (D) the person is missing under known dangerous
13 circumstances;

14 (E) the person is missing more than 30 days;

15 (F) the person has already been designated as a
16 high-risk missing person by another law enforcement
17 agency;

18 (G) there is evidence that the person is at risk
19 because:

20 (i) the person is in need of medical
21 attention, including but not limited to persons
22 with dementia-like symptoms, or prescription
23 medication;

24 (ii) the person does not have a pattern of
25 running away or disappearing;

26 (iii) the person may have been abducted by a

1 non-custodial parent;

2 (iv) the person is mentally impaired,
3 including, but not limited to, a person having a
4 developmental disability, as defined in Section
5 1-106 of the Mental Health and Developmental
6 Disabilities Code, or a person having an
7 intellectual disability, as defined in Section
8 1-116 of the Mental Health and Developmental
9 Disabilities Code;

10 (v) the person is under the age of 21;

11 (vi) the person has been the subject of past
12 threats or acts of violence;

13 (vii) the person has eloped from a nursing
14 home;

15 (G-5) the person is a veteran or active duty
16 member of the United States Armed Forces, the National
17 Guard, or any reserve component of the United States
18 Armed Forces who is believed to have a physical or
19 mental health condition that is related to his or her
20 service; or

21 (H) any other factor that may, in the judgment of
22 the law enforcement official, indicate that the
23 missing person may be at risk.

24 (b) Law enforcement risk assessment.

25 (1) Upon initial receipt of a missing person report,
26 the law enforcement agency shall immediately determine

1 whether there is a basis to determine that the missing
2 person is a high-risk missing person.

3 (2) If a law enforcement agency has previously
4 determined that a missing person is not a high-risk
5 missing person, but obtains new information, it shall
6 immediately determine whether the information indicates
7 that the missing person is a high-risk missing person.

8 (3) Law enforcement agencies are encouraged to
9 establish written protocols for the handling of missing
10 person cases to accomplish the purposes of this Act.

11 (c) Law enforcement reporting.

12 (1) The responding local law enforcement agency shall
13 immediately enter all collected information relating to
14 the missing person case in the Law Enforcement Agencies
15 Data System (LEADS) and the National Crime Information
16 Center (NCIC) databases and the National Missing and
17 Unidentified Persons System (NamUs) within 45 days after
18 the receipt of the report, or in the case of a high risk
19 missing person, within 30 days after the receipt of the
20 report. If the DNA sample submission is to a National
21 Missing and Unidentified Persons System (NamUs) partner
22 laboratory, the DNA profile may be uploaded by the partner
23 laboratory to the National DNA Index System (NDIS). A
24 packet submission of all relevant reports and DNA samples
25 may be sent to the National Missing and Unidentified
26 Persons System (NamUs) within 30 days for any high-risk

1 missing person cases. The information shall be provided in
2 accordance with applicable guidelines relating to the
3 databases. The information shall be entered as follows:

4 (A) If Illinois ~~Department of~~ State Police
5 laboratories are utilized in lieu of National Missing
6 and Unidentified Persons System (NamUs) partner
7 laboratories, all appropriate DNA profiles, as
8 determined by the Illinois ~~Department of~~ State Police,
9 shall be uploaded into the missing person databases of
10 the State DNA Index System (SDIS) and National DNA
11 Index System (NDIS) after completion of the DNA
12 analysis and other procedures required for database
13 entry. The responding local law enforcement agency may
14 submit any DNA samples voluntarily obtained from
15 family members to a National Missing and Unidentified
16 Persons System (NamUs) partner laboratory for DNA
17 analysis within 30 days. A notation of DNA submission
18 may be made within the National Missing and
19 Unidentified Persons System (NamUs) record.

20 (B) Information relevant to the Federal Bureau of
21 Investigation's Violent Criminal Apprehension Program
22 shall be entered as soon as possible.

23 (C) The Illinois ~~Department of~~ State Police shall
24 ensure that persons entering data relating to medical
25 or dental records in State or federal databases are
26 specifically trained to understand and correctly enter

1 the information sought by these databases. The
2 Illinois ~~Department of~~ State Police shall either use a
3 person with specific expertise in medical or dental
4 records for this purpose or consult with a chief
5 medical examiner, forensic anthropologist, or
6 odontologist to ensure the accuracy and completeness
7 of information entered into the State and federal
8 databases.

9 (2) The Illinois ~~Department of~~ State Police shall
10 immediately notify all law enforcement agencies within
11 this State and the surrounding region of the information
12 that will aid in the prompt location and safe return of the
13 high-risk missing person.

14 (3) The local law enforcement agencies that receive
15 the notification from the Illinois ~~Department of~~ State
16 Police shall notify officers to be on the lookout for the
17 missing person or a suspected abductor.

18 (4) Pursuant to any applicable State criteria, local
19 law enforcement agencies shall also provide for the prompt
20 use of an Amber Alert in cases involving abducted
21 children; or use of the Endangered Missing Person Advisory
22 in appropriate high risk cases.

23 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
24 100-835, eff. 1-1-19; 101-81, eff. 7-12-19; 101-266, eff.
25 1-1-21.)

1 (50 ILCS 722/15)

2 Sec. 15. Reporting of unidentified persons and human
3 remains.

4 (a) Handling of death scene investigations.

5 (1) The Illinois ~~Department of~~ State Police shall
6 provide information to local law enforcement agencies
7 about best practices for handling death scene
8 investigations.

9 (2) The Illinois ~~Department of~~ State Police shall
10 identify any publications or training opportunities that
11 may be available to local law enforcement agencies or law
12 enforcement officers and coroners and medical examiners
13 concerning the handling of death scene investigations.

14 (b) Law enforcement reports.

15 (1) Before performing any death scene investigation
16 deemed appropriate under the circumstances, the official
17 with custody of the human remains shall ensure that the
18 coroner or medical examiner of the county in which the
19 deceased was found has been notified.

20 (2) Any coroner or medical examiner with custody of
21 human remains that are not identified within 24 hours of
22 discovery shall promptly notify the Illinois ~~Department of~~
23 State Police of the location of those remains.

24 (3) If the coroner or medical examiner with custody of
25 remains cannot determine whether or not the remains found
26 are human, the coroner or medical examiner shall notify

1 the Illinois ~~Department of~~ State Police of the existence
2 of possible human remains.

3 (Source: P.A. 95-192, eff. 8-16-07.)

4 (50 ILCS 722/20)

5 Sec. 20. Unidentified persons or human remains
6 identification responsibilities.

7 (a) In this Section, "assisting law enforcement agency"
8 means a law enforcement agency with jurisdiction acting under
9 the request and direction of the medical examiner or coroner
10 to assist with human remains identification.

11 (a-5) If the official with custody of the human remains is
12 not a coroner or medical examiner, the official shall
13 immediately notify the coroner or medical examiner of the
14 county in which the remains were found. The coroner or medical
15 examiner shall go to the scene and take charge of the remains.

16 (b) Notwithstanding any other action deemed appropriate
17 for the handling of the human remains, the assisting law
18 enforcement agency, medical examiner, or coroner shall make
19 reasonable attempts to promptly identify human remains. This
20 does not include historic or prehistoric skeletal remains.
21 These actions shall include, but are not limited to, obtaining
22 the following when possible:

23 (1) photographs of the human remains (prior to an
24 autopsy);

25 (2) dental and skeletal X-rays;

1 (3) photographs of items found on or with the human
2 remains;

3 (4) fingerprints from the remains;

4 (5) tissue samples suitable for DNA analysis;

5 (6) (blank); and

6 (7) any other information that may support
7 identification efforts.

8 (c) No medical examiner or coroner or any other person
9 shall dispose of, or engage in actions that will materially
10 affect the unidentified human remains before the assisting law
11 enforcement agency, medical examiner, or coroner obtains items
12 essential for human identification efforts listed in
13 subsection (b) of this Section.

14 (d) Cremation of unidentified human remains is prohibited.

15 (e) (Blank).

16 (f) The assisting law enforcement agency, medical
17 examiner, or coroner shall seek support from appropriate State
18 and federal agencies, including National Missing and
19 Unidentified Persons System resources to facilitate prompt
20 identification of human remains. This support may include, but
21 is not limited to, fingerprint comparison; forensic
22 odontology; nuclear or mitochondrial DNA analysis, or both;
23 and forensic anthropology.

24 (f-5) Fingerprints from the unidentified remains,
25 including partial prints, shall be submitted to the Illinois
26 ~~Department of State Police~~ or other resource for the purpose

1 of attempting to identify the deceased. The coroner or medical
2 examiner shall cause a dental examination to be performed by a
3 forensic odontologist for the purpose of dental charting,
4 comparison to missing person records, or both. Tissue samples
5 collected for DNA analysis shall be submitted within 30 days
6 of the recovery of the remains to a National Missing and
7 Unidentified Persons System partner laboratory or other
8 resource where DNA profiles are entered into the National DNA
9 Index System upon completion of testing. Forensic
10 anthropological analysis of the remains shall also be
11 considered.

12 (g) (Blank).

13 (g-2) The medical examiner or coroner shall report the
14 unidentified human remains and the location where the remains
15 were found to the Illinois Department of State Police within
16 24 hours of discovery as mandated by Section 15 of this Act.
17 The assisting law enforcement agency, medical examiner, or
18 coroner shall contact the Illinois Department of State Police
19 to request the creation of a National Crime Information Center
20 Unidentified Person record within 5 days of the discovery of
21 the remains. The assisting law enforcement agency, medical
22 examiner, or coroner shall provide the Illinois Department of
23 State Police all information required for National Crime
24 Information Center entry. Upon notification, the Illinois
25 ~~Department~~ of State Police shall create the Unidentified
26 Person record without unnecessary delay.

1 (g-5) The assisting law enforcement agency, medical
2 examiner, or coroner shall obtain a National Crime Information
3 Center number from the Illinois ~~Department of~~ State Police to
4 verify entry and maintain this number within the unidentified
5 human remains case file. A National Crime Information Center
6 Unidentified Person record shall remain on file indefinitely
7 or until action is taken by the originating agency to clear or
8 cancel the record. The assisting law enforcement agency,
9 medical examiner, or coroner shall notify the Illinois
10 ~~Department of~~ State Police of necessary record modifications
11 or cancellation if identification is made.

12 (h) (Blank).

13 (h-5) The assisting law enforcement agency, medical
14 examiner, or coroner shall create an unidentified person
15 record in the National Missing and Unidentified Persons System
16 prior to the submission of samples or within 30 days of the
17 discovery of the remains, if no identification has been made.
18 The entry shall include all available case information
19 including fingerprint data and dental charts. Samples shall be
20 submitted to a National Missing and Unidentified Persons
21 System partner laboratory for DNA analysis within 30 Days. A
22 notation of DNA submission shall be made within the National
23 Missing and Unidentified Persons System Unidentified Person
24 record.

25 (i) Nothing in this Act shall be interpreted to preclude
26 any assisting law enforcement agency, medical examiner,

1 coroner, or the Illinois ~~Department of~~ State Police from
2 pursuing other efforts to identify human remains including
3 efforts to publicize information, descriptions, or photographs
4 related to the investigation.

5 (j) For historic or prehistoric human skeletal remains
6 determined by an anthropologist to be older than 100 years,
7 jurisdiction shall be transferred to the Department of Natural
8 Resources for further investigation under the Archaeological
9 and Paleontological Resources Protection Act.

10 (Source: P.A. 100-901, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 Section 410. The Police and Community Relations
12 Improvement Act is amended by changing Section 1-10 as
13 follows:

14 (50 ILCS 727/1-10)

15 Sec. 1-10. Investigation of officer-involved deaths;
16 requirements.

17 (a) Each law enforcement agency shall have a written
18 policy regarding the investigation of officer-involved deaths
19 that involve a law enforcement officer employed by that law
20 enforcement agency.

21 (b) Each officer-involved death investigation shall be
22 conducted by at least 2 investigators, or an entity or agency
23 comprised of at least 2 investigators, one of whom is the lead
24 investigator. The lead investigator shall be a person

1 certified by the Illinois Law Enforcement Training Standards
2 Board as a Lead Homicide Investigator, or similar training
3 approved by the Illinois Law Enforcement Training Standards
4 Board or the Illinois ~~Department of~~ State Police, or similar
5 training provided at an Illinois Law Enforcement Training
6 Standards Board certified school. No investigator involved in
7 the investigation may be employed by the law enforcement
8 agency that employs the officer involved in the
9 officer-involved death, unless the investigator is employed by
10 the Illinois ~~Department of~~ State Police and is not assigned to
11 the same division or unit as the officer involved in the death.

12 (c) In addition to the requirements of subsection (b) of
13 this Section, if the officer-involved death being investigated
14 involves a motor vehicle accident, at least one investigator
15 shall be certified by the Illinois Law Enforcement Training
16 Standards Board as a Crash Reconstruction Specialist, or
17 similar training approved by the Illinois Law Enforcement
18 Training Standards Board or the Illinois ~~Department of~~ State
19 Police, or similar training provided at an Illinois Law
20 Enforcement Training Standards Board certified school.
21 Notwithstanding the requirements of subsection (b) of this
22 Section, the policy for a law enforcement agency, when the
23 officer-involved death being investigated involves a motor
24 vehicle collision, may allow the use of an investigator who is
25 employed by that law enforcement agency and who is certified
26 by the Illinois Law Enforcement Training Standards Board as a

1 Crash Reconstruction Specialist, or similar training approved
2 by the Illinois Law Enforcement Training and Standards Board,
3 or similar certified training approved by the Illinois
4 ~~Department of~~ State Police, or similar training provided at an
5 Illinois Law Enforcement Training and Standards Board
6 certified school.

7 (d) The investigators conducting the investigation shall,
8 in an expeditious manner, provide a complete report to the
9 State's Attorney of the county in which the officer-involved
10 death occurred.

11 (e) If the State's Attorney, or a designated special
12 prosecutor, determines there is no basis to prosecute the law
13 enforcement officer involved in the officer-involved death, or
14 if the law enforcement officer is not otherwise charged or
15 indicted, the investigators shall publicly release a report.

16 (Source: P.A. 99-352, eff. 1-1-16.)

17 Section 415. The Emergency Telephone System Act is amended
18 by changing Sections 2, 7, 8, 10, 12, 15.1, 15.4b, 15.5, 15.6,
19 15.6a, 15.6b, 17.5, 19, 20, 30, 40, 50, 55, 75, and 80 as
20 follows:

21 (50 ILCS 750/2) (from Ch. 134, par. 32)

22 (Section scheduled to be repealed on December 31, 2021)

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

1 "9-1-1 network" means the network used for the delivery of
2 9-1-1 calls and messages over dedicated and redundant
3 facilities to a primary or backup 9-1-1 PSAP that meets P.01
4 grade of service standards for basic 9-1-1 and enhanced 9-1-1
5 services or meets national I3 industry call delivery standards
6 for Next Generation 9-1-1 services.

7 "9-1-1 system" means the geographic area that has been
8 granted an order of authority by the Commission or the
9 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
10 emergency telephone number.

11 "9-1-1 Authority" includes an Emergency Telephone System
12 Board, Joint Emergency Telephone System Board, and a qualified
13 governmental entity. "9-1-1 Authority" includes the Illinois
14 ~~Department of~~ State Police only to the extent it provides
15 9-1-1 services under this Act.

16 "Administrator" means the Statewide 9-1-1 Administrator.

17 "Advanced service" means any telecommunications service
18 with or without dynamic bandwidth allocation, including, but
19 not limited to, ISDN Primary Rate Interface (PRI), that,
20 through the use of a DS-1, T-1, or other un-channelized or
21 multi-channel transmission facility, is capable of
22 transporting either the subscriber's inter-premises voice
23 telecommunications services to the public switched network or
24 the subscriber's 9-1-1 calls to the public agency.

25 "ALI" or "automatic location identification" means, in an
26 E9-1-1 system, the automatic display at the public safety

1 answering point of the caller's telephone number, the address
2 or location of the telephone, and supplementary emergency
3 services information.

4 "ANI" or "automatic number identification" means the
5 automatic display of the 9-1-1 calling party's number on the
6 PSAP monitor.

7 "Automatic alarm" and "automatic alerting device" mean any
8 device that will access the 9-1-1 system for emergency
9 services upon activation.

10 "Backup PSAP" means a public safety answering point that
11 serves as an alternate to the PSAP for enhanced systems and is
12 at a different location and operates independently from the
13 PSAP. A backup PSAP may accept overflow calls from the PSAP or
14 be activated if the primary PSAP is disabled.

15 "Board" means an Emergency Telephone System Board or a
16 Joint Emergency Telephone System Board created pursuant to
17 Section 15.4.

18 "Carrier" includes a telecommunications carrier and a
19 wireless carrier.

20 "Commission" means the Illinois Commerce Commission.

21 "Computer aided dispatch" or "CAD" means a computer-based
22 system that aids PSAP telecommunicators by automating selected
23 dispatching and recordkeeping activities.

24 "Direct dispatch method" means a 9-1-1 service that
25 provides for the direct dispatch by a PSAP telecommunicator of
26 the appropriate unit upon receipt of an emergency call and the

1 decision as to the proper action to be taken.

2 ~~"Department" means the Department of State Police.~~

3 "DS-1, T-1, or similar un-channelized or multi-channel
4 transmission facility" means a facility that can transmit and
5 receive a bit rate of at least 1.544 megabits per second
6 (Mbps).

7 "Dynamic bandwidth allocation" means the ability of the
8 facility or customer to drop and add channels, or adjust
9 bandwidth, when needed in real time for voice or data
10 purposes.

11 "Enhanced 9-1-1" or "E9-1-1" means a telephone system that
12 includes network switching, database and PSAP premise elements
13 capable of providing automatic location identification data,
14 selective routing, selective transfer, fixed transfer, and a
15 call back number, including any enhanced 9-1-1 service so
16 designated by the Federal Communications Commission in its
17 report and order in WC Dockets Nos. 04-36 and 05-196, or any
18 successor proceeding.

19 "ETSB" means an emergency telephone system board appointed
20 by the corporate authorities of any county or municipality
21 that provides for the management and operation of a 9-1-1
22 system.

23 "Hearing-impaired individual" means a person with a
24 permanent hearing loss who can regularly and routinely
25 communicate by telephone only through the aid of devices which
26 can send and receive written messages over the telephone

1 network.

2 "Hosted supplemental 9-1-1 service" means a database
3 service that:

4 (1) electronically provides information to 9-1-1 call
5 takers when a call is placed to 9-1-1;

6 (2) allows telephone subscribers to provide
7 information to 9-1-1 to be used in emergency scenarios;

8 (3) collects a variety of formatted data relevant to
9 9-1-1 and first responder needs, which may include, but is
10 not limited to, photographs of the telephone subscribers,
11 physical descriptions, medical information, household
12 data, and emergency contacts;

13 (4) allows for information to be entered by telephone
14 subscribers through a secure website where they can elect
15 to provide as little or as much information as they
16 choose;

17 (5) automatically displays data provided by telephone
18 subscribers to 9-1-1 call takers for all types of
19 telephones when a call is placed to 9-1-1 from a
20 registered and confirmed phone number;

21 (6) supports the delivery of telephone subscriber
22 information through a secure internet connection to all
23 emergency telephone system boards;

24 (7) works across all 9-1-1 call taking equipment and
25 allows for the easy transfer of information into a
26 computer aided dispatch system; and

1 (8) may be used to collect information pursuant to an
2 Illinois Premise Alert Program as defined in the Illinois
3 Premise Alert Program (PAP) Act.

4 "Interconnected voice over Internet protocol provider" or
5 "Interconnected VoIP provider" has the meaning given to that
6 term under Section 13-235 of the Public Utilities Act.

7 "Joint ETSB" means a Joint Emergency Telephone System
8 Board established by intergovernmental agreement of two or
9 more municipalities or counties, or a combination thereof, to
10 provide for the management and operation of a 9-1-1 system.

11 "Local public agency" means any unit of local government
12 or special purpose district located in whole or in part within
13 this State that provides or has authority to provide
14 firefighting, police, ambulance, medical, or other emergency
15 services.

16 "Mechanical dialer" means any device that either manually
17 or remotely triggers a dialing device to access the 9-1-1
18 system.

19 "Master Street Address Guide" or "MSAG" is a database of
20 street names and house ranges within their associated
21 communities defining emergency service zones (ESZs) and their
22 associated emergency service numbers (ESNs) to enable proper
23 routing of 9-1-1 calls.

24 "Mobile telephone number" or "MTN" means the telephone
25 number assigned to a wireless telephone at the time of initial
26 activation.

1 "Network connections" means the number of voice grade
2 communications channels directly between a subscriber and a
3 telecommunications carrier's public switched network, without
4 the intervention of any other telecommunications carrier's
5 switched network, which would be required to carry the
6 subscriber's inter-premises traffic and which connection
7 either (1) is capable of providing access through the public
8 switched network to a 9-1-1 Emergency Telephone System, if one
9 exists, or (2) if no system exists at the time a surcharge is
10 imposed under Section 15.3, that would be capable of providing
11 access through the public switched network to the local 9-1-1
12 Emergency Telephone System if one existed. Where multiple
13 voice grade communications channels are connected to a
14 telecommunications carrier's public switched network through a
15 private branch exchange (PBX) service, there shall be
16 determined to be one network connection for each trunk line
17 capable of transporting either the subscriber's inter-premises
18 traffic to the public switched network or the subscriber's
19 9-1-1 calls to the public agency. Where multiple voice grade
20 communications channels are connected to a telecommunications
21 carrier's public switched network through centrex type
22 service, the number of network connections shall be equal to
23 the number of PBX trunk equivalents for the subscriber's
24 service or other multiple voice grade communication channels
25 facility, as determined by reference to any generally
26 applicable exchange access service tariff filed by the

1 subscriber's telecommunications carrier with the Commission.

2 "Network costs" means those recurring costs that directly
3 relate to the operation of the 9-1-1 network as determined by
4 the Statewide 9-1-1 Administrator with the advice of the
5 Statewide 9-1-1 Advisory Board, which may include, but need
6 not be limited to, some or all of the following: costs for
7 interoffice trunks, selective routing charges, transfer lines
8 and toll charges for 9-1-1 services, Automatic Location
9 Information (ALI) database charges, independent local exchange
10 carrier charges and non-system provider charges, carrier
11 charges for third party database for on-site customer premises
12 equipment, back-up PSAP trunks for non-system providers,
13 periodic database updates as provided by carrier (also known
14 as "ALI data dump"), regional ALI storage charges, circuits
15 for call delivery (fiber or circuit connection), NG9-1-1
16 costs, and all associated fees, taxes, and surcharges on each
17 invoice. "Network costs" shall not include radio circuits or
18 toll charges that are other than for 9-1-1 services.

19 "Next generation 9-1-1" or "NG9-1-1" means an Internet
20 Protocol-based (IP-based) system comprised of managed ESInets,
21 functional elements and applications, and databases that
22 replicate traditional E9-1-1 features and functions and
23 provide additional capabilities. "NG9-1-1" systems are
24 designed to provide access to emergency services from all
25 connected communications sources, and provide multimedia data
26 capabilities for PSAPs and other emergency services

1 organizations.

2 "NG9-1-1 costs" means those recurring costs that directly
3 relate to the Next Generation 9-1-1 service as determined by
4 the Statewide 9-1-1 Advisory Board, including, but not limited
5 to, costs for Emergency System Routing Proxy (ESRP), Emergency
6 Call Routing Function/Location Validation Function (ECRF/LVF),
7 Spatial Information Function (SIF), the Border Control
8 Function (BCF), and the Emergency Services Internet Protocol
9 networks (ESInets), legacy network gateways, and all
10 associated fees, taxes, and surcharges on each invoice.

11 "Private branch exchange" or "PBX" means a private
12 telephone system and associated equipment located on the
13 user's property that provides communications between internal
14 stations and external networks.

15 "Private business switch service" means network and
16 premises based systems including a VoIP, Centrex type service,
17 or PBX service, even though key telephone systems or
18 equivalent telephone systems registered with the Federal
19 Communications Commission under 47 C.F.R. Part 68 are directly
20 connected to Centrex type and PBX systems. "Private business
21 switch service" does not include key telephone systems or
22 equivalent telephone systems registered with the Federal
23 Communications Commission under 47 C.F.R. Part 68 when not
24 used in conjunction with a VoIP, Centrex type, or PBX systems.
25 "Private business switch service" typically includes, but is
26 not limited to, private businesses, corporations, and

1 industries where the telecommunications service is primarily
2 for conducting business.

3 "Private residential switch service" means network and
4 premise based systems including a VoIP, Centrex type service,
5 or PBX service or key telephone systems or equivalent
6 telephone systems registered with the Federal Communications
7 Commission under 47 C.F.R. Part 68 that are directly connected
8 to a VoIP, Centrex type service, or PBX systems equipped for
9 switched local network connections or 9-1-1 system access to
10 residential end users through a private telephone switch.

11 "Private residential switch service" does not include key
12 telephone systems or equivalent telephone systems registered
13 with the Federal Communications Commission under 47 C.F.R.
14 Part 68 when not used in conjunction with a VoIP, Centrex type,
15 or PBX systems. "Private residential switch service" typically
16 includes, but is not limited to, apartment complexes,
17 condominiums, and campus or university environments where
18 shared tenant service is provided and where the usage of the
19 telecommunications service is primarily residential.

20 "Public agency" means the State, and any unit of local
21 government or special purpose district located in whole or in
22 part within this State, that provides or has authority to
23 provide firefighting, police, ambulance, medical, or other
24 emergency services.

25 "Public safety agency" means a functional division of a
26 public agency that provides firefighting, police, medical, or

1 other emergency services to respond to and manage emergency
2 incidents. For the purpose of providing wireless service to
3 users of 9-1-1 emergency services, as expressly provided for
4 in this Act, the Illinois ~~Department of~~ State Police may be
5 considered a public safety agency.

6 "Public safety answering point" or "PSAP" is a set of
7 call-takers authorized by a governing body and operating under
8 common management that receive 9-1-1 calls and asynchronous
9 event notifications for a defined geographic area and
10 processes those calls and events according to a specified
11 operational policy.

12 "Qualified governmental entity" means a unit of local
13 government authorized to provide 9-1-1 services pursuant to
14 this Act where no emergency telephone system board exists.

15 "Referral method" means a 9-1-1 service in which the PSAP
16 telecommunicator provides the calling party with the telephone
17 number of the appropriate public safety agency or other
18 provider of emergency services.

19 "Regular service" means any telecommunications service,
20 other than advanced service, that is capable of transporting
21 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.

24 "Relay method" means a 9-1-1 service in which the PSAP
25 telecommunicator takes the pertinent information from a caller
26 and relays that information to the appropriate public safety

1 agency or other provider of emergency services.

2 "Remit period" means the billing period, one month in
3 duration, for which a wireless carrier remits a surcharge and
4 provides subscriber information by zip code to the Illinois
5 State Police Department, in accordance with Section 20 of this
6 Act.

7 "Secondary Answering Point" or "SAP" means a location,
8 other than a PSAP, that is able to receive the voice, data, and
9 call back number of E9-1-1 or NG9-1-1 emergency calls
10 transferred from a PSAP and completes the call taking process
11 by dispatching police, medical, fire, or other emergency
12 responders.

13 "Statewide wireless emergency 9-1-1 system" means all
14 areas of the State where an emergency telephone system board
15 or, in the absence of an emergency telephone system board, a
16 qualified governmental entity, has not declared its intention
17 for one or more of its public safety answering points to serve
18 as a primary wireless 9-1-1 public safety answering point for
19 its jurisdiction. The operator of the statewide wireless
20 emergency 9-1-1 system shall be the Illinois Department of
21 State Police.

22 "System" means the communications equipment and related
23 software applications required to produce a response by the
24 appropriate emergency public safety agency or other provider
25 of emergency services as a result of an emergency call being
26 placed to 9-1-1.

1 "System provider" means the contracted entity providing
2 9-1-1 network and database services.

3 "Telecommunications carrier" means those entities included
4 within the definition specified in Section 13-202 of the
5 Public Utilities Act, and includes those carriers acting as
6 resellers of telecommunications services. "Telecommunications
7 carrier" includes telephone systems operating as mutual
8 concerns. "Telecommunications carrier" does not include a
9 wireless carrier.

10 "Telecommunications technology" means equipment that can
11 send and receive written messages over the telephone network.

12 "Transfer method" means a 9-1-1 service in which the PSAP
13 telecommunicator receiving a call transfers that call to the
14 appropriate public safety agency or other provider of
15 emergency services.

16 "Transmitting messages" shall have the meaning given to
17 that term under Section 8-11-2 of the Illinois Municipal Code.

18 "Trunk line" means a transmission path, or group of
19 transmission paths, connecting a subscriber's PBX to a
20 telecommunications carrier's public switched network. In the
21 case of regular service, each voice grade communications
22 channel or equivalent amount of bandwidth capable of
23 transporting either the subscriber's inter-premises voice
24 telecommunications services to the public switched network or
25 the subscriber's 9-1-1 calls to the public agency shall be
26 considered a trunk line, even if it is bundled with other

1 channels or additional bandwidth. In the case of advanced
2 service, each DS-1, T-1, or other un-channelized or
3 multi-channel transmission facility that is capable of
4 transporting either the subscriber's inter-premises voice
5 telecommunications services to the public switched network or
6 the subscriber's 9-1-1 calls to the public agency shall be
7 considered a single trunk line, even if it contains multiple
8 voice grade communications channels or otherwise supports 2 or
9 more voice grade calls at a time; provided, however, that each
10 additional increment of up to 24 voice grade channels of
11 transmission capacity that is capable of transporting either
12 the subscriber's inter-premises voice telecommunications
13 services to the public switched network or the subscriber's
14 9-1-1 calls to the public agency shall be considered an
15 additional trunk line.

16 "Unmanned backup PSAP" means a public safety answering
17 point that serves as an alternate to the PSAP at an alternate
18 location and is typically unmanned but can be activated if the
19 primary PSAP is disabled.

20 "Virtual answering point" or "VAP" means a temporary or
21 nonpermanent location that is capable of receiving an
22 emergency call, contains a fully functional worksite that is
23 not bound to a specific location, but rather is portable and
24 scalable, connecting emergency call takers or dispatchers to
25 the work process, and is capable of completing the call
26 dispatching process.

1 "Voice-impaired individual" means a person with a
2 permanent speech disability which precludes oral
3 communication, who can regularly and routinely communicate by
4 telephone only through the aid of devices which can send and
5 receive written messages over the telephone network.

6 "Wireless carrier" means a provider of two-way cellular,
7 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
8 Mobile Radio Service (CMRS), Wireless Communications Service
9 (WCS), or other Commercial Mobile Radio Service (CMRS), as
10 defined by the Federal Communications Commission, offering
11 radio communications that may provide fixed, mobile, radio
12 location, or satellite communication services to individuals
13 or businesses within its assigned spectrum block and
14 geographical area or that offers real-time, two-way voice
15 service that is interconnected with the public switched
16 network, including a reseller of such service.

17 "Wireless enhanced 9-1-1" means the ability to relay the
18 telephone number of the originator of a 9-1-1 call and
19 location information from any mobile handset or text telephone
20 device accessing the wireless system to the designated
21 wireless public safety answering point as set forth in the
22 order of the Federal Communications Commission, FCC Docket No.
23 94-102, adopted June 12, 1996, with an effective date of
24 October 1, 1996, and any subsequent amendment thereto.

25 "Wireless public safety answering point" means the
26 functional division of a 9-1-1 authority accepting wireless

1 9-1-1 calls.

2 "Wireless subscriber" means an individual or entity to
3 whom a wireless service account or number has been assigned by
4 a wireless carrier, other than an account or number associated
5 with prepaid wireless telecommunication service.

6 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

7 (50 ILCS 750/7) (from Ch. 134, par. 37)

8 (Section scheduled to be repealed on December 31, 2021)

9 Sec. 7. The General Assembly finds that, because of
10 overlapping jurisdiction of public agencies, public safety
11 agencies and telephone service areas, the Administrator, with
12 the advice and recommendation of the Statewide 9-1-1 Advisory
13 Board, shall establish a general overview or plan to
14 effectuate the purposes of this Act within the time frame
15 provided in this Act. In order to insure that proper
16 preparation and implementation of emergency telephone systems
17 are accomplished by all public agencies as required under this
18 Act, the Illinois State Police Department, with the advice and
19 assistance of the Attorney General, shall secure compliance by
20 public agencies as provided in this Act.

21 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

22 (50 ILCS 750/8) (from Ch. 134, par. 38)

23 (Section scheduled to be repealed on December 31, 2021)

24 Sec. 8. The Administrator, with the advice and

1 recommendation of the Statewide 9-1-1 Advisory Board, shall
2 coordinate the implementation of systems established under
3 this Act. To assist with this coordination, all systems
4 authorized to operate under this Act shall register with the
5 Administrator information regarding its composition and
6 organization, including, but not limited to, identification of
7 all PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup
8 PSAPs. The Illinois State Police Department ~~Department~~ may adopt rules
9 for the administration of this Section.

10 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

11 (50 ILCS 750/10) (from Ch. 134, par. 40)

12 (Section scheduled to be repealed on December 31, 2021)

13 Sec. 10. (a) The Administrator, with the advice and
14 recommendation of the Statewide 9-1-1 Advisory Board, shall
15 establish uniform technical and operational standards for all
16 9-1-1 systems in Illinois. All findings, orders, decisions,
17 rules, and regulations issued or promulgated by the Commission
18 under this Act or any other Act establishing or conferring
19 power on the Commission with respect to emergency
20 telecommunications services, shall continue in force.
21 Notwithstanding the provisions of this Section, where
22 applicable, the Administrator shall, with the advice and
23 recommendation of the Statewide 9-1-1 Advisory Board, amend
24 the Commission's findings, orders, decisions, rules, and
25 regulations to conform to the specific provisions of this Act

1 as soon as practicable after the effective date of this
2 amendatory Act of the 99th General Assembly.

3 (b) The Illinois State Police ~~Department~~ may adopt
4 emergency rules necessary to implement the provisions of this
5 amendatory Act of the 99th General Assembly under subsection
6 (t) of Section 5-45 of the Illinois Administrative Procedure
7 Act.

8 (c) Nothing in this Act shall deprive the Commission of
9 any authority to regulate the provision by telecommunication
10 carriers or 9-1-1 system service providers of
11 telecommunication or other services under the Public Utilities
12 Act.

13 (d) For rules that implicate both the regulation of 9-1-1
14 authorities under this Act and the regulation of
15 telecommunication carriers and 9-1-1 system service providers
16 under the Public Utilities Act, the Illinois State Police
17 ~~Department~~ and the Commission may adopt joint rules necessary
18 for implementation.

19 (e) Any findings, orders, or decisions of the
20 Administrator under this Section shall be deemed a final
21 administrative decision and shall be subject to judicial
22 review under the Administrative Review Law.

23 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

24 (50 ILCS 750/12) (from Ch. 134, par. 42)

25 (Section scheduled to be repealed on December 31, 2021)

1 Sec. 12. The Attorney General may, on behalf of the
2 Illinois State Police ~~Department~~ or on his own initiative,
3 commence judicial proceedings to enforce compliance by any
4 public agency or public utility providing telephone service
5 with this Act.

6 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

7 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

8 (Section scheduled to be repealed on December 31, 2021)

9 Sec. 15.1. Public body; exemption from civil liability for
10 developing or operating emergency telephone system.

11 (a) In no event shall a public agency, the Commission, the
12 Statewide 9-1-1 Advisory Board, the Administrator, the
13 Illinois ~~Department of~~ State Police, public safety agency,
14 public safety answering point, emergency telephone system
15 board, or unit of local government assuming the duties of an
16 emergency telephone system board, or carrier, or its officers,
17 employees, assigns, or agents be liable for any civil damages
18 or criminal liability that directly or indirectly results
19 from, or is caused by, any act or omission in the development,
20 design, installation, operation, maintenance, performance, or
21 provision of 9-1-1 service required by this Act, unless the
22 act or omission constitutes gross negligence, recklessness, or
23 intentional misconduct.

24 A unit of local government, the Commission, the Statewide
25 9-1-1 Advisory Board, the Administrator, the Illinois

1 ~~Department of~~ State Police, public safety agency, public
2 safety answering point, emergency telephone system board, or
3 carrier, or its officers, employees, assigns, or agents, shall
4 not be liable for any form of civil damages or criminal
5 liability that directly or indirectly results from, or is
6 caused by, the release of subscriber information to any
7 governmental entity as required under the provisions of this
8 Act, unless the release constitutes gross negligence,
9 recklessness, or intentional misconduct.

10 (b) Exemption from civil liability for emergency
11 instructions is as provided in the Good Samaritan Act.

12 (c) This Section may not be offered as a defense in any
13 judicial proceeding brought by the Attorney General under
14 Section 12 to compel compliance with this Act.

15 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

16 (50 ILCS 750/15.4b)

17 (Section scheduled to be repealed on December 31, 2021)

18 Sec. 15.4b. Consolidation grants.

19 (a) The Administrator, with the advice and recommendation
20 of the Statewide 9-1-1 Advisory Board, shall administer a
21 9-1-1 System Consolidation Grant Program to defray costs
22 associated with 9-1-1 system consolidation of systems outside
23 of a municipality with a population in excess of 500,000. The
24 awarded grants will be used to offset non-recurring costs
25 associated with the consolidation of 9-1-1 systems and shall

1 not be used for ongoing operating costs associated with the
2 consolidated system. The Illinois State Police ~~Department~~, in
3 consultation with the Administrator and the Statewide 9-1-1
4 Advisory Board, shall adopt rules defining the grant process
5 and criteria for issuing the grants. The grants should be
6 awarded based on criteria that include, but are not limited
7 to:

8 (1) reducing the number of transfers of a 9-1-1 call;

9 (2) reducing the infrastructure required to adequately
10 provide 9-1-1 network services;

11 (3) promoting cost savings from resource sharing among
12 9-1-1 systems;

13 (4) facilitating interoperability and resiliency for
14 the receipt of 9-1-1 calls;

15 (5) reducing the number of 9-1-1 systems or reducing
16 the number of PSAPs within a 9-1-1 system;

17 (6) cost saving resulting from 9-1-1 system
18 consolidation; and

19 (7) expanding E9-1-1 service coverage as a result of
20 9-1-1 system consolidation including to areas without
21 E9-1-1 service.

22 Priority shall be given first to counties not providing
23 9-1-1 service as of January 1, 2016, and next to other entities
24 consolidating as required under Section 15.4a of this Act.

25 (b) The 9-1-1 System Consolidation Grant application, as
26 defined by Illinois State Police ~~Department~~ rules, shall be

1 submitted electronically to the Administrator starting January
2 2, 2016, and every January 2 thereafter. The application shall
3 include a modified 9-1-1 system plan as required by this Act in
4 support of the consolidation plan. The Administrator shall
5 have until June 30, 2016 and every June 30 thereafter to
6 approve 9-1-1 System Consolidation grants and modified 9-1-1
7 system plans. Payment under the approved 9-1-1 System
8 Consolidation grants shall be contingent upon the final
9 approval of a modified 9-1-1 system plan.

10 (c) Existing and previously completed consolidation
11 projects shall be eligible to apply for reimbursement of costs
12 related to the consolidation incurred between 2010 and the
13 State fiscal year of the application.

14 (d) The 9-1-1 systems that receive grants under this
15 Section shall provide a report detailing grant fund usage to
16 the Administrator pursuant to Section 40 of this Act.

17 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

18 (50 ILCS 750/15.5)

19 (Section scheduled to be repealed on December 31, 2021)

20 Sec. 15.5. Private residential switch service 9-1-1
21 service.

22 (a) After June 30, 1995, an entity that provides or
23 operates private residential switch service and provides
24 telecommunications facilities or services to residents shall
25 provide to those residential end users the same level of 9-1-1

1 service as the public agency and the telecommunications
2 carrier are providing to other residential end users of the
3 local 9-1-1 system. This service shall include, but not be
4 limited to, the capability to identify the telephone number,
5 extension number, and the physical location that is the source
6 of the call to the number designated as the emergency
7 telephone number.

8 (b) The private residential switch operator is responsible
9 for forwarding end user automatic location identification
10 record information to the 9-1-1 system provider according to
11 the format, frequency, and procedures established by that
12 system provider.

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 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

1 (50 ILCS 750/15.6)

2 (Section scheduled to be repealed on December 31, 2021)

3 Sec. 15.6. Enhanced 9-1-1 service; business service.

4 (a) After June 30, 2000, or within 18 months after
5 enhanced 9-1-1 service becomes available, any entity that
6 installs or operates a private business switch service and
7 provides telecommunications facilities or services to
8 businesses shall assure that the system is connected to the
9 public switched network in a manner that calls to 9-1-1 result
10 in automatic number and location identification. For buildings
11 having their own street address and containing workspace of
12 40,000 square feet or less, location identification shall
13 include the building's street address. For buildings having
14 their own street address and containing workspace of more than
15 40,000 square feet, location identification shall include the
16 building's street address and one distinct location
17 identification per 40,000 square feet of workspace. Separate
18 buildings containing workspace of 40,000 square feet or less
19 having a common public street address shall have a distinct
20 location identification for each building in addition to the
21 street address.

22 (b) Exemptions. Buildings containing workspace of more
23 than 40,000 square feet are exempt from the multiple location
24 identification requirements of subsection (a) if the building
25 maintains, at all times, alternative and adequate means of
26 signaling and responding to emergencies. Those means shall

1 include, but not be limited to, a telephone system that
2 provides the physical location of 9-1-1 calls coming from
3 within the building. Health care facilities are presumed to
4 meet the requirements of this paragraph if the facilities are
5 staffed with medical or nursing personnel 24 hours per day and
6 if an alternative means of providing information about the
7 source of an emergency call exists. Buildings under this
8 exemption must provide 9-1-1 service that provides the
9 building's street address.

10 Buildings containing workspace of more than 40,000 square
11 feet are exempt from subsection (a) if the building maintains,
12 at all times, alternative and adequate means of signaling and
13 responding to emergencies, including a telephone system that
14 provides the location of a 9-1-1 call coming from within the
15 building, and the building is serviced by its own medical,
16 fire and security personnel. Buildings under this exemption
17 are subject to emergency phone system certification by the
18 Administrator.

19 Buildings in communities not serviced by enhanced 9-1-1
20 service are exempt from subsection (a).

21 Correctional institutions and facilities, as defined in
22 subsection (d) of Section 3-1-2 of the Unified Code of
23 Corrections, are exempt from subsection (a).

24 (c) This Act does not apply to any PBX telephone extension
25 that uses radio transmissions to convey electrical signals
26 directly between the telephone extension and the serving PBX.

1 (d) An entity that violates this Section is guilty of a
2 business offense and shall be fined not less than \$1,000 and
3 not more than \$5,000.

4 (e) Nothing in this Section shall be construed to preclude
5 the Attorney General on behalf of the Illinois State Police
6 ~~Department~~ or on his or her own initiative, or any other
7 interested person, from seeking judicial relief, by mandamus,
8 injunction, or otherwise, to compel compliance with this
9 Section.

10 (f) The Illinois State Police ~~Department~~ may promulgate
11 rules for the administration of this Section.

12 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

13 (50 ILCS 750/15.6a)

14 (Section scheduled to be repealed on December 31, 2021)

15 Sec. 15.6a. Wireless emergency 9-1-1 service.

16 (a) The digits "9-1-1" shall be the designated emergency
17 telephone number within the wireless system.

18 (b) The Illinois State Police ~~Department~~ may set
19 non-discriminatory and uniform technical and operational
20 standards consistent with the rules of the Federal
21 Communications Commission for directing calls to authorized
22 public safety answering points. These standards shall not in
23 any way prescribe the technology or manner a wireless carrier
24 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls,
25 and these standards shall not exceed the requirements set by

1 the Federal Communications Commission; however, standards for
2 directing calls to the authorized public safety answering
3 point shall be included. The authority given to the Illinois
4 State Police Department in this Section is limited to setting
5 standards as set forth herein and does not constitute
6 authority to regulate wireless carriers.

7 (c) For the purpose of providing wireless 9-1-1 emergency
8 services, an emergency telephone system board or, in the
9 absence of an emergency telephone system board, a qualified
10 governmental entity, may declare its intention for one or more
11 of its public safety answering points to serve as a primary
12 wireless 9-1-1 public safety answering point for its
13 jurisdiction by notifying the Administrator in writing within
14 6 months after receiving its authority to operate a 9-1-1
15 system under this Act. In addition, 2 or more emergency
16 telephone system boards or qualified governmental entities
17 may, by virtue of an intergovernmental agreement, provide
18 wireless 9-1-1 service. Until the jurisdiction comes into
19 compliance with Section 15.4a of this Act, the Illinois
20 ~~Department of~~ State Police shall be the primary wireless 9-1-1
21 public safety answering point for any jurisdiction that did
22 not provide notice to the Illinois Commerce Commission and the
23 Illinois State Police Department prior to January 1, 2016.

24 (d) The Administrator, upon a request from a qualified
25 governmental entity or an emergency telephone system board and
26 with the advice and recommendation of the Statewide 9-1-1

1 Advisory Board, may grant authority to the emergency telephone
2 system board or a qualified governmental entity to provide
3 wireless 9-1-1 service in areas for which the Illinois State
4 Police Department has accepted wireless 9-1-1 responsibility.
5 The Administrator shall maintain a current list of all 9-1-1
6 systems and qualified governmental entities providing wireless
7 9-1-1 service under this Act.

8 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

9 (50 ILCS 750/15.6b)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 15.6b. Next Generation 9-1-1 service.

12 (a) The Administrator, with the advice and recommendation
13 of the Statewide 9-1-1 Advisory Board, shall develop and
14 implement a plan for a statewide Next Generation 9-1-1
15 network. The Next Generation 9-1-1 network must be an Internet
16 protocol-based platform that at a minimum provides:

17 (1) improved 9-1-1 call delivery;

18 (2) enhanced interoperability;

19 (3) increased ease of communication between 9-1-1
20 service providers, allowing immediate transfer of 9-1-1
21 calls, caller information, photos, and other data
22 statewide;

23 (4) a hosted solution with redundancy built in; and

24 (5) compliance with NENA Standards i3 Solution 08-003.

25 (b) By July 1, 2016, the Administrator, with the advice

1 and recommendation of the Statewide 9-1-1 Advisory Board,
2 shall design and issue a competitive request for a proposal to
3 secure the services of a consultant to complete a feasibility
4 study on the implementation of a statewide Next Generation
5 9-1-1 network in Illinois. By July 1, 2017, the consultant
6 shall complete the feasibility study and make recommendations
7 as to the appropriate procurement approach for developing a
8 statewide Next Generation 9-1-1 network.

9 (c) Within 12 months of the final report from the
10 consultant under subsection (b) of this Section, the Illinois
11 State Police ~~Department~~ shall procure and finalize a contract
12 with a vendor certified under Section 13-900 of the Public
13 Utilities Act to establish a statewide Next Generation 9-1-1
14 network. By July 1, 2021, the vendor shall implement a Next
15 Generation 9-1-1 network that allows 9-1-1 systems providing
16 9-1-1 service to Illinois residents to access the system
17 utilizing their current infrastructure if it meets the
18 standards adopted by the Illinois State Police ~~Department~~.

19 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

20 (50 ILCS 750/17.5)

21 (Section scheduled to be repealed on December 31, 2021)

22 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

23 (a) The General Assembly finds the following:

24 (1) Some 9-1-1 systems throughout this State do not
25 have a procedure in place to manually transfer, forward,

1 or relay 9-1-1 calls originating within one 9-1-1 system's
2 jurisdiction, but which should properly be answered and
3 dispatched by another 9-1-1 system, to the appropriate
4 9-1-1 system for answering and dispatch of first
5 responders.

6 (2) On January 1, 2016, the General Assembly gave
7 oversight authority of 9-1-1 systems to the Illinois
8 ~~Department of State Police~~.

9 (3) Since that date, the Illinois ~~Department of State~~
10 Police has authorized individual 9-1-1 systems in counties
11 and municipalities to implement and upgrade enhanced 9-1-1
12 systems throughout the State.

13 (b) The Illinois State Police ~~Department~~ shall prepare a
14 directory of all authorized 9-1-1 systems in the State. The
15 directory shall include an emergency 24/7 10-digit telephone
16 number for all primary public safety answering points located
17 in each 9-1-1 system to which 9-1-1 calls from another
18 jurisdiction can be transferred. This directory shall be made
19 available to each 9-1-1 authority for its use in establishing
20 standard operating procedures regarding calls outside its
21 9-1-1 jurisdiction.

22 (c) Each 9-1-1 system shall provide the Illinois State
23 Police ~~Department~~ with the following information:

24 (1) The name of the PSAP, a list of every
25 participating agency, and the county the PSAP is in,
26 including college and university public safety entities.

1 (2) The 24/7 10-digit emergency telephone number and
2 email address for the dispatch agency to which 9-1-1 calls
3 originating in another 9-1-1 jurisdiction can be
4 transferred or by which the PSAP can be contacted via
5 email to exchange information. Each 9-1-1 system shall
6 provide the Illinois State Police ~~Department~~ with any
7 changes to the participating agencies and this number and
8 email address immediately upon the change occurring. Each
9 9-1-1 system shall provide the PSAP information, the 24/7
10 10-digit emergency telephone number and email address to
11 the Manager of the Illinois State Police's ~~Department's~~
12 9-1-1 Program within 30 days of the effective date of this
13 amendatory Act of the 100th General Assembly.

14 (3) The standard operating procedure describing the
15 manner in which the 9-1-1 system will transfer, forward,
16 or relay 9-1-1 calls originating within its jurisdiction,
17 but which should properly be answered and dispatched by
18 another 9-1-1 system, to the appropriate 9-1-1 system.
19 Each 9-1-1 system shall provide the standard operating
20 procedures to the Manager of the Illinois State Police's
21 ~~Department's~~ 9-1-1 Program within 180 days after the
22 effective date of this amendatory Act of the 100th General
23 Assembly.

24 (Source: P.A. 100-20, eff. 7-1-17.)

1 (Section scheduled to be repealed on December 31, 2021)

2 Sec. 19. Statewide 9-1-1 Advisory Board.

3 (a) Beginning July 1, 2015, there is created the Statewide
4 9-1-1 Advisory Board within the Illinois ~~Department of~~ State
5 Police. The Board shall consist of the following 11 voting
6 members:

7 (1) The Director of the Illinois State Police, or his
8 or her designee, who shall serve as chairman.

9 (2) The Executive Director of the Commission, or his
10 or her designee.

11 (3) Nine members appointed by the Governor as follows:

12 (A) one member representing the Illinois chapter
13 of the National Emergency Number Association, or his
14 or her designee;

15 (B) one member representing the Illinois chapter
16 of the Association of Public-Safety Communications
17 Officials, or his or her designee;

18 (C) one member representing a county 9-1-1 system
19 from a county with a population of less than 50,000;

20 (D) one member representing a county 9-1-1 system
21 from a county with a population between 50,000 and
22 250,000;

23 (E) one member representing a county 9-1-1 system
24 from a county with a population of more than 250,000;

25 (F) one member representing a municipality with a
26 population of less than 500,000 in a county with a

1 population in excess of 2,000,000;

2 (G) one member representing the Illinois
3 Association of Chiefs of Police;

4 (H) one member representing the Illinois Sheriffs'
5 Association; and

6 (I) one member representing the Illinois Fire
7 Chiefs Association.

8 The Governor shall appoint the following non-voting
9 members: (i) one member representing an incumbent local
10 exchange 9-1-1 system provider; (ii) one member representing a
11 non-incumbent local exchange 9-1-1 system provider; (iii) one
12 member representing a large wireless carrier; (iv) one member
13 representing an incumbent local exchange carrier; (v) one
14 member representing the Illinois Telecommunications
15 Association; (vi) one member representing the Cable Television
16 and Communication Association of Illinois; and (vii) one
17 member representing the Illinois State Ambulance Association.
18 The Speaker of the House of Representatives, the Minority
19 Leader of the House of Representatives, the President of the
20 Senate, and the Minority Leader of the Senate may each appoint
21 a member of the General Assembly to temporarily serve as a
22 non-voting member of the Board during the 12 months prior to
23 the repeal date of this Act to discuss legislative initiatives
24 of the Board.

25 (b) The Governor shall make initial appointments to the
26 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the

1 voting members appointed by the Governor shall serve an
2 initial term of 2 years, and the remaining voting members
3 appointed by the Governor shall serve an initial term of 3
4 years. Thereafter, each appointment by the Governor shall be
5 for a term of 3 years. Non-voting members shall serve for a
6 term of 3 years. Vacancies shall be filled in the same manner
7 as the original appointment. Persons appointed to fill a
8 vacancy shall serve for the balance of the unexpired term.

9 Members of the Statewide 9-1-1 Advisory Board shall serve
10 without compensation.

11 (c) The 9-1-1 Services Advisory Board, as constituted on
12 June 1, 2015 without the legislative members, shall serve in
13 the role of the Statewide 9-1-1 Advisory Board until all
14 appointments of voting members have been made by the Governor
15 under subsection (a) of this Section.

16 (d) The Statewide 9-1-1 Advisory Board shall:

17 (1) advise the Illinois ~~Department of~~ State Police and
18 the Statewide 9-1-1 Administrator on the oversight of
19 9-1-1 systems and the development and implementation of a
20 uniform statewide 9-1-1 system;

21 (2) make recommendations to the Governor and the
22 General Assembly regarding improvements to 9-1-1 services
23 throughout the State; and

24 (3) exercise all other powers and duties provided in
25 this Act.

26 (e) The Statewide 9-1-1 Advisory Board shall submit to the

1 General Assembly a report by March 1 of each year providing an
2 update on the transition to a statewide 9-1-1 system and
3 recommending any legislative action.

4 (f) The Illinois ~~Department of~~ State Police shall provide
5 administrative support to the Statewide 9-1-1 Advisory Board.

6 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

7 (50 ILCS 750/20)

8 (Section scheduled to be repealed on December 31, 2021)

9 Sec. 20. Statewide surcharge.

10 (a) On and after January 1, 2016, and except with respect
11 to those customers who are subject to surcharges as provided
12 in Sections 15.3 and 15.3a of this Act, a monthly surcharge
13 shall be imposed on all customers of telecommunications
14 carriers and wireless carriers as follows:

15 (1) Each telecommunications carrier shall impose a
16 monthly surcharge per network connection; provided,
17 however, the monthly surcharge shall not apply to a
18 network connection provided for use with pay telephone
19 services. Where multiple voice grade communications
20 channels are connected between the subscriber's premises
21 and a public switched network through private branch
22 exchange (PBX), centrex type service, or other multiple
23 voice grade communication channels facility, there shall
24 be imposed 5 such surcharges per network connection for
25 both regular service and advanced service provisioned

1 trunk lines. Until December 31, 2017, the surcharge shall
2 be \$0.87 per network connection and on and after January
3 1, 2018, the surcharge shall be \$1.50 per network
4 connection.

5 (2) Each wireless carrier shall impose and collect a
6 monthly surcharge per CMRS connection that either has a
7 telephone number within an area code assigned to Illinois
8 by the North American Numbering Plan Administrator or has
9 a billing address in this State. Until December 31, 2017,
10 the surcharge shall be \$0.87 per connection and on and
11 after January 1, 2018, the surcharge shall be \$1.50 per
12 connection.

13 (b) State and local taxes shall not apply to the
14 surcharges imposed under this Section.

15 (c) The surcharges imposed by this Section shall be stated
16 as a separately stated item on subscriber bills.

17 (d) The telecommunications carrier collecting the
18 surcharge may deduct and retain an amount not to exceed 3% of
19 the gross amount of surcharge collected to reimburse the
20 telecommunications carrier for the expense of accounting and
21 collecting the surcharge. On and after July 1, 2022, the
22 wireless carrier collecting a surcharge under this Section may
23 deduct and retain an amount not to exceed 3% of the gross
24 amount of the surcharge collected to reimburse the wireless
25 carrier for the expense of accounting and collecting the
26 surcharge.

1 (e) Surcharges imposed under this Section shall be
2 collected by the carriers and shall be remitted to the
3 Illinois State Police Department, either by check or
4 electronic funds transfer, by the end of the next calendar
5 month after the calendar month in which it was collected for
6 deposit into the Statewide 9-1-1 Fund. Carriers are not
7 required to remit surcharge moneys that are billed to
8 subscribers but not yet collected.

9 The first remittance by wireless carriers shall include
10 the number of subscribers by zip code, and the 9-digit zip code
11 if currently being used or later implemented by the carrier,
12 that shall be the means by which the Illinois State Police
13 ~~Department~~ shall determine distributions from the Statewide
14 9-1-1 Fund. This information shall be updated at least once
15 each year. Any carrier that fails to provide the zip code
16 information required under this subsection (e) shall be
17 subject to the penalty set forth in subsection (g) of this
18 Section.

19 (f) If, within 8 calendar days after it is due under
20 subsection (e) of this Section, a carrier does not remit the
21 surcharge or any portion thereof required under this Section,
22 then the surcharge or portion thereof shall be deemed
23 delinquent until paid in full, and the Illinois State Police
24 ~~Department~~ may impose a penalty against the carrier in an
25 amount equal to the greater of:

26 (1) \$25 for each month or portion of a month from the

1 time an amount becomes delinquent until the amount is paid
2 in full; or

3 (2) an amount equal to the product of 1% and the sum of
4 all delinquent amounts for each month or portion of a
5 month that the delinquent amounts remain unpaid.

6 A penalty imposed in accordance with this subsection (f)
7 for a portion of a month during which the carrier pays the
8 delinquent amount in full shall be prorated for each day of
9 that month that the delinquent amount was paid in full. Any
10 penalty imposed under this subsection (f) is in addition to
11 the amount of the delinquency and is in addition to any other
12 penalty imposed under this Section.

13 (g) If, within 8 calendar days after it is due, a wireless
14 carrier does not provide the number of subscribers by zip code
15 as required under subsection (e) of this Section, then the
16 report is deemed delinquent and the Illinois State Police
17 ~~Department~~ may impose a penalty against the carrier in an
18 amount equal to the greater of:

19 (1) \$25 for each month or portion of a month that the
20 report is delinquent; or

21 (2) an amount equal to the product of \$0.01 and the
22 number of subscribers served by the carrier for each month
23 or portion of a month that the delinquent report is not
24 provided.

25 A penalty imposed in accordance with this subsection (g)
26 for a portion of a month during which the carrier provides the

1 number of subscribers by zip code as required under subsection
2 (e) of this Section shall be prorated for each day of that
3 month during which the carrier had not provided the number of
4 subscribers by zip code as required under subsection (e) of
5 this Section. Any penalty imposed under this subsection (g) is
6 in addition to any other penalty imposed under this Section.

7 (h) A penalty imposed and collected in accordance with
8 subsection (f) or (g) of this Section shall be deposited into
9 the Statewide 9-1-1 Fund for distribution according to Section
10 30 of this Act.

11 (i) The Illinois State Police ~~Department~~ may enforce the
12 collection of any delinquent amount and any penalty due and
13 unpaid under this Section by legal action or in any other
14 manner by which the collection of debts due the State of
15 Illinois may be enforced under the laws of this State. The
16 Illinois State Police ~~Department~~ may excuse the payment of any
17 penalty imposed under this Section if the Administrator
18 determines that the enforcement of this penalty is unjust.

19 (j) Notwithstanding any provision of law to the contrary,
20 nothing shall impair the right of wireless carriers to recover
21 compliance costs for all emergency communications services
22 that are not reimbursed out of the Wireless Carrier
23 Reimbursement Fund directly from their wireless subscribers by
24 line-item charges on the wireless subscriber's bill. Those
25 compliance costs include all costs incurred by wireless
26 carriers in complying with local, State, and federal

1 regulatory or legislative mandates that require the
2 transmission and receipt of emergency communications to and
3 from the general public, including, but not limited to,
4 E9-1-1.

5 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

6 (50 ILCS 750/30)

7 (Section scheduled to be repealed on December 31, 2021)

8 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

9 (a) A special fund in the State treasury known as the
10 Wireless Service Emergency Fund shall be renamed the Statewide
11 9-1-1 Fund. Any appropriations made from the Wireless Service
12 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
13 The Fund shall consist of the following:

14 (1) 9-1-1 wireless surcharges assessed under the
15 Wireless Emergency Telephone Safety Act.

16 (2) 9-1-1 surcharges assessed under Section 20 of this
17 Act.

18 (3) Prepaid wireless 9-1-1 surcharges assessed under
19 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

20 (4) Any appropriations, grants, or gifts made to the
21 Fund.

22 (5) Any income from interest, premiums, gains, or
23 other earnings on moneys in the Fund.

24 (6) Money from any other source that is deposited in
25 or transferred to the Fund.

1 (b) Subject to appropriation and availability of funds,
2 the Illinois State Police Department shall distribute the
3 9-1-1 surcharges monthly as follows:

4 (1) From each surcharge collected and remitted under
5 Section 20 of this Act:

6 (A) \$0.013 shall be distributed monthly in equal
7 amounts to each County Emergency Telephone System
8 Board or qualified governmental entity in counties
9 with a population under 100,000 according to the most
10 recent census data which is authorized to serve as a
11 primary wireless 9-1-1 public safety answering point
12 for the county and to provide wireless 9-1-1 service
13 as prescribed by subsection (b) of Section 15.6a of
14 this Act, and which does provide such service.

15 (B) \$0.033 shall be transferred by the Comptroller
16 at the direction of the Illinois State Police
17 ~~Department~~ to the Wireless Carrier Reimbursement Fund
18 until June 30, 2017; from July 1, 2017 through June 30,
19 2018, \$0.026 shall be transferred; from July 1, 2018
20 through June 30, 2019, \$0.020 shall be transferred;
21 from July 1, 2019, through June 30, 2020, \$0.013 shall
22 be transferred; from July 1, 2020 through June 30,
23 2021, \$0.007 will be transferred; and after June 30,
24 2021, no transfer shall be made to the Wireless
25 Carrier Reimbursement Fund.

26 (C) Until December 31, 2017, \$0.007 and on and

1 after January 1, 2018, \$0.017 shall be used to cover
2 the Illinois State Police's ~~Department's~~
3 administrative costs.

4 (D) Beginning January 1, 2018, until June 30,
5 2020, \$0.12, and on and after July 1, 2020, \$0.04 shall
6 be used to make monthly proportional grants to the
7 appropriate 9-1-1 Authority currently taking wireless
8 9-1-1 based upon the United States Postal Zip Code of
9 the billing addresses of subscribers wireless
10 carriers.

11 (E) Until June 30, 2021, \$0.05 shall be used by the
12 Illinois State Police ~~Department~~ for grants for
13 NG9-1-1 expenses, with priority given to 9-1-1
14 Authorities that provide 9-1-1 service within the
15 territory of a Large Electing Provider as defined in
16 Section 13-406.1 of the Public Utilities Act.

17 (F) On and after July 1, 2020, \$0.13 shall be used
18 for the implementation of and continuing expenses for
19 the Statewide NG9-1-1 system.

20 (2) After disbursements under paragraph (1) of this
21 subsection (b), all remaining funds in the Statewide 9-1-1
22 Fund shall be disbursed in the following priority order:

23 (A) The Fund shall pay monthly to:

24 (i) the 9-1-1 Authorities that imposed
25 surcharges under Section 15.3 of this Act and were
26 required to report to the Illinois Commerce

1 Commission under Section 27 of the Wireless
2 Emergency Telephone Safety Act on October 1, 2014,
3 except a 9-1-1 Authority in a municipality with a
4 population in excess of 500,000, an amount equal
5 to the average monthly wireline and VoIP surcharge
6 revenue attributable to the most recent 12-month
7 period reported to the Illinois State Police
8 ~~Department~~ under that Section for the October 1,
9 2014 filing, subject to the power of the Illinois
10 State Police ~~Department~~ to investigate the amount
11 reported and adjust the number by order under
12 Article X of the Public Utilities Act, so that the
13 monthly amount paid under this item accurately
14 reflects one-twelfth of the aggregate wireline and
15 VoIP surcharge revenue properly attributable to
16 the most recent 12-month period reported to the
17 Commission; or

18 (ii) county qualified governmental entities
19 that did not impose a surcharge under Section 15.3
20 as of December 31, 2015, and counties that did not
21 impose a surcharge as of June 30, 2015, an amount
22 equivalent to their population multiplied by .37
23 multiplied by the rate of \$0.69; counties that are
24 not county qualified governmental entities and
25 that did not impose a surcharge as of December 31,
26 2015, shall not begin to receive the payment

1 provided for in this subsection until E9-1-1 and
2 wireless E9-1-1 services are provided within their
3 counties; or

4 (iii) counties without 9-1-1 service that had
5 a surcharge in place by December 31, 2015, an
6 amount equivalent to their population multiplied
7 by .37 multiplied by their surcharge rate as
8 established by the referendum.

9 (B) All 9-1-1 network costs for systems outside of
10 municipalities with a population of at least 500,000
11 shall be paid by the Illinois State Police ~~Department~~
12 directly to the vendors.

13 (C) All expenses incurred by the Administrator and
14 the Statewide 9-1-1 Advisory Board and costs
15 associated with procurement under Section 15.6b
16 including requests for information and requests for
17 proposals.

18 (D) Funds may be held in reserve by the Statewide
19 9-1-1 Advisory Board and disbursed by the Illinois
20 State Police ~~Department~~ for grants under Section 15.4b
21 of this Act and for NG9-1-1 expenses up to \$12.5
22 million per year in State fiscal years 2016 and 2017;
23 up to \$20 million in State fiscal year 2018; up to
24 \$20.9 million in State fiscal year 2019; up to \$15.3
25 million in State fiscal year 2020; up to \$16.2 million
26 in State fiscal year 2021; up to \$23.1 million in State

1 fiscal year 2022; and up to \$17.0 million per year for
2 State fiscal year 2023 and each year thereafter. The
3 amount held in reserve in State fiscal years 2018 and
4 2019 shall not be less than \$6.5 million.
5 Disbursements under this subparagraph (D) shall be
6 prioritized as follows: (i) consolidation grants
7 prioritized under subsection (a) of Section 15.4b of
8 this Act; (ii) NG9-1-1 expenses; and (iii)
9 consolidation grants under Section 15.4b of this Act
10 for consolidation expenses incurred between January 1,
11 2010, and January 1, 2016.

12 (E) All remaining funds per remit month shall be
13 used to make monthly proportional grants to the
14 appropriate 9-1-1 Authority currently taking wireless
15 9-1-1 based upon the United States Postal Zip Code of
16 the billing addresses of subscribers of wireless
17 carriers.

18 (c) The moneys deposited into the Statewide 9-1-1 Fund
19 under this Section shall not be subject to administrative
20 charges or chargebacks unless otherwise authorized by this
21 Act.

22 (d) Whenever two or more 9-1-1 Authorities consolidate,
23 the resulting Joint Emergency Telephone System Board shall be
24 entitled to the monthly payments that had theretofore been
25 made to each consolidating 9-1-1 Authority. Any reserves held
26 by any consolidating 9-1-1 Authority shall be transferred to

1 the resulting Joint Emergency Telephone System Board. Whenever
2 a county that has no 9-1-1 service as of January 1, 2016 enters
3 into an agreement to consolidate to create or join a Joint
4 Emergency Telephone System Board, the Joint Emergency
5 Telephone System Board shall be entitled to the monthly
6 payments that would have otherwise been paid to the county if
7 it had provided 9-1-1 service.

8 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

9 (50 ILCS 750/40)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 40. Financial reports.

12 (a) The Illinois State Police ~~Department~~ shall create
13 uniform accounting procedures, with such modification as may
14 be required to give effect to statutory provisions applicable
15 only to municipalities with a population in excess of 500,000,
16 that any emergency telephone system board, qualified
17 governmental entity, or unit of local government receiving
18 surcharge money pursuant to Section 15.3, 15.3a, or 30 of this
19 Act must follow.

20 (b) By January 31, 2018, and every January 31 thereafter,
21 each emergency telephone system board, qualified governmental
22 entity, or unit of local government receiving surcharge money
23 pursuant to Section 15.3, 15.3a, or 30 shall report to the
24 Illinois State Police ~~Department~~ audited financial statements
25 showing total revenue and expenditures for the period

1 beginning with the end of the period covered by the last
2 submitted report through the end of the previous calendar year
3 in a form and manner as prescribed by the Illinois State Police
4 ~~Department~~. Such financial information shall include:

5 (1) a detailed summary of revenue from all sources
6 including, but not limited to, local, State, federal, and
7 private revenues, and any other funds received;

8 (2) all expenditures made during the reporting period
9 from distributions under this Act;

10 (3) call data and statistics, when available, from the
11 reporting period, as specified by the Illinois State
12 Police Department and collected in accordance with any
13 reporting method established or required by the Illinois
14 State Police Department;

15 (4) all costs associated with dispatching appropriate
16 public safety agencies to respond to 9-1-1 calls received
17 by the PSAP; and

18 (5) all funding sources and amounts of funding used
19 for costs described in paragraph (4) of this subsection
20 (b).

21 The emergency telephone system board, qualified
22 governmental entity, or unit of local government is
23 responsible for any costs associated with auditing such
24 financial statements. The Illinois State Police Department
25 shall post the audited financial statements on the Illinois
26 State Police's Department's website.

1 (c) Along with its audited financial statement, each
2 emergency telephone system board, qualified governmental
3 entity, or unit of local government receiving a grant under
4 Section 15.4b of this Act shall include a report of the amount
5 of grant moneys received and how the grant moneys were used. In
6 case of a conflict between this requirement and the Grant
7 Accountability and Transparency Act, or with the rules of the
8 Governor's Office of Management and Budget adopted thereunder,
9 that Act and those rules shall control.

10 (d) If an emergency telephone system board or qualified
11 governmental entity that receives funds from the Statewide
12 9-1-1 Fund fails to file the 9-1-1 system financial reports as
13 required under this Section, the Illinois State Police
14 ~~Department~~ shall suspend and withhold monthly disbursements
15 otherwise due to the emergency telephone system board or
16 qualified governmental entity under Section 30 of this Act
17 until the report is filed.

18 Any monthly disbursements that have been withheld for 12
19 months or more shall be forfeited by the emergency telephone
20 system board or qualified governmental entity and shall be
21 distributed proportionally by the Illinois State Police
22 ~~Department~~ to compliant emergency telephone system boards and
23 qualified governmental entities that receive funds from the
24 Statewide 9-1-1 Fund.

25 Any emergency telephone system board or qualified
26 governmental entity not in compliance with this Section shall

1 be ineligible to receive any consolidation grant or
2 infrastructure grant issued under this Act.

3 (e) The Illinois State Police ~~Department~~ may adopt
4 emergency rules necessary to implement the provisions of this
5 Section.

6 (f) Any findings or decisions of the Illinois State Police
7 ~~Department~~ under this Section shall be deemed a final
8 administrative decision and shall be subject to judicial
9 review under the Administrative Review Law.

10 (g) Beginning October 1, 2017, the Illinois State Police
11 ~~Department~~ shall provide a quarterly report to the Board of
12 its expenditures from the Statewide 9-1-1 Fund for the prior
13 fiscal quarter.

14 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

15 (50 ILCS 750/50)

16 (Section scheduled to be repealed on December 31, 2021)

17 Sec. 50. Fund audits. The Auditor General shall conduct as
18 a part of its bi-annual audit, an audit of the Statewide 9-1-1
19 Fund and the Wireless Carrier Reimbursement Fund for
20 compliance with the requirements of this Act. The audit shall
21 include, but not be limited to, the following determinations:

22 (1) Whether detailed records of all receipts and
23 disbursements from the Statewide 9-1-1 Fund and the
24 Wireless Carrier Reimbursement Fund are being maintained.

25 (2) Whether administrative costs charged to the funds

1 are adequately documented and are reasonable.

2 (3) Whether the procedures for making disbursements
3 and grants and providing reimbursements in accordance with
4 the Act are adequate.

5 (4) The status of the implementation of statewide
6 9-1-1 service and Next Generation 9-1-1 service in
7 Illinois.

8 The Illinois Commerce Commission, the Illinois Department
9 ~~of~~ State Police, and any other entity or person that may have
10 information relevant to the audit shall cooperate fully and
11 promptly with the Office of the Auditor General in conducting
12 the audit. The Auditor General shall commence the audit as
13 soon as possible and distribute the report upon completion in
14 accordance with Section 3-14 of the Illinois State Auditing
15 Act.

16 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

17 (50 ILCS 750/55)

18 (Section scheduled to be repealed on December 31, 2021)

19 Sec. 55. Public disclosure. Because of the highly
20 competitive nature of the telephone industry, public
21 disclosure of information about surcharge moneys paid by
22 carriers could have the effect of stifling competition to the
23 detriment of the public and the delivery of 9-1-1 services.
24 Therefore, the Illinois Commerce Commission, the Illinois
25 ~~Department~~ of State Police, governmental agencies, and

1 individuals with access to that information shall take
2 appropriate steps to prevent public disclosure of this
3 information. Information and data supporting the amount and
4 distribution of surcharge moneys collected and remitted by an
5 individual carrier shall be deemed exempt information for
6 purposes of the Freedom of Information Act and shall not be
7 publicly disclosed. The gross amount paid by all carriers
8 shall not be deemed exempt and may be publicly disclosed.

9 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

10 (50 ILCS 750/75)

11 (Section scheduled to be repealed on December 31, 2021)

12 Sec. 75. Transfer of rights, functions, powers, duties,
13 and property to Illinois Department of State Police; rules and
14 standards; savings provisions.

15 (a) On January 1, 2016, the rights, functions, powers, and
16 duties of the Illinois Commerce Commission as set forth in
17 this Act and the Wireless Emergency Telephone Safety Act
18 existing prior to January 1, 2016, are transferred to and
19 shall be exercised by the Illinois Department of State Police.
20 On or before January 1, 2016, the Commission shall transfer
21 and deliver to the Illinois State Police Department all books,
22 records, documents, property (real and personal), unexpended
23 appropriations, and pending business pertaining to the rights,
24 powers, duties, and functions transferred to the Illinois
25 State Police Department under Public Act 99-6.

1 (b) The rules and standards of the Commission that are in
2 effect on January 1, 2016 and that pertain to the rights,
3 powers, duties, and functions transferred to the Illinois
4 State Police Department under Public Act 99-6 shall become the
5 rules and standards of the Illinois State Police Department on
6 January 1, 2016, and shall continue in effect until amended or
7 repealed by the Illinois State Police Department.

8 Any rules pertaining to the rights, powers, duties, and
9 functions transferred to the Illinois State Police Department
10 under Public Act 99-6 that have been proposed by the
11 Commission but have not taken effect or been finally adopted
12 by January 1, 2016, shall become proposed rules of the
13 Illinois State Police Department on January 1, 2016, and any
14 rulemaking procedures that have already been completed by the
15 Commission for those proposed rules need not be repealed.

16 As soon as it is practical after January 1, 2016, the
17 Illinois State Police Department shall revise and clarify the
18 rules transferred to it under Public Act 99-6 to reflect the
19 transfer of rights, powers, duties, and functions effected by
20 Public Act 99-6 using the procedures for recodification of
21 rules available under the Illinois Administrative Procedure
22 Act, except that existing title, part, and section numbering
23 for the affected rules may be retained. The Illinois State
24 Police Department may propose and adopt under the Illinois
25 Administrative Procedure Act any other rules necessary to
26 consolidate and clarify those rules.

1 (c) The rights, powers, duties, and functions transferred
2 to the Illinois State Police ~~Department~~ by Public Act 99-6
3 shall be vested in and exercised by the Illinois State Police
4 ~~Department~~ subject to the provisions of this Act and the
5 Wireless Emergency Telephone Safety Act. An act done by the
6 Illinois State Police ~~Department~~ or an officer, employee, or
7 agent of the Illinois State Police ~~Department~~ in the exercise
8 of the transferred rights, powers, duties, and functions shall
9 have the same legal effect as if done by the Commission or an
10 officer, employee, or agent of the Commission.

11 The transfer of rights, powers, duties, and functions to
12 the Illinois State Police ~~Department~~ under Public Act 99-6
13 does not invalidate any previous action taken by or in respect
14 to the Commission, its officers, employees, or agents.
15 References to the Commission or its officers, employees, or
16 agents in any document, contract, agreement, or law shall, in
17 appropriate contexts, be deemed to refer to the Illinois State
18 Police ~~Department~~ or its officers, employees, or agents.

19 The transfer of rights, powers, duties, and functions to
20 the Illinois State Police ~~Department~~ under Public Act 99-6
21 does not affect any person's rights, obligations, or duties,
22 including any civil or criminal penalties applicable thereto,
23 arising out of those transferred rights, powers, duties, and
24 functions.

25 Public Act 99-6 does not affect any act done, ratified, or
26 cancelled, any right occurring or established, or any action

1 or proceeding commenced in an administrative, civil, or
2 criminal case before January 1, 2016. Any such action or
3 proceeding that pertains to a right, power, duty, or function
4 transferred to the Illinois State Police ~~Department~~ under
5 Public Act 99-6 that is pending on that date may be prosecuted,
6 defended, or continued by the Commission.

7 For the purposes of Section 9b of the State Finance Act,
8 the Illinois State Police ~~Department~~ is the successor to the
9 Commission with respect to the rights, duties, powers, and
10 functions transferred by Public Act 99-6.

11 (d) The Illinois State Police ~~Department~~ is authorized to
12 enter into an intergovernmental agreement with the Commission
13 for the purpose of having the Commission assist the Illinois
14 State Police ~~Department~~ and the Statewide 9-1-1 Administrator
15 in carrying out their duties and functions under this Act. The
16 agreement may provide for funding for the Commission for its
17 assistance to the Illinois State Police ~~Department~~ and the
18 Statewide 9-1-1 Administrator.

19 (Source: P.A. 99-6, eff. 6-29-15; 99-642, eff. 7-28-16;
20 100-20, eff. 7-1-17.)

21 (50 ILCS 750/80)

22 (Section scheduled to be repealed on December 31, 2021)

23 Sec. 80. Continuation of Act; validation.

24 (a) The General Assembly finds and declares that this
25 amendatory Act of the 100th General Assembly manifests the

1 intention of the General Assembly to extend the repeal of this
2 Act and have this Act continue in effect until December 31,
3 2020.

4 (b) This Section shall be deemed to have been in
5 continuous effect since July 1, 2017 and it shall continue to
6 be in effect henceforward until it is otherwise lawfully
7 repealed. All previously enacted amendments to this Act taking
8 effect on or after July 1, 2017, are hereby validated. All
9 actions taken in reliance on or under this Act by the Illinois
10 ~~Department of~~ State Police or any other person or entity are
11 hereby validated.

12 (c) In order to ensure the continuing effectiveness of
13 this Act, it is set forth in full and reenacted by this
14 amendatory Act of the 100th General Assembly. Striking and
15 underscoring are used only to show changes being made to the
16 base text. This reenactment is intended as a continuation of
17 this Act. It is not intended to supersede any amendment to this
18 Act that is enacted by the 100th General Assembly.

19 (Source: P.A. 100-20, eff. 7-1-17.)

20 Section 425. The Prepaid Wireless 9-1-1 Surcharge Act is
21 amended by changing Section 20 as follows:

22 (50 ILCS 753/20)

23 Sec. 20. Administration of prepaid wireless 9-1-1
24 surcharge.

1 (a) In the administration and enforcement of this Act, the
2 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
3 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
4 Retailers' Occupation Tax Act that are not inconsistent with
5 this Act, and Section 3-7 of the Uniform Penalty and Interest
6 Act shall apply, as far as practicable, to the subject matter
7 of this Act to the same extent as if those provisions were
8 included in this Act. References to "taxes" in these
9 incorporated Sections shall be construed to apply to the
10 administration, payment, and remittance of all surcharges
11 under this Act. The Department shall establish registration
12 and payment procedures that substantially coincide with the
13 registration and payment procedures that apply to the
14 Retailers' Occupation Tax Act.

15 (b) A seller shall be permitted to deduct and retain 3% of
16 prepaid wireless 9-1-1 surcharges that are collected by the
17 seller from consumers and that are remitted and timely filed
18 with the Department. Beginning January 1, 2018, the seller is
19 allowed to deduct and retain a portion of the prepaid wireless
20 9-1-1 surcharges as authorized by this subsection only if the
21 return is filed electronically as provided in Section 3 of the
22 Retailers' Occupation Tax Act. Sellers who demonstrate that
23 they do not have access to the Internet or demonstrate
24 hardship in filing electronically may petition the Department
25 to waive the electronic filing requirement.

26 (c) Other than the amounts for deposit into the Municipal

1 Wireless Service Emergency Fund, the Department shall pay to
2 the State Treasurer all prepaid wireless E911 charges,
3 penalties, and interest collected under this Act for deposit
4 into the Statewide 9-1-1 Fund. On or before the 25th day of
5 each calendar month, the Department shall prepare and certify
6 to the Comptroller the amount available to the Illinois
7 ~~Department~~ of State Police for distribution out of the
8 Statewide 9-1-1 Fund. The amount certified shall be the amount
9 (not including credit memoranda) collected during the second
10 preceding calendar month by the Department plus an amount the
11 Department determines is necessary to offset any amounts which
12 were erroneously paid to a different taxing body. The amount
13 paid to the Statewide 9-1-1 Fund shall not include any amount
14 equal to the amount of refunds made during the second
15 preceding calendar month by the Department of Revenue to
16 retailers under this Act or any amount that the Department
17 determines is necessary to offset any amounts which were
18 payable to a different taxing body but were erroneously paid
19 to the Statewide 9-1-1 Fund. The Illinois ~~Department~~ of State
20 Police shall distribute the funds in accordance with Section
21 30 of the Emergency Telephone Safety Act. The Department may
22 deduct an amount, not to exceed 2% of remitted charges, to be
23 transferred into the Tax Compliance and Administration Fund to
24 reimburse the Department for its direct costs of administering
25 the collection and remittance of prepaid wireless 9-1-1
26 surcharges.

1 (d) The Department shall administer the collection of all
2 9-1-1 surcharges and may adopt and enforce reasonable rules
3 relating to the administration and enforcement of the
4 provisions of this Act as may be deemed expedient. The
5 Department shall require all surcharges collected under this
6 Act to be reported on existing forms or combined forms,
7 including, but not limited to, Form ST-1. Any overpayments
8 received by the Department for liabilities reported on
9 existing or combined returns shall be applied as an
10 overpayment of retailers' occupation tax, use tax, service
11 occupation tax, or service use tax liability.

12 (e) If a home rule municipality having a population in
13 excess of 500,000 as of the effective date of this amendatory
14 Act of the 97th General Assembly imposes an E911 surcharge
15 under subsection (a-5) of Section 15 of this Act, then the
16 Department shall pay to the State Treasurer all prepaid
17 wireless E911 charges, penalties, and interest collected for
18 deposit into the Municipal Wireless Service Emergency Fund.
19 All deposits into the Municipal Wireless Service Emergency
20 Fund shall be held by the State Treasurer as ex officio
21 custodian apart from all public moneys or funds of this State.
22 Any interest attributable to moneys in the Fund must be
23 deposited into the Fund. Moneys in the Municipal Wireless
24 Service Emergency Fund are not subject to appropriation. On or
25 before the 25th day of each calendar month, the Department
26 shall prepare and certify to the Comptroller the amount

1 available for disbursement to the home rule municipality out
2 of the Municipal Wireless Service Emergency Fund. The amount
3 to be paid to the Municipal Wireless Service Emergency Fund
4 shall be the amount (not including credit memoranda) collected
5 during the second preceding calendar month by the Department
6 plus an amount the Department determines is necessary to
7 offset any amounts which were erroneously paid to a different
8 taxing body. The amount paid to the Municipal Wireless Service
9 Emergency Fund shall not include any amount equal to the
10 amount of refunds made during the second preceding calendar
11 month by the Department to retailers under this Act or any
12 amount that the Department determines is necessary to offset
13 any amounts which were payable to a different taxing body but
14 were erroneously paid to the Municipal Wireless Service
15 Emergency Fund. Within 10 days after receipt by the
16 Comptroller of the certification provided for in this
17 subsection, the Comptroller shall cause the orders to be drawn
18 for the respective amounts in accordance with the directions
19 in the certification. The Department may deduct an amount, not
20 to exceed 2% of remitted charges, to be transferred into the
21 Tax Compliance and Administration Fund to reimburse the
22 Department for its direct costs of administering the
23 collection and remittance of prepaid wireless 9-1-1
24 surcharges.

25 (Source: P.A. 99-6, eff. 1-1-16; 100-303, eff. 8-24-17.)

1 Section 430. The Counties Code is amended by changing
2 Section 3-3013 as follows:

3 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

4 Sec. 3-3013. Preliminary investigations; blood and urine
5 analysis; summoning jury; reports. Every coroner, whenever,
6 as soon as he knows or is informed that the dead body of any
7 person is found, or lying within his county, whose death is
8 suspected of being:

9 (a) A sudden or violent death, whether apparently
10 suicidal, homicidal or accidental, including but not
11 limited to deaths apparently caused or contributed to by
12 thermal, traumatic, chemical, electrical or radiational
13 injury, or a complication of any of them, or by drowning or
14 suffocation, or as a result of domestic violence as
15 defined in the Illinois Domestic Violence Act of 1986;

16 (b) A death due to a sex crime;

17 (c) A death where the circumstances are suspicious,
18 obscure, mysterious or otherwise unexplained or where, in
19 the written opinion of the attending physician, the cause
20 of death is not determined;

21 (d) A death where addiction to alcohol or to any drug
22 may have been a contributory cause; or

23 (e) A death where the decedent was not attended by a
24 licensed physician;

25 shall go to the place where the dead body is, and take charge

1 of the same and shall make a preliminary investigation into
2 the circumstances of the death. In the case of death without
3 attendance by a licensed physician the body may be moved with
4 the coroner's consent from the place of death to a mortuary in
5 the same county. Coroners in their discretion shall notify
6 such physician as is designated in accordance with Section
7 3-3014 to attempt to ascertain the cause of death, either by
8 autopsy or otherwise.

9 In cases of accidental death involving a motor vehicle in
10 which the decedent was (1) the operator or a suspected
11 operator of a motor vehicle, or (2) a pedestrian 16 years of
12 age or older, the coroner shall require that a blood specimen
13 of at least 30 cc., and if medically possible a urine specimen
14 of at least 30 cc. or as much as possible up to 30 cc., be
15 withdrawn from the body of the decedent in a timely fashion
16 after the accident causing his death, by such physician as has
17 been designated in accordance with Section 3-3014, or by the
18 coroner or deputy coroner or a qualified person designated by
19 such physician, coroner, or deputy coroner. If the county does
20 not maintain laboratory facilities for making such analysis,
21 the blood and urine so drawn shall be sent to the Illinois
22 ~~Department of~~ State Police or any other accredited or
23 State-certified laboratory for analysis of the alcohol, carbon
24 monoxide, and dangerous or narcotic drug content of such blood
25 and urine specimens. Each specimen submitted shall be
26 accompanied by pertinent information concerning the decedent

1 upon a form prescribed by such laboratory. Any person drawing
2 blood and urine and any person making any examination of the
3 blood and urine under the terms of this Division shall be
4 immune from all liability, civil or criminal, that might
5 otherwise be incurred or imposed.

6 In all other cases coming within the jurisdiction of the
7 coroner and referred to in subparagraphs (a) through (e)
8 above, blood, and whenever possible, urine samples shall be
9 analyzed for the presence of alcohol and other drugs. When the
10 coroner suspects that drugs may have been involved in the
11 death, either directly or indirectly, a toxicological
12 examination shall be performed which may include analyses of
13 blood, urine, bile, gastric contents and other tissues. When
14 the coroner suspects a death is due to toxic substances, other
15 than drugs, the coroner shall consult with the toxicologist
16 prior to collection of samples. Information submitted to the
17 toxicologist shall include information as to height, weight,
18 age, sex and race of the decedent as well as medical history,
19 medications used by and the manner of death of decedent.

20 When the coroner or medical examiner finds that the cause
21 of death is due to homicidal means, the coroner or medical
22 examiner shall cause blood and buccal specimens (tissue may be
23 submitted if no uncontaminated blood or buccal specimen can be
24 obtained), whenever possible, to be withdrawn from the body of
25 the decedent in a timely fashion. For proper preservation of
26 the specimens, collected blood and buccal specimens shall be

1 dried and tissue specimens shall be frozen if available
2 equipment exists. As soon as possible, but no later than 30
3 days after the collection of the specimens, the coroner or
4 medical examiner shall release those specimens to the police
5 agency responsible for investigating the death. As soon as
6 possible, but no later than 30 days after the receipt from the
7 coroner or medical examiner, the police agency shall submit
8 the specimens using the agency case number to a National DNA
9 Index System (NDIS) participating laboratory within this
10 State, such as the Illinois ~~Department of~~ State Police,
11 Division of Forensic Services, for analysis and categorizing
12 into genetic marker groupings. The results of the analysis and
13 categorizing into genetic marker groupings shall be provided
14 to the Illinois ~~Department of~~ State Police and shall be
15 maintained by the Illinois ~~Department of~~ State Police in the
16 State central repository in the same manner, and subject to
17 the same conditions, as provided in Section 5-4-3 of the
18 Unified Code of Corrections. The requirements of this
19 paragraph are in addition to any other findings, specimens, or
20 information that the coroner or medical examiner is required
21 to provide during the conduct of a criminal investigation.

22 In all counties, in cases of apparent suicide, homicide,
23 or accidental death or in other cases, within the discretion
24 of the coroner, the coroner may summon 8 persons of lawful age
25 from those persons drawn for petit jurors in the county. The
26 summons shall command these persons to present themselves

1 personally at such a place and time as the coroner shall
2 determine, and may be in any form which the coroner shall
3 determine and may incorporate any reasonable form of request
4 for acknowledgment ~~acknowledgement~~ which the coroner deems
5 practical and provides a reliable proof of service. The
6 summons may be served by first class mail. From the 8 persons
7 so summoned, the coroner shall select 6 to serve as the jury
8 for the inquest. Inquests may be continued from time to time,
9 as the coroner may deem necessary. The 6 jurors selected in a
10 given case may view the body of the deceased. If at any
11 continuation of an inquest one or more of the original jurors
12 shall be unable to continue to serve, the coroner shall fill
13 the vacancy or vacancies. A juror serving pursuant to this
14 paragraph shall receive compensation from the county at the
15 same rate as the rate of compensation that is paid to petit or
16 grand jurors in the county. The coroner shall furnish to each
17 juror without fee at the time of his discharge a certificate of
18 the number of days in attendance at an inquest, and, upon being
19 presented with such certificate, the county treasurer shall
20 pay to the juror the sum provided for his services.

21 In counties which have a jury commission, in cases of
22 apparent suicide or homicide or of accidental death, the
23 coroner may conduct an inquest. The jury commission shall
24 provide at least 8 jurors to the coroner, from whom the coroner
25 shall select any 6 to serve as the jury for the inquest.
26 Inquests may be continued from time to time as the coroner may

1 deem necessary. The 6 jurors originally chosen in a given case
2 may view the body of the deceased. If at any continuation of an
3 inquest one or more of the 6 jurors originally chosen shall be
4 unable to continue to serve, the coroner shall fill the
5 vacancy or vacancies. At the coroner's discretion, additional
6 jurors to fill such vacancies shall be supplied by the jury
7 commission. A juror serving pursuant to this paragraph in such
8 county shall receive compensation from the county at the same
9 rate as the rate of compensation that is paid to petit or grand
10 jurors in the county.

11 In every case in which a fire is determined to be a
12 contributing factor in a death, the coroner shall report the
13 death to the Office of the State Fire Marshal. The coroner
14 shall provide a copy of the death certificate (i) within 30
15 days after filing the permanent death certificate and (ii) in
16 a manner that is agreed upon by the coroner and the State Fire
17 Marshal.

18 In every case in which a drug overdose is determined to be
19 the cause or a contributing factor in the death, the coroner or
20 medical examiner shall report the death to the Department of
21 Public Health. The Department of Public Health shall adopt
22 rules regarding specific information that must be reported in
23 the event of such a death. If possible, the coroner shall
24 report the cause of the overdose. As used in this Section,
25 "overdose" has the same meaning as it does in Section 414 of
26 the Illinois Controlled Substances Act. The Department of

1 Public Health shall issue a semiannual report to the General
2 Assembly summarizing the reports received. The Department
3 shall also provide on its website a monthly report of overdose
4 death figures organized by location, age, and any other
5 factors, the Department deems appropriate.

6 In addition, in every case in which domestic violence is
7 determined to be a contributing factor in a death, the coroner
8 shall report the death to the Illinois ~~Department of~~ State
9 Police.

10 All deaths in State institutions and all deaths of wards
11 of the State or youth in care as defined in Section 4d of the
12 Children and Family Services Act in private care facilities or
13 in programs funded by the Department of Human Services under
14 its powers relating to mental health and developmental
15 disabilities or alcoholism and substance abuse or funded by
16 the Department of Children and Family Services shall be
17 reported to the coroner of the county in which the facility is
18 located. If the coroner has reason to believe that an
19 investigation is needed to determine whether the death was
20 caused by maltreatment or negligent care of the ward of the
21 State or youth in care as defined in Section 4d of the Children
22 and Family Services Act, the coroner may conduct a preliminary
23 investigation of the circumstances of such death as in cases
24 of death under circumstances set forth in paragraphs (a)
25 through (e) of this Section.

26 (Source: P.A. 100-159, eff. 8-18-17; 101-13, eff. 6-12-19.)

1 Section 435. The Illinois Municipal Code is amended by
2 changing Sections 10-1-7.1, 10-2.1-6, 10-2.1-6.1, 10-2.1-6.2,
3 10-2.1-6.3, and 11-32-1 as follows:

4 (65 ILCS 5/10-1-7.1)

5 Sec. 10-1-7.1. Original appointments; full-time fire
6 department.

7 (a) Applicability. Unless a commission elects to follow
8 the provisions of Section 10-1-7.2, this Section shall apply
9 to all original appointments to an affected full-time fire
10 department. Existing registers of eligibles shall continue to
11 be valid until their expiration dates, or up to a maximum of 2
12 years after August 4, 2011 (the effective date of Public Act
13 97-251) ~~this amendatory Act of the 97th General Assembly.~~

14 Notwithstanding any statute, ordinance, rule, or other law
15 to the contrary, all original appointments to an affected
16 department to which this Section applies shall be administered
17 in the manner provided for in this Section. Provisions of the
18 Illinois Municipal Code, municipal ordinances, and rules
19 adopted pursuant to such authority and other laws relating to
20 initial hiring of firefighters in affected departments shall
21 continue to apply to the extent they are compatible with this
22 Section, but in the event of a conflict between this Section
23 and any other law, this Section shall control.

24 A home rule or non-home rule municipality may not

1 administer its fire department process for original
2 appointments in a manner that is less stringent than this
3 Section. This Section is a limitation under subsection (i) of
4 Section 6 of Article VII of the Illinois Constitution on the
5 concurrent exercise by home rule units of the powers and
6 functions exercised by the State.

7 A municipality that is operating under a court order or
8 consent decree regarding original appointments to a full-time
9 fire department before August 4, 2011 (the effective date of
10 Public Act 97-251) ~~this amendatory Act of the 97th General~~
11 ~~Assembly~~ is exempt from the requirements of this Section for
12 the duration of the court order or consent decree.

13 Notwithstanding any other provision of this subsection
14 (a), this Section does not apply to a municipality with more
15 than 1,000,000 inhabitants.

16 (b) Original appointments. All original appointments made
17 to an affected fire department shall be made from a register of
18 eligibles established in accordance with the processes
19 established by this Section. Only persons who meet or exceed
20 the performance standards required by this Section shall be
21 placed on a register of eligibles for original appointment to
22 an affected fire department.

23 Whenever an appointing authority authorizes action to hire
24 a person to perform the duties of a firefighter or to hire a
25 firefighter-paramedic to fill a position that is a new
26 position or vacancy due to resignation, discharge, promotion,

1 death, the granting of a disability or retirement pension, or
2 any other cause, the appointing authority shall appoint to
3 that position the person with the highest ranking on the final
4 eligibility list. If the appointing authority has reason to
5 conclude that the highest ranked person fails to meet the
6 minimum standards for the position or if the appointing
7 authority believes an alternate candidate would better serve
8 the needs of the department, then the appointing authority has
9 the right to pass over the highest ranked person and appoint
10 either: (i) any person who has a ranking in the top 5% of the
11 register of eligibles or (ii) any person who is among the top 5
12 highest ranked persons on the list of eligibles if the number
13 of people who have a ranking in the top 5% of the register of
14 eligibles is less than 5 people.

15 Any candidate may pass on an appointment once without
16 losing his or her position on the register of eligibles. Any
17 candidate who passes a second time may be removed from the list
18 by the appointing authority provided that such action shall
19 not prejudice a person's opportunities to participate in
20 future examinations, including an examination held during the
21 time a candidate is already on the municipality's register of
22 eligibles.

23 The sole authority to issue certificates of appointment
24 shall be vested in the Civil Service Commission. All
25 certificates of appointment issued to any officer or member of
26 an affected department shall be signed by the chairperson and

1 secretary, respectively, of the commission upon appointment of
2 such officer or member to the affected department by the
3 commission. After being selected from the register of
4 eligibles to fill a vacancy in the affected department, each
5 appointee shall be presented with his or her certificate of
6 appointment on the day on which he or she is sworn in as a
7 classified member of the affected department. Firefighters who
8 were not issued a certificate of appointment when originally
9 appointed shall be provided with a certificate within 10 days
10 after making a written request to the chairperson of the Civil
11 Service Commission. Each person who accepts a certificate of
12 appointment and successfully completes his or her probationary
13 period shall be enrolled as a firefighter and as a regular
14 member of the fire department.

15 For the purposes of this Section, "firefighter" means any
16 person who has been prior to, on, or after August 4, 2011 (the
17 effective date of Public Act 97-251) ~~this amendatory Act of~~
18 ~~the 97th General Assembly~~ appointed to a fire department or
19 fire protection district or employed by a State university and
20 sworn or commissioned to perform firefighter duties or
21 paramedic duties, or both, except that the following persons
22 are not included: part-time firefighters; auxiliary, reserve,
23 or voluntary firefighters, including paid-on-call
24 firefighters; clerks and dispatchers or other civilian
25 employees of a fire department or fire protection district who
26 are not routinely expected to perform firefighter duties; and

1 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
6 of members of the fire department in order to provide the
7 highest quality of service to the public. To this end, all
8 applicants for original appointment to an affected fire
9 department shall be subject to examination and testing which
10 shall be public, competitive, and open to all applicants
11 unless the municipality shall by ordinance limit applicants to
12 residents of the municipality, county or counties in which the
13 municipality is located, State, or nation. Any examination and
14 testing procedure utilized under subsection (e) of this
15 Section shall be supported by appropriate validation evidence
16 and shall 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
3 the 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
13 in Illinois, (ii) a fire protection district whose
14 obligations were assumed by a municipality under Section
15 21 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
15 Section, the probationary employment period limitation may be
16 extended 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
22 eligible for appointment and whose name has been placed upon
23 the final eligibility register provided for in this Division 1
24 has not been appointed to a firefighter position within one
25 year after the date of his or her physical ability
26 examination, the commission may cause a second examination to

1 be made of that applicant's physical ability prior to his or
2 her appointment. If, after the second examination, the
3 physical ability of the applicant shall be found to be less
4 than the minimum standard fixed by the rules of the
5 commission, the applicant shall not be appointed. The
6 applicant's name may be retained upon the register of
7 candidates eligible for appointment and when next reached for
8 certification and appointment that applicant may be again
9 examined as provided in this Section, and if the physical
10 ability of that applicant is found to be less than the minimum
11 standard fixed by the rules of the commission, the applicant
12 shall not be appointed, and the name of the applicant shall be
13 removed from the register.

14 (d) Notice, examination, and testing components. Notice of
15 the time, place, general scope, merit criteria for any
16 subjective component, and fee of every examination shall be
17 given by the commission, by a publication at least 2 weeks
18 preceding the examination: (i) in one or more newspapers
19 published in the municipality, or if no newspaper is published
20 therein, then in one or more newspapers with a general
21 circulation within the municipality, or (ii) on the
22 municipality's Internet website. Additional notice of the
23 examination may be given as the commission shall prescribe.

24 The examination and qualifying standards for employment of
25 firefighters shall be based on: mental aptitude, physical
26 ability, preferences, moral character, and health. The mental

1 aptitude, physical ability, and preference components shall
2 determine an applicant's qualification for and placement on
3 the final register of eligibles. The examination may also
4 include a subjective component based on merit criteria as
5 determined by the commission. Scores from the examination must
6 be made available to the public.

7 (e) Mental aptitude. No person who does not possess at
8 least a high school diploma or an equivalent high school
9 education shall be placed on a register of eligibles.
10 Examination of an applicant's mental aptitude shall be based
11 upon a written examination. The examination shall be practical
12 in character and relate to those matters that fairly test the
13 capacity of the persons examined to discharge the duties
14 performed by members of a fire department. Written
15 examinations shall be administered in a manner that ensures
16 the security and accuracy of the scores achieved.

17 (f) Physical ability. All candidates shall be required to
18 undergo an examination of their physical ability to perform
19 the essential functions included in the duties they may be
20 called upon to perform as a member of a fire department. For
21 the purposes of this Section, essential functions of the job
22 are functions associated with duties that a firefighter may be
23 called upon to perform in response to emergency calls. The
24 frequency of the occurrence of those duties as part of the fire
25 department's regular routine shall not be a controlling factor
26 in the design of examination criteria or evolutions selected

1 for testing. These physical examinations shall be open,
2 competitive, and based on industry standards designed to test
3 each applicant's physical abilities in the following
4 dimensions:

5 (1) Muscular strength to perform tasks and evolutions
6 that may be required in the performance of duties
7 including grip strength, leg strength, and arm strength.
8 Tests shall be conducted under anaerobic as well as
9 aerobic conditions to test both the candidate's speed and
10 endurance in performing tasks and evolutions. Tasks tested
11 may be based on standards developed, or approved, by the
12 local appointing authority.

13 (2) The ability to climb ladders, operate from
14 heights, walk or crawl in the dark along narrow and uneven
15 surfaces, and operate in proximity to hazardous
16 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
3 proctors and monitors, open to the public, and subject to
4 reasonable 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 commission so as to demonstrate a candidate's ability to
13 perform the essential functions of the job. The minimum score
14 set by the commission shall be supported by appropriate
15 validation evidence and shall comply with all applicable State
16 and federal laws. The appointing authority may conduct the
17 physical ability component and any subjective components
18 subsequent to the posting of the preliminary eligibility
19 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
10 persons whose total score is not less than the minimum score
11 for passage and who have passed the physical ability
12 examination. These persons shall take rank upon the register
13 as candidates in the order of their relative excellence based
14 on the highest to the lowest total points scored on the mental
15 aptitude, subjective component, and preference components of
16 the test administered in accordance with this Section. No more
17 than 60 days after each examination, an initial eligibility
18 list shall be posted by the commission. The list shall include
19 the final grades of the candidates without reference to
20 priority of the time of examination and subject to claim for
21 preference credit.

22 Commissions may conduct additional examinations, including
23 without limitation a polygraph test, after a final eligibility
24 register is established and before it expires with the
25 candidates ranked by total score without regard to date of
26 examination. No more than 60 days after each examination, an

1 initial eligibility list shall be posted by the commission
2 showing the final grades of the candidates without reference
3 to priority of time of examination and subject to claim for
4 preference credit.

5 (h) Preferences. The following are preferences:

6 (1) Veteran preference. Persons who were engaged in
7 the military service of the United States for a period of
8 at least one year of active duty and who were honorably
9 discharged therefrom, or who are now or have been members
10 on inactive or reserve duty in such military or naval
11 service, shall be preferred for appointment to and
12 employment with the fire department of an affected
13 department.

14 (2) Fire cadet preference. Persons who have
15 successfully completed 2 years of study in fire techniques
16 or cadet training within a cadet program established under
17 the rules of the Joint Labor and Management Committee
18 (JLMC), as defined in Section 50 of the Fire Department
19 Promotion Act, may be preferred for appointment to and
20 employment with the fire department.

21 (3) Educational preference. Persons who have
22 successfully obtained an associate's degree in the field
23 of fire service or emergency medical services, or a
24 bachelor's degree from an accredited college or university
25 may be preferred for appointment to and employment with
26 the fire department.

1 (4) Paramedic preference. Persons who have obtained a
2 license as a paramedic may be preferred for appointment to
3 and employment with the fire department of an affected
4 department providing emergency medical services.

5 (5) Experience preference. All persons employed by a
6 municipality who have been paid-on-call or part-time
7 certified Firefighter II, certified Firefighter III, State
8 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
9 paramedic, or any combination of those capacities may be
10 awarded up to a maximum of 5 points. However, the
11 applicant may not be awarded more than 0.5 points for each
12 complete year of paid-on-call or part-time service.
13 Applicants from outside the municipality who were employed
14 as full-time firefighters or firefighter-paramedics by a
15 fire protection district or another municipality may be
16 awarded up to 5 experience preference points. However, the
17 applicant may not be awarded more than one point for each
18 complete year of full-time service.

19 Upon request by the commission, the governing body of
20 the municipality or in the case of applicants from outside
21 the municipality the governing body of any fire protection
22 district or any other municipality shall certify to the
23 commission, within 10 days after the request, the number
24 of years of successful paid-on-call, part-time, or
25 full-time service of any person. A candidate may not
26 receive the full amount of preference points under this

1 subsection if the amount of points awarded would place the
2 candidate before a veteran on the eligibility list. If
3 more than one candidate receiving experience preference
4 points is prevented from receiving all of their points due
5 to not being allowed to pass a veteran, the candidates
6 shall be placed on the list below the veteran in rank order
7 based on the totals received if all points under this
8 subsection were to be awarded. Any remaining ties on the
9 list shall be determined by lot.

10 (6) Residency preference. Applicants whose principal
11 residence is located within the fire department's
12 jurisdiction may be preferred for appointment to and
13 employment with the fire department.

14 (7) Additional preferences. Up to 5 additional
15 preference points may be awarded for unique categories
16 based on an applicant's experience or background as
17 identified by the commission.

18 (7.5) Apprentice preferences. A person who has
19 performed fire suppression service for a department as a
20 firefighter apprentice and otherwise meets ~~meet~~ the
21 qualifications for original appointment as a firefighter
22 specified in this Section may be awarded up to 20
23 preference points. To qualify for preference points, an
24 applicant shall have completed a minimum of 600 hours of
25 fire suppression work on a regular shift for the affected
26 fire department over a 12-month period. The fire

1 suppression work must be in accordance with Section
2 10-1-14 of this Division and the terms established by a
3 Joint Apprenticeship Committee included in a collective
4 bargaining agreement agreed between the employer and its
5 certified bargaining agent. An eligible applicant must
6 apply to the Joint Apprenticeship Committee for preference
7 points under this item. The Joint Apprenticeship Committee
8 shall evaluate the merit of the applicant's performance,
9 determine the preference points to be awarded, and certify
10 the amount of points awarded to the commissioners. The
11 commissioners may add the certified preference points to
12 the final grades achieved by the applicant on the other
13 components of the examination.

14 (8) Scoring of preferences. The commission shall give
15 preference for original appointment to persons designated
16 in item (1) by adding to the final grade that they receive
17 5 points for the recognized preference achieved. The
18 commission may give preference for original appointment to
19 persons designated in item (7.5) by adding to the final
20 grade the amount of points designated by the Joint
21 Apprenticeship Committee as defined in item (7.5). The
22 commission shall determine the number of preference points
23 for each category, except (1) and (7.5). The number of
24 preference points for each category shall range from 0 to
25 5, except item (7.5). In determining the number of
26 preference points, the commission shall prescribe that if

1 a candidate earns the maximum number of preference points
2 in all categories except item (7.5), that number may not
3 be less than 10 nor more than 30. The commission shall give
4 preference for original appointment to persons designated
5 in items (2) through (7) by adding the requisite number of
6 points to the final grade for each recognized preference
7 achieved. The numerical result thus attained shall be
8 applied by the commission in determining the final
9 eligibility list and appointment from the eligibility
10 list. The local appointing authority may prescribe the
11 total number of preference points awarded under this
12 Section, but the total number of preference points, except
13 item (7.5), shall not be less than 10 points or more than
14 30 points. Apprentice preference points may be added in
15 addition to other preference points awarded by the
16 commission.

17 No person entitled to any preference shall be required to
18 claim the credit before any examination held under the
19 provisions of this Section, but the preference shall be given
20 after the posting or publication of the initial eligibility
21 list or register at the request of a person entitled to a
22 credit before any certification or appointments are made from
23 the eligibility register, upon the furnishing of verifiable
24 evidence and proof of qualifying preference credit. Candidates
25 who are eligible for preference credit shall make a claim in
26 writing within 10 days after the posting of the initial

1 eligibility list, or the claim shall be deemed waived. Final
2 eligibility registers shall be established after the awarding
3 of verified preference points. However, apprentice preference
4 credit earned subsequent to the establishment of the final
5 eligibility register may be applied to the applicant's score
6 upon certification by the Joint Apprenticeship Committee to
7 the commission and the rank order of candidates on the final
8 eligibility register shall be adjusted accordingly. All
9 employment shall be subject to the commission's initial hire
10 background review including, but not limited to, criminal
11 history, employment history, moral character, oral
12 examination, and medical and psychological examinations, all
13 on a pass-fail basis. The medical and psychological
14 examinations must be conducted last, and may only be performed
15 after a conditional offer of employment has been extended.

16 Any person placed on an eligibility list who exceeds the
17 age requirement before being appointed to a fire department
18 shall remain eligible for appointment until the list is
19 abolished, or his or her name has been on the list for a period
20 of 2 years. No person who has attained the age of 35 years
21 shall be inducted into a fire department, except as otherwise
22 provided in this Section.

23 The commission shall strike off the names of candidates
24 for original appointment after the names have been on the list
25 for more than 2 years.

26 (i) Moral character. No person shall be appointed to a

1 fire department unless he or she is a person of good character;
2 not a habitual drunkard, a gambler, or a person who has been
3 convicted of a felony or a crime involving moral turpitude.
4 However, no person shall be disqualified from appointment to
5 the fire department because of the person's record of
6 misdemeanor convictions except those under Sections 11-6,
7 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
8 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
9 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
10 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
11 1961 or the Criminal Code of 2012, or arrest for any cause
12 without conviction thereon. Any such person who is in the
13 department may be removed on charges brought for violating
14 this subsection and after a trial as hereinafter provided.

15 A classifiable set of the fingerprints of every person who
16 is offered employment as a certificated member of an affected
17 fire department whether with or without compensation, shall be
18 furnished to the Illinois ~~Department of~~ State Police and to
19 the Federal Bureau of Investigation by the commission.

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

1 authorized to furnish, pursuant to positive identification,
2 the information contained in State files as is necessary to
3 fulfill the request.

4 (j) Temporary appointments. In order to prevent a stoppage
5 of public business, to meet extraordinary exigencies, or to
6 prevent material impairment of the fire department, the
7 commission may make temporary appointments, to remain in force
8 only until regular appointments are made under the provisions
9 of this Division, but never to exceed 60 days. No temporary
10 appointment of any one person shall be made more than twice in
11 any calendar year.

12 (k) A person who knowingly divulges or receives test
13 questions or answers before a written examination, or
14 otherwise knowingly violates or subverts any requirement of
15 this Section, commits a violation of this Section and may be
16 subject to charges for official misconduct.

17 A person who is the knowing recipient of test information
18 in advance of the examination shall be disqualified from the
19 examination or discharged from the position to which he or she
20 was appointed, as applicable, and otherwise subjected to
21 disciplinary actions.

22 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
23 revised 11-26-19.)

24 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

25 Sec. 10-2.1-6. Examination of applicants;

1 disqualifications.

2 (a) All applicants for a position in either the fire or
3 police department of the municipality shall be under 35 years
4 of age, shall be subject to an examination that shall be
5 public, competitive, and open to all applicants (unless the
6 council or board of trustees by ordinance limit applicants to
7 electors of the municipality, county, state or nation) and
8 shall be subject to reasonable limitations as to residence,
9 health, habits, and moral character. The municipality may not
10 charge or collect any fee from an applicant who has met all
11 prequalification standards established by the municipality for
12 any such position. With respect to a police department, a
13 veteran shall be allowed to exceed the maximum age provision
14 of this Section by the number of years served on active
15 military duty, but by no more than 10 years of active military
16 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,
2 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
3 (a) (1) and (a) (2) (C) of Section 11-14.3, and subsections (1),
4 (6) and (8) of Section 24-1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, or arrested for any cause but not
6 convicted on that cause shall be disqualified from taking the
7 examination to qualify for a position in the fire department
8 on grounds of habits or moral character.

9 (d) The age limitation in subsection (a) does not apply
10 (i) to any person previously employed as a policeman or
11 fireman in a regularly constituted police or fire department
12 of (I) any municipality, regardless of whether the
13 municipality is located in Illinois or in another state, or
14 (II) a fire protection district whose obligations were assumed
15 by a municipality under Section 21 of the Fire Protection
16 District Act, (ii) to any person who has served a municipality
17 as a regularly enrolled volunteer fireman for 5 years
18 immediately preceding the time that municipality begins to use
19 full time firemen to provide all or part of its fire protection
20 service, or (iii) to any person who has served as an auxiliary
21 police officer under Section 3.1-30-20 for at least 5 years
22 and is under 40 years of age, (iv) to any person who has served
23 as a deputy under Section 3-6008 of the Counties Code and
24 otherwise meets necessary training requirements, or (v) to any
25 person who has served as a sworn officer as a member of the
26 Illinois ~~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
3 an 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
21 to the police or fire department if he or she does not possess
22 a high school diploma or an equivalent high school education.
23 A 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
26 employment. 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
3 required examination for police applicants who have previously
4 been full-time sworn officers of a regular police department
5 in any 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
9 least 2 years. No person shall be appointed to the police or
10 fire department if he or she has suffered the amputation of any
11 limb unless the applicant's duties will be only clerical or as
12 a radio operator. No applicant shall be examined concerning
13 his or her political or religious opinions or affiliations.
14 The examinations shall be conducted by the board of fire and
15 police commissioners of the municipality as provided in this
16 Division 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
26 circumstances other than honorable; or (3) the applicant has

1 successfully received credit for a minimum of 60 credit hours
2 toward a bachelor's degree from an accredited college or
3 university.

4 The requirement that a police applicant possess a
5 bachelor's degree under this subsection may be waived if one
6 or more of the following applies: (1) the applicant has served
7 for 36 months of honorable active duty in the United States
8 Armed Forces and has not been discharged dishonorably or under
9 circumstances other than honorable or (2) the applicant has
10 served for 180 days of active duty in the United States Armed
11 Forces in combat duty recognized by the Department of Defense
12 and has not been discharged dishonorably or under
13 circumstances other than honorable.

14 (i) No person who is classified by his local selective
15 service draft board as a conscientious objector, or who has
16 ever been so classified, may be appointed to the police
17 department.

18 (j) No person shall be appointed to the police or fire
19 department unless he or she is a person of good character and
20 not an habitual drunkard, gambler, or a person who has been
21 convicted of a felony or a crime involving moral turpitude. No
22 person, however, shall be disqualified from appointment to the
23 fire department because of his or her record of misdemeanor
24 convictions except those under Sections 11-1.50, 11-6, 11-7,
25 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
26 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,

1 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
2 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
3 subsections (1), (6) and (8) of Section 24-1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012, or arrest for any
5 cause without conviction on that cause. Any such person who is
6 in the department may be removed on charges brought and after a
7 trial as provided in this Division 2.1.

8 (Source: P.A. 100-467, eff. 9-8-17.)

9 (65 ILCS 5/10-2.1-6.1) (from Ch. 24, par. 10-2.1-6.1)

10 Sec. 10-2.1-6.1. A classifiable set of the fingerprints of
11 every person who is now employed, or who hereafter becomes
12 employed, as a full time member of a regular fire or police
13 department of any municipality in this State, whether with or
14 without compensation, shall be furnished to the Illinois
15 ~~Department of~~ State Police and to the Federal Bureau of
16 Investigation by the board of fire or police commissioners or
17 other appropriate appointing authority, as the case may be.

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

19 (65 ILCS 5/10-2.1-6.2) (from Ch. 24, par. 10-2.1-6.2)

20 Sec. 10-2.1-6.2. Whenever the Board of Fire and Police
21 Commissioners is authorized or required by law to consider
22 some aspect of criminal history record information for the
23 purpose of carrying out its statutory powers and
24 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 Illinois Department of State Police Law ~~(20 ILCS~~
3 ~~2605/2605-400)~~, the Illinois Department of State Police is
4 authorized to furnish, pursuant to positive identification,
5 such information contained in State files as is necessary to
6 fulfill the request.

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

8 (65 ILCS 5/10-2.1-6.3)

9 Sec. 10-2.1-6.3. Original appointments; full-time fire
10 department.

11 (a) Applicability. Unless a commission elects to follow
12 the provisions of Section 10-2.1-6.4, this Section shall apply
13 to all original appointments to an affected full-time fire
14 department. Existing registers of eligibles shall continue to
15 be valid until their expiration dates, or up to a maximum of 2
16 years after August 4, 2011 (the effective date of Public Act
17 97-251) ~~this amendatory Act of the 97th General Assembly.~~

18 Notwithstanding any statute, ordinance, rule, or other law
19 to the contrary, all original appointments to an affected
20 department to which this Section applies shall be administered
21 in the manner provided for in this Section. Provisions of the
22 Illinois Municipal Code, municipal ordinances, and rules
23 adopted pursuant to such authority and other laws relating to
24 initial hiring of firefighters in affected departments shall
25 continue to apply to the extent they are compatible with this

1 Section, but in the event of a conflict between this Section
2 and any other law, this Section shall control.

3 A home rule or non-home rule municipality may not
4 administer its fire department process for original
5 appointments in a manner that is less stringent than this
6 Section. This Section is a limitation under subsection (i) of
7 Section 6 of Article VII of the Illinois Constitution on the
8 concurrent exercise by home rule units of the powers and
9 functions exercised by the State.

10 A municipality that is operating under a court order or
11 consent decree regarding original appointments to a full-time
12 fire department before August 4, 2011 (the effective date of
13 Public Act 97-251) ~~this amendatory Act of the 97th General~~
14 ~~Assembly~~ is exempt from the requirements of this Section for
15 the duration of the court order or consent decree.

16 Notwithstanding any other provision of this subsection
17 (a), this Section does not apply to a municipality with more
18 than 1,000,000 inhabitants.

19 (b) Original appointments. All original appointments made
20 to an affected fire department shall be made from a register of
21 eligibles established in accordance with the processes
22 established by this Section. Only persons who meet or exceed
23 the performance standards required by this Section shall be
24 placed on a register of eligibles for original appointment to
25 an affected fire department.

26 Whenever an appointing authority authorizes action to hire

1 a person to perform the duties of a firefighter or to hire a
2 firefighter-paramedic to fill a position that is a new
3 position or vacancy due to resignation, discharge, promotion,
4 death, the granting of a disability or retirement pension, or
5 any other cause, the appointing authority shall appoint to
6 that position the person with the highest ranking on the final
7 eligibility list. If the appointing authority has reason to
8 conclude that the highest ranked person fails to meet the
9 minimum standards for the position or if the appointing
10 authority believes an alternate candidate would better serve
11 the needs of the department, then the appointing authority has
12 the right to pass over the highest ranked person and appoint
13 either: (i) any person who has a ranking in the top 5% of the
14 register of eligibles or (ii) any person who is among the top 5
15 highest ranked persons on the list of eligibles if the number
16 of people who have a ranking in the top 5% of the register of
17 eligibles is less than 5 people.

18 Any candidate may pass on an appointment once without
19 losing his or her position on the register of eligibles. Any
20 candidate who passes a second time may be removed from the list
21 by the appointing authority provided that such action shall
22 not prejudice a person's opportunities to participate in
23 future examinations, including an examination held during the
24 time a candidate is already on the municipality's register of
25 eligibles.

26 The sole authority to issue certificates of appointment

1 shall be vested in the board of fire and police commissioners.
2 All certificates of appointment issued to any officer or
3 member of an affected department shall be signed by the
4 chairperson and secretary, respectively, of the board upon
5 appointment of such officer or member to the affected
6 department by action of the board. After being selected from
7 the register of eligibles to fill a vacancy in the affected
8 department, each appointee shall be presented with his or her
9 certificate of appointment on the day on which he or she is
10 sworn in as a classified member of the affected department.
11 Firefighters who were not issued a certificate of appointment
12 when originally appointed shall be provided with a certificate
13 within 10 days after making a written request to the
14 chairperson of the board of fire and police commissioners.
15 Each person who accepts a certificate of appointment and
16 successfully completes his or her probationary period shall be
17 enrolled as a firefighter and as a regular member of the fire
18 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~~
22 ~~the 97th General Assembly~~ appointed to a fire department or
23 fire protection district or employed by a State university and
24 sworn or commissioned to perform firefighter duties or
25 paramedic duties, or both, except that the following persons
26 are not included: part-time firefighters; auxiliary, reserve,

1 or voluntary firefighters, including paid-on-call
2 firefighters; clerks and dispatchers or other civilian
3 employees of a fire department or fire protection district who
4 are not routinely expected to perform firefighter duties; and
5 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
10 of members of the fire department in order to provide the
11 highest quality of service to the public. To this end, all
12 applicants for original appointment to an affected fire
13 department shall be subject to examination and testing which
14 shall be public, competitive, and open to all applicants
15 unless the municipality shall by ordinance limit applicants to
16 residents of the municipality, county or counties in which the
17 municipality is located, State, or nation. Any examination and
18 testing procedure utilized under subsection (e) of this
19 Section shall be supported by appropriate validation evidence
20 and shall 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
7 the 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
17 in Illinois, (ii) a fire protection district whose
18 obligations were assumed by a municipality under Section
19 21 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
19 Section, the probationary employment period limitation may be
20 extended 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
26 eligible for appointment and whose name has been placed upon

1 the final eligibility register provided for in this Section
2 has not been appointed to a firefighter position within one
3 year after the date of his or her physical ability
4 examination, the commission may cause a second examination to
5 be made of that applicant's physical ability prior to his or
6 her appointment. If, after the second examination, the
7 physical ability of the applicant shall be found to be less
8 than the minimum standard fixed by the rules of the
9 commission, the applicant shall not be appointed. The
10 applicant's name may be retained upon the register of
11 candidates eligible for appointment and when next reached for
12 certification and appointment that applicant may be again
13 examined as provided in this Section, and if the physical
14 ability of that applicant is found to be less than the minimum
15 standard fixed by the rules of the commission, the applicant
16 shall not be appointed, and the name of the applicant shall be
17 removed from the register.

18 (d) Notice, examination, and testing components. Notice of
19 the time, place, general scope, merit criteria for any
20 subjective component, and fee of every examination shall be
21 given by the commission, by a publication at least 2 weeks
22 preceding the examination: (i) in one or more newspapers
23 published in the municipality, or if no newspaper is published
24 therein, then in one or more newspapers with a general
25 circulation within the municipality, or (ii) on the
26 municipality's Internet website. Additional notice of the

1 examination may be given as the commission shall prescribe.

2 The examination and qualifying standards for employment of
3 firefighters shall be based on: mental aptitude, physical
4 ability, preferences, moral character, and health. The mental
5 aptitude, physical ability, and preference components shall
6 determine an applicant's qualification for and placement on
7 the final register of eligibles. The examination may also
8 include a subjective component based on merit criteria as
9 determined by the commission. Scores from the examination must
10 be made available to the public.

11 (e) Mental aptitude. No person who does not possess at
12 least a high school diploma or an equivalent high school
13 education shall be placed on a register of eligibles.
14 Examination of an applicant's mental aptitude shall be based
15 upon a written examination. The examination shall be practical
16 in character and relate to those matters that fairly test the
17 capacity of the persons examined to discharge the duties
18 performed by members of a fire department. Written
19 examinations shall be administered in a manner that ensures
20 the security and accuracy of the scores achieved.

21 (f) Physical ability. All candidates shall be required to
22 undergo an examination of their physical ability to perform
23 the essential functions included in the duties they may be
24 called upon to perform as a member of a fire department. For
25 the purposes of this Section, essential functions of the job
26 are functions associated with duties that a firefighter may be

1 called upon to perform in response to emergency calls. The
2 frequency of the occurrence of those duties as part of the fire
3 department's regular routine shall not be a controlling factor
4 in the design of examination criteria or evolutions selected
5 for testing. These physical examinations shall be open,
6 competitive, and based on industry standards designed to test
7 each applicant's physical abilities in the following
8 dimensions:

9 (1) Muscular strength to perform tasks and evolutions
10 that may be required in the performance of duties
11 including grip strength, leg strength, and arm strength.
12 Tests shall be conducted under anaerobic as well as
13 aerobic conditions to test both the candidate's speed and
14 endurance in performing tasks and evolutions. Tasks tested
15 may be based on standards developed, or approved, by the
16 local appointing authority.

17 (2) The ability to climb ladders, operate from
18 heights, walk or crawl in the dark along narrow and uneven
19 surfaces, and operate in proximity to hazardous
20 environments.

21 (3) The ability to carry out critical, time-sensitive,
22 and complex problem solving during physical exertion in
23 stressful and hazardous environments. The testing
24 environment may be hot and dark with tightly enclosed
25 spaces, flashing lights, sirens, and other distractions.

26 The tests utilized to measure each applicant's

1 capabilities in each of these dimensions may be tests based on
2 industry standards currently in use or equivalent tests
3 approved by the Joint Labor-Management Committee of the Office
4 of the State Fire Marshal.

5 Physical ability examinations administered under this
6 Section shall be conducted with a reasonable number of
7 proctors and monitors, open to the public, and subject to
8 reasonable regulations of the commission.

9 (g) Scoring of examination components. Appointing
10 authorities may create a preliminary eligibility register. A
11 person shall be placed on the list based upon his or her
12 passage of the written examination or the passage of the
13 written examination and the physical ability component.
14 Passage of the written examination means attaining the minimum
15 score set by the commission. Minimum scores should be set by
16 the commission so as to demonstrate a candidate's ability to
17 perform the essential functions of the job. The minimum score
18 set by the commission shall be supported by appropriate
19 validation evidence and shall comply with all applicable State
20 and federal laws. The appointing authority may conduct the
21 physical ability component and any subjective components
22 subsequent to the posting of the preliminary eligibility
23 register.

24 The examination components for an initial eligibility
25 register shall be graded on a 100-point scale. A person's
26 position on the list shall be determined by the following: (i)

1 the person's score on the written examination, (ii) the person
2 successfully passing the physical ability component, and (iii)
3 the person's results on any subjective component as described
4 in subsection (d).

5 In order to qualify for placement on the final eligibility
6 register, an applicant's score on the written examination,
7 before any applicable preference points or subjective points
8 are applied, shall be at or above the minimum score as set by
9 the commission. The local appointing authority may prescribe
10 the score to qualify for placement on the final eligibility
11 register, but the score shall not be less than the minimum
12 score set by the commission.

13 The commission shall prepare and keep a register of
14 persons whose total score is not less than the minimum score
15 for passage and who have passed the physical ability
16 examination. These persons shall take rank upon the register
17 as candidates in the order of their relative excellence based
18 on the highest to the lowest total points scored on the mental
19 aptitude, subjective component, and preference components of
20 the test administered in accordance with this Section. No more
21 than 60 days after each examination, an initial eligibility
22 list shall be posted by the commission. The list shall include
23 the final grades of the candidates without reference to
24 priority of the time of examination and subject to claim for
25 preference credit.

26 Commissions may conduct additional examinations, including

1 without limitation a polygraph test, after a final eligibility
2 register is established and before it expires with the
3 candidates ranked by total score without regard to date of
4 examination. No more than 60 days after each examination, an
5 initial eligibility list shall be posted by the commission
6 showing the final grades of the candidates without reference
7 to priority of time of examination and subject to claim for
8 preference credit.

9 (h) Preferences. The following are preferences:

10 (1) Veteran preference. Persons who were engaged in
11 the military service of the United States for a period of
12 at least one year of active duty and who were honorably
13 discharged therefrom, or who are now or have been members
14 on inactive or reserve duty in such military or naval
15 service, shall be preferred for appointment to and
16 employment with the fire department of an affected
17 department.

18 (2) Fire cadet preference. Persons who have
19 successfully completed 2 years of study in fire techniques
20 or cadet training within a cadet program established under
21 the rules of the Joint Labor and Management Committee
22 (JLMC), as defined in Section 50 of the Fire Department
23 Promotion Act, may be preferred for appointment to and
24 employment with the fire department.

25 (3) Educational preference. Persons who have
26 successfully obtained an associate's degree in the field

1 of fire service or emergency medical services, or a
2 bachelor's degree from an accredited college or university
3 may be preferred for appointment to and employment with
4 the fire department.

5 (4) Paramedic preference. Persons who have obtained a
6 license as a paramedic shall be preferred for appointment
7 to and employment with the fire department of an affected
8 department providing emergency medical services.

9 (5) Experience preference. All persons employed by a
10 municipality who have been paid-on-call or part-time
11 certified Firefighter II, State of Illinois or nationally
12 licensed EMT, EMT-I, A-EMT, or any combination of those
13 capacities shall be awarded 0.5 point for each year of
14 successful service in one or more of those capacities, up
15 to a maximum of 5 points. Certified Firefighter III and
16 State of Illinois or nationally licensed paramedics shall
17 be awarded one point per year up to a maximum of 5 points.
18 Applicants from outside the municipality who were employed
19 as full-time firefighters or firefighter-paramedics by a
20 fire protection district or another municipality for at
21 least 2 years shall be awarded 5 experience preference
22 points. These additional points presuppose a rating scale
23 totaling 100 points available for the eligibility list. If
24 more or fewer points are used in the rating scale for the
25 eligibility list, the points awarded under this subsection
26 shall be increased or decreased by a factor equal to the

1 total possible points available for the examination
2 divided by 100.

3 Upon request by the commission, the governing body of
4 the municipality or in the case of applicants from outside
5 the municipality the governing body of any fire protection
6 district or any other municipality shall certify to the
7 commission, within 10 days after the request, the number
8 of years of successful paid-on-call, part-time, or
9 full-time service of any person. A candidate may not
10 receive the full amount of preference points under this
11 subsection if the amount of points awarded would place the
12 candidate before a veteran on the eligibility list. If
13 more than one candidate receiving experience preference
14 points is prevented from receiving all of their points due
15 to not being allowed to pass a veteran, the candidates
16 shall be placed on the list below the veteran in rank order
17 based on the totals received if all points under this
18 subsection were to be awarded. Any remaining ties on the
19 list shall be determined by lot.

20 (6) Residency preference. Applicants whose principal
21 residence is located within the fire department's
22 jurisdiction shall be preferred for appointment to and
23 employment with the fire department.

24 (7) Additional preferences. Up to 5 additional
25 preference points may be awarded for unique categories
26 based on an applicant's experience or background as

1 identified by the commission.

2 (7.5) Apprentice preferences. A person who has
3 performed fire suppression service for a department as a
4 firefighter apprentice and otherwise meets ~~meet~~ the
5 qualifications for original appointment as a firefighter
6 specified in this Section is ~~are~~ eligible to be awarded up
7 to 20 preference points. To qualify for preference points,
8 an applicant shall have completed a minimum of 600 hours
9 of fire suppression work on a regular shift for the
10 affected fire department over a 12-month period. The fire
11 suppression work must be in accordance with Section
12 10-2.1-4 of this Division and the terms established by a
13 Joint Apprenticeship Committee included in a collective
14 bargaining agreement agreed between the employer and its
15 certified bargaining agent. An eligible applicant must
16 apply to the Joint Apprenticeship Committee for preference
17 points under this item. The Joint Apprenticeship Committee
18 shall evaluate the merit of the applicant's performance,
19 determine the preference points to be awarded, and certify
20 the amount of points awarded to the commissioners. The
21 commissioners may add the certified preference points to
22 the final grades achieved by the applicant on the other
23 components of the examination.

24 (8) Scoring of preferences. The commission may give
25 preference for original appointment to persons designated
26 in item (1) by adding to the final grade that they receive

1 5 points for the recognized preference achieved. The
2 commission may give preference for original appointment to
3 persons designated in item (7.5) by adding to the final
4 grade the amount of points designated by the Joint
5 Apprenticeship Committee as defined in item (7.5). The
6 commission shall determine the number of preference points
7 for each category, except (1) and (7.5). The number of
8 preference points for each category shall range from 0 to
9 5, except item (7.5). In determining the number of
10 preference points, the commission shall prescribe that if
11 a candidate earns the maximum number of preference points
12 in all categories except item (7.5), that number may not
13 be less than 10 nor more than 30. The commission shall give
14 preference for original appointment to persons designated
15 in items (2) through (7) by adding the requisite number of
16 points to the final grade for each recognized preference
17 achieved. The numerical result thus attained shall be
18 applied by the commission in determining the final
19 eligibility list and appointment from the eligibility
20 list. The local appointing authority may prescribe the
21 total number of preference points awarded under this
22 Section, but the total number of preference points, except
23 item (7.5), shall not be less than 10 points or more than
24 30 points. Apprentice preference points may be added in
25 addition to other preference points awarded by the
26 commission.

1 No person entitled to any preference shall be required to
2 claim the credit before any examination held under the
3 provisions of this Section, but the preference may be given
4 after the posting or publication of the initial eligibility
5 list or register at the request of a person entitled to a
6 credit before any certification or appointments are made from
7 the eligibility register, upon the furnishing of verifiable
8 evidence and proof of qualifying preference credit. Candidates
9 who are eligible for preference credit may make a claim in
10 writing within 10 days after the posting of the initial
11 eligibility list, or the claim may be deemed waived. Final
12 eligibility registers may be established after the awarding of
13 verified preference points. However, apprentice preference
14 credit earned subsequent to the establishment of the final
15 eligibility register may be applied to the applicant's score
16 upon certification by the Joint Apprenticeship Committee to
17 the commission and the rank order of candidates on the final
18 eligibility register shall be adjusted accordingly. All
19 employment shall be subject to the commission's initial hire
20 background review, including, but not limited to, criminal
21 history, employment history, moral character, oral
22 examination, and medical and psychological examinations, all
23 on a pass-fail basis. The medical and psychological
24 examinations must be conducted last, and may only be performed
25 after a conditional offer of employment has been extended.

26 Any person placed on an eligibility list who exceeds the

1 age requirement before being appointed to a fire department
2 shall remain eligible for appointment until the list is
3 abolished, or his or her name has been on the list for a period
4 of 2 years. No person who has attained the age of 35 years
5 shall be inducted into a fire department, except as otherwise
6 provided in this Section.

7 The commission shall strike off the names of candidates
8 for original appointment after the names have been on the list
9 for more than 2 years.

10 (i) Moral character. No person shall be appointed to a
11 fire department unless he or she is a person of good character;
12 not a habitual drunkard, a gambler, or a person who has been
13 convicted of a felony or a crime involving moral turpitude.
14 However, no person shall be disqualified from appointment to
15 the fire department because of the person's record of
16 misdemeanor convictions except those under Sections 11-6,
17 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
18 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
19 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
20 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
21 1961 or the Criminal Code of 2012, or arrest for any cause
22 without conviction thereon. Any such person who is in the
23 department may be removed on charges brought for violating
24 this subsection and after a trial as hereinafter provided.

25 A classifiable set of the fingerprints of every person who
26 is offered employment as a certificated member of an affected

1 fire department whether with or without compensation, shall be
2 furnished to the Illinois ~~Department of~~ State Police and to
3 the Federal Bureau of Investigation by the commission.

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

14 (j) Temporary appointments. In order to prevent a stoppage
15 of public business, to meet extraordinary exigencies, or to
16 prevent material impairment of the fire department, the
17 commission may make temporary appointments, to remain in force
18 only until regular appointments are made under the provisions
19 of this Division, but never to exceed 60 days. No temporary
20 appointment of any one person shall be made more than twice in
21 any calendar year.

22 (k) A person who knowingly divulges or receives test
23 questions or answers before a written examination, or
24 otherwise knowingly violates or subverts any requirement of
25 this Section, commits a violation of this Section and may be
26 subject to charges for official misconduct.

1 A person who is the knowing recipient of test information
2 in advance of the examination shall be disqualified from the
3 examination or discharged from the position to which he or she
4 was appointed, as applicable, and otherwise subjected to
5 disciplinary actions.

6 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
7 revised 11-26-19.)

8 (65 ILCS 5/11-32-1) (from Ch. 24, par. 11-32-1)

9 Sec. 11-32-1. The corporate authorities of each
10 municipality may:

11 (1) provide for the regulation, safe construction,
12 installation, alteration, inspection, testing and maintenance
13 of heating, air conditioning and refrigerating systems
14 specified in this section.

15 (2) provide for examination, licensing and regulation of
16 heating, air conditioning and refrigeration contractors; and
17 fix the amount of license fees, not exceeding \$50, and the
18 terms and manner of issuing and revoking licenses of such
19 contractors.

20 (3) provide for the appointment of a board of examiners
21 which shall examine applicants for and issue licenses to such
22 contractors as are found capable and trustworthy.

23 A. The term "heating, air conditioning and refrigeration
24 contractor" means:

25 (a) any person engaged in the business of installing,

1 altering or servicing heating, air conditioning or
2 refrigerating systems;

3 (b) any private or municipally owned public utility if
4 such public utility installs heating, air conditioning or
5 refrigerating systems.

6 The term "heating, air conditioning and refrigeration
7 contractor" does not include: (i) any private or municipally
8 owned public utility, fuel supplier or dealer that supplies
9 fuel and services or repairs heating or air conditioning
10 appliances or equipment in connection with or as a part of
11 their business of supplying the fuel used in such appliances
12 or equipment; or (ii) any liquefied petroleum gas dealer
13 subject to "An Act to regulate the storage, transportation,
14 sale and use of liquefied petroleum gases", approved July 11,
15 1955, as now or hereafter amended, and the rules and
16 regulations of the Illinois ~~Department~~ of State Police
17 promulgated pursuant to such Act; or (iii) any electrical
18 contractor registered or licensed as such under the provisions
19 of this Act or any other statute.

20 B. The term "heating system" means any heating unit
21 intended to warm the atmosphere of any building or rooms
22 therein used for human occupancy.

23 C. The term "air conditioning system" means any air
24 conditioning unit designed to cool the atmosphere of any
25 building or rooms therein used for human occupancy, which unit
26 has a rated heat removal capacity in excess of 20,000 British

1 thermal units per hour; and also any such unit regardless of
2 size or rating that is installed in such a manner that it
3 projects from a building where pedestrian traffic will pass
4 below it.

5 D. The term "refrigerating system" means any refrigerating
6 unit, other than an air conditioning system as defined in this
7 section, which is to be used in conjunction with or as an aid
8 to any commercial enterprise but does not include a
9 refrigerating unit used for family household purposes.

10 Any heating, air conditioning and refrigeration contractor
11 properly licensed under paragraph (2) of this section in the
12 municipality of his principal place of business in this State
13 may install heating, air conditioning and refrigeration
14 systems in any other municipality without securing an
15 additional license, provided that such contractor complies
16 with the rules and regulations of the municipality where such
17 systems are installed.

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

19 Section 440. The Fire Protection District Act is amended
20 by changing Section 16.06b as follows:

21 (70 ILCS 705/16.06b)

22 Sec. 16.06b. Original appointments; full-time fire
23 department.

24 (a) Applicability. Unless a commission elects to follow

1 the provisions of Section 16.06c, this Section shall apply to
2 all original appointments to an affected full-time fire
3 department. Existing registers of eligibles shall continue to
4 be valid until their expiration dates, or up to a maximum of 2
5 years after August 4, 2011 (the effective date of Public Act
6 97-251) ~~this amendatory Act of the 97th General Assembly.~~

7 Notwithstanding any statute, ordinance, rule, or other law
8 to the contrary, all original appointments to an affected
9 department to which this Section applies shall be administered
10 in a no less stringent manner than the manner provided for in
11 this Section. Provisions of the Illinois Municipal Code, Fire
12 Protection District Act, fire district ordinances, and rules
13 adopted pursuant to such authority and other laws relating to
14 initial hiring of firefighters in affected departments shall
15 continue to apply to the extent they are compatible with this
16 Section, but in the event of a conflict between this Section
17 and any other law, this Section shall control.

18 A fire protection district that is operating under a court
19 order or consent decree regarding original appointments to a
20 full-time fire department before August 4, 2011 (the effective
21 date of Public Act 97-251) ~~this amendatory Act of the 97th~~
22 ~~General Assembly~~ is exempt from the requirements of this
23 Section for the duration of the court order or consent decree.

24 (b) Original appointments. All original appointments made
25 to an affected fire department shall be made from a register of
26 eligibles established in accordance with the processes

1 required by this Section. Only persons who meet or exceed the
2 performance standards required by the Section shall be placed
3 on a register of eligibles for original appointment to an
4 affected fire department.

5 Whenever an appointing authority authorizes action to hire
6 a person to perform the duties of a firefighter or to hire a
7 firefighter-paramedic to fill a position that is a new
8 position or vacancy due to resignation, discharge, promotion,
9 death, the granting of a disability or retirement pension, or
10 any other cause, the appointing authority shall appoint to
11 that position the person with the highest ranking on the final
12 eligibility list. If the appointing authority has reason to
13 conclude that the highest ranked person fails to meet the
14 minimum standards for the position or if the appointing
15 authority believes an alternate candidate would better serve
16 the needs of the department, then the appointing authority has
17 the right to pass over the highest ranked person and appoint
18 either: (i) any person who has a ranking in the top 5% of the
19 register of eligibles or (ii) any person who is among the top 5
20 highest ranked persons on the list of eligibles if the number
21 of people who have a ranking in the top 5% of the register of
22 eligibles is less than 5 people.

23 Any candidate may pass on an appointment once without
24 losing his or her position on the register of eligibles. Any
25 candidate who passes a second time may be removed from the list
26 by the appointing authority provided that such action shall

1 not prejudice a person's opportunities to participate in
2 future examinations, including an examination held during the
3 time a candidate is already on the fire district's register of
4 eligibles.

5 The sole authority to issue certificates of appointment
6 shall be vested in the board of fire commissioners, or board of
7 trustees serving in the capacity of a board of fire
8 commissioners. All certificates of appointment issued to any
9 officer or member of an affected department shall be signed by
10 the chairperson and secretary, respectively, of the commission
11 upon appointment of such officer or member to the affected
12 department by action of the commission. After being selected
13 from the register of eligibles to fill a vacancy in the
14 affected department, each appointee shall be presented with
15 his or her certificate of appointment on the day on which he or
16 she is sworn in as a classified member of the affected
17 department. Firefighters who were not issued a certificate of
18 appointment when originally appointed shall be provided with a
19 certificate within 10 days after making a written request to
20 the chairperson of the board of fire commissioners, or board
21 of trustees serving in the capacity of a board of fire
22 commissioners. Each person who accepts a certificate of
23 appointment and successfully completes his or her probationary
24 period shall be enrolled as a firefighter and as a regular
25 member of the fire department.

26 For the purposes of this Section, "firefighter" means any

1 person who has been prior to, on, or after August 4, 2011 (the
2 effective date of Public Act 97-251) ~~this amendatory Act of~~
3 ~~the 97th General Assembly~~ appointed to a fire department or
4 fire protection district or employed by a State university and
5 sworn or commissioned to perform firefighter duties or
6 paramedic duties, or both, except that the following persons
7 are not included: part-time firefighters; auxiliary, reserve,
8 or voluntary firefighters, including paid-on-call
9 firefighters; clerks and dispatchers or other civilian
10 employees of a fire department or fire protection district who
11 are not routinely expected to perform firefighter duties; and
12 elected officials.

13 (c) Qualification for placement on register of eligibles.
14 The purpose of establishing a register of eligibles is to
15 identify applicants who possess and demonstrate the mental
16 aptitude and physical ability to perform the duties required
17 of members of the fire department in order to provide the
18 highest quality of service to the public. To this end, all
19 applicants for original appointment to an affected fire
20 department shall be subject to examination and testing which
21 shall be public, competitive, and open to all applicants
22 unless the district shall by ordinance limit applicants to
23 residents of the district, county or counties in which the
24 district is located, State, or nation. Any examination and
25 testing procedure utilized under subsection (e) of this
26 Section shall be supported by appropriate validation evidence

1 and shall comply with all applicable State and federal laws.
2 Districts may establish educational, emergency medical service
3 licensure, and other prerequisites ~~prerequisites~~ for
4 participation in an examination or for hire as a firefighter.
5 Any fire protection district may charge a fee to cover the
6 costs of the application process.

7 Residency requirements in effect at the time an individual
8 enters the fire service of a district cannot be made more
9 restrictive for that individual during his or her period of
10 service for that district, or be made a condition of
11 promotion, except for the rank or position of fire chief and
12 for no more than 2 positions that rank immediately below that
13 of the chief rank which are appointed positions pursuant to
14 the Fire Department Promotion Act.

15 No person who is 35 years of age or older shall be eligible
16 to take an examination for a position as a firefighter unless
17 the person has had previous employment status as a firefighter
18 in the regularly constituted fire department of the district,
19 except as provided in this Section. The age limitation does
20 not apply to:

21 (1) any person previously employed as a full-time
22 firefighter in a regularly constituted fire department of
23 (i) any municipality or fire protection district located
24 in Illinois, (ii) a fire protection district whose
25 obligations were assumed by a municipality under Section
26 21 of the Fire Protection District Act, or (iii) a

1 municipality whose obligations were taken over by a fire
2 protection district;

3 (2) any person who has served a fire district as a
4 regularly enrolled volunteer, paid-on-call, or part-time
5 firefighter for the 5 years immediately preceding the time
6 that the district begins to use full-time firefighters to
7 provide all or part of its fire protection service; or

8 (3) any person who turned 35 while serving as a member
9 of the active or reserve components of any of the branches
10 of the Armed Forces of the United States or the National
11 Guard of any state, whose service was characterized as
12 honorable or under honorable, if separated from the
13 military, and is currently under the age of 40.

14 No person who is under 21 years of age shall be eligible
15 for employment as a firefighter.

16 No applicant shall be examined concerning his or her
17 political or religious opinions or affiliations. The
18 examinations shall be conducted by the commissioners of the
19 district or their designees and agents.

20 No district shall require that any firefighter appointed
21 to the lowest rank serve a probationary employment period of
22 longer than one year of actual active employment, which may
23 exclude periods of training, or injury or illness leaves,
24 including duty related leave, in excess of 30 calendar days.
25 Notwithstanding anything to the contrary in this Section, the
26 probationary employment period limitation may be extended for

1 a firefighter who is required, as a condition of employment,
2 to be a licensed paramedic, during which time the sole reason
3 that a firefighter may be discharged without a hearing is for
4 failing to meet the requirements for paramedic licensure.

5 In the event that any applicant who has been found
6 eligible for appointment and whose name has been placed upon
7 the final eligibility register provided for in this Section
8 has not been appointed to a firefighter position within one
9 year after the date of his or her physical ability
10 examination, the commission may cause a second examination to
11 be made of that applicant's physical ability prior to his or
12 her appointment. If, after the second examination, the
13 physical ability of the applicant shall be found to be less
14 than the minimum standard fixed by the rules of the
15 commission, the applicant shall not be appointed. The
16 applicant's name may be retained upon the register of
17 candidates eligible for appointment and when next reached for
18 certification and appointment that applicant may be again
19 examined as provided in this Section, and if the physical
20 ability of that applicant is found to be less than the minimum
21 standard fixed by the rules of the commission, the applicant
22 shall not be appointed, and the name of the applicant shall be
23 removed from the register.

24 (d) Notice, examination, and testing components. Notice of
25 the time, place, general scope, merit criteria for any
26 subjective component, and fee of every examination shall be

1 given by the commission, by a publication at least 2 weeks
2 preceding the examination: (i) in one or more newspapers
3 published in the district, or if no newspaper is published
4 therein, then in one or more newspapers with a general
5 circulation within the district, or (ii) on the fire
6 protection district's Internet website. Additional notice of
7 the examination may be given as the commission shall
8 prescribe.

9 The examination and qualifying standards for employment of
10 firefighters shall be based on: mental aptitude, physical
11 ability, preferences, moral character, and health. The mental
12 aptitude, physical ability, and preference components shall
13 determine an applicant's qualification for and placement on
14 the final register of eligibles. The examination may also
15 include a subjective component based on merit criteria as
16 determined by the commission. Scores from the examination must
17 be made available to the public.

18 (e) Mental aptitude. No person who does not possess at
19 least a high school diploma or an equivalent high school
20 education shall be placed on a register of eligibles.
21 Examination of an applicant's mental aptitude shall be based
22 upon a written examination. The examination shall be practical
23 in character and relate to those matters that fairly test the
24 capacity of the persons examined to discharge the duties
25 performed by members of a fire department. Written
26 examinations shall be administered in a manner that ensures

1 the security and accuracy of the scores achieved.

2 (f) Physical ability. All candidates shall be required to
3 undergo an examination of their physical ability to perform
4 the essential functions included in the duties they may be
5 called upon to perform as a member of a fire department. For
6 the purposes of this Section, essential functions of the job
7 are functions associated with duties that a firefighter may be
8 called upon to perform in response to emergency calls. The
9 frequency of the occurrence of those duties as part of the fire
10 department's regular routine shall not be a controlling factor
11 in the design of examination criteria or evolutions selected
12 for testing. These physical examinations shall be open,
13 competitive, and based on industry standards designed to test
14 each applicant's physical abilities in the following
15 dimensions:

16 (1) Muscular strength to perform tasks and evolutions
17 that may be required in the performance of duties
18 including grip strength, leg strength, and arm strength.
19 Tests shall be conducted under anaerobic as well as
20 aerobic conditions to test both the candidate's speed and
21 endurance in performing tasks and evolutions. Tasks tested
22 may be based on standards developed, or approved, by the
23 local appointing authority.

24 (2) The ability to climb ladders, operate from
25 heights, walk or crawl in the dark along narrow and uneven
26 surfaces, and operate in proximity to hazardous

1 environments.

2 (3) The ability to carry out critical, time-sensitive,
3 and complex problem solving during physical exertion in
4 stressful and hazardous environments. The testing
5 environment may be hot and dark with tightly enclosed
6 spaces, flashing lights, sirens, and other distractions.

7 The tests utilized to measure each applicant's
8 capabilities in each of these dimensions may be tests based on
9 industry standards currently in use or equivalent tests
10 approved by the Joint Labor-Management Committee of the Office
11 of the State Fire Marshal.

12 Physical ability examinations administered under this
13 Section shall be conducted with a reasonable number of
14 proctors and monitors, open to the public, and subject to
15 reasonable regulations of the commission.

16 (g) Scoring of examination components. Appointing
17 authorities may create a preliminary eligibility register. A
18 person shall be placed on the list based upon his or her
19 passage of the written examination or the passage of the
20 written examination and the physical ability component.
21 Passage of the written examination means attaining the minimum
22 score set by the commission. Minimum scores should be set by
23 the appointing authorities so as to demonstrate a candidate's
24 ability to perform the essential functions of the job. The
25 minimum score set by the commission shall be supported by
26 appropriate validation evidence and shall comply with all

1 applicable State and federal laws. The appointing authority
2 may conduct the physical ability component and any subjective
3 components subsequent to the posting of the preliminary
4 eligibility register.

5 The examination components for an initial eligibility
6 register shall be graded on a 100-point scale. A person's
7 position on the list shall be determined by the following: (i)
8 the person's score on the written examination, (ii) the person
9 successfully passing the physical ability component, and (iii)
10 the person's results on any subjective component as described
11 in subsection (d).

12 In order to qualify for placement on the final eligibility
13 register, an applicant's score on the written examination,
14 before any applicable preference points or subjective points
15 are applied, shall be at or above the minimum score set by the
16 commission. The local appointing authority may prescribe the
17 score to qualify for placement on the final eligibility
18 register, but the score shall not be less than the minimum
19 score set by the commission.

20 The commission shall prepare and keep a register of
21 persons whose total score is not less than the minimum score
22 for passage and who have passed the physical ability
23 examination. These persons shall take rank upon the register
24 as candidates in the order of their relative excellence based
25 on the highest to the lowest total points scored on the mental
26 aptitude, subjective component, and preference components of

1 the test administered in accordance with this Section. No more
2 than 60 days after each examination, an initial eligibility
3 list shall be posted by the commission. The list shall include
4 the final grades of the candidates without reference to
5 priority of the time of examination and subject to claim for
6 preference credit.

7 Commissions may conduct additional examinations, including
8 without limitation a polygraph test, after a final eligibility
9 register is established and before it expires with the
10 candidates ranked by total score without regard to date of
11 examination. No more than 60 days after each examination, an
12 initial eligibility list shall be posted by the commission
13 showing the final grades of the candidates without reference
14 to priority of time of examination and subject to claim for
15 preference credit.

16 (h) Preferences. The following are preferences:

17 (1) Veteran preference. Persons who were engaged in
18 the military service of the United States for a period of
19 at least one year of active duty and who were honorably
20 discharged therefrom, or who are now or have been members
21 on inactive or reserve duty in such military or naval
22 service, shall be preferred for appointment to and
23 employment with the fire department of an affected
24 department.

25 (2) Fire cadet preference. Persons who have
26 successfully completed 2 years of study in fire techniques

1 or cadet training within a cadet program established under
2 the rules of the Joint Labor and Management Committee
3 (JLMC), as defined in Section 50 of the Fire Department
4 Promotion Act, may be preferred for appointment to and
5 employment with the fire department.

6 (3) Educational preference. Persons who have
7 successfully obtained an associate's degree in the field
8 of fire service or emergency medical services, or a
9 bachelor's degree from an accredited college or university
10 may be preferred for appointment to and employment with
11 the fire department.

12 (4) Paramedic preference. Persons who have obtained a
13 license as a paramedic may be preferred for appointment to
14 and employment with the fire department of an affected
15 department providing emergency medical services.

16 (5) Experience preference. All persons employed by a
17 district who have been paid-on-call or part-time certified
18 Firefighter II, certified Firefighter III, State of
19 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
20 paramedic, or any combination of those capacities may be
21 awarded up to a maximum of 5 points. However, the
22 applicant may not be awarded more than 0.5 points for each
23 complete year of paid-on-call or part-time service.
24 Applicants from outside the district who were employed as
25 full-time firefighters or firefighter-paramedics by a fire
26 protection district or municipality for at least 2 years

1 may be awarded up to 5 experience preference points.
2 However, the applicant may not be awarded more than one
3 point for each complete year of full-time service.

4 Upon request by the commission, the governing body of
5 the district or in the case of applicants from outside the
6 district the governing body of any other fire protection
7 district or any municipality shall certify to the
8 commission, within 10 days after the request, the number
9 of years of successful paid-on-call, part-time, or
10 full-time service of any person. A candidate may not
11 receive the full amount of preference points under this
12 subsection if the amount of points awarded would place the
13 candidate before a veteran on the eligibility list. If
14 more than one candidate receiving experience preference
15 points is prevented from receiving all of their points due
16 to not being allowed to pass a veteran, the candidates
17 shall be placed on the list below the veteran in rank order
18 based on the totals received if all points under this
19 subsection were to be awarded. Any remaining ties on the
20 list shall be determined by lot.

21 (6) Residency preference. Applicants whose principal
22 residence is located within the fire department's
23 jurisdiction may be preferred for appointment to and
24 employment with the fire department.

25 (7) Additional preferences. Up to 5 additional
26 preference points may be awarded for unique categories

1 based on an applicant's experience or background as
2 identified by the commission.

3 (7.5) Apprentice preferences. A person who has
4 performed fire suppression service for a department as a
5 firefighter apprentice and otherwise meets ~~meet~~ the
6 qualifications for original appointment as a firefighter
7 specified in this Section is ~~are~~ eligible to be awarded up
8 to 20 preference points. To qualify for preference points,
9 an applicant shall have completed a minimum of 600 hours
10 of fire suppression work on a regular shift for the
11 affected fire department over a 12-month period. The fire
12 suppression work must be in accordance with Section 16.06
13 of this Act and the terms established by a Joint
14 Apprenticeship Committee included in a collective
15 bargaining agreement agreed between the employer and its
16 certified bargaining agent. An eligible applicant must
17 apply to the Joint Apprenticeship Committee for preference
18 points under this item. The Joint Apprenticeship Committee
19 shall evaluate the merit of the applicant's performance,
20 determine the preference points to be awarded, and certify
21 the amount of points awarded to the commissioners. The
22 commissioners may add the certified preference points to
23 the final grades achieved by the applicant on the other
24 components of the examination.

25 (8) Scoring of preferences. The commission shall give
26 preference for original appointment to persons designated

1 in item (1) by adding to the final grade that they receive
2 5 points for the recognized preference achieved. The
3 commission may give preference for original appointment to
4 persons designated in item (7.5) by adding to the final
5 grade the amount of points designated by the Joint
6 Apprenticeship Committee as defined in item (7.5). The
7 commission shall determine the number of preference points
8 for each category, except (1) and (7.5). The number of
9 preference points for each category shall range from 0 to
10 5, except item (7.5). In determining the number of
11 preference points, the commission shall prescribe that if
12 a candidate earns the maximum number of preference points
13 in all categories except item (7.5), that number may not
14 be less than 10 nor more than 30. The commission shall give
15 preference for original appointment to persons designated
16 in items (2) through (7) by adding the requisite number of
17 points to the final grade for each recognized preference
18 achieved. The numerical result thus attained shall be
19 applied by the commission in determining the final
20 eligibility list and appointment from the eligibility
21 list. The local appointing authority may prescribe the
22 total number of preference points awarded under this
23 Section, but the total number of preference points, except
24 item (7.5), shall not be less than 10 points or more than
25 30 points. Apprentice preference points may be added in
26 addition to other preference points awarded by the

1 commission.

2 No person entitled to any preference shall be required to
3 claim the credit before any examination held under the
4 provisions of this Section, but the preference shall be given
5 after the posting or publication of the initial eligibility
6 list or register at the request of a person entitled to a
7 credit before any certification or appointments are made from
8 the eligibility register, upon the furnishing of verifiable
9 evidence and proof of qualifying preference credit. Candidates
10 who are eligible for preference credit shall make a claim in
11 writing within 10 days after the posting of the initial
12 eligibility list, or the claim shall be deemed waived. Final
13 eligibility registers shall be established after the awarding
14 of verified preference points. However, apprentice preference
15 credit earned subsequent to the establishment of the final
16 eligibility register may be applied to the applicant's score
17 upon certification by the Joint Apprenticeship Committee to
18 the commission and the rank order of candidates on the final
19 eligibility register shall be adjusted accordingly. All
20 employment shall be subject to the commission's initial hire
21 background review including, but not limited to, criminal
22 history, employment history, moral character, oral
23 examination, and medical and psychological examinations, all
24 on a pass-fail basis. The medical and psychological
25 examinations must be conducted last, and may only be performed
26 after a conditional offer of employment has been extended.

1 Any person placed on an eligibility list who exceeds the
2 age requirement before being appointed to a fire department
3 shall remain eligible for appointment until the list is
4 abolished, or his or her name has been on the list for a period
5 of 2 years. No person who has attained the age of 35 years
6 shall be inducted into a fire department, except as otherwise
7 provided in this Section.

8 The commission shall strike off the names of candidates
9 for original appointment after the names have been on the list
10 for more than 2 years.

11 (i) Moral character. No person shall be appointed to a
12 fire department unless he or she is a person of good character;
13 not a habitual drunkard, a gambler, or a person who has been
14 convicted of a felony or a crime involving moral turpitude.
15 However, no person shall be disqualified from appointment to
16 the fire department because of the person's record of
17 misdemeanor convictions except those under Sections 11-6,
18 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
19 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
20 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
21 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012, or arrest for any cause
23 without conviction thereon. Any such person who is in the
24 department may be removed on charges brought for violating
25 this subsection and after a trial as hereinafter provided.

26 A classifiable set of the fingerprints of every person who

1 is offered employment as a certificated member of an affected
2 fire department whether with or without compensation, shall be
3 furnished to the Illinois ~~Department of~~ State Police and to
4 the Federal Bureau of Investigation by the commission.

5 Whenever a commission is authorized or required by law to
6 consider some aspect of criminal history record information
7 for the purpose of carrying out its statutory powers and
8 responsibilities, then, upon request and payment of fees in
9 conformance with the requirements of Section 2605-400 of the
10 Illinois State Police Law of the Civil Administrative Code of
11 Illinois, the Illinois ~~Department of~~ State Police is
12 authorized to furnish, pursuant to positive identification,
13 the information contained in State files as is necessary to
14 fulfill the request.

15 (j) Temporary appointments. In order to prevent a stoppage
16 of public business, to meet extraordinary exigencies, or to
17 prevent material impairment of the fire department, the
18 commission may make temporary appointments, to remain in force
19 only until regular appointments are made under the provisions
20 of this Section, but never to exceed 60 days. No temporary
21 appointment of any one person shall be made more than twice in
22 any calendar year.

23 (k) A person who knowingly divulges or receives test
24 questions or answers before a written examination, or
25 otherwise knowingly violates or subverts any requirement of
26 this Section, commits a violation of this Section and may be

1 subject to charges for official misconduct.

2 A person who is the knowing recipient of test information
3 in advance of the examination shall be disqualified from the
4 examination or discharged from the position to which he or she
5 was appointed, as applicable, and otherwise subjected to
6 disciplinary actions.

7 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
8 revised 11-26-19.)

9 Section 450. The Park District Code is amended by changing
10 Section 8-23 as follows:

11 (70 ILCS 1205/8-23)

12 Sec. 8-23. Criminal background investigations.

13 (a) An applicant for employment with a park district is
14 required as a condition of employment to authorize an
15 investigation to determine if the applicant has been convicted
16 of any of the enumerated criminal or drug offenses in
17 subsection (c) or (d) of this Section, or adjudicated a
18 delinquent minor for any of the enumerated criminal or drug
19 offenses in subsection (c) or (d) of this Section, or has been
20 convicted, within 7 years of the application for employment
21 with the park district, of any other felony under the laws of
22 this State or of any offense committed or attempted in any
23 other state or against the laws of the United States that, if
24 committed or attempted in this State, would have been

1 punishable as a felony under the laws of this State.
2 Authorization for the investigation shall be furnished by the
3 applicant to the park district. Upon receipt of this
4 authorization, the park district shall submit the applicant's
5 name, sex, race, date of birth, and social security number to
6 the Illinois ~~Department of~~ State Police on forms prescribed by
7 the Illinois ~~Department of~~ State Police. The Illinois
8 ~~Department of~~ State Police shall conduct a search of the
9 Illinois criminal history records database to ascertain if the
10 applicant being considered for employment has been convicted
11 of any of the enumerated criminal or drug offenses in
12 subsection (c) or (d) of this Section, or adjudicated a
13 delinquent minor for committing or attempting to commit any of
14 the enumerated criminal or drug offenses in subsection (c) or
15 (d) of this Section, or has been convicted of committing or
16 attempting to commit, within 7 years of the application for
17 employment with the park district, any other felony under the
18 laws of this State. The Illinois ~~Department of~~ State Police
19 shall charge the park district a fee for conducting the
20 investigation, which fee shall be deposited in the State
21 Police Services Fund and shall not exceed the cost of the
22 inquiry. The applicant shall not be charged a fee by the park
23 district for the investigation.

24 (b) If the search of the Illinois criminal history record
25 database indicates that the applicant has been convicted of
26 any of the enumerated criminal or drug offenses in subsection

1 (c) or (d), or adjudicated a delinquent minor for committing
2 or attempting to commit any of the enumerated criminal or drug
3 offenses in subsection (c) or (d), or has been convicted of
4 committing or attempting to commit, within 7 years of the
5 application for employment with the park district, any other
6 felony under the laws of this State, the Illinois Department
7 ~~of~~ State Police and the Federal Bureau of Investigation shall
8 furnish, pursuant to a fingerprint based background check,
9 records of convictions or adjudications as a delinquent minor,
10 until expunged, to the president of the park district. Any
11 information concerning the record of convictions or
12 adjudications as a delinquent minor obtained by the president
13 shall be confidential and may only be transmitted to those
14 persons who are necessary to the decision on whether to hire
15 the applicant for employment. A copy of the record of
16 convictions or adjudications as a delinquent minor obtained
17 from the Illinois Department~~of~~ State Police shall be provided
18 to the applicant for employment. Any person who releases any
19 confidential information concerning any criminal convictions
20 or adjudications as a delinquent minor of an applicant for
21 employment shall be guilty of a Class A misdemeanor, unless
22 the release of such information is authorized by this Section.

23 (c) No park district shall knowingly employ a person who
24 has been convicted, or adjudicated a delinquent minor, for
25 committing attempted first degree murder or for committing or
26 attempting to commit first degree murder, a Class X felony, or

1 any one or more of the following criminal offenses: (i) those
2 defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
3 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
4 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted of a Class 4
6 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15,
7 and 12-16 of the Criminal Code of 1961 or the Criminal Code of
8 2012; (ii) (blank); (iii) (blank); (iv) (blank); and (v) any
9 offense committed or attempted in any other state or against
10 the laws of the United States, which, if committed or
11 attempted in this State, would have been punishable as one or
12 more of the foregoing offenses. Further, no park district
13 shall 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. No park district shall knowingly
17 employ a person for whom a criminal background investigation
18 has not been initiated.

19 (d) No park district shall knowingly employ a person who
20 has been convicted of the following drug offenses, other than
21 an offense set forth in subsection (c), until 7 years
22 following the end of the sentence imposed for any of the
23 following offenses: (i) those defined in the Cannabis Control
24 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),
25 and 5(b) of that Act; (ii) those defined in the Illinois
26 Controlled Substances Act; (iii) those defined in the

1 Methamphetamine Control and Community Protection Act; and (iv)
2 any offense committed or attempted in any other state or
3 against the laws of the United States, which, if committed or
4 attempted in this State, would have been punishable as one or
5 more of the foregoing offenses. For purposes of this
6 paragraph, "sentence" includes any period of supervision or
7 probation that was imposed either alone or in combination with
8 a period of incarceration.

9 (e) Notwithstanding the provisions of subsections (c) and
10 (d), a park district may, in its discretion, employ a person
11 who has been granted a certificate of good conduct under
12 Section 5-5.5-25 of the Unified Code of Corrections by the
13 circuit court.

14 (Source: P.A. 99-884, eff. 8-22-16.)

15 Section 455. The Chicago Park District Act is amended by
16 changing Section 16a-5 as follows:

17 (70 ILCS 1505/16a-5)

18 Sec. 16a-5. Criminal background investigations.

19 (a) An applicant for employment with the Chicago Park
20 District is required as a condition of employment to authorize
21 an investigation to determine if the applicant has been
22 convicted of any of the enumerated criminal or drug offenses
23 in subsection (c) or (d) of this Section, or adjudicated a
24 delinquent minor for any of the enumerated criminal or drug

1 offenses in subsection (c) or (d) of this Section, or has been
2 convicted, within 7 years of the application for employment
3 with the Chicago Park District, of any other felony under the
4 laws of this State or of any offense committed or attempted in
5 any other state or against the laws of the United States that,
6 if committed or attempted in this State, would have been
7 punishable as a felony under the laws of this State.
8 Authorization for the investigation shall be furnished by the
9 applicant to the Chicago Park District. Upon receipt of this
10 authorization, the Chicago Park District shall submit the
11 applicant's name, sex, race, date of birth, and social
12 security number to the Illinois ~~Department of~~ State Police on
13 forms prescribed by the Illinois ~~Department of~~ State Police.
14 The Illinois ~~Department of~~ State Police shall conduct a search
15 of the Illinois criminal history record information database
16 to ascertain if the applicant being considered for employment
17 has been convicted of any of the enumerated criminal or drug
18 offenses in subsection (c) or (d) of this Section, or
19 adjudicated a delinquent minor for committing or attempting to
20 commit any of the enumerated criminal or drug offenses in
21 subsection (c) or (d) of this Section, or has been convicted of
22 committing or attempting to commit, within 7 years of the
23 application for employment with the Chicago Park District, any
24 other felony under the laws of this State. The Illinois
25 ~~Department of~~ State Police shall charge the Chicago Park
26 District a fee for conducting the investigation, which fee

1 shall be deposited in the State Police Services Fund and shall
2 not exceed the cost of the inquiry. The applicant shall not be
3 charged a fee by the Chicago Park District for the
4 investigation.

5 (b) If the search of the Illinois criminal history record
6 database indicates that the applicant has been convicted of
7 any of the enumerated criminal or drug offenses in subsection
8 (c) or (d), or adjudicated a delinquent minor for committing
9 or attempting to commit any of the enumerated criminal or drug
10 offenses in subsection (c) or (d), or has been convicted of
11 committing or attempting to commit, within 7 years of the
12 application for employment with the Chicago Park District, any
13 other felony under the laws of this State, the Illinois
14 ~~Department of~~ State Police and the Federal Bureau of
15 Investigation shall furnish, pursuant to a fingerprint based
16 background check, records of convictions or adjudications as a
17 delinquent minor, until expunged, to the General
18 Superintendent and Chief Executive Officer of the Chicago Park
19 District. Any information concerning the record of convictions
20 or adjudications as a delinquent minor obtained by the General
21 Superintendent and Chief Executive Officer shall be
22 confidential and may only be transmitted to those persons who
23 are necessary to the decision on whether to hire the applicant
24 for employment. A copy of the record of convictions or
25 adjudications as a delinquent minor obtained from the Illinois
26 ~~Department of~~ State Police shall be provided to the applicant

1 for employment. Any person who releases any confidential
2 information concerning any criminal convictions or
3 adjudications as a delinquent minor of an applicant for
4 employment shall be guilty of a Class A misdemeanor, unless
5 the release of such information is authorized by this Section.

6 (c) The Chicago Park District may not knowingly employ a
7 person who has been convicted, or adjudicated a delinquent
8 minor, for committing attempted first degree murder or for
9 committing or attempting to commit first degree murder, a
10 Class X felony, or any one or more of the following criminal
11 offenses: (i) those defined in Sections 11-1.20, 11-1.30,
12 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4,
13 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
14 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted
15 of a Class 4 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
16 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
17 Criminal Code of 2012; (ii) (blank); (iii) (blank); (iv)
18 (blank); and (v) any offense committed or attempted in any
19 other state or against the laws of the United States, which, if
20 committed or attempted in this State, would have been
21 punishable as one or more of the foregoing offenses. Further,
22 the Chicago Park District may not knowingly employ a person
23 who has been found to be the perpetrator of sexual or physical
24 abuse of any minor under 18 years of age pursuant to
25 proceedings under Article II of the Juvenile Court Act of
26 1987. The Chicago Park District may not knowingly employ a

1 person for whom a criminal background investigation has not
2 been initiated.

3 (d) The Chicago Park District shall not knowingly employ a
4 person who has been convicted of the following drug offenses,
5 other than an offense set forth in subsection (c), until 7
6 years following the end of the sentence imposed for any of the
7 following offenses: (i) those defined in the Cannabis Control
8 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),
9 and 5(b) of that Act; (ii) those defined in the Illinois
10 Controlled Substances Act; (iii) those defined in the
11 Methamphetamine Control and Community Protection Act; and (iv)
12 any offense committed or attempted in any other state or
13 against the laws of the United States, which, if committed or
14 attempted in this State, would have been punishable as one or
15 more of the foregoing offenses. For purposes of this
16 paragraph, "sentence" includes any period of supervision or
17 probation that was imposed either alone or in combination with
18 a period of incarceration.

19 (e) Notwithstanding the provisions of subsection (c) or
20 (d), the Chicago Park District may, in its discretion, employ
21 a person who has been granted a certificate of good conduct
22 under Section 5-5.5-25 of the Unified Code of Corrections by
23 the Circuit Court.

24 (Source: P.A. 99-884, eff. 8-22-16.)

25 Section 505. The Metropolitan Transit Authority Act is

1 amended by changing Section 28b as follows:

2 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

3 Sec. 28b. Any person applying for a position as a driver of
4 a vehicle owned by a private carrier company which provides
5 public transportation pursuant to an agreement with the
6 Authority shall be required to authorize an investigation by
7 the private carrier company to determine if the applicant has
8 been convicted of any of the following offenses: (i) those
9 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
10 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
11 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
12 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
13 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
14 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
15 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1,
16 31A-1.1, and 33A-2, in subsection (a) and subsection (b),
17 clause (1), of Section 12-4, in subdivisions (a)(1), (b)(1),
18 and (f)(1) of Section 12-3.05, and in subsection (a-5) of
19 Section 12-3.1 of the Criminal Code of 1961 or the Criminal
20 Code of 2012; (ii) those offenses defined in the Cannabis
21 Control Act except those offenses defined in subsections (a)
22 and (b) of Section 4, and subsection (a) of Section 5 of the
23 Cannabis Control Act (iii) those offenses defined in the
24 Illinois Controlled Substances Act; (iv) those offenses
25 defined in the Methamphetamine Control and Community

1 Protection Act; and (v) any offense committed or attempted in
2 any other state or against the laws of the United States, which
3 if committed or attempted in this State would be punishable as
4 one or more of the foregoing offenses. Upon receipt of this
5 authorization, the private carrier company shall submit the
6 applicant's name, sex, race, date of birth, fingerprints and
7 social security number to the Illinois ~~Department of~~ State
8 Police on forms prescribed by the Department. The Illinois
9 ~~Department of~~ State Police shall conduct an investigation to
10 ascertain if the applicant has been convicted of any of the
11 above enumerated offenses. The Department shall charge the
12 private carrier company a fee for conducting the
13 investigation, which fee shall be deposited in the State
14 Police Services Fund and shall not exceed the cost of the
15 inquiry; and the applicant shall not be charged a fee for such
16 investigation by the private carrier company. The Illinois
17 ~~Department of~~ State Police shall furnish, pursuant to positive
18 identification, records of convictions, until expunged, to the
19 private carrier company which requested the investigation. A
20 copy of the record of convictions obtained from the Department
21 shall be provided to the applicant. Any record of conviction
22 received by the private carrier company shall be confidential.
23 Any person who releases any confidential information
24 concerning any criminal convictions of an applicant shall be
25 guilty of a Class A misdemeanor, unless authorized by this
26 Section.

1 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
2 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
3 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

4 Section 510. The School Code is amended by changing
5 Sections 1A-11, 2-3.25o, 2-3.73, 2-3.140, 10-20.21a, 10-21.7,
6 10-21.9, 10-27.1A, 10-27.1B, 34-2.1, 34-8.05, and 34-18.5 as
7 follows:

8 (105 ILCS 5/1A-11)

9 Sec. 1A-11. Children; methamphetamine; protocol. The State
10 Board of Education shall cooperate with the Department of
11 Children and Family Services and the Illinois ~~Department of~~
12 State Police in developing the protocol required under Section
13 6.5 of the Children and Family Services Act. The Board must
14 post the protocol on the official Web site maintained by the
15 Board.

16 (Source: P.A. 94-554, eff. 1-1-06.)

17 (105 ILCS 5/2-3.25o)

18 Sec. 2-3.25o. Registration and recognition of non-public
19 elementary and secondary schools.

20 (a) Findings. The General Assembly finds and declares (i)
21 that the Constitution of the State of Illinois provides that a
22 "fundamental goal of the People of the State is the
23 educational development of all persons to the limits of their

1 capacities" and (ii) that the educational development of every
2 school student serves the public purposes of the State. In
3 order to ensure that all Illinois students and teachers have
4 the opportunity to enroll and work in State-approved
5 educational institutions and programs, the State Board of
6 Education shall provide for the voluntary registration and
7 recognition of non-public elementary and secondary schools.

8 (b) Registration. All non-public elementary and secondary
9 schools in the State of Illinois may voluntarily register with
10 the State Board of Education on an annual basis. Registration
11 shall be completed in conformance with procedures prescribed
12 by the State Board of Education. Information required for
13 registration shall include assurances of compliance (i) with
14 federal and State laws regarding health examination and
15 immunization, attendance, length of term, and
16 nondiscrimination and (ii) with applicable fire and health
17 safety requirements.

18 (c) Recognition. All non-public elementary and secondary
19 schools in the State of Illinois may voluntarily seek the
20 status of "Non-public School Recognition" from the State Board
21 of Education. This status may be obtained by compliance with
22 administrative guidelines and review procedures as prescribed
23 by the State Board of Education. The guidelines and procedures
24 must recognize that some of the aims and the financial bases of
25 non-public schools are different from public schools and will
26 not be identical to those for public schools, nor will they be

1 more burdensome. The guidelines and procedures must also
2 recognize the diversity of non-public schools and shall not
3 impinge upon the noneducational relationships between those
4 schools and their clientele.

5 (c-5) Prohibition against recognition. A non-public
6 elementary or secondary school may not obtain "Non-public
7 School Recognition" status unless the school requires all
8 certified and non-certified applicants for employment with the
9 school, after July 1, 2007, to authorize a fingerprint-based
10 criminal history records check as a condition of employment to
11 determine if such applicants have been convicted of any of the
12 enumerated criminal or drug offenses set forth in Section
13 21B-80 of this Code or have been convicted, within 7 years of
14 the application for employment, 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 check shall be furnished by the
20 applicant to the school, except that if the applicant is a
21 substitute teacher seeking employment in more than one
22 non-public school, a teacher seeking concurrent part-time
23 employment positions with more than one non-public school (as
24 a reading specialist, special education teacher, or
25 otherwise), or an educational support personnel employee
26 seeking employment positions with more than one non-public

1 school, then only one of the non-public schools employing the
2 individual shall request the authorization. Upon receipt of
3 this authorization, the non-public school shall submit the
4 applicant's name, sex, race, date of birth, social security
5 number, fingerprint images, and other identifiers, as
6 prescribed by the Illinois ~~Department of~~ State Police, to the
7 Illinois ~~Department of~~ State Police.

8 The Illinois ~~Department of~~ State Police and Federal Bureau
9 of Investigation shall furnish, pursuant to a
10 fingerprint-based criminal history records check, records of
11 convictions, forever and hereafter, until expunged, to the
12 president or principal of the non-public school that requested
13 the check. The Illinois ~~Department of~~ State Police shall
14 charge that school a fee for conducting such check, which fee
15 must be deposited into the State Police Services Fund and must
16 not exceed the cost of the inquiry. Subject to appropriations
17 for these purposes, the State Superintendent of Education
18 shall reimburse non-public schools for fees paid to obtain
19 criminal history records checks under this Section.

20 A non-public school may not obtain recognition status
21 unless the school also performs a check of the Statewide Sex
22 Offender Database, as authorized by the Sex Offender Community
23 Notification Law, for each applicant for employment, after
24 July 1, 2007, to determine whether the applicant has been
25 adjudicated a sex offender.

26 Any information concerning the record of convictions

1 obtained by a non-public school's president or principal under
2 this Section is confidential and may be disseminated only to
3 the governing body of the non-public school or any other
4 person necessary to the decision of hiring the applicant for
5 employment. A copy of the record of convictions obtained from
6 the Illinois ~~Department of~~ State Police shall be provided to
7 the applicant for employment. Upon a check of the Statewide
8 Sex Offender Database, the non-public school shall notify the
9 applicant as to whether or not the applicant has been
10 identified in the Sex Offender Database as a sex offender. Any
11 information concerning the records of conviction obtained by
12 the non-public school's president or principal under this
13 Section for a substitute teacher seeking employment in more
14 than one non-public school, a teacher seeking concurrent
15 part-time employment positions with more than one non-public
16 school (as a reading specialist, special education teacher, or
17 otherwise), or an educational support personnel employee
18 seeking employment positions with more than one non-public
19 school may be shared with another non-public school's
20 principal or president to which the applicant seeks
21 employment. Any unauthorized release of confidential
22 information may be a violation of Section 7 of the Criminal
23 Identification Act.

24 No non-public school may obtain recognition status that
25 knowingly employs a person, hired after July 1, 2007, for whom
26 an Illinois ~~a Department of~~ State Police and Federal Bureau of

1 Investigation fingerprint-based criminal history records check
2 and a Statewide Sex Offender Database check has not been
3 initiated or who has been convicted of any offense enumerated
4 in Section 21B-80 of this Code or any offense committed or
5 attempted in any other state or against the laws of the United
6 States that, if committed or attempted in this State, would
7 have been punishable as one or more of those offenses. No
8 non-public school may obtain recognition status under this
9 Section that knowingly employs a person who has been found to
10 be the perpetrator of sexual or physical abuse of a minor under
11 18 years of age pursuant to proceedings under Article II of the
12 Juvenile Court Act of 1987.

13 In order to obtain recognition status under this Section,
14 a non-public school must require compliance with the
15 provisions of this subsection (c-5) from all employees of
16 persons or firms holding contracts with the school, including,
17 but not limited to, food service workers, school bus drivers,
18 and other transportation employees, who have direct, daily
19 contact with pupils. Any information concerning the records of
20 conviction or identification as a sex offender of any such
21 employee obtained by the non-public school principal or
22 president must be promptly reported to the school's governing
23 body.

24 Prior to the commencement of any student teaching
25 experience or required internship (which is referred to as
26 student teaching in this Section) in any non-public elementary

1 or secondary school that has obtained or seeks to obtain
2 recognition status under this Section, a student teacher is
3 required to authorize a fingerprint-based criminal history
4 records check. Authorization for and payment of the costs of
5 the check must be furnished by the student teacher to the chief
6 administrative officer of the non-public school where the
7 student teaching is to be completed. Upon receipt of this
8 authorization and payment, the chief administrative officer of
9 the non-public school shall submit the student teacher's name,
10 sex, race, date of birth, social security number, fingerprint
11 images, and other identifiers, as prescribed by the Illinois
12 ~~Department of State Police~~, to the Illinois ~~Department of~~
13 State Police. The Illinois ~~Department of~~ State Police and the
14 Federal Bureau of Investigation shall furnish, pursuant to a
15 fingerprint-based criminal history records check, records of
16 convictions, forever and hereinafter, until expunged, to the
17 chief administrative officer of the non-public school that
18 requested the check. The Illinois ~~Department of~~ State Police
19 shall charge the school a fee for conducting the check, which
20 fee must be passed on to the student teacher, must not exceed
21 the cost of the inquiry, and must be deposited into the State
22 Police Services Fund. The school shall further perform a check
23 of the Statewide Sex Offender Database, as authorized by the
24 Sex Offender Community Notification Law, and of the Statewide
25 Murderer and Violent Offender Against Youth Database, as
26 authorized by the Murderer and Violent Offender Against Youth

1 Registration Act, for each student teacher. No school that has
2 obtained or seeks to obtain recognition status under this
3 Section may knowingly allow a person to student teach for whom
4 a criminal history records check, a Statewide Sex Offender
5 Database check, and a Statewide Murderer and Violent Offender
6 Against Youth Database check have not been completed and
7 reviewed by the chief administrative officer of the non-public
8 school.

9 A copy of the record of convictions obtained from the
10 Illinois ~~Department of~~ State Police must be provided to the
11 student teacher. Any information concerning the record of
12 convictions obtained by the chief administrative officer of
13 the non-public school is confidential and may be transmitted
14 only to the chief administrative officer of the non-public
15 school or his or her designee, the State Superintendent of
16 Education, the State Educator Preparation and Licensure Board,
17 or, for clarification purposes, the Illinois ~~Department of~~
18 State Police or the Statewide Sex Offender Database or
19 Statewide Murderer and Violent Offender Against Youth
20 Database. Any unauthorized release of confidential information
21 may be a violation of Section 7 of the Criminal Identification
22 Act.

23 No school that has obtained or seeks to obtain recognition
24 status under this Section may knowingly allow a person to
25 student teach who has been convicted of any offense that would
26 subject him or her to license suspension or revocation

1 pursuant to Section 21B-80 of this Code or who has been found
2 to be the perpetrator of sexual or physical abuse of a minor
3 under 18 years of age pursuant to proceedings under Article II
4 of the Juvenile Court Act of 1987.

5 (d) Public purposes. The provisions of this Section are in
6 the public interest, for the public benefit, and serve secular
7 public purposes.

8 (e) Definition. For purposes of this Section, a non-public
9 school means any non-profit, non-home-based, and non-public
10 elementary or secondary school that is in compliance with
11 Title VI of the Civil Rights Act of 1964 and attendance at
12 which satisfies the requirements of Section 26-1 of this Code.

13 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

14 (105 ILCS 5/2-3.73) (from Ch. 122, par. 2-3.73)

15 Sec. 2-3.73. Missing child program. The State Board of
16 Education shall administer and implement a missing child
17 program in accordance with the provisions of this Section.
18 Upon receipt of each periodic information bulletin from the
19 Illinois Department of State Police pursuant to Section 6 of
20 the Intergovernmental Missing Child Recovery Act of 1984, the
21 State Board of Education shall promptly disseminate the
22 information to each school district in this State and to the
23 principal or chief administrative officer of every nonpublic
24 elementary and secondary school in this State registered with
25 the State Board of Education. Upon receipt of such

1 information, each school board shall compare the names on the
2 bulletin to the names of all students presently enrolled in
3 the schools of the district. If a school board or its designee
4 determines that a missing child is attending one of the
5 schools within the school district, or if the principal or
6 chief administrative officer of a nonpublic school is notified
7 by school personnel that a missing child is attending that
8 school, the school board or the principal or chief
9 administrative officer of the nonpublic school shall
10 immediately give notice of this fact to the Illinois
11 ~~Department of~~ State Police and the law enforcement agency
12 having jurisdiction in the area where the missing child
13 resides or attends school.

14 (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

15 (105 ILCS 5/2-3.140)

16 Sec. 2-3.140. Child abduction prevention instruction. The
17 State Board of Education, in coordination with the Illinois
18 ~~Department of~~ State Police, shall develop child abduction
19 prevention instruction for inclusion in elementary and
20 secondary school curricula throughout the State. The State
21 Board of Education and the Illinois ~~Department of~~ State Police
22 shall encourage the inclusion of the child abduction
23 prevention instruction in private elementary and secondary
24 school curricula throughout the State.

25 (Source: P.A. 93-310, eff. 7-23-03.)

1 (105 ILCS 5/10-20.21a)

2 Sec. 10-20.21a. Contracts for charter bus services. To
3 award contracts for providing charter bus services for the
4 sole purpose of transporting students regularly enrolled in
5 grade 12 or below to or from interscholastic athletic or
6 interscholastic or school sponsored activities.

7 All contracts for providing charter bus services for the
8 sole purpose of transporting students regularly enrolled in
9 grade 12 or below to or from interscholastic athletic or
10 interscholastic or school sponsored activities must contain
11 clause (A) as set forth below, except that a contract with an
12 out-of-state company may contain clause (B), as set forth
13 below, or clause (A). The clause must be set forth in the body
14 of the contract in typeface of at least 12 points and all upper
15 case letters:

16 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING
17 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY
18 SERVICES ARE PROVIDED:

19 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS
20 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER
21 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.
22 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE
23 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE
24 ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF
25 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE

1 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT
2 THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE
3 OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION
4 6-508 OF THE 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 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE
10 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE
11 BEFORE ANY SERVICES ARE PROVIDED:

12 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS
13 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER
14 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.
15 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE
16 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
19 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT
20 THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE
21 OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION
22 6-508 OF THE ILLINOIS VEHICLE CODE; AND

23 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
24 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
25 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
26 AGENCY."

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

2 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

3 Sec. 10-21.7. Attacks on school personnel.

4 (a) In the Section, "school" means any public or private
5 elementary or secondary school.

6 (b) Upon receipt of a written complaint from any school
7 personnel, the superintendent, or other appropriate
8 administrative officer for a private school, shall report all
9 incidents of battery committed against teachers, teacher
10 personnel, administrative personnel or educational support
11 personnel to the local law enforcement authorities immediately
12 after the occurrence of the attack and to the Illinois
13 ~~Department of~~ State Police's Illinois Uniform Crime Reporting
14 Program no later than 3 days after the occurrence of the
15 attack. The State Board of Education shall receive monthly as
16 well as annual statistical compilations of attacks on school
17 personnel from the Illinois ~~Department of~~ State Police through
18 the Illinois Uniform Crime Reporting Program. The State Board
19 of Education shall compile this information by school district
20 and make it available to the public.

21 (Source: P.A. 91-491, eff. 8-13-99.)

22 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

23 Sec. 10-21.9. Criminal history records checks and checks
24 of the Statewide Sex Offender Database and Statewide Murderer

1 and Violent Offender Against Youth Database.

2 (a) Licensed and nonlicensed applicants for employment
3 with a school district, except school bus driver applicants,
4 are required as a condition of employment to authorize a
5 fingerprint-based criminal history records check to determine
6 if such applicants have been convicted of any disqualifying,
7 enumerated criminal or drug offenses in subsection (c) of this
8 Section or have been convicted, within 7 years of the
9 application for employment with the school district, of any
10 other felony under the laws of this State or of any offense
11 committed or attempted in any other state or against the laws
12 of the United States that, if committed or attempted in this
13 State, would have been punishable as a felony under the laws of
14 this State. Authorization for the check shall be furnished by
15 the applicant to the school district, except that if the
16 applicant is a substitute teacher seeking employment in more
17 than one school district, a teacher seeking concurrent
18 part-time employment positions with more than one school
19 district (as a reading specialist, special education teacher
20 or otherwise), or an educational support personnel employee
21 seeking employment positions with more than one district, any
22 such district may require the applicant to furnish
23 authorization for the check to the regional superintendent of
24 the educational service region in which are located the school
25 districts in which the applicant is seeking employment as a
26 substitute or concurrent part-time teacher or concurrent

1 educational support personnel employee. Upon receipt of this
2 authorization, the school district or the appropriate regional
3 superintendent, as the case may be, shall submit the
4 applicant's name, sex, race, date of birth, social security
5 number, fingerprint images, and other identifiers, as
6 prescribed by the Illinois Department of State Police, to the
7 Illinois State Police Department. The regional superintendent
8 submitting the requisite information to the Illinois
9 ~~Department~~ of State Police shall promptly notify the school
10 districts in which the applicant is seeking employment as a
11 substitute or concurrent part-time teacher or concurrent
12 educational support personnel employee that the check of the
13 applicant has been requested. The Illinois Department of State
14 Police and the Federal Bureau of Investigation shall furnish,
15 pursuant to a fingerprint-based criminal history records
16 check, records of convictions, forever and hereinafter, until
17 expunged, to the president of the school board for the school
18 district that requested the check, or to the regional
19 superintendent who requested the check. The Illinois State
20 Police Department shall charge the school district or the
21 appropriate regional superintendent a fee for conducting such
22 check, which fee shall be deposited in the State Police
23 Services Fund and shall not exceed the cost of the inquiry; and
24 the applicant shall not be charged a fee for such check by the
25 school district or by the regional superintendent, except that
26 those applicants seeking employment as a substitute teacher

1 with a school district may be charged a fee not to exceed the
2 cost of the inquiry. Subject to appropriations for these
3 purposes, the State Superintendent of Education shall
4 reimburse school districts and regional superintendents for
5 fees paid to obtain criminal history records checks under this
6 Section.

7 (a-5) The school district or regional superintendent shall
8 further perform a check of the Statewide Sex Offender
9 Database, as authorized by the Sex Offender Community
10 Notification Law, for each applicant. The check of the
11 Statewide Sex Offender Database must be conducted by the
12 school district or regional superintendent once for every 5
13 years that an applicant remains employed by the school
14 district.

15 (a-6) The school district or regional superintendent shall
16 further perform a check of the Statewide Murderer and Violent
17 Offender Against Youth Database, as authorized by the Murderer
18 and Violent Offender Against Youth Community Notification Law,
19 for each applicant. The check of the Murderer and Violent
20 Offender Against Youth Database must be conducted by the
21 school district or regional superintendent once for every 5
22 years that an applicant remains employed by the school
23 district.

24 (b) Any information concerning the record of convictions
25 obtained by the president of the school board or the regional
26 superintendent shall be confidential and may only be

1 transmitted to the superintendent of the school district or
2 his designee, the appropriate regional superintendent if the
3 check was requested by the school district, the presidents of
4 the appropriate school boards if the check was requested from
5 the Illinois ~~Department of~~ State Police by the regional
6 superintendent, the State Board of Education and a school
7 district as authorized under subsection (b-5), the State
8 Superintendent of Education, the State Educator Preparation
9 and Licensure Board, any other person necessary to the
10 decision of hiring the applicant for employment, or for
11 clarification purposes the Illinois ~~Department of~~ State Police
12 or Statewide Sex Offender Database, or both. A copy of the
13 record of convictions obtained from the Illinois ~~Department of~~
14 State Police shall be provided to the applicant for
15 employment. Upon the check of the Statewide Sex Offender
16 Database or Statewide Murderer and Violent Offender Against
17 Youth Database, the school district or regional superintendent
18 shall notify an applicant as to whether or not the applicant
19 has been identified in the Database. If a check of an applicant
20 for employment as a substitute or concurrent part-time teacher
21 or concurrent educational support personnel employee in more
22 than one school district was requested by the regional
23 superintendent, and the Illinois ~~Department of~~ State Police
24 upon a check ascertains that the applicant has not been
25 convicted of any of the enumerated criminal or drug offenses
26 in 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 so
7 notifies the regional superintendent and if the regional
8 superintendent upon a check ascertains that the applicant has
9 not been identified in the Sex Offender Database or Statewide
10 Murderer and Violent Offender Against Youth Database, then the
11 regional superintendent shall issue to the applicant a
12 certificate evidencing that as of the date specified by the
13 Illinois Department of State Police the applicant has not been
14 convicted of any of the enumerated criminal or drug offenses
15 in subsection (c) of this Section or has not been convicted,
16 within 7 years of the application for employment with the
17 school district, of any other felony under the laws of this
18 State or of any offense committed or attempted in any other
19 state or against the laws of the United States that, if
20 committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State and
22 evidencing that as of the date that the regional
23 superintendent conducted a check of the Statewide Sex Offender
24 Database or Statewide Murderer and Violent Offender Against
25 Youth Database, the applicant has not been identified in the
26 Database. The school board of any school district may rely on

1 the certificate issued by any regional superintendent to that
2 substitute teacher, concurrent part-time teacher, or
3 concurrent educational support personnel employee or may
4 initiate its own criminal history records check of the
5 applicant through the Illinois ~~Department of~~ State Police and
6 its own check of the Statewide Sex Offender Database or
7 Statewide Murderer and Violent Offender Against Youth Database
8 as provided in this Section. Any unauthorized release of
9 confidential information may be a violation of Section 7 of
10 the Criminal Identification Act.

11 (b-5) If a criminal history records check or check of the
12 Statewide Sex Offender Database or Statewide Murderer and
13 Violent Offender Against Youth Database is performed by a
14 regional superintendent for an applicant seeking employment as
15 a substitute teacher with a school district, the regional
16 superintendent may disclose to the State Board of Education
17 whether the applicant has been issued a certificate under
18 subsection (b) based on those checks. If the State Board
19 receives information on an applicant under this subsection,
20 then it must indicate in the Educator Licensure Information
21 System for a 90-day period that the applicant has been issued
22 or has not been issued a certificate.

23 (c) No school board shall knowingly employ a person who
24 has been convicted of any offense that would subject him or her
25 to license suspension or revocation pursuant to Section 21B-80
26 of this Code, except as provided under subsection (b) of

1 Section 21B-80. Further, no school board shall knowingly
2 employ a person who has been found to be the perpetrator of
3 sexual or physical abuse of any minor under 18 years of age
4 pursuant to proceedings under Article II of the Juvenile Court
5 Act of 1987. As a condition of employment, each school board
6 must consider the status of a person who has been issued an
7 indicated finding of abuse or neglect of a child by the
8 Department of Children and Family Services under the Abused
9 and Neglected Child Reporting Act or by a child welfare agency
10 of another jurisdiction.

11 (d) No school board shall knowingly employ a person for
12 whom a criminal history records check and a Statewide Sex
13 Offender Database check have not been initiated.

14 (e) Within 10 days after a superintendent, regional office
15 of education, or entity that provides background checks of
16 license holders to public schools receives information of a
17 pending criminal charge against a license holder for an
18 offense set forth in Section 21B-80 of this Code, the
19 superintendent, regional office of education, or entity must
20 notify the State Superintendent of Education of the pending
21 criminal charge.

22 If permissible by federal or State law, no later than 15
23 business days after receipt of a record of conviction or of
24 checking the Statewide Murderer and Violent Offender Against
25 Youth Database or the Statewide Sex Offender Database and
26 finding a registration, the superintendent of the employing

1 school board or the applicable regional superintendent shall,
2 in writing, notify the State Superintendent of Education of
3 any license holder who has been convicted of a crime set forth
4 in Section 21B-80 of this Code. Upon receipt of the record of a
5 conviction of or a finding of child abuse by a holder of any
6 license issued pursuant to Article 21B or Section 34-8.1 or
7 34-83 of the School Code, the State Superintendent of
8 Education may initiate licensure suspension and revocation
9 proceedings as authorized by law. If the receipt of the record
10 of conviction or finding of child abuse is received within 6
11 months after the initial grant of or renewal of a license, the
12 State Superintendent of Education may rescind the license
13 holder's license.

14 (e-5) The superintendent of the employing school board
15 shall, in writing, notify the State Superintendent of
16 Education and the applicable regional superintendent of
17 schools of any license holder whom he or she has reasonable
18 cause to believe has committed an intentional act of abuse or
19 neglect with the result of making a child an abused child or a
20 neglected child, as defined in Section 3 of the Abused and
21 Neglected Child Reporting Act, and that act resulted in the
22 license holder's dismissal or resignation from the school
23 district. This notification must be submitted within 30 days
24 after the dismissal or resignation. The license holder must
25 also be contemporaneously sent a copy of the notice by the
26 superintendent. All correspondence, documentation, and other

1 information so received by the regional superintendent of
2 schools, the State Superintendent of Education, the State
3 Board of Education, or the State Educator Preparation and
4 Licensure Board under this subsection (e-5) is confidential
5 and must not be disclosed to third parties, except (i) as
6 necessary for the State Superintendent of Education or his or
7 her designee to investigate and prosecute pursuant to Article
8 21B of this Code, (ii) pursuant to a court order, (iii) for
9 disclosure to the license holder or his or her representative,
10 or (iv) as otherwise provided in this Article and provided
11 that any such information admitted into evidence in a hearing
12 is exempt from this confidentiality and non-disclosure
13 requirement. Except for an act of willful or wanton
14 misconduct, any superintendent who provides notification as
15 required in this subsection (e-5) shall have immunity from any
16 liability, whether civil or criminal or that otherwise might
17 result by reason of such action.

18 (f) After January 1, 1990 the provisions of this Section
19 shall apply to all employees of persons or firms holding
20 contracts with any school district including, but not limited
21 to, food service workers, school bus drivers and other
22 transportation employees, who have direct, daily contact with
23 the pupils of any school in such district. For purposes of
24 criminal history records checks and checks of the Statewide
25 Sex Offender Database on employees of persons or firms holding
26 contracts with more than one school district and assigned to

1 more than one school district, the regional superintendent of
2 the educational service region in which the contracting school
3 districts are located may, at the request of any such school
4 district, be responsible for receiving the authorization for a
5 criminal history records check prepared by each such employee
6 and submitting the same to the Illinois ~~Department of~~ State
7 Police and for conducting a check of the Statewide Sex
8 Offender Database for each employee. Any information
9 concerning the record of conviction and identification as a
10 sex offender of any such employee obtained by the regional
11 superintendent shall be promptly reported to the president of
12 the appropriate school board or school boards.

13 (f-5) Upon request of a school or school district, any
14 information obtained by a school district pursuant to
15 subsection (f) of this Section within the last year must be
16 made available to the requesting school or school district.

17 (g) Prior to the commencement of any student teaching
18 experience or required internship (which is referred to as
19 student teaching in this Section) in the public schools, a
20 student teacher is required to authorize a fingerprint-based
21 criminal history records check. Authorization for and payment
22 of the costs of the check must be furnished by the student
23 teacher to the school district where the student teaching is
24 to be completed. Upon receipt of this authorization and
25 payment, the school district shall submit the student
26 teacher's name, sex, race, date of birth, social security

1 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~~
4 ~~of~~ 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 school
8 board for the school district that requested the check. The
9 Illinois State Police ~~Department~~ shall charge the school
10 district a fee for conducting the check, which fee must not
11 exceed the cost of the inquiry and must be deposited into the
12 State Police Services Fund. The school district shall further
13 perform a check of the Statewide Sex Offender Database, as
14 authorized by the Sex Offender Community Notification Law, and
15 of the Statewide Murderer and Violent Offender Against Youth
16 Database, as authorized by the Murderer and Violent Offender
17 Against Youth Registration Act, for each student teacher. No
18 school board may knowingly allow a person to student teach for
19 whom a criminal history records check, a Statewide Sex
20 Offender Database check, and a Statewide Murderer and Violent
21 Offender Against Youth Database check have not been completed
22 and reviewed by the district.

23 A copy of the record of convictions obtained from the
24 Illinois ~~Department of~~ State Police must be provided to the
25 student teacher. Any information concerning the record of
26 convictions obtained by the president of the school board is

1 confidential and may only be transmitted to the superintendent
2 of the school district or his or her designee, the State
3 Superintendent of Education, the State Educator Preparation
4 and Licensure Board, or, for clarification purposes, the
5 Illinois ~~Department of~~ State Police or the Statewide Sex
6 Offender Database or Statewide Murderer and Violent Offender
7 Against Youth Database. Any unauthorized release of
8 confidential information may be a violation of Section 7 of
9 the Criminal Identification Act.

10 No school board shall knowingly allow a person to student
11 teach who has been convicted of any offense that would subject
12 him or her to license suspension or revocation pursuant to
13 subsection (c) of Section 21B-80 of this Code, except as
14 provided under subsection (b) of Section 21B-80. Further, no
15 school board shall allow a person to student teach if he or she
16 has been found to be the perpetrator of sexual or physical
17 abuse of a minor under 18 years of age pursuant to proceedings
18 under Article II of the Juvenile Court Act of 1987. Each school
19 board must consider the status of a person to student teach who
20 has been issued an indicated finding of abuse or neglect of a
21 child by the Department of Children and Family Services under
22 the Abused and Neglected Child Reporting Act or by a child
23 welfare agency of another jurisdiction.

24 (h) (Blank).

25 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
26 101-643, eff. 6-18-20.)

1 (105 ILCS 5/10-27.1A)

2 Sec. 10-27.1A. Firearms in schools.

3 (a) All school officials, including teachers, guidance
4 counselors, and support staff, shall immediately notify the
5 office of the principal in the event that they observe any
6 person in possession of a firearm on school grounds; provided
7 that taking such immediate action to notify the office of the
8 principal would not immediately endanger the health, safety,
9 or welfare of students who are under the direct supervision of
10 the school official or the school official. If the health,
11 safety, or welfare of students under the direct supervision of
12 the school official or of the school official is immediately
13 endangered, the school official shall notify the office of the
14 principal as soon as the students under his or her supervision
15 and he or she are no longer under immediate danger. A report is
16 not required by this Section when the school official knows
17 that the person in possession of the firearm is a law
18 enforcement official engaged in the conduct of his or her
19 official duties. Any school official acting in good faith who
20 makes such a report under this Section shall have immunity
21 from any civil or criminal liability that might otherwise be
22 incurred as a result of making the report. The identity of the
23 school official making such report shall not be disclosed
24 except as expressly and specifically authorized by law.
25 Knowingly and willfully failing to comply with this Section is

1 a petty offense. A second or subsequent offense is a Class C
2 misdemeanor.

3 (b) Upon receiving a report from any school official
4 pursuant to this Section, or from any other person, the
5 principal or his or her designee shall immediately notify a
6 local law enforcement agency. If the person found to be in
7 possession of a firearm on school grounds is a student, the
8 principal or his or her designee shall also immediately notify
9 that student's parent or guardian. Any principal or his or her
10 designee acting in good faith who makes such reports under
11 this Section shall have immunity from any civil or criminal
12 liability that might otherwise be incurred or imposed as a
13 result of making the reports. Knowingly and willfully failing
14 to comply with this Section is a petty offense. A second or
15 subsequent offense is a Class C misdemeanor. If the person
16 found to be in possession of the firearm on school grounds is a
17 minor, the law enforcement agency shall detain that minor
18 until such time as the agency makes a determination pursuant
19 to clause (a) of subsection (1) of Section 5-401 of the
20 Juvenile Court Act of 1987, as to whether the agency
21 reasonably believes that the minor is delinquent. If the law
22 enforcement agency determines that probable cause exists to
23 believe that the minor committed a violation of item (4) of
24 subsection (a) of Section 24-1 of the Criminal Code of 2012
25 while on school grounds, the agency shall detain the minor for
26 processing pursuant to Section 5-407 of the Juvenile Court Act

1 of 1987.

2 (c) On or after January 1, 1997, upon receipt of any
3 written, electronic, or verbal report from any school
4 personnel regarding a verified incident involving a firearm in
5 a school or on school owned or leased property, including any
6 conveyance owned, leased, or used by the school for the
7 transport of students or school personnel, the superintendent
8 or his or her designee shall report all such firearm-related
9 incidents occurring in a school or on school property to the
10 local law enforcement authorities immediately and to the
11 Illinois ~~Department of~~ State Police in a form, manner, and
12 frequency as prescribed by the Illinois ~~Department of~~ State
13 Police.

14 The State Board of Education shall receive an annual
15 statistical compilation and related data associated with
16 incidents involving firearms in schools from the Illinois
17 ~~Department of~~ State Police. The State Board of Education shall
18 compile this information by school district and make it
19 available to the public.

20 (d) As used in this Section, the term "firearm" shall have
21 the meaning ascribed to it in Section 1.1 of the Firearm Owners
22 Identification Card Act.

23 As used in this Section, the term "school" means any
24 public or private elementary or secondary school.

25 As used in this Section, the term "school grounds"
26 includes the real property comprising any school, any

1 conveyance owned, leased, or contracted by a school to
2 transport students to or from school or a school-related
3 activity, or any public way within 1,000 feet of the real
4 property comprising any school.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (105 ILCS 5/10-27.1B)

7 Sec. 10-27.1B. Reporting drug-related incidents in
8 schools.

9 (a) In this Section:

10 "Drug" means "cannabis" as defined under subsection (a) of
11 Section 3 of the Cannabis Control Act, "narcotic drug" as
12 defined under subsection (aa) of Section 102 of the Illinois
13 Controlled Substances Act, or "methamphetamine" as defined
14 under Section 10 of the Methamphetamine Control and Community
15 Protection Act.

16 "School" means any public or private elementary or
17 secondary school.

18 (b) Upon receipt of any written, electronic, or verbal
19 report from any school personnel regarding a verified incident
20 involving drugs in a school or on school owned or leased
21 property, including any conveyance owned, leased, or used by
22 the school for the transport of students or school personnel,
23 the superintendent or his or her designee, or other
24 appropriate administrative officer for a private school, shall
25 report all such drug-related incidents occurring in a school

1 or on school property to the local law enforcement authorities
2 immediately and to the Illinois ~~Department of~~ State Police in
3 a form, manner, and frequency as prescribed by the Illinois
4 ~~Department of~~ State Police.

5 (c) The State Board of Education shall receive an annual
6 statistical compilation and related data associated with
7 drug-related incidents in schools from the Illinois ~~Department~~
8 ~~of~~ State Police. The State Board of Education shall compile
9 this information by school district and make it available to
10 the public.

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

12 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

13 Sec. 34-2.1. Local School Councils - Composition -
14 Voter-Eligibility - Elections - Terms.

15 (a) A local school council shall be established for each
16 attendance center within the school district. Each local
17 school council shall consist of the following 12 voting
18 members: the principal of the attendance center, 2 teachers
19 employed and assigned to perform the majority of their
20 employment duties at the attendance center, 6 parents of
21 students currently enrolled at the attendance center, one
22 employee of the school district employed and assigned to
23 perform the majority of his or her employment duties at the
24 attendance center who is not a teacher, and 2 community
25 residents. Neither the parents nor the community residents who

1 serve as members of the local school council shall be
2 employees of the Board of Education. In each secondary
3 attendance center, the local school council shall consist of
4 13 voting members -- the 12 voting members described above and
5 one full-time student member, appointed as provided in
6 subsection (m) below. In the event that the chief executive
7 officer of the Chicago School Reform Board of Trustees
8 determines that a local school council is not carrying out its
9 financial duties effectively, the chief executive officer is
10 authorized to appoint a representative of the business
11 community with experience in finance and management to serve
12 as an advisor to the local school council for the purpose of
13 providing advice and assistance to the local school council on
14 fiscal matters. The advisor shall have access to relevant
15 financial records of the local school council. The advisor may
16 attend executive sessions. The chief executive officer shall
17 issue a written policy defining the circumstances under which
18 a local school council is not carrying out its financial
19 duties effectively.

20 (b) Within 7 days of January 11, 1991, the Mayor shall
21 appoint the members and officers (a Chairperson who shall be a
22 parent member and a Secretary) of each local school council
23 who shall hold their offices until their successors shall be
24 elected and qualified. Members so appointed shall have all the
25 powers and duties of local school councils as set forth in this
26 amendatory Act of 1991. The Mayor's appointments shall not

1 require approval by the City Council.

2 The membership of each local school council shall be
3 encouraged to be reflective of the racial and ethnic
4 composition of the student population of the attendance center
5 served by the local school council.

6 (c) Beginning with the 1995-1996 school year and in every
7 even-numbered year thereafter, the Board shall set second
8 semester Parent Report Card Pick-up Day for Local School
9 Council elections and may schedule elections at year-round
10 schools for the same dates as the remainder of the school
11 system. Elections shall be conducted as provided herein by the
12 Board of Education in consultation with the local school
13 council at each attendance center.

14 (c-5) Notwithstanding subsection (c), for the local school
15 council election set for the 2019-2020 school year, the Board
16 may hold the election on the first semester Parent Report Card
17 Pick-up Day of the 2020-2021 school year, making any necessary
18 modifications to the election process or date to comply with
19 guidance from the Department of Public Health and the federal
20 Centers for Disease Control and Prevention. The terms of
21 office of all local school council members eligible to serve
22 and seated on or after March 23, 2020 through January 10, 2021
23 are extended through January 10, 2021, provided that the
24 members continue to meet eligibility requirements for local
25 school council membership.

26 (d) Beginning with the 1995-96 school year, the following

1 procedures shall apply to the election of local school council
2 members at each attendance center:

3 (i) The elected members of each local school council
4 shall consist of the 6 parent members and the 2 community
5 resident members.

6 (ii) Each elected member shall be elected by the
7 eligible voters of that attendance center to serve for a
8 two-year term commencing on July 1 immediately following
9 the election described in subsection (c), except that the
10 terms of members elected to a local school council under
11 subsection (c-5) shall commence on January 11, 2021 and
12 end on July 1, 2022. Eligible voters for each attendance
13 center shall consist of the parents and community
14 residents for that attendance center.

15 (iii) Each eligible voter shall be entitled to cast
16 one vote for up to a total of 5 candidates, irrespective of
17 whether such candidates are parent or community resident
18 candidates.

19 (iv) Each parent voter shall be entitled to vote in
20 the local school council election at each attendance
21 center in which he or she has a child currently enrolled.
22 Each community resident voter shall be entitled to vote in
23 the local school council election at each attendance
24 center for which he or she resides in the applicable
25 attendance area or voting district, as the case may be.

26 (v) Each eligible voter shall be entitled to vote

1 once, but not more than once, in the local school council
2 election at each attendance center at which the voter is
3 eligible to vote.

4 (vi) The 2 teacher members and the non-teacher
5 employee member of each local school council shall be
6 appointed as provided in subsection (l) below each to
7 serve for a two-year term coinciding with that of the
8 elected parent and community resident members. From March
9 23, 2020 through January 10, 2021, the chief executive
10 officer or his or her designee may make accommodations to
11 fill the vacancy of a teacher or non-teacher employee
12 member of a local school council.

13 (vii) At secondary attendance centers, the voting
14 student member shall be appointed as provided in
15 subsection (m) below to serve for a one-year term
16 coinciding with the beginning of the terms of the elected
17 parent and community members of the local school council.
18 For the 2020-2021 school year, the chief executive officer
19 or his or her designee may make accommodations to fill the
20 vacancy of a student member of a local school council.

21 (e) The Council shall publicize the date and place of the
22 election by posting notices at the attendance center, in
23 public places within the attendance boundaries of the
24 attendance center and by distributing notices to the pupils at
25 the attendance center, and shall utilize such other means as
26 it deems necessary to maximize the involvement of all eligible

1 voters.

2 (f) Nomination. The Council shall publicize the opening of
3 nominations by posting notices at the attendance center, in
4 public places within the attendance boundaries of the
5 attendance center and by distributing notices to the pupils at
6 the attendance center, and shall utilize such other means as
7 it deems necessary to maximize the involvement of all eligible
8 voters. Not less than 2 weeks before the election date,
9 persons eligible to run for the Council shall submit their
10 name, date of birth, social security number, if available, and
11 some evidence of eligibility to the Council. The Council shall
12 encourage nomination of candidates reflecting the
13 racial/ethnic population of the students at the attendance
14 center. Each person nominated who runs as a candidate shall
15 disclose, in a manner determined by the Board, any economic
16 interest held by such person, by such person's spouse or
17 children, or by each business entity in which such person has
18 an ownership interest, in any contract with the Board, any
19 local school council or any public school in the school
20 district. Each person nominated who runs as a candidate shall
21 also disclose, in a manner determined by the Board, if he or
22 she ever has been convicted of any of the offenses specified in
23 subsection (c) of Section 34-18.5; provided that neither this
24 provision nor any other provision of this Section shall be
25 deemed to require the disclosure of any information that is
26 contained in any law enforcement record or juvenile court

1 record that is confidential or whose accessibility or
2 disclosure is restricted or prohibited under Section 5-901 or
3 5-905 of the Juvenile Court Act of 1987. Failure to make such
4 disclosure shall render a person ineligible for election or to
5 serve on the local school council. The same disclosure shall
6 be required of persons under consideration for appointment to
7 the Council pursuant to subsections (l) and (m) of this
8 Section.

9 (f-5) Notwithstanding disclosure, a person who has been
10 convicted of any of the following offenses at any time shall be
11 ineligible for election or appointment to a local school
12 council and ineligible for appointment to a local school
13 council pursuant to subsections (l) and (m) of this Section:
14 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
16 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
17 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
18 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
19 Code of 2012, or (ii) any offense committed or attempted in any
20 other state or against the laws of the United States, which, if
21 committed or attempted in this State, would have been
22 punishable as one or more of the foregoing offenses.
23 Notwithstanding disclosure, a person who has been convicted of
24 any of the following offenses within the 10 years previous to
25 the date of nomination or appointment shall be ineligible for
26 election or appointment to a local school council: (i) those

1 defined in Section 401.1, 405.1, or 405.2 of the Illinois
2 Controlled Substances Act or (ii) any offense committed or
3 attempted in any other state or against the laws of the United
4 States, which, if committed or attempted in this State, would
5 have been punishable as one or more of the foregoing offenses.

6 Immediately upon election or appointment, incoming local
7 school council members shall be required to undergo a criminal
8 background investigation, to be completed prior to the member
9 taking office, in order to identify any criminal convictions
10 under the offenses enumerated in Section 34-18.5. The
11 investigation shall be conducted by the Illinois ~~Department of~~
12 State Police in the same manner as provided for in Section
13 34-18.5. However, notwithstanding Section 34-18.5, the social
14 security number shall be provided only if available. If it is
15 determined at any time that a local school council member or
16 member-elect has been convicted of any of the offenses
17 enumerated in this Section or failed to disclose a conviction
18 of any of the offenses enumerated in Section 34-18.5, the
19 general superintendent shall notify the local school council
20 member or member-elect of such determination and the local
21 school council member or member-elect shall be removed from
22 the local school council by the Board, subject to a hearing,
23 convened pursuant to Board rule, prior to removal.

24 (g) At least one week before the election date, the
25 Council shall publicize, in the manner provided in subsection
26 (e), the names of persons nominated for election.

1 (h) Voting shall be in person by secret ballot at the
2 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

3 (i) Candidates receiving the highest number of votes shall
4 be declared elected by the Council. In cases of a tie, the
5 Council shall determine the winner by lot.

6 (j) The Council shall certify the results of the election
7 and shall publish the results in the minutes of the Council.

8 (k) The general superintendent shall resolve any disputes
9 concerning election procedure or results and shall ensure
10 that, except as provided in subsections (e) and (g), no
11 resources of any attendance center shall be used to endorse or
12 promote any candidate.

13 (l) Beginning with the 1995-1996 school year and in every
14 even numbered year thereafter, the Board shall appoint 2
15 teacher members to each local school council. These
16 appointments shall be made in the following manner:

17 (i) The Board shall appoint 2 teachers who are
18 employed and assigned to perform the majority of their
19 employment duties at the attendance center to serve on the
20 local school council of the attendance center for a
21 two-year term coinciding with the terms of the elected
22 parent and community members of that local school council.
23 These appointments shall be made from among those teachers
24 who are nominated in accordance with subsection (f).

25 (ii) A non-binding, advisory poll to ascertain the
26 preferences of the school staff regarding appointments of

1 teachers to the local school council for that attendance
2 center shall be conducted in accordance with the
3 procedures used to elect parent and community Council
4 representatives. At such poll, each member of the school
5 staff shall be entitled to indicate his or her preference
6 for up to 2 candidates from among those who submitted
7 statements of candidacy as described above. These
8 preferences shall be advisory only and the Board shall
9 maintain absolute discretion to appoint teacher members to
10 local school councils, irrespective of the preferences
11 expressed in any such poll.

12 (iii) In the event that a teacher representative is
13 unable to perform his or her employment duties at the
14 school due to illness, disability, leave of absence,
15 disciplinary action, or any other reason, the Board shall
16 declare a temporary vacancy and appoint a replacement
17 teacher representative to serve on the local school
18 council until such time as the teacher member originally
19 appointed pursuant to this subsection (1) resumes service
20 at the attendance center or for the remainder of the term.
21 The replacement teacher representative shall be appointed
22 in the same manner and by the same procedures as teacher
23 representatives are appointed in subdivisions (i) and (ii)
24 of this subsection (1).

25 (m) Beginning with the 1995-1996 school year, and in every
26 year thereafter, the Board shall appoint one student member to

1 each secondary attendance center. These appointments shall be
2 made in the following manner:

3 (i) Appointments shall be made from among those
4 students who submit statements of candidacy to the
5 principal of the attendance center, such statements to be
6 submitted commencing on the first day of the twentieth
7 week of school and continuing for 2 weeks thereafter. The
8 form and manner of such candidacy statements shall be
9 determined by the Board.

10 (ii) During the twenty-second week of school in every
11 year, the principal of each attendance center shall
12 conduct a non-binding, advisory poll to ascertain the
13 preferences of the school students regarding the
14 appointment of a student to the local school council for
15 that attendance center. At such poll, each student shall
16 be entitled to indicate his or her preference for up to one
17 candidate from among those who submitted statements of
18 candidacy as described above. The Board shall promulgate
19 rules to ensure that these non-binding, advisory polls are
20 conducted in a fair and equitable manner and maximize the
21 involvement of all school students. The preferences
22 expressed in these non-binding, advisory polls shall be
23 transmitted by the principal to the Board. However, these
24 preferences shall be advisory only and the Board shall
25 maintain absolute discretion to appoint student members to
26 local school councils, irrespective of the preferences

1 expressed in any such poll.

2 (iii) For the 1995-96 school year only, appointments
3 shall be made from among those students who submitted
4 statements of candidacy to the principal of the attendance
5 center during the first 2 weeks of the school year. The
6 principal shall communicate the results of any nonbinding,
7 advisory poll to the Board. These results shall be
8 advisory only, and the Board shall maintain absolute
9 discretion to appoint student members to local school
10 councils, irrespective of the preferences expressed in any
11 such poll.

12 (n) The Board may promulgate such other rules and
13 regulations for election procedures as may be deemed necessary
14 to ensure fair elections.

15 (o) In the event that a vacancy occurs during a member's
16 term, the Council shall appoint a person eligible to serve on
17 the Council, to fill the unexpired term created by the
18 vacancy, except that any teacher vacancy shall be filled by
19 the Board after considering the preferences of the school
20 staff as ascertained through a non-binding advisory poll of
21 school staff.

22 (p) If less than the specified number of persons is
23 elected within each candidate category, the newly elected
24 local school council shall appoint eligible persons to serve
25 as members of the Council for two-year terms.

26 (q) The Board shall promulgate rules regarding conflicts

1 of interest and disclosure of economic interests which shall
2 apply to local school council members and which shall require
3 reports or statements to be filed by Council members at
4 regular intervals with the Secretary of the Board. Failure to
5 comply with such rules or intentionally falsifying such
6 reports shall be grounds for disqualification from local
7 school council membership. A vacancy on the Council for
8 disqualification may be so declared by the Secretary of the
9 Board. Rules regarding conflicts of interest and disclosure of
10 economic interests promulgated by the Board shall apply to
11 local school council members. No less than 45 days prior to the
12 deadline, the general superintendent shall provide notice, by
13 mail, to each local school council member of all requirements
14 and forms for compliance with economic interest statements.

15 (r) (1) If a parent member of a local school council ceases
16 to have any child enrolled in the attendance center governed
17 by the Local School Council due to the graduation or voluntary
18 transfer of a child or children from the attendance center,
19 the parent's membership on the Local School Council and all
20 voting rights are terminated immediately as of the date of the
21 child's graduation or voluntary transfer. If the child of a
22 parent member of a local school council dies during the
23 member's term in office, the member may continue to serve on
24 the local school council for the balance of his or her term.
25 Further, a local school council member may be removed from the
26 Council by a majority vote of the Council as provided in

1 subsection (c) of Section 34-2.2 if the Council member has
2 missed 3 consecutive regular meetings, not including committee
3 meetings, or 5 regular meetings in a 12 month period, not
4 including committee meetings. If a parent member of a local
5 school council ceases to be eligible to serve on the Council
6 for any other reason, he or she shall be removed by the Board
7 subject to a hearing, convened pursuant to Board rule, prior
8 to removal. A vote to remove a Council member by the local
9 school council shall only be valid if the Council member has
10 been notified personally or by certified mail, mailed to the
11 person's last known address, of the Council's intent to vote
12 on the Council member's removal at least 7 days prior to the
13 vote. The Council member in question shall have the right to
14 explain his or her actions and shall be eligible to vote on the
15 question of his or her removal from the Council. The
16 provisions of this subsection shall be contained within the
17 petitions used to nominate Council candidates.

18 (2) A person may continue to serve as a community resident
19 member of a local school council as long as he or she resides
20 in the attendance area served by the school and is not employed
21 by the Board nor is a parent of a student enrolled at the
22 school. If a community resident member ceases to be eligible
23 to serve on the Council, he or she shall be removed by the
24 Board subject to a hearing, convened pursuant to Board rule,
25 prior to removal.

26 (3) A person may continue to serve as a teacher member of a

1 local school council as long as he or she is employed and
2 assigned to perform a majority of his or her duties at the
3 school, provided that if the teacher representative resigns
4 from employment with the Board or voluntarily transfers to
5 another school, the teacher's membership on the local school
6 council and all voting rights are terminated immediately as of
7 the date of the teacher's resignation or upon the date of the
8 teacher's voluntary transfer to another school. If a teacher
9 member of a local school council ceases to be eligible to serve
10 on a local school council for any other reason, that member
11 shall be removed by the Board subject to a hearing, convened
12 pursuant to Board rule, prior to removal.

13 (s) As used in this Section only, "community resident"
14 means a person, 17 years of age or older, residing within an
15 attendance area served by a school, excluding any person who
16 is a parent of a student enrolled in that school; provided that
17 with respect to any multi-area school, community resident
18 means any person, 17 years of age or older, residing within the
19 voting district established for that school pursuant to
20 Section 34-2.1c, excluding any person who is a parent of a
21 student enrolled in that school. This definition does not
22 apply to any provisions concerning school boards.

23 (Source: P.A. 101-643, eff. 6-18-20.)

24 (105 ILCS 5/34-8.05)

25 Sec. 34-8.05. Reporting firearms in schools. On or after

1 January 1, 1997, upon receipt of any written, electronic, or
2 verbal report from any school personnel regarding a verified
3 incident involving a firearm in a school or on school owned or
4 leased property, including any conveyance owned, leased, or
5 used by the school for the transport of students or school
6 personnel, the general superintendent or his or her designee
7 shall report all such firearm-related incidents occurring in a
8 school or on school property to the local law enforcement
9 authorities no later than 24 hours after the occurrence of the
10 incident and to the Illinois ~~Department of~~ State Police in a
11 form, manner, and frequency as prescribed by the Illinois
12 ~~Department of~~ State Police.

13 The State Board of Education shall receive an annual
14 statistical compilation and related data associated with
15 incidents involving firearms in schools from the Illinois
16 ~~Department of~~ State Police. As used in this Section, the term
17 "firearm" shall have the meaning ascribed to it in Section 1.1
18 of the Firearm Owners Identification Card Act.

19 (Source: P.A. 89-498, eff. 6-27-96.)

20 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

21 Sec. 34-18.5. Criminal history records checks and checks
22 of the Statewide Sex Offender Database and Statewide Murderer
23 and Violent Offender Against Youth Database.

24 (a) Licensed and nonlicensed applicants for employment
25 with the school district are required as a condition of

1 employment to authorize a fingerprint-based criminal history
2 records check to determine if such applicants have been
3 convicted of any disqualifying, enumerated criminal or drug
4 offense in subsection (c) of this Section or have been
5 convicted, within 7 years of the application for employment
6 with the school district, of any other felony under the laws of
7 this State or of any offense committed or attempted in any
8 other state or against the laws of the United States that, if
9 committed or attempted in this State, would have been
10 punishable as a felony under the laws of this State.
11 Authorization for the check shall be furnished by the
12 applicant to the school district, except that if the applicant
13 is a substitute teacher seeking employment in more than one
14 school district, or a teacher seeking concurrent part-time
15 employment positions with more than one school district (as a
16 reading specialist, special education teacher or otherwise),
17 or an educational support personnel employee seeking
18 employment positions with more than one district, any such
19 district may require the applicant to furnish authorization
20 for the check to the regional superintendent of the
21 educational service region in which are located the school
22 districts in which the applicant is seeking employment as a
23 substitute or concurrent part-time teacher or concurrent
24 educational support personnel employee. Upon receipt of this
25 authorization, the school district or the appropriate regional
26 superintendent, as the case may be, shall submit the

1 applicant's name, sex, race, date of birth, social security
2 number, fingerprint images, and other identifiers, as
3 prescribed by the Illinois ~~Department of~~ State Police, to the
4 Illinois State Police ~~Department~~. The regional superintendent
5 submitting the requisite information to the Illinois
6 ~~Department of~~ State Police shall promptly notify 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 that the check of the
10 applicant has been requested. The Illinois ~~Department of~~ State
11 Police and the Federal Bureau of Investigation shall furnish,
12 pursuant to a fingerprint-based criminal history records
13 check, records of convictions, forever and hereinafter, until
14 expunged, to the president of the school board for the school
15 district that requested the check, or to the regional
16 superintendent who requested the check. The Illinois State
17 Police ~~Department~~ shall charge the school district or the
18 appropriate regional superintendent a fee for conducting such
19 check, which fee shall be deposited in the State Police
20 Services Fund and shall not exceed the cost of the inquiry; and
21 the applicant shall not be charged a fee for such check by the
22 school district or by the regional superintendent. Subject to
23 appropriations for these purposes, the State Superintendent of
24 Education shall reimburse the school district and regional
25 superintendent for fees paid to obtain criminal history
26 records checks under this Section.

1 (a-5) The school district or regional superintendent shall
2 further perform a check of the Statewide Sex Offender
3 Database, as authorized by the Sex Offender Community
4 Notification Law, for each applicant. The check of the
5 Statewide Sex Offender Database must be conducted by the
6 school district or regional superintendent once for every 5
7 years that an applicant remains employed by the school
8 district.

9 (a-6) The school district or regional superintendent shall
10 further perform a check of the Statewide Murderer and Violent
11 Offender Against Youth Database, as authorized by the Murderer
12 and Violent Offender Against Youth Community Notification Law,
13 for each applicant. The check of the Murderer and Violent
14 Offender Against Youth Database must be conducted by the
15 school district or regional superintendent once for every 5
16 years that an applicant remains employed by the school
17 district.

18 (b) Any information concerning the record of convictions
19 obtained by the president of the board of education or the
20 regional superintendent shall be confidential and may only be
21 transmitted to the general superintendent of the school
22 district or his designee, the appropriate regional
23 superintendent if the check was requested by the board of
24 education for the school district, the presidents of the
25 appropriate board of education or school boards if the check
26 was requested from the Illinois ~~Department of~~ State Police by

1 the regional superintendent, the State Board of Education and
2 the school district as authorized under subsection (b-5), the
3 State Superintendent of Education, the State Educator
4 Preparation and Licensure Board or any other person necessary
5 to the decision of hiring the applicant for employment. A copy
6 of the record of convictions obtained from the Illinois
7 ~~Department of~~ State Police shall be provided to the applicant
8 for employment. Upon the check of the Statewide Sex Offender
9 Database or Statewide Murderer and Violent Offender Against
10 Youth Database, the school district or regional superintendent
11 shall notify an applicant as to whether or not the applicant
12 has been identified in the Database. If a check of an applicant
13 for employment as a substitute or concurrent part-time teacher
14 or concurrent educational support personnel employee in more
15 than one school district was requested by the regional
16 superintendent, and the Illinois ~~Department of~~ State Police
17 upon a check ascertains that the applicant has not been
18 convicted of any of the enumerated criminal or drug offenses
19 in subsection (c) of this Section or has not been convicted,
20 within 7 years of the application for employment with the
21 school district, of any other felony under the laws of this
22 State or of any offense committed or attempted in any other
23 state or against the laws of the United States that, if
24 committed or attempted in this State, would have been
25 punishable as a felony under the laws of this State and so
26 notifies the regional superintendent and if the regional

1 superintendent upon a check ascertains that the applicant has
2 not been identified in the Sex Offender Database or Statewide
3 Murderer and Violent Offender Against Youth Database, then the
4 regional superintendent shall issue to the applicant a
5 certificate evidencing that as of the date specified by the
6 Illinois ~~Department of~~ State Police the applicant has not been
7 convicted of any of the enumerated criminal or drug offenses
8 in subsection (c) of this Section or has not been convicted,
9 within 7 years of the application for employment with the
10 school district, of any other felony under the laws of this
11 State or of any offense committed or attempted in any other
12 state or against the laws of the United States that, if
13 committed or attempted in this State, would have been
14 punishable as a felony under the laws of this State and
15 evidencing that as of the date that the regional
16 superintendent conducted a check of the Statewide Sex Offender
17 Database or Statewide Murderer and Violent Offender Against
18 Youth Database, the applicant has not been identified in the
19 Database. The school board of any school district may rely on
20 the certificate issued by any regional superintendent to that
21 substitute teacher, concurrent part-time teacher, or
22 concurrent educational support personnel employee or may
23 initiate its own criminal history records check of the
24 applicant through the Illinois ~~Department of~~ State Police and
25 its own check of the Statewide Sex Offender Database or
26 Statewide Murderer and Violent Offender Against Youth Database

1 as provided in this Section. Any unauthorized release of
2 confidential information may be a violation of Section 7 of
3 the Criminal Identification Act.

4 (b-5) If a criminal history records check or check of the
5 Statewide Sex Offender Database or Statewide Murderer and
6 Violent Offender Against Youth Database is performed by a
7 regional superintendent for an applicant seeking employment as
8 a substitute teacher with the school district, the regional
9 superintendent may disclose to the State Board of Education
10 whether the applicant has been issued a certificate under
11 subsection (b) based on those checks. If the State Board
12 receives information on an applicant under this subsection,
13 then it must indicate in the Educator Licensure Information
14 System for a 90-day period that the applicant has been issued
15 or has not been issued a certificate.

16 (c) The board of education shall not knowingly employ a
17 person who has been convicted of any offense that would
18 subject him or her to license suspension or revocation
19 pursuant to Section 21B-80 of this Code, except as provided
20 under subsection (b) of 21B-80. Further, the board of
21 education shall not knowingly employ a person who has been
22 found to be the perpetrator of sexual or physical abuse of any
23 minor under 18 years of age pursuant to proceedings under
24 Article II of the Juvenile Court Act of 1987. As a condition of
25 employment, the board of education must consider the status of
26 a person who has been issued an indicated finding of abuse or

1 neglect of a child by the Department of Children and Family
2 Services under the Abused and Neglected Child Reporting Act or
3 by a child welfare agency of another jurisdiction.

4 (d) The board of education shall not knowingly employ a
5 person for whom a criminal history records check and a
6 Statewide Sex Offender Database check have not been initiated.

7 (e) Within 10 days after the general superintendent of
8 schools, a regional office of education, or an entity that
9 provides background checks of license holders to public
10 schools receives information of a pending criminal charge
11 against a license holder for an offense set forth in Section
12 21B-80 of this Code, the superintendent, regional office of
13 education, or entity must notify the State Superintendent of
14 Education of the pending criminal charge.

15 No later than 15 business days after receipt of a record of
16 conviction or of checking the Statewide Murderer and Violent
17 Offender Against Youth Database or the Statewide Sex Offender
18 Database and finding a registration, the general
19 superintendent of schools or the applicable regional
20 superintendent shall, in writing, notify the State
21 Superintendent of Education of any license holder who has been
22 convicted of a crime set forth in Section 21B-80 of this Code.
23 Upon receipt of the record of a conviction of or a finding of
24 child abuse by a holder of any license issued pursuant to
25 Article 21B or Section 34-8.1 or 34-83 of this Code, the State
26 Superintendent of Education may initiate licensure suspension

1 and revocation proceedings as authorized by law. If the
2 receipt of the record of conviction or finding of child abuse
3 is received within 6 months after the initial grant of or
4 renewal of a license, the State Superintendent of Education
5 may rescind the license holder's license.

6 (e-5) The general superintendent of schools shall, in
7 writing, notify the State Superintendent of Education of any
8 license holder whom he or she has reasonable cause to believe
9 has committed an intentional act of abuse or neglect with the
10 result of making a child an abused child or a neglected child,
11 as defined in Section 3 of the Abused and Neglected Child
12 Reporting Act, and that act resulted in the license holder's
13 dismissal or resignation from the school district. This
14 notification must be submitted within 30 days after the
15 dismissal or resignation. The license holder must also be
16 contemporaneously sent a copy of the notice by the
17 superintendent. All correspondence, documentation, and other
18 information so received by the State Superintendent of
19 Education, the State Board of Education, or the State Educator
20 Preparation and Licensure Board under this subsection (e-5) is
21 confidential and must not be disclosed to third parties,
22 except (i) as necessary for the State Superintendent of
23 Education or his or her designee to investigate and prosecute
24 pursuant to Article 21B of this Code, (ii) pursuant to a court
25 order, (iii) for disclosure to the license holder or his or her
26 representative, or (iv) as otherwise provided in this Article

1 and provided that any such information admitted into evidence
2 in a hearing is exempt from this confidentiality and
3 non-disclosure requirement. Except for an act of willful or
4 wanton misconduct, any superintendent who provides
5 notification as required in this subsection (e-5) shall have
6 immunity from any liability, whether civil or criminal or that
7 otherwise might result by reason of such action.

8 (f) After March 19, 1990, the provisions of this Section
9 shall apply to all employees of persons or firms holding
10 contracts with any school district including, but not limited
11 to, food service workers, school bus drivers and other
12 transportation employees, who have direct, daily contact with
13 the pupils of any school in such district. For purposes of
14 criminal history records checks and checks of the Statewide
15 Sex Offender Database on employees of persons or firms holding
16 contracts with more than one school district and assigned to
17 more than one school district, the regional superintendent of
18 the educational service region in which the contracting school
19 districts are located may, at the request of any such school
20 district, be responsible for receiving the authorization for a
21 criminal history records check prepared by each such employee
22 and submitting the same to the Illinois Department of State
23 ~~Police~~ and for conducting a check of the Statewide Sex
24 Offender Database for each employee. Any information
25 concerning the record of conviction and identification as a
26 sex offender of any such employee obtained by the regional

1 superintendent shall be promptly reported to the president of
2 the appropriate school board or school boards.

3 (f-5) Upon request of a school or school district, any
4 information obtained by the school district pursuant to
5 subsection (f) of this Section within the last year must be
6 made available to the requesting school or school district.

7 (g) Prior to the commencement of any student teaching
8 experience or required internship (which is referred to as
9 student teaching in this Section) in the public schools, a
10 student teacher is required to authorize a fingerprint-based
11 criminal history records check. Authorization for and payment
12 of the costs of the check must be furnished by the student
13 teacher to the school district. Upon receipt of this
14 authorization and payment, the school district shall submit
15 the student teacher's name, sex, race, date of birth, social
16 security number, fingerprint images, and other identifiers, as
17 prescribed by the Illinois ~~Department of~~ State Police, to the
18 Illinois ~~Department of~~ State Police. The Illinois ~~Department~~
19 ~~of~~ State Police and the Federal Bureau of Investigation shall
20 furnish, pursuant to a fingerprint-based criminal history
21 records check, records of convictions, forever and
22 hereinafter, until expunged, to the president of the board.
23 The Illinois State Police ~~Department~~ shall charge the school
24 district a fee for conducting the check, which fee must not
25 exceed the cost of the inquiry and must be deposited into the
26 State Police Services Fund. The school district shall further

1 perform a check of the Statewide Sex Offender Database, as
2 authorized by the Sex Offender Community Notification Law, and
3 of the Statewide Murderer and Violent Offender Against Youth
4 Database, as authorized by the Murderer and Violent Offender
5 Against Youth Registration Act, for each student teacher. The
6 board may not knowingly allow a person to student teach for
7 whom a criminal history records check, a Statewide Sex
8 Offender Database check, and a Statewide Murderer and Violent
9 Offender Against Youth Database check have not been completed
10 and reviewed by the district.

11 A copy of the record of convictions obtained from the
12 Illinois ~~Department of~~ State Police must be provided to the
13 student teacher. Any information concerning the record of
14 convictions obtained by the president of the board is
15 confidential and may only be transmitted to the general
16 superintendent of schools or his or her designee, the State
17 Superintendent of Education, the State Educator Preparation
18 and Licensure Board, or, for clarification purposes, the
19 Illinois ~~Department of~~ State Police or the Statewide Sex
20 Offender Database or Statewide Murderer and Violent Offender
21 Against Youth Database. Any unauthorized release of
22 confidential information may be a violation of Section 7 of
23 the Criminal Identification Act.

24 The board may not knowingly allow a person to student
25 teach who has been convicted of any offense that would subject
26 him or her to license suspension or revocation pursuant to

1 subsection (c) of Section 21B-80 of this Code, except as
2 provided under subsection (b) of Section 21B-80. Further, the
3 board may not allow a person to student teach if he or she has
4 been found to be the perpetrator of sexual or physical abuse of
5 a minor under 18 years of age pursuant to proceedings under
6 Article II of the Juvenile Court Act of 1987. The board must
7 consider the status of a person to student teach who has been
8 issued an indicated finding of abuse or neglect of a child by
9 the Department of Children and Family Services under the
10 Abused and Neglected Child Reporting Act or by a child welfare
11 agency of another jurisdiction.

12 (h) (Blank).

13 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
14 101-643, eff. 6-18-20.)

15 Section 515. The Medical School Matriculant Criminal
16 History Records Check Act is amended by changing Sections 10,
17 15, and 25 as follows:

18 (110 ILCS 57/10)

19 Sec. 10. Criminal history records check for matriculants.

20 (a) A public medical school located in Illinois must
21 conduct an inquiry into the Illinois ~~Department of~~ State
22 Police's Statewide Sex Offender Database for each matriculant
23 and must require that each matriculant submit to a
24 fingerprint-based criminal history records check for violent

1 felony convictions, conducted by the Illinois ~~Department of~~
2 State Police and the Federal Bureau of Investigation, as part
3 of the medical school admissions process. The medical school
4 shall forward the name, sex, race, date of birth, social
5 security number, and fingerprints of each of its matriculants
6 to the Illinois ~~Department of~~ State Police to be searched
7 against the fingerprint records now and hereafter filed in the
8 Illinois ~~Department of~~ State Police and Federal Bureau of
9 Investigation criminal history records databases. The
10 fingerprints of each matriculant must be submitted in the form
11 and manner prescribed by the Illinois ~~Department of~~ State
12 Police. The Illinois ~~Department of~~ State Police shall furnish,
13 pursuant to positive identification, records of a
14 matriculant's violent felony convictions to the medical school
15 that requested the criminal history records check. Compliance
16 with the criminal history record checks required by this
17 subsection (a) may also be accomplished through the use of a
18 private entity that checks criminal history records for
19 violent felony convictions.

20 (b) A private medical school located in Illinois must
21 conduct an inquiry into the Illinois ~~Department of~~ State
22 Police's Statewide Sex Offender Database for each matriculant
23 and must require that each matriculant submit to an Illinois
24 Uniform Conviction Information Act fingerprint-based, criminal
25 history records check for violent felony convictions,
26 conducted by the Illinois ~~Department of~~ State Police, as part

1 of the medical school admissions process. The medical school
2 shall forward the name, sex, race, date of birth, social
3 security number, and fingerprints of each of its matriculants
4 to the Illinois ~~Department of~~ State Police to be searched
5 against the fingerprint records now and hereafter filed in the
6 Illinois ~~Department of~~ State Police criminal history records
7 database. The fingerprints of each matriculant must be
8 submitted in the form and manner prescribed by the Illinois
9 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
10 Police shall furnish, pursuant to positive identification,
11 records of a matriculant's violent felony convictions to the
12 medical school that requested the criminal history records
13 check. Compliance with the criminal history record checks
14 required by this subsection (b) may also be accomplished
15 through the use of a private entity that checks criminal
16 history records for violent felony convictions.

17 (Source: P.A. 96-1044, eff. 7-14-10.)

18 (110 ILCS 57/15)

19 Sec. 15. Fees. The Illinois ~~Department of~~ State Police
20 shall charge each requesting medical school a fee for
21 conducting the criminal history records check under Section 10
22 of this Act, which shall be deposited in the State Police
23 Services Fund and shall not exceed the cost of the inquiry.
24 Each requesting medical school is solely responsible for
25 payment of this fee to the Illinois ~~Department of~~ State

1 Police. Each requesting medical school is solely responsible
2 for payment of any fees associated with the use of a private
3 entity that checks criminal history records for violent felony
4 convictions. Each medical school may impose its own fee upon a
5 matriculant to cover the cost of the criminal history records
6 check at the time the matriculant submits to the criminal
7 history records check.

8 (Source: P.A. 96-1044, eff. 7-14-10.)

9 (110 ILCS 57/25)

10 Sec. 25. Civil immunity. Except for willful ~~wilful~~ or
11 wanton misconduct, no medical school acting under the
12 provisions of this Act shall be civilly liable to any
13 matriculant for reporting any required information to the
14 Illinois Department ~~of~~ State Police or for any decision made
15 pursuant to Section 20 of this Act.

16 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

17 Section 525. The Transmitters of Money Act is amended by
18 changing Section 25 as follows:

19 (205 ILCS 657/25)

20 Sec. 25. Application for license.

21 (a) An application for a license must be in writing, under
22 oath, and in the form the Director prescribes. The application
23 must contain or be accompanied by all of the following:

1 (1) The name of the applicant and the address of the
2 principal place of business of the applicant and the
3 address of all locations and proposed locations of the
4 applicant in this State.

5 (2) The form of business organization of the
6 applicant, including:

7 (A) a copy of its articles of incorporation and
8 amendments thereto and a copy of its bylaws, certified
9 by its secretary, if the applicant is a corporation;

10 (B) a copy of its partnership agreement, certified
11 by a partner, if the applicant is a partnership; or

12 (C) a copy of the documents that control its
13 organizational structure, certified by a managing
14 official, if the applicant is organized in some other
15 form.

16 (3) The name, business and home address, and a
17 chronological summary of the business experience, material
18 litigation history, and felony convictions over the
19 preceding 10 years of:

20 (A) the proprietor, if the applicant is an
21 individual;

22 (B) every partner, if the applicant is a
23 partnership;

24 (C) each officer, director, and controlling
25 person, if the applicant is a corporation; and

26 (D) each person in a position to exercise control

1 over, or direction of, the business of the applicant,
2 regardless of the form of organization of the
3 applicant.

4 (4) Financial statements, not more than one year old,
5 prepared in accordance with generally accepted accounting
6 principles and audited by a licensed public accountant or
7 certified public accountant showing the financial
8 condition of the applicant and an unaudited balance sheet
9 and statement of operation as of the most recent quarterly
10 report before the date of the application, certified by
11 the applicant or an officer or partner thereof. If the
12 applicant is a wholly owned subsidiary or is eligible to
13 file consolidated federal income tax returns with its
14 parent, however, unaudited financial statements for the
15 preceding year along with the unaudited financial
16 statements for the most recent quarter may be submitted if
17 accompanied by the audited financial statements of the
18 parent company for the preceding year along with the
19 unaudited financial statement for the most recent quarter.

20 (5) Filings of the applicant with the Securities and
21 Exchange Commission or similar foreign governmental entity
22 (English translation), if any.

23 (6) A list of all other states in which the applicant
24 is licensed as a money transmitter and whether the license
25 of the applicant for those purposes has ever been
26 withdrawn, refused, canceled, or suspended in any other

1 state, with full details.

2 (7) A list of all money transmitter locations and
3 proposed locations in this State.

4 (8) A sample of the contract for authorized sellers.

5 (9) A sample form of the proposed payment instruments
6 to be used in this State.

7 (10) The name and business address of the clearing
8 banks through which the applicant intends to conduct any
9 business regulated under this Act.

10 (11) A surety bond as required by Section 30 of this
11 Act.

12 (12) The applicable fees as required by Section 45 of
13 this Act.

14 (13) A written consent to service of process as
15 provided by Section 100 of this Act.

16 (14) A written statement that the applicant is in full
17 compliance with and agrees to continue to fully comply
18 with all state and federal statutes and regulations
19 relating to money laundering.

20 (15) All additional information the Director considers
21 necessary in order to determine whether or not to issue
22 the applicant a license under this Act.

23 (a-5) The proprietor, partner, officer, director, and
24 controlling person of the applicant shall submit their
25 fingerprints to the Illinois ~~Department of~~ State Police in an
26 electronic format that complies with the form and manner for

1 requesting and furnishing criminal history record information
2 as prescribed by the Illinois ~~Department of~~ State Police.
3 These fingerprints shall be retained and checked against the
4 Illinois ~~Department of~~ State Police and Federal Bureau of
5 Investigation criminal history record databases now and
6 hereafter filed, including latent fingerprint searches. The
7 Illinois ~~Department of~~ State Police shall charge applicants a
8 fee for conducting the criminal history records check, which
9 shall be deposited into the State Police Services Fund and
10 shall not exceed the actual cost of the records check. The
11 Illinois ~~Department of~~ State Police shall furnish records of
12 Illinois convictions to the Department pursuant to positive
13 identification and shall forward the national criminal history
14 record information to the Department. The Department may
15 require applicants to pay a separate fingerprinting fee,
16 either to the Department or to a Department-designated or
17 Department-approved vendor. The Department, in its discretion,
18 may allow a proprietor, partner, officer, director, or
19 controlling person of an applicant who does not have
20 reasonable access to a designated vendor to provide his or her
21 fingerprints in an alternative manner. The Department, in its
22 discretion, may also use other procedures in performing or
23 obtaining criminal background checks of applicants. Instead of
24 submitting his or her fingerprints, an individual may submit
25 proof that is satisfactory to the Department that an
26 equivalent security clearance has been conducted. The

1 Department may adopt any rules necessary to implement this
2 subsection.

3 (b) The Director may, for good cause shown, waive, in
4 part, any of the requirements of this Section.

5 (Source: P.A. 100-979, eff. 8-19-18.)

6 Section 530. The Currency Reporting Act is amended by
7 changing Sections 2, 3, and 4 as follows:

8 (205 ILCS 685/2) (from Ch. 17, par. 7352)

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

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

16 (205 ILCS 685/3) (from Ch. 17, par. 7353)

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

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

20 (b) (Blank); ~~"Department" means the Department of State~~
21 ~~Police;~~

22 (c) "Director" means Director of the Illinois State
23 Police;

- 1 (d) "Financial Institution" means any:
- 2 (1) National or state bank or banking association;
- 3 (2) Agency or branch of a foreign bank, or
- 4 international bank;
- 5 (3) Industrial savings bank;
- 6 (4) Trust company;
- 7 (5) Federal or state savings and loan association;
- 8 (6) Federal or state credit union;
- 9 (7) Community or ambulatory currency exchange;
- 10 (8) Issuer, redeemer, or cashier of travelers' checks,
- 11 money orders, or similar instruments;
- 12 (9) Operator of a credit card system;
- 13 (10) Insurance company;
- 14 (11) Dealer in precious metals, stones, and jewels;
- 15 (12) Loan or finance company;
- 16 (13) Pawnbroker;
- 17 (14) Travel agency;
- 18 (15) Licensed sender of money;
- 19 (16) Telegraph company;
- 20 (17) Business engaged in vehicle or vessel sales,
- 21 including automobile, airplane and boat sales;
- 22 (18) Person involved in real estate closings,
- 23 settlements, sales, or auctions.

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

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

1 (205 ILCS 685/4) (from Ch. 17, par. 7354)

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

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

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

1 Section 535. The Abused and Neglected Long Term Care
2 Facility Residents Reporting Act is amended by changing
3 Sections 6 and 10 as follows:

4 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

5 Sec. 6. All reports of suspected abuse or neglect made
6 under this Act shall be made immediately by telephone to the
7 Department's central register established under Section 14 on
8 the single, State-wide, toll-free telephone number established
9 under Section 13, or in person or by telephone through the
10 nearest Department office. No long term care facility
11 administrator, agent or employee, or any other person, shall
12 screen reports or otherwise withhold any reports from the
13 Department, and no long term care facility, department of
14 State government, or other agency shall establish any rules,
15 criteria, standards or guidelines to the contrary. Every long
16 term care facility, department of State government and other
17 agency whose employees are required to make or cause to be made
18 reports under Section 4 shall notify its employees of the
19 provisions of that Section and of this Section, and provide to
20 the Department documentation that such notification has been
21 given. The Department of Human Services shall train all of its
22 mental health and developmental disabilities employees in the
23 detection and reporting of suspected abuse and neglect of
24 residents. Reports made to the central register through the
25 State-wide, toll-free telephone number shall be transmitted to

1 appropriate Department offices and municipal health
2 departments that have responsibility for licensing long term
3 care facilities under the Nursing Home Care Act, the
4 Specialized Mental Health Rehabilitation Act of 2013, the
5 ID/DD Community Care Act, or the MC/DD Act. All reports
6 received through offices of the Department shall be forwarded
7 to the central register, in a manner and form described by the
8 Department. The Department shall be capable of receiving
9 reports of suspected abuse and neglect 24 hours a day, 7 days a
10 week. Reports shall also be made in writing deposited in the
11 U.S. mail, postage prepaid, within 24 hours after having
12 reasonable cause to believe that the condition of the resident
13 resulted from abuse or neglect. Such reports may in addition
14 be made to the local law enforcement agency in the same manner.
15 However, in the event a report is made to the local law
16 enforcement agency, the reporter also shall immediately so
17 inform the Department. The Department shall initiate an
18 investigation of each report of resident abuse and neglect
19 under this Act, whether oral or written, as provided for in
20 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
21 the Specialized Mental Health Rehabilitation Act of 2013,
22 Section 3-702 of the ID/DD Community Care Act, or Section
23 3-702 of the MC/DD Act, except that reports of abuse which
24 indicate that a resident's life or safety is in imminent
25 danger shall be investigated within 24 hours of such report.
26 The Department may delegate to law enforcement officials or

1 other public agencies the duty to perform such investigation.

2 With respect to investigations of reports of suspected
3 abuse or neglect of residents of mental health and
4 developmental disabilities institutions under the jurisdiction
5 of the Department of Human Services, the Department shall
6 transmit copies of such reports to the Illinois ~~Department of~~
7 State Police, the Department of Human Services, and the
8 Inspector General appointed under Section 1-17 of the
9 Department of Human Services Act. If the Department receives a
10 report of suspected abuse or neglect of a recipient of
11 services as defined in Section 1-123 of the Mental Health and
12 Developmental Disabilities Code, the Department shall transmit
13 copies of such report to the Inspector General and the
14 Directors of the Guardianship and Advocacy Commission and the
15 agency designated by the Governor pursuant to the Protection
16 and Advocacy for Persons with Developmental Disabilities Act.
17 When requested by the Director of the Guardianship and
18 Advocacy Commission, the agency designated by the Governor
19 pursuant to the Protection and Advocacy for Persons with
20 Developmental Disabilities Act, or the Department of Financial
21 and Professional Regulation, the Department, the Department of
22 Human Services and the Illinois ~~Department of~~ State Police
23 shall make available a copy of the final investigative report
24 regarding investigations conducted by their respective
25 agencies on incidents of suspected abuse or neglect of
26 residents of mental health and developmental disabilities

1 institutions or individuals receiving services at community
2 agencies under the jurisdiction of the Department of Human
3 Services. Such final investigative report shall not contain
4 witness statements, investigation notes, draft summaries,
5 results of lie detector tests, investigative files or other
6 raw data which was used to compile the final investigative
7 report. Specifically, the final investigative report of the
8 Illinois ~~Department of~~ State Police shall mean the Director's
9 final transmittal letter. The Department of Human Services
10 shall also make available a copy of the results of
11 disciplinary proceedings of employees involved in incidents of
12 abuse or neglect to the Directors. All identifiable
13 information in reports provided shall not be further disclosed
14 except as provided by the Mental Health and Developmental
15 Disabilities Confidentiality Act. Nothing in this Section is
16 intended to limit or construe the power or authority granted
17 to the agency designated by the Governor pursuant to the
18 Protection and Advocacy for Persons with Developmental
19 Disabilities Act, pursuant to any other State or federal
20 statute.

21 With respect to investigations of reported resident abuse
22 or neglect, the Department shall effect with appropriate law
23 enforcement agencies formal agreements concerning methods and
24 procedures for the conduct of investigations into the criminal
25 histories of any administrator, staff assistant or employee of
26 the nursing home or other person responsible for the residents

1 care, as well as for other residents in the nursing home who
2 may be in a position to abuse, neglect or exploit the patient.
3 Pursuant to the formal agreements entered into with
4 appropriate law enforcement agencies, the Department may
5 request information with respect to whether the person or
6 persons set forth in this paragraph have ever been charged
7 with a crime and if so, the disposition of those charges.
8 Unless the criminal histories of the subjects involved crimes
9 of violence or resident abuse or neglect, the Department shall
10 be entitled only to information limited in scope to charges
11 and their dispositions. In cases where prior crimes of
12 violence or resident abuse or neglect are involved, a more
13 detailed report can be made available to authorized
14 representatives of the Department, pursuant to the agreements
15 entered into with appropriate law enforcement agencies. Any
16 criminal charges and their disposition information obtained by
17 the Department shall be confidential and may not be
18 transmitted outside the Department, except as required herein,
19 to authorized representatives or delegates of the Department,
20 and may not be transmitted to anyone within the Department who
21 is not duly authorized to handle resident abuse or neglect
22 investigations.

23 The Department shall effect formal agreements with
24 appropriate law enforcement agencies in the various counties
25 and communities to encourage cooperation and coordination in
26 the handling of resident abuse or neglect cases pursuant to

1 this Act. The Department shall adopt and implement methods and
2 procedures to promote statewide uniformity in the handling of
3 reports of abuse and neglect under this Act, and those methods
4 and procedures shall be adhered to by personnel of the
5 Department involved in such investigations and reporting. The
6 Department shall also make information required by this Act
7 available to authorized personnel within the Department, as
8 well as its authorized representatives.

9 The Department shall keep a continuing record of all
10 reports made pursuant to this Act, including indications of
11 the final determination of any investigation and the final
12 disposition of all reports.

13 The Department shall report annually to the General
14 Assembly on the incidence of abuse and neglect of long term
15 care facility residents, with special attention to residents
16 who are persons with mental disabilities. The report shall
17 include but not be limited to data on the number and source of
18 reports of suspected abuse or neglect filed under this Act,
19 the nature of any injuries to residents, the final
20 determination of investigations, the type and number of cases
21 where abuse or neglect is determined to exist, and the final
22 disposition of cases.

23 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
24 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

1 Sec. 10. If, during the investigation of a report made
2 pursuant to this Act, the Department obtains information
3 indicating possible criminal acts, the Department shall refer
4 the matter to the appropriate law enforcement agency or
5 agencies for further investigation or prosecution. The
6 Department shall make the entire file of its investigation
7 available to the appropriate law enforcement agencies.

8 With respect to reports of suspected abuse or neglect of
9 residents of facilities operated by the Department of Human
10 Services (as successor to the Department of Rehabilitation
11 Services) or recipients of services through any home,
12 institution, program or other entity licensed in whole or in
13 part by the Department of Human Services (as successor to the
14 Department of Rehabilitation Services), the Department shall
15 refer reports to the Illinois ~~Department of~~ State Police or
16 the appropriate law enforcement entity upon awareness that a
17 possible criminal act has occurred.

18 (Source: P.A. 94-428, eff. 8-2-05.)

19 Section 540. The Nursing Home Care Act is amended by
20 changing Sections 1-114.01, 2-201.5, 2-201.6, and 2-201.7 as
21 follows:

22 (210 ILCS 45/1-114.01)

23 Sec. 1-114.01. Identified offender. "Identified offender"
24 means a person who meets any of the following criteria:

1 (1) Has been convicted of, found guilty of,
2 adjudicated delinquent for, found not guilty by reason of
3 insanity for, or found unfit to stand trial for, any
4 felony offense listed in Section 25 of the Health Care
5 Worker Background Check Act, except for the following: (i)
6 a felony offense described in Section 10-5 of the Nurse
7 Practice Act; (ii) a felony offense described in Section
8 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit
9 Card Act; (iii) a felony offense described in Section 5,
10 5.1, 5.2, 7, or 9 of the Cannabis Control Act; (iv) a
11 felony offense described in Section 401, 401.1, 404, 405,
12 405.1, 407, or 407.1 of the Illinois Controlled Substances
13 Act; and (v) a felony offense described in the
14 Methamphetamine Control and Community Protection Act.

15 (2) Has been convicted of, adjudicated delinquent for,
16 found not guilty by reason of insanity for, or found unfit
17 to stand trial for, any sex offense as defined in
18 subsection (c) of Section 10 of the Sex Offender
19 Management Board Act.

20 (3) Is any other resident as determined by the
21 Illinois Department of State Police.

22 (Source: P.A. 96-1372, eff. 7-29-10.)

23 (210 ILCS 45/2-201.5)

24 Sec. 2-201.5. Screening prior to admission.

25 (a) All persons age 18 or older seeking admission to a

1 nursing facility must be screened to determine the need for
2 nursing facility services prior to being admitted, regardless
3 of income, assets, or funding source. Screening for nursing
4 facility services shall be administered through procedures
5 established by administrative rule. Screening may be done by
6 agencies other than the Department as established by
7 administrative rule. This Section applies on and after July 1,
8 1996. No later than October 1, 2010, the Department of
9 Healthcare and Family Services, in collaboration with the
10 Department on Aging, the Department of Human Services, and the
11 Department of Public Health, shall file administrative rules
12 providing for the gathering, during the screening process, of
13 information relevant to determining each person's potential
14 for placing other residents, employees, and visitors at risk
15 of harm.

16 (a-1) Any screening performed pursuant to subsection (a)
17 of this Section shall include a determination of whether any
18 person is being considered for admission to a nursing facility
19 due to a need for mental health services. For a person who
20 needs mental health services, the screening shall also include
21 an evaluation of whether there is permanent supportive
22 housing, or an array of community mental health services,
23 including but not limited to supported housing, assertive
24 community treatment, and peer support services, that would
25 enable the person to live in the community. The person shall be
26 told about the existence of any such services that would

1 enable the person to live safely and humanely and about
2 available appropriate nursing home services that would enable
3 the person to live safely and humanely, and the person shall be
4 given the assistance necessary to avail himself or herself of
5 any available services.

6 (a-2) Pre-screening for persons with a serious mental
7 illness shall be performed by a psychiatrist, a psychologist,
8 a registered nurse certified in psychiatric nursing, a
9 licensed clinical professional counselor, or a licensed
10 clinical social worker, who is competent to (i) perform a
11 clinical assessment of the individual, (ii) certify a
12 diagnosis, (iii) make a determination about the individual's
13 current need for treatment, including substance abuse
14 treatment, and recommend specific treatment, and (iv)
15 determine whether a facility or a community-based program is
16 able to meet the needs of the individual.

17 For any person entering a nursing facility, the
18 pre-screening agent shall make specific recommendations about
19 what care and services the individual needs to receive,
20 beginning at admission, to attain or maintain the individual's
21 highest level of independent functioning and to live in the
22 most integrated setting appropriate for his or her physical
23 and personal care and developmental and mental health needs.
24 These recommendations shall be revised as appropriate by the
25 pre-screening or re-screening agent based on the results of
26 resident review and in response to changes in the resident's

1 wishes, needs, and interest in transition.

2 Upon the person entering the nursing facility, the
3 Department of Human Services or its designee shall assist the
4 person in establishing a relationship with a community mental
5 health agency or other appropriate agencies in order to (i)
6 promote the person's transition to independent living and (ii)
7 support the person's progress in meeting individual goals.

8 (a-3) The Department of Human Services, by rule, shall
9 provide for a prohibition on conflicts of interest for
10 pre-admission screeners. The rule shall provide for waiver of
11 those conflicts by the Department of Human Services if the
12 Department of Human Services determines that a scarcity of
13 qualified pre-admission screeners exists in a given community
14 and that, absent a waiver of conflicts, an insufficient number
15 of pre-admission screeners would be available. If a conflict
16 is waived, the pre-admission screener shall disclose the
17 conflict of interest to the screened individual in the manner
18 provided for by rule of the Department of Human Services. For
19 the purposes of this subsection, a "conflict of interest"
20 includes, but is not limited to, the existence of a
21 professional or financial relationship between (i) a PAS-MH
22 corporate or a PAS-MH agent and (ii) a community provider or
23 long-term care facility.

24 (b) In addition to the screening required by subsection
25 (a), a facility, except for those licensed under the MC/DD
26 Act, shall, within 24 hours after admission, request a

1 criminal history background check pursuant to the Illinois
2 Uniform Conviction Information Act for all persons age 18 or
3 older seeking admission to the facility, unless (i) a
4 background check was initiated by a hospital pursuant to
5 subsection (d) of Section 6.09 of the Hospital Licensing Act
6 or a pre-admission background check was conducted by the
7 Department of Veterans' Affairs 30 days prior to admittance
8 into an Illinois Veterans Home; (ii) the transferring resident
9 is immobile; or (iii) the transferring resident is moving into
10 hospice. The exemption provided in item (ii) or (iii) of this
11 subsection (b) shall apply only if a background check was
12 completed by the facility the resident resided at prior to
13 seeking admission to the facility and the resident was
14 transferred to the facility with no time passing during which
15 the resident was not institutionalized. If item (ii) or (iii)
16 of this subsection (b) applies, the prior facility shall
17 provide a copy of its background check of the resident and all
18 supporting documentation, including, when applicable, the
19 criminal history report and the security assessment, to the
20 facility to which the resident is being transferred.
21 Background checks conducted pursuant to this Section shall be
22 based on the resident's name, date of birth, and other
23 identifiers as required by the Illinois Department of State
24 ~~Police~~. If the results of the background check are
25 inconclusive, the facility shall initiate a fingerprint-based
26 check, unless the fingerprint check is waived by the Director

1 of Public Health based on verification by the facility that
2 the resident is completely immobile or that the resident meets
3 other criteria related to the resident's health or lack of
4 potential risk which may be established by Departmental rule.
5 A waiver issued pursuant to this Section shall be valid only
6 while the resident is immobile or while the criteria
7 supporting the waiver exist. The facility shall provide for or
8 arrange for any required fingerprint-based checks to be taken
9 on the premises of the facility. If a fingerprint-based check
10 is required, the facility shall arrange for it to be conducted
11 in a manner that is respectful of the resident's dignity and
12 that minimizes any emotional or physical hardship to the
13 resident.

14 (c) If the results of a resident's criminal history
15 background check reveal that the resident is an identified
16 offender as defined in Section 1-114.01, the facility shall do
17 the following:

18 (1) Immediately notify the Illinois ~~Department of~~
19 State Police, in the form and manner required by the
20 Illinois ~~Department of~~ State Police, in collaboration with
21 the Department of Public Health, that the resident is an
22 identified offender.

23 (2) Within 72 hours, arrange for a fingerprint-based
24 criminal history record inquiry to be requested on the
25 identified offender resident. The inquiry shall be based
26 on the subject's name, sex, race, date of birth,

1 fingerprint images, and other identifiers required by the
2 Illinois ~~Department of~~ State Police. The inquiry shall be
3 processed through the files of the Illinois ~~Department of~~
4 State Police and the Federal Bureau of Investigation to
5 locate any criminal history record information that may
6 exist regarding the subject. The Federal Bureau of
7 Investigation shall furnish to the Illinois ~~Department of~~
8 State Police, pursuant to an inquiry under this paragraph
9 (2), any criminal history record information contained in
10 its files.

11 The facility shall comply with all applicable provisions
12 contained in the Illinois Uniform Conviction Information Act.

13 All name-based and fingerprint-based criminal history
14 record inquiries shall be submitted to the Illinois ~~Department~~
15 ~~of~~ State Police electronically in the form and manner
16 prescribed by the Illinois ~~Department of~~ State Police. The
17 Illinois ~~Department of~~ State Police may charge the facility a
18 fee for processing name-based and fingerprint-based criminal
19 history record inquiries. The fee shall be deposited into the
20 State Police Services Fund. The fee shall not exceed the
21 actual cost of processing the inquiry.

22 (d) (Blank).

23 (e) The Department shall develop and maintain a
24 de-identified database of residents who have injured facility
25 staff, facility visitors, or other residents, and the
26 attendant circumstances, solely for the purposes of evaluating

1 and improving resident pre-screening and assessment procedures
2 (including the Criminal History Report prepared under Section
3 2-201.6) and the adequacy of Department requirements
4 concerning the provision of care and services to residents. A
5 resident shall not be listed in the database until a
6 Department survey confirms the accuracy of the listing. The
7 names of persons listed in the database and information that
8 would allow them to be individually identified shall not be
9 made public. Neither the Department nor any other agency of
10 State government may use information in the database to take
11 any action against any individual, licensee, or other entity,
12 unless the Department or agency receives the information
13 independent of this subsection (e). All information collected,
14 maintained, or developed under the authority of this
15 subsection (e) for the purposes of the database maintained
16 under this subsection (e) shall be treated in the same manner
17 as information that is subject to Part 21 of Article VIII of
18 the Code of Civil Procedure.

19 (Source: P.A. 99-180, eff. 7-29-15; 99-314, eff. 8-7-15;
20 99-453, eff. 8-24-15; 99-642, eff. 7-28-16.)

21 (210 ILCS 45/2-201.6)

22 Sec. 2-201.6. Criminal History Report.

23 (a) The Illinois ~~Department of~~ State Police shall prepare
24 a Criminal History Report when it receives information,
25 through the criminal history background check required

1 pursuant to subsection (d) of Section 6.09 of the Hospital
2 Licensing Act or subsection (c) of Section 2-201.5, or through
3 any other means, that a resident of a facility is an identified
4 offender.

5 (b) The Illinois ~~Department of~~ State Police shall complete
6 the Criminal History Report within 10 business days after
7 receiving information under subsection (a) that a resident is
8 an identified offender.

9 (c) The Criminal History Report shall include, but not be
10 limited to, the following:

11 (1) (Blank).

12 (2) (Blank).

13 (3) (Blank).

14 (3.5) Copies of the identified offender's parole,
15 mandatory supervised release, or probation orders.

16 (4) An interview with the identified offender.

17 (5) (Blank).

18 (6) A detailed summary of the entire criminal history
19 of the offender, including arrests, convictions, and the
20 date of the identified offender's last conviction relative
21 to the date of admission to a long-term care facility.

22 (7) If the identified offender is a convicted or
23 registered sex offender, a review of any and all sex
24 offender evaluations conducted on that offender. If there
25 is no sex offender evaluation available, the Illinois
26 ~~Department of~~ State Police shall arrange, through the

1 Department of Public Health, for a sex offender evaluation
2 to be conducted on the identified offender. If the
3 convicted or registered sex offender is under supervision
4 by the Illinois Department of Corrections or a county
5 probation department, the sex offender evaluation shall be
6 arranged by and at the expense of the supervising agency.
7 All evaluations conducted on convicted or registered sex
8 offenders under this Act shall be conducted by sex
9 offender evaluators approved by the Sex Offender
10 Management Board.

11 (d) The Illinois ~~Department of~~ State Police shall provide
12 the Criminal History Report to a licensed forensic
13 psychologist. After (i) consideration of the Criminal History
14 Report, (ii) consultation with the facility administrator or
15 the facility medical director, or both, regarding the mental
16 and physical condition of the identified offender, and (iii)
17 reviewing the facility's file on the identified offender,
18 including all incident reports, all information regarding
19 medication and medication compliance, and all information
20 regarding previous discharges or transfers from other
21 facilities, the licensed forensic psychologist shall prepare
22 an Identified Offender Report and Recommendation. The
23 Identified Offender Report and Recommendation shall detail
24 whether and to what extent the identified offender's criminal
25 history necessitates the implementation of security measures
26 within the long-term care facility. If the identified offender

1 is a convicted or registered sex offender or if the Identified
2 Offender Report and Recommendation reveals that the identified
3 offender poses a significant risk of harm to others within the
4 facility, the offender shall be required to have his or her own
5 room within the facility.

6 (e) The licensed forensic psychologist shall complete the
7 Identified Offender Report and Recommendation within 14
8 business days after receiving the Criminal History Report and
9 shall promptly provide the Identified Offender Report and
10 Recommendation to the Illinois ~~Department of~~ State Police,
11 which shall provide the Identified Offender Report and
12 Recommendation to the following:

13 (1) The long-term care facility within which the
14 identified offender resides.

15 (2) The Chief of Police of the municipality in which
16 the facility is located.

17 (3) The State of Illinois Long Term Care Ombudsman.

18 (4) The Department of Public Health.

19 (e-5) The Department of Public Health shall keep a
20 continuing record of all residents determined to be identified
21 offenders as defined in Section 1-114.01 and shall report the
22 number of identified offender residents annually to the
23 General Assembly.

24 (f) The facility shall incorporate the Identified Offender
25 Report and Recommendation into the identified offender's care
26 plan created pursuant to 42 CFR 483.20.

1 (g) If, based on the Identified Offender Report and
2 Recommendation, a facility determines that it cannot manage
3 the identified offender resident safely within the facility,
4 it shall commence involuntary transfer or discharge
5 proceedings pursuant to Section 3-402.

6 (h) Except for willful and wanton misconduct, any person
7 authorized to participate in the development of a Criminal
8 History Report or Identified Offender Report and
9 Recommendation is immune from criminal or civil liability for
10 any acts or omissions as the result of his or her good faith
11 effort to comply with this Section.

12 (Source: P.A. 96-1372, eff. 7-29-10.)

13 (210 ILCS 45/2-201.7)

14 Sec. 2-201.7. Expanded criminal history background check
15 pilot program.

16 (a) The purpose of this Section is to establish a pilot
17 program based in Cook and Will counties in which an expanded
18 criminal history background check screening process will be
19 utilized to better identify residents of licensed long term
20 care facilities who, because of their criminal histories, may
21 pose a risk to other vulnerable residents.

22 (b) In this Section, "mixed population facility" means a
23 facility that has more than 25 residents with a diagnosis of
24 serious mental illness and residents 65 years of age or older.

25 (c) Every mixed population facility located in Cook County

1 or Will County shall participate in the pilot program and
2 shall employ expanded criminal history background check
3 screening procedures for all residents admitted to the
4 facility who are at least 18 years of age but less than 65
5 years of age. Under the pilot program, criminal history
6 background checks required under this Act shall employ
7 fingerprint-based criminal history record inquiries or
8 comparably comprehensive name-based criminal history
9 background checks. Fingerprint-based criminal history record
10 inquiries shall be conducted pursuant to subsection (c-2) of
11 Section 2-201.5. A Criminal History Report and an Identified
12 Offender Report and Recommendation shall be completed pursuant
13 to Section 2-201.6 if the results of the expanded criminal
14 history background check reveal that a resident is an
15 identified offender as defined in Section 1-114.01.

16 (d) If an expanded criminal history background check
17 reveals that a resident is an identified offender as defined
18 in Section 1-114.01, the facility shall be notified within 72
19 hours.

20 (e) The cost of the expanded criminal history background
21 checks conducted pursuant to the pilot program shall not
22 exceed \$50 per resident and shall be paid by the facility. The
23 Illinois ~~Department of~~ State Police shall implement all
24 potential measures to minimize the cost of the expanded
25 criminal history background checks to the participating long
26 term care facilities.

1 (f) The pilot program shall run for a period of one year
2 after the effective date of this amendatory Act of the 96th
3 General Assembly. Promptly after the end of that one-year
4 period, the Department shall report the results of the pilot
5 program to the General Assembly.

6 (Source: P.A. 96-1372, eff. 7-29-10.)

7 Section 545. The MC/DD Act is amended by changing Sections
8 1-114.01, 2-201.5, and 2-201.6 as follows:

9 (210 ILCS 46/1-114.01)

10 Sec. 1-114.01. Identified offender. "Identified offender"
11 means a person who meets any of the following criteria:

12 (1) Has been convicted of, found guilty of,
13 adjudicated delinquent for, found not guilty by reason of
14 insanity for, or found unfit to stand trial for any felony
15 offense listed in Section 25 of the Health Care Worker
16 Background Check Act, except for the following:

17 (i) a felony offense described in Section 10-5 of
18 the Nurse Practice Act;

19 (ii) a felony offense described in Section 4, 5,
20 6, 8, or 17.02 of the Illinois Credit Card and Debit
21 Card Act;

22 (iii) a felony offense described in Section 5,
23 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

24 (iv) a felony offense described in Section 401,

1 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
2 Controlled Substances Act; and

3 (v) a felony offense described in the
4 Methamphetamine Control and Community Protection Act.

5 (2) Has been convicted of, adjudicated delinquent for,
6 found not guilty by reason of insanity for, or found unfit
7 to stand trial for, any sex offense as defined in
8 subsection (c) of Section 10 of the Sex Offender
9 Management Board Act.

10 (3) Is any other resident as determined by the
11 Illinois ~~Department of~~ State Police.

12 (Source: P.A. 99-180, eff. 7-29-15.)

13 (210 ILCS 46/2-201.5)

14 Sec. 2-201.5. Screening prior to admission.

15 (a) All persons age 18 or older seeking admission to a
16 facility must be screened to determine the need for facility
17 services prior to being admitted, regardless of income,
18 assets, or funding source. In addition, any person who seeks
19 to become eligible for medical assistance from the Medical
20 Assistance Program under the Illinois Public Aid Code to pay
21 for services while residing in a facility must be screened
22 prior to receiving those benefits. Screening for facility
23 services shall be administered through procedures established
24 by administrative rule. Screening may be done by agencies
25 other than the Department as established by administrative

1 rule.

2 (a-1) Any screening shall also include an evaluation of
3 whether there are residential supports and services or an
4 array of community services that would enable the person to
5 live in the community. The person shall be told about the
6 existence of any such services that would enable the person to
7 live safely and humanely in the least restrictive environment,
8 that is appropriate, that the individual or guardian chooses,
9 and the person shall be given the assistance necessary to
10 avail himself or herself of any available services.

11 (b) In addition to the screening required by subsection
12 (a), a facility shall, within 24 hours after admission,
13 request a criminal history background check pursuant to the
14 Uniform Conviction Information Act for all persons age 18 or
15 older seeking admission to the facility. Background checks
16 conducted pursuant to this Section shall be based on the
17 resident's name, date of birth, and other identifiers as
18 required by the Illinois ~~Department of~~ State Police. If the
19 results of the background check are inconclusive, the facility
20 shall initiate a fingerprint-based check, unless the
21 fingerprint-based check is waived by the Director of Public
22 Health based on verification by the facility that the resident
23 is completely immobile or that the resident meets other
24 criteria related to the resident's health or lack of potential
25 risk which may be established by Departmental rule. A waiver
26 issued pursuant to this Section shall be valid only while the

1 resident is immobile or while the criteria supporting the
2 waiver exist. The facility shall provide for or arrange for
3 any required fingerprint-based checks. If a fingerprint-based
4 check is required, the facility shall arrange for it to be
5 conducted in a manner that is respectful of the resident's
6 dignity and that minimizes any emotional or physical hardship
7 to the resident.

8 (c) If the results of a resident's criminal history
9 background check reveal that the resident is an identified
10 offender as defined in Section 1-114.01 of this Act, the
11 facility shall do the following:

12 (1) Immediately notify the Illinois ~~Department of~~
13 State Police, in the form and manner required by the
14 Illinois ~~Department of~~ State Police, in collaboration with
15 the Department of Public Health, that the resident is an
16 identified offender.

17 (2) Within 72 hours, arrange for a fingerprint-based
18 criminal history record inquiry to be requested on the
19 identified offender resident. The inquiry shall be based
20 on the subject's name, sex, race, date of birth,
21 fingerprint images, and other identifiers required by the
22 Illinois ~~Department of~~ State Police. The inquiry shall be
23 processed through the files of the Illinois ~~Department of~~
24 State Police and the Federal Bureau of Investigation to
25 locate any criminal history record information that may
26 exist regarding the subject. The Federal Bureau of

1 Investigation shall furnish to the Illinois ~~Department of~~
2 State Police, pursuant to an inquiry under this paragraph
3 (2), any criminal history record information contained in
4 its files. The facility shall comply with all applicable
5 provisions contained in the Uniform Conviction Information
6 Act. All name-based and fingerprint-based criminal history
7 record inquiries shall be submitted to the Illinois
8 ~~Department of~~ State Police electronically in the form and
9 manner prescribed by the Illinois ~~Department of~~ State
10 Police. The Illinois ~~Department of~~ State Police may charge
11 the facility a fee for processing name-based and
12 fingerprint-based criminal history record inquiries. The
13 fee shall be deposited into the State Police Services
14 Fund. The fee shall not exceed the actual cost of
15 processing the inquiry.

16 (d) The Department shall develop and maintain a
17 de-identified database of residents who have injured facility
18 staff, facility visitors, or other residents, and the
19 attendant circumstances, solely for the purposes of evaluating
20 and improving resident pre-screening and assessment procedures
21 (including the Criminal History Report prepared under Section
22 2-201.6 of this Act) and the adequacy of Department
23 requirements concerning the provision of care and services to
24 residents. A resident shall not be listed in the database
25 until a Department survey confirms the accuracy of the
26 listing. The names of persons listed in the database and

1 information that would allow them to be individually
2 identified shall not be made public. Neither the Department
3 nor any other agency of State government may use information
4 in the database to take any action against any individual,
5 licensee, or other entity unless the Department or agency
6 receives the information independent of this subsection (d).
7 All information collected, maintained, or developed under the
8 authority of this subsection (d) for the purposes of the
9 database maintained under this subsection (d) shall be treated
10 in the same manner as information that is subject to Part 21 of
11 Article VIII of the Code of Civil Procedure.

12 (Source: P.A. 99-180, eff. 7-29-15.)

13 (210 ILCS 46/2-201.6)

14 Sec. 2-201.6. Criminal History Report.

15 (a) The Illinois ~~Department of~~ State Police shall prepare
16 a Criminal History Report when it receives information,
17 through the criminal history background check required
18 pursuant to subsection (c) of Section 2-201.5 or through any
19 other means, that a resident of a facility is an identified
20 offender.

21 (b) The Illinois ~~Department of~~ State Police shall complete
22 the Criminal History Report within 10 business days after
23 receiving any information described under subsection (a) of
24 this Act that a resident is an identified offender.

25 (c) The Criminal History Report shall include, but not be

1 limited to, all of the following:

2 (1) Copies of the identified offender's parole,
3 mandatory supervised release, or probation orders.

4 (2) An interview with the identified offender.

5 (3) A detailed summary of the entire criminal history
6 of the offender, including arrests, convictions, and the
7 date of the identified offender's last conviction relative
8 to the date of admission to a facility.

9 (4) If the identified offender is a convicted or
10 registered sex offender, then a review of any and all sex
11 offender evaluations conducted on that offender. If there
12 is no sex offender evaluation available, then the Illinois
13 ~~Department of~~ State Police shall arrange, through the
14 Department of Public Health, for a sex offender evaluation
15 to be conducted on the identified offender. If the
16 convicted or registered sex offender is under supervision
17 by the Illinois Department of Corrections or a county
18 probation department, then the sex offender evaluation
19 shall be arranged by and at the expense of the supervising
20 agency. All evaluations conducted on convicted or
21 registered sex offenders under this Act shall be conducted
22 by sex offender evaluators approved by the Sex Offender
23 Management Board.

24 (d) The Illinois ~~Department of~~ State Police shall provide
25 the Criminal History Report to a licensed forensic
26 psychologist. The licensed forensic psychologist shall prepare

1 an Identified Offender Report and Recommendation after (i)
2 consideration of the Criminal History Report, (ii)
3 consultation with the facility administrator or the facility
4 medical director, or both, regarding the mental and physical
5 condition of the identified offender, and (iii) reviewing the
6 facility's file on the identified offender, including all
7 incident reports, all information regarding medication and
8 medication compliance, and all information regarding previous
9 discharges or transfers from other facilities. The Identified
10 Offender Report and Recommendation shall detail whether and to
11 what extent the identified offender's criminal history
12 necessitates the implementation of security measures within
13 the facility. If the identified offender is a convicted or
14 registered sex offender, or if the Identified Offender Report
15 and Recommendation reveals that the identified offender poses
16 a significant risk of harm to others within the facility, then
17 the offender shall be required to have his or her own room
18 within the facility.

19 (e) The licensed forensic psychologist shall complete the
20 Identified Offender Report and Recommendation within 14
21 business days after receiving the Criminal History Report and
22 shall promptly provide the Identified Offender Report and
23 Recommendation to the Illinois Department of State Police,
24 which shall provide the Identified Offender Report and
25 Recommendation to the following:

26 (1) The facility within which the identified offender

1 resides.

2 (2) The Chief of Police of the municipality in which
3 the facility is located.

4 (3) The State of Illinois Long Term Care Ombudsman.

5 (4) The Department of Public Health.

6 (f) The Department of Public Health shall keep a
7 continuing record of all residents determined to be identified
8 offenders as defined in Section 1-114.01 and shall report the
9 number of identified offender residents annually to the
10 General Assembly.

11 (g) The facility shall incorporate the Identified Offender
12 Report and Recommendation into the identified offender's
13 individual program plan created pursuant to 42 CFR 483.440(c).

14 (h) If, based on the Identified Offender Report and
15 Recommendation, a facility determines that it cannot manage
16 the identified offender resident safely within the facility,
17 then it shall commence involuntary transfer or discharge
18 proceedings pursuant to Section 3-402.

19 (i) Except for willful and wanton misconduct, any person
20 authorized to participate in the development of a Criminal
21 History Report or Identified Offender Report and
22 Recommendation is immune from criminal or civil liability for
23 any acts or omissions as the result of his or her good faith
24 effort to comply with this Section.

25 (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,
7 adjudicated delinquent for, found not guilty by reason of
8 insanity for, or found unfit to stand trial for any felony
9 offense listed in Section 25 of the Health Care Worker
10 Background Check 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,
14 6, 8, or 17.02 of the Illinois Credit Card and Debit
15 Card Act;

16 (iii) a felony offense described in Section 5,
17 5.1, 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
25 to stand trial for, any sex offense as defined in

1 subsection (c) of Section 10 of the Sex Offender
2 Management Board Act.

3 (3) Is any other resident as determined by the
4 Illinois ~~Department of~~ State Police.

5 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

6 (210 ILCS 47/2-201.5)

7 Sec. 2-201.5. Screening prior to admission.

8 (a) All persons age 18 or older seeking admission to a
9 facility must be screened to determine the need for facility
10 services prior to being admitted, regardless of income,
11 assets, or funding source. In addition, any person who seeks
12 to become eligible for medical assistance from the Medical
13 Assistance Program under the Illinois Public Aid Code to pay
14 for services while residing in a facility must be screened
15 prior to receiving those benefits. Screening for facility
16 services shall be administered through procedures established
17 by administrative rule. Screening may be done by agencies
18 other than the Department as established by administrative
19 rule.

20 (a-1) Any screening shall also include an evaluation of
21 whether there are residential supports and services or an
22 array of community services that would enable the person to
23 live in the community. The person shall be told about the
24 existence of any such services that would enable the person to
25 live safely and humanely in the least restrictive environment,

1 that is appropriate, that the individual or guardian chooses,
2 and the person shall be given the assistance necessary to
3 avail himself 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,
6 request a criminal history background check pursuant to the
7 Uniform Conviction Information Act for all persons age 18 or
8 older seeking admission to the facility. Background checks
9 conducted pursuant to this Section shall be based on the
10 resident's name, date of birth, and other identifiers as
11 required by the Illinois ~~Department of~~ State Police. If the
12 results of the background check are inconclusive, the facility
13 shall initiate a fingerprint-based check, unless the
14 fingerprint-based check is waived by the Director of Public
15 Health based on verification by the facility that the resident
16 is completely immobile or that the resident meets other
17 criteria related to the resident's health or lack of potential
18 risk which may be established by Departmental rule. A waiver
19 issued pursuant to this Section shall be valid only while the
20 resident is immobile or while the criteria supporting the
21 waiver exist. The facility shall provide for or arrange for
22 any required fingerprint-based checks. If a fingerprint-based
23 check is required, the facility shall arrange for it to be
24 conducted in a manner that is respectful of the resident's
25 dignity and that minimizes any emotional or physical hardship
26 to the resident.

1 (c) If the results of a resident's criminal history
2 background check reveal that the resident is an identified
3 offender as defined in Section 1-114.01 of this Act, the
4 facility shall do the following:

5 (1) Immediately notify the Illinois ~~Department of~~
6 State Police, in the form and manner required by the
7 Illinois ~~Department of~~ State Police, in collaboration with
8 the Department of Public Health, that the resident is an
9 identified offender.

10 (2) Within 72 hours, arrange for a fingerprint-based
11 criminal history record inquiry to be requested on the
12 identified offender resident. The inquiry shall be based
13 on the subject's name, sex, race, date of birth,
14 fingerprint images, and other identifiers required by the
15 Illinois ~~Department of~~ State Police. The inquiry shall be
16 processed through the files of the Illinois ~~Department of~~
17 State Police and the Federal Bureau of Investigation to
18 locate any criminal history record information that may
19 exist regarding the subject. The Federal Bureau of
20 Investigation shall furnish to the Illinois ~~Department of~~
21 State Police, pursuant to an inquiry under this paragraph
22 (2), any criminal history record information contained in
23 its files. The facility shall comply with all applicable
24 provisions contained in the Uniform Conviction Information
25 Act. All name-based and fingerprint-based criminal history
26 record inquiries shall be submitted to the Illinois

1 ~~Department of~~ State Police electronically in the form and
2 manner prescribed by the Illinois ~~Department of~~ State
3 Police. The Illinois ~~Department of~~ State Police may charge
4 the facility a fee for processing name-based and
5 fingerprint-based criminal history record inquiries. The
6 fee shall be deposited into the State Police Services
7 Fund. The fee shall not exceed the actual cost of
8 processing the inquiry.

9 (d) The Department shall develop and maintain a
10 de-identified database of residents who have injured facility
11 staff, facility visitors, or other residents, and the
12 attendant circumstances, solely for the purposes of evaluating
13 and improving resident pre-screening and assessment procedures
14 (including the Criminal History Report prepared under Section
15 2-201.6 of this Act) and the adequacy of Department
16 requirements concerning the provision of care and services to
17 residents. A resident shall not be listed in the database
18 until a Department survey confirms the accuracy of the
19 listing. The names of persons listed in the database and
20 information that would allow them to be individually
21 identified shall not be made public. Neither the Department
22 nor any other agency of State government may use information
23 in the database to take any action against any individual,
24 licensee, or other entity unless the Department or agency
25 receives the information independent of this subsection (d).
26 All information collected, maintained, or developed under the

1 authority of this subsection (d) for the purposes of the
2 database maintained under this subsection (d) shall be treated
3 in the same manner as information that is subject to Part 21 of
4 Article VIII of the Code of Civil Procedure.

5 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

6 (210 ILCS 47/2-201.6)

7 Sec. 2-201.6. Criminal History Report.

8 (a) The Illinois ~~Department of~~ State Police shall prepare
9 a Criminal History Report when it receives information,
10 through the criminal history background check required
11 pursuant to subsection (c) of Section 2-201.5 or through any
12 other means, that a resident of a facility is an identified
13 offender.

14 (b) The Illinois ~~Department of~~ State Police shall complete
15 the Criminal History Report within 10 business days after
16 receiving any information described under subsection (a) of
17 this Act that a resident is an identified offender.

18 (c) The Criminal History Report shall include, but not be
19 limited to, all of the following:

20 (1) Copies of the identified offender's parole,
21 mandatory supervised release, or probation orders.

22 (2) An interview with the identified offender.

23 (3) A detailed summary of the entire criminal history
24 of the offender, including arrests, convictions, and the
25 date of the identified offender's last conviction relative

1 to the date of admission to a long-term care facility.

2 (4) If the identified offender is a convicted or
3 registered sex offender, then a review of any and all sex
4 offender evaluations conducted on that offender. If there
5 is no sex offender evaluation available, then the Illinois
6 ~~Department of~~ State Police shall arrange, through the
7 Department of Public Health, for a sex offender evaluation
8 to be conducted on the identified offender. If the
9 convicted or registered sex offender is under supervision
10 by the Illinois Department of Corrections or a county
11 probation department, then the sex offender evaluation
12 shall be arranged by and at the expense of the supervising
13 agency. All evaluations conducted on convicted or
14 registered sex offenders under this Act shall be conducted
15 by sex offender evaluators approved by the Sex Offender
16 Management Board.

17 (d) The Illinois ~~Department of~~ State Police shall provide
18 the Criminal History Report to a licensed forensic
19 psychologist. The licensed forensic psychologist shall prepare
20 an Identified Offender Report and Recommendation after (i)
21 consideration of the Criminal History Report, (ii)
22 consultation with the facility administrator or the facility
23 medical director, or both, regarding the mental and physical
24 condition of the identified offender, and (iii) reviewing the
25 facility's file on the identified offender, including all
26 incident reports, all information regarding medication and

1 medication compliance, and all information regarding previous
2 discharges or transfers from other facilities. The Identified
3 Offender Report and Recommendation shall detail whether and to
4 what extent the identified offender's criminal history
5 necessitates the implementation of security measures within
6 the facility. If the identified offender is a convicted or
7 registered sex offender, or if the Identified Offender Report
8 and Recommendation reveals that the identified offender poses
9 a significant risk of harm to others within the facility, then
10 the offender shall be required to have his or her own room
11 within the facility.

12 (e) The licensed forensic psychologist shall complete the
13 Identified Offender Report and Recommendation within 14
14 business days after receiving the Criminal History Report and
15 shall promptly provide the Identified Offender Report and
16 Recommendation to the Illinois ~~Department of~~ State Police,
17 which shall provide the Identified Offender Report and
18 Recommendation to the following:

19 (1) The facility within which the identified offender
20 resides.

21 (2) The Chief of Police of the municipality in which
22 the facility is located.

23 (3) The State of Illinois Long Term Care Ombudsman.

24 (4) The Department of Public Health.

25 (f) The Department of Public Health shall keep a
26 continuing record of all residents determined to be identified

1 offenders as defined in Section 1-114.01 and shall report the
2 number of identified offender residents annually to the
3 General Assembly.

4 (g) The facility shall incorporate the Identified Offender
5 Report and Recommendation into the identified offender's
6 individual program plan created pursuant to 42 CFR 483.440(c).

7 (h) If, based on the Identified Offender Report and
8 Recommendation, a facility determines that it cannot manage
9 the identified offender resident safely within the facility,
10 then it shall commence involuntary transfer or discharge
11 proceedings pursuant to Section 3-402.

12 (i) Except for willful and wanton misconduct, any person
13 authorized to participate in the development of a Criminal
14 History Report or Identified Offender Report and
15 Recommendation is immune from criminal or civil liability for
16 any acts or omissions as the result of his or her good faith
17 effort to comply with this Section.

18 (Source: P.A. 97-38, eff. 6-28-11.)

19 Section 555. The Specialized Mental Health Rehabilitation
20 Act of 2013 is amended by changing Sections 2-104 and 2-105 as
21 follows:

22 (210 ILCS 49/2-104)

23 Sec. 2-104. Screening prior to admission.

24 (a) A facility shall, within 24 hours after admission,

1 request a criminal history background check pursuant to the
2 Uniform Conviction Information Act for all persons age 18 or
3 older seeking admission to the facility, unless a background
4 check was initiated by a hospital pursuant to subsection (d)
5 of Section 6.09 of the Hospital Licensing Act. Background
6 checks conducted pursuant to this Section shall be based on
7 the consumer's name, date of birth, and other identifiers as
8 required by the Illinois ~~Department of~~ State Police. If the
9 results of the background check are inconclusive, the facility
10 shall initiate a fingerprint-based check, unless the
11 fingerprint check is waived by the Director of Public Health
12 based on verification by the facility that the consumer meets
13 criteria related to the consumer's health or lack of potential
14 risk which may be established by Departmental rule. A waiver
15 issued pursuant to this Section shall be valid only while the
16 consumer is immobile or while the criteria supporting the
17 waiver exist. The facility shall provide for or arrange for
18 any required fingerprint-based checks to be taken on the
19 premises of the facility. If a fingerprint-based check is
20 required, the facility shall arrange for it to be conducted in
21 a manner that is respectful of the consumer's dignity and that
22 minimizes any emotional or physical hardship to the consumer.

23 (b) If the results of a consumer's criminal history
24 background check reveal that the consumer is an identified
25 offender as defined in this Act, the facility shall do the
26 following:

1 (1) Immediately notify the Illinois ~~Department of~~
2 State Police, in the form and manner required by the
3 Illinois ~~Department of~~ State Police, in collaboration with
4 the Department of Public Health, that the consumer is an
5 identified offender.

6 (2) Within 72 hours, arrange for a fingerprint-based
7 criminal history record inquiry to be requested on the
8 identified offender consumer. The inquiry shall be based
9 on the subject's name, sex, race, date of birth,
10 fingerprint images, and other identifiers required by the
11 Illinois ~~Department of~~ State Police. The inquiry shall be
12 processed through the files of the Illinois ~~Department of~~
13 State Police and the Federal Bureau of Investigation to
14 locate any criminal history record information that may
15 exist regarding the subject. The Federal Bureau of
16 Investigation shall furnish to the Illinois ~~Department of~~
17 State Police, pursuant to an inquiry under this paragraph
18 (2), any criminal history record information contained in
19 its files.

20 (Source: P.A. 98-104, eff. 7-22-13.)

21 (210 ILCS 49/2-105)

22 Sec. 2-105. Criminal History Report.

23 (a) The Illinois ~~Department of~~ State Police shall prepare
24 a Criminal History Report when it receives information,
25 through the criminal history background check required

1 pursuant to subsection (d) of Section 6.09 of the Hospital
2 Licensing Act or subsection (c) of Section 2-201.5 of the
3 Nursing Home Care Act, or through any other means, that a
4 consumer of a facility is an identified offender.

5 (b) The Illinois ~~Department of~~ State Police shall complete
6 the Criminal History Report within 10 business days after
7 receiving information under subsection (a) that a consumer is
8 an identified offender.

9 (c) The Criminal History Report shall include, but not be
10 limited to, the following:

11 (1) Copies of the identified offender's parole,
12 mandatory supervised release, or probation orders.

13 (2) An interview with the identified offender.

14 (3) A detailed summary of the entire criminal history
15 of the offender, including arrests, convictions, and the
16 date of the identified offender's last conviction relative
17 to the date of admission to a long-term care facility.

18 (4) If the identified offender is a convicted or
19 registered sex offender, a review of any and all sex
20 offender evaluations conducted on that offender. If there
21 is no sex offender evaluation available, the Illinois
22 ~~Department of~~ State Police shall arrange, through the
23 Department of Public Health, for a sex offender evaluation
24 to be conducted on the identified offender. If the
25 convicted or registered sex offender is under supervision
26 by the Illinois Department of Corrections or a county

1 probation department, the sex offender evaluation shall be
2 arranged by and at the expense of the supervising agency.
3 All evaluations conducted on convicted or registered sex
4 offenders under this Act shall be conducted by sex
5 offender evaluators approved by the Sex Offender
6 Management Board.

7 (d) The Illinois ~~Department of~~ State Police shall provide
8 the Criminal History Report to a licensed forensic
9 psychologist. After (i) consideration of the Criminal History
10 Report, (ii) consultation with the facility administrator or
11 the facility medical director, or both, regarding the mental
12 and physical condition of the identified offender, and (iii)
13 reviewing the facility's file on the identified offender,
14 including all incident reports, all information regarding
15 medication and medication compliance, and all information
16 regarding previous discharges or transfers from other
17 facilities, the licensed forensic psychologist shall prepare
18 an Identified Offender Report and Recommendation. The
19 Identified Offender Report and Recommendation shall detail
20 whether and to what extent the identified offender's criminal
21 history necessitates the implementation of security measures
22 within the long-term care facility. If the identified offender
23 is a convicted or registered sex offender or if the Identified
24 Offender Report and Recommendation reveals that the identified
25 offender poses a significant risk of harm to others within the
26 facility, the offender shall be required to have his or her own

1 room within the facility.

2 (e) The licensed forensic psychologist shall complete the
3 Identified Offender Report and Recommendation within 14
4 business days after receiving the Criminal History Report and
5 shall promptly provide the Identified Offender Report and
6 Recommendation to the Illinois ~~Department of~~ State Police,
7 which shall provide the Identified Offender Report and
8 Recommendation to the following:

9 (1) The facility within which the identified offender
10 resides.

11 (2) The Chief of Police of the municipality in which
12 the facility is located.

13 (3) The State of Illinois Long Term Care Ombudsman.

14 (4) The Department of Public Health.

15 (e-5) The Department of Public Health shall keep a
16 continuing record of all consumers determined to be identified
17 offenders as defined in Section 1-114.01 of the Nursing Home
18 Care Act and shall report the number of identified offender
19 consumers annually to the General Assembly.

20 (f) The facility shall incorporate the Identified Offender
21 Report and Recommendation into the identified offender's care
22 plan created pursuant to 42 CFR 483.20.

23 (g) If, based on the Identified Offender Report and
24 Recommendation, a facility determines that it cannot manage
25 the identified offender consumer safely within the facility,
26 it shall commence involuntary transfer or discharge

1 proceedings pursuant to Section 3-402.

2 (h) Except for willful and wanton misconduct, any person
3 authorized to participate in the development of a Criminal
4 History Report or Identified Offender Report and
5 Recommendation is immune from criminal or civil liability for
6 any acts or omissions as the result of his or her good faith
7 effort to comply with this Section.

8 (Source: P.A. 98-104, eff. 7-22-13.)

9 Section 560. The Hospital Licensing Act is amended by
10 changing Section 6.09 as follows:

11 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

12 Sec. 6.09. (a) In order to facilitate the orderly
13 transition of aged patients and patients with disabilities
14 from hospitals to post-hospital care, whenever a patient who
15 qualifies for the federal Medicare program is hospitalized,
16 the patient shall be notified of discharge at least 24 hours
17 prior to discharge from the hospital. With regard to pending
18 discharges to a skilled nursing facility, the hospital must
19 notify the case coordination unit, as defined in 89 Ill. Adm.
20 Code 240.260, at least 24 hours prior to discharge. When the
21 assessment is completed in the hospital, the case coordination
22 unit shall provide a copy of the required assessment
23 documentation directly to the nursing home to which the
24 patient is being discharged prior to discharge. The Department

1 on Aging shall provide notice of this requirement to case
2 coordination units. When a case coordination unit is unable to
3 complete an assessment in a hospital prior to the discharge of
4 a patient, 60 years of age or older, to a nursing home, the
5 case coordination unit shall notify the Department on Aging
6 which shall notify the Department of Healthcare and Family
7 Services. The Department of Healthcare and Family Services and
8 the Department on Aging shall adopt rules to address these
9 instances to ensure that the patient is able to access nursing
10 home care, the nursing home is not penalized for accepting the
11 admission, and the patient's timely discharge from the
12 hospital is not delayed, to the extent permitted under federal
13 law or regulation. Nothing in this subsection shall preclude
14 federal requirements for a pre-admission screening/mental
15 health (PAS/MH) as required under Section 2-201.5 of the
16 Nursing Home Care Act or State or federal law or regulation. If
17 home health services are ordered, the hospital must inform its
18 designated case coordination unit, as defined in 89 Ill. Adm.
19 Code 240.260, of the pending discharge and must provide the
20 patient with the case coordination unit's telephone number and
21 other contact information.

22 (b) Every hospital shall develop procedures for a
23 physician with medical staff privileges at the hospital or any
24 appropriate medical staff member to provide the discharge
25 notice prescribed in subsection (a) of this Section. The
26 procedures must include prohibitions against discharging or

1 referring a patient to any of the following if unlicensed,
2 uncertified, or unregistered: (i) a board and care facility,
3 as defined in the Board and Care Home Act; (ii) an assisted
4 living and shared housing establishment, as defined in the
5 Assisted Living and Shared Housing Act; (iii) a facility
6 licensed under the Nursing Home Care Act, the Specialized
7 Mental Health Rehabilitation Act of 2013, the ID/DD Community
8 Care Act, or the MC/DD Act; (iv) a supportive living facility,
9 as defined in Section 5-5.01a of the Illinois Public Aid Code;
10 or (v) a free-standing hospice facility licensed under the
11 Hospice Program Licensing Act if licensure, certification, or
12 registration is required. The Department of Public Health
13 shall annually provide hospitals with a list of licensed,
14 certified, or registered board and care facilities, assisted
15 living and shared housing establishments, nursing homes,
16 supportive living facilities, facilities licensed under the
17 ID/DD Community Care Act, the MC/DD Act, or the Specialized
18 Mental Health Rehabilitation Act of 2013, and hospice
19 facilities. Reliance upon this list by a hospital shall
20 satisfy compliance with this requirement. The procedure may
21 also include a waiver for any case in which a discharge notice
22 is not feasible due to a short length of stay in the hospital
23 by the patient, or for any case in which the patient
24 voluntarily desires to leave the hospital before the
25 expiration of the 24 hour period.

26 (c) At least 24 hours prior to discharge from the

1 hospital, the patient shall receive written information on the
2 patient's right to appeal the discharge pursuant to the
3 federal Medicare program, including the steps to follow to
4 appeal the discharge and the appropriate telephone number to
5 call in case the patient intends to appeal the discharge.

6 (d) Before transfer of a patient to a long term care
7 facility licensed under the Nursing Home Care Act where
8 elderly persons reside, a hospital shall as soon as
9 practicable initiate a name-based criminal history background
10 check by electronic submission to the Illinois ~~Department of~~
11 State Police for all persons between the ages of 18 and 70
12 years; provided, however, that a hospital shall be required to
13 initiate such a background check only with respect to patients
14 who:

15 (1) are transferring to a long term care facility for
16 the first time;

17 (2) have been in the hospital more than 5 days;

18 (3) are reasonably expected to remain at the long term
19 care facility for more than 30 days;

20 (4) have a known history of serious mental illness or
21 substance abuse; and

22 (5) are independently ambulatory or mobile for more
23 than a temporary period of time.

24 A hospital may also request a criminal history background
25 check for a patient who does not meet any of the criteria set
26 forth in items (1) through (5).

1 A hospital shall notify a long term care facility if the
2 hospital has initiated a criminal history background check on
3 a patient being discharged to that facility. In all
4 circumstances in which the hospital is required by this
5 subsection to initiate the criminal history background check,
6 the transfer to the long term care facility may proceed
7 regardless of the availability of criminal history results.
8 Upon receipt of the results, the hospital shall promptly
9 forward the results to the appropriate long term care
10 facility. If the results of the background check are
11 inconclusive, the hospital shall have no additional duty or
12 obligation to seek additional information from, or about, the
13 patient.

14 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
15 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-642, eff.
16 7-28-16; 99-857, eff. 1-1-17.)

17 Section 565. The Safe Pharmaceutical Disposal Act is
18 amended by changing Section 18 as follows:

19 (210 ILCS 150/18)

20 Sec. 18. Unused medications at the scene of a death.

21 (a) Notwithstanding any provision of law to the contrary,
22 the Illinois ~~Department of~~ State Police may by rule authorize
23 State Police officers to dispose of any unused medications
24 found at the scene of a death the State Police officer is

1 investigating. A State Police officer may only dispose of any
2 unused medications under this subsection after consulting with
3 any other investigating law enforcement agency to ensure that
4 the unused medications will not be needed as evidence in any
5 investigation. This Section shall not apply to any unused
6 medications a State Police officer takes into custody as part
7 of any investigation into a crime.

8 (b) Notwithstanding any provision of law to the contrary,
9 a local governmental agency may authorize police officers to
10 dispose of any unused medications found at the scene of a death
11 a police officer is investigating. A police officer may only
12 dispose of any unused medications under this subsection after
13 consulting with any other investigating law enforcement agency
14 to ensure that the unused medications will not be needed as
15 evidence in any investigation. This Section shall not apply to
16 any unused medications a police officer takes into custody as
17 part of any investigation into a crime.

18 (c) Notwithstanding any provision of law to the contrary,
19 a coroner or medical examiner may dispose of any unused
20 medications found at the scene of a death the coroner or
21 medical examiner is investigating. A coroner or medical
22 examiner may only dispose of any unused medications under this
23 subsection after consulting with any investigating law
24 enforcement agency to ensure that the unused medications will
25 not be needed as evidence in any investigation.

26 (d) Any disposal under this Section shall be in accordance

1 with Section 17 of this Act or another State or federally
2 approved medication take-back program or location.

3 (e) This Section shall not apply to prescription drugs for
4 which the United States Food and Drug Administration created a
5 Risk Evaluation and Mitigation Strategy for under the Food and
6 Drug Administration Amendments Act of 2007.

7 (f) Nothing in this Section shall be construed to require
8 a search of the scene for unused medications.

9 (g) Prior to disposal of any medication collected as
10 evidence in a criminal investigation under this Section, a
11 State Police officer, police officer, coroner, or medical
12 examiner shall photograph the unused medication and its
13 container or packaging, if available; document the number or
14 amount of medication to be disposed; and include the
15 photographs and documentation in the police report, coroner
16 report, or medical examiner report.

17 (h) If an autopsy is performed as part of a death
18 investigation, no medication seized under this Section shall
19 be disposed of until after a toxicology report is received by
20 the entity requesting the report.

21 (i) If a police officer, State Police officer, coroner, or
22 medical examiner is not present at the scene of a death, a
23 nurse may dispose of any unused medications found at the scene
24 of a death the nurse is present at while engaging in the
25 performance of his or her duties. A nurse may dispose of any
26 unused medications under this subsection only after consulting

1 with any investigating law enforcement agency to ensure that
2 the unused medications will not be needed as evidence in an
3 investigation.

4 (j) When an individual authorized to dispose of unused
5 medication under this Section disposes of unused medication
6 under this Section in good faith, the individual, and his or
7 her employer, employees, and agents, shall incur no criminal
8 liability or professional discipline.

9 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17.)

10 Section 570. The Health Care Violence Prevention Act is
11 amended by changing Section 30 as follows:

12 (210 ILCS 160/30)

13 Sec. 30. Medical care for committed persons.

14 (a) If a committed person receives medical care and
15 treatment at a place other than an institution or facility of
16 the Department of Corrections, a county, or a municipality,
17 then the institution or facility shall:

18 (1) to the greatest extent practicable, notify the
19 hospital or medical facility that is treating the
20 committed person prior to the committed person's visit and
21 notify the hospital or medical facility of any significant
22 medical, mental health, recent violent actions, or other
23 safety concerns regarding the patient;

24 (2) to the greatest extent practicable, ensure the

1 transferred committed person is accompanied by the most
2 comprehensive medical records possible;

3 (3) provide at least one guard trained in custodial
4 escort and custody of high-risk committed persons to
5 accompany any committed person. The custodial agency shall
6 attest to such training for custodial escort and custody
7 of high-risk committed persons through: (A) the training
8 of the Department of Corrections, Department of Juvenile
9 Justice, or Illinois ~~Department of~~ State Police; (B) law
10 enforcement training that is substantially equivalent to
11 the training of the Department of Corrections, Department
12 of Juvenile Justice, or Illinois ~~Department of~~ State
13 Police; or (C) the training described in Section 35. Under
14 no circumstances may leg irons or shackles or waist
15 shackles be used on any pregnant female prisoner who is in
16 labor. In addition, restraint of a pregnant female
17 prisoner in the custody of the Cook County shall comply
18 with Section 3-15003.6 of the Counties Code. Additionally,
19 restraints shall not be used on a committed person if
20 medical personnel determine that the restraints would
21 impede medical treatment; and

22 (4) ensure that only medical personnel, Department of
23 Corrections, county, or municipality personnel, and
24 visitors on the committed person's approved institutional
25 visitors list may visit the committed person. Visitation
26 by a person on the committed person's approved

1 institutional visitors list shall be subject to the rules
2 and procedures of the hospital or medical facility and the
3 Department of Corrections, county, or municipality. In any
4 situation in which a committed person is being visited:

5 (A) the name of the visitor must be listed per the
6 facility's or institution's documentation;

7 (B) the visitor shall submit to the search of his
8 or her person or any personal property under his or her
9 control at any time; and

10 (C) the custodial agency may deny the committed
11 person access to a telephone or limit the number of
12 visitors the committed person may receive for purposes
13 of safety.

14 If a committed person receives medical care and treatment
15 at a place other than an institution or facility of the
16 Department of Corrections, county, or municipality, then the
17 custodial agency shall ensure that the committed person is
18 wearing security restraints in accordance with the custodial
19 agency's rules and procedures if the custodial agency
20 determines that restraints are necessary for the following
21 reasons: (i) to prevent physical harm to the committed person
22 or another person; (ii) because the committed person has a
23 history of disruptive behavior that has placed others in
24 potentially harmful situations or presents a substantial risk
25 of inflicting physical harm on himself or herself or others as
26 evidenced by recent behavior; or (iii) there is a well-founded

1 belief that the committed person presents a substantial risk
2 of flight. Under no circumstances may leg irons or shackles or
3 waist shackles be used on any pregnant female prisoner who is
4 in labor. In addition, restraint of a pregnant female prisoner
5 in the custody of the Cook County shall comply with Section
6 3-15003.6 of the Counties Code.

7 The hospital or medical facility may establish protocols
8 for the receipt of committed persons in collaboration with the
9 Department of Corrections, county, or municipality,
10 specifically with regard to potentially violent persons.

11 (b) If a committed person receives medical care and
12 treatment at a place other than an institution or facility of
13 the Department of Juvenile Justice, then the institution or
14 facility shall:

15 (1) to the greatest extent practicable, notify the
16 hospital or medical facility that is treating the
17 committed person prior to the committed person's visit,
18 and notify the hospital or medical facility of any
19 significant medical, mental health, recent violent
20 actions, or other safety concerns regarding the patient;

21 (2) to the greatest extent practicable, ensure the
22 transferred committed person is accompanied by the most
23 comprehensive medical records possible;

24 (3) provide: (A) at least one guard trained in
25 custodial escort and custody of high-risk committed
26 persons to accompany any committed person. The custodial

1 agency shall attest to such training for custodial escort
2 and custody of high-risk committed persons through: (i)
3 the training of the Department of Corrections, Department
4 of Juvenile Justice, or Illinois ~~Department of~~ State
5 Police, (ii) law enforcement training that is
6 substantially equivalent to the training of the Department
7 of Corrections, Department of Juvenile Justice, or
8 Illinois ~~Department of~~ State Police, or (iii) the training
9 described in Section 35; or (B) 2 guards to accompany the
10 committed person at all times during the visit to the
11 hospital or medical facility; and

12 (4) ensure that only medical personnel, Department of
13 Juvenile Justice personnel, and visitors on the committed
14 person's approved institutional visitors list may visit
15 the committed person. Visitation by a person on the
16 committed person's approved institutional visitors list
17 shall be subject to the rules and procedures of the
18 hospital or medical facility and the Department of
19 Juvenile Justice. In any situation in which a committed
20 person is being visited:

21 (A) the name of the visitor must be listed per the
22 facility's or institution's documentation;

23 (B) the visitor shall submit to the search of his
24 or her person or any personal property under his or her
25 control at any time; and

26 (C) the custodial agency may deny the committed

1 person access to a telephone or limit the number of
2 visitors the committed person may receive for purposes
3 of safety.

4 If a committed person receives medical care and treatment
5 at a place other than an institution or facility of the
6 Department of Juvenile Justice, then the Department of
7 Juvenile Justice shall ensure that the committed person is
8 wearing security restraints on either his or her wrists or
9 ankles in accordance with the rules and procedures of the
10 Department of Juvenile Justice if the Department of Juvenile
11 Justice determines that restraints are necessary for the
12 following reasons: (i) to prevent physical harm to the
13 committed person or another person; (ii) because the committed
14 person has a history of disruptive behavior that has placed
15 others in potentially harmful situations or presents a
16 substantial risk of inflicting physical harm on himself or
17 herself or others as evidenced by recent behavior; or (iii)
18 there is a well-founded belief that the committed person
19 presents a substantial risk of flight. Any restraints used on
20 a committed person under this paragraph shall be the least
21 restrictive restraints necessary to prevent flight or physical
22 harm to the committed person or another person. Restraints
23 shall not be used on the committed person as provided in this
24 paragraph if medical personnel determine that the restraints
25 would impede medical treatment. Under no circumstances may leg
26 irons or shackles or waist shackles be used on any pregnant

1 female prisoner who is in labor. In addition, restraint of a
2 pregnant female prisoner in the custody of the Cook County
3 shall comply with Section 3-15003.6 of the Counties Code.

4 The hospital or medical facility may establish protocols
5 for the receipt of committed persons in collaboration with the
6 Department of Juvenile Justice, specifically with regard to
7 persons recently exhibiting violence.

8 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

9 Section 575. The Illinois Insurance Code is amended by
10 changing Sections 155.24, 401, and 1520 as follows:

11 (215 ILCS 5/155.24) (from Ch. 73, par. 767.24)

12 Sec. 155.24. Motor Vehicle Theft and Motor Insurance Fraud
13 Reporting and Immunity Law.

14 (a) As used in this Section:

15 (1) "authorized governmental agency" means the
16 Illinois ~~Department of~~ State Police, a local governmental
17 police department, a county sheriff's office, a State's
18 Attorney, the Attorney General, a municipal attorney, a
19 United States district attorney, a duly constituted
20 criminal investigative agency of the United States
21 government, the Illinois Department of Insurance, the
22 Illinois Department of Professional Regulation and the
23 office of the Illinois Secretary of State;

24 (2) "relevant" means having a tendency to make the

1 existence of any information that is of consequence to an
2 investigation of motor vehicle theft or insurance fraud
3 investigation or a determination of such issue more
4 probable or less probable than it would be without such
5 information;

6 (3) information will be "deemed important" if within
7 the sole discretion of the authorized governmental agency
8 such information is requested by that authorized
9 governmental agency;

10 (4) "Illinois authorized governmental agency" means an
11 authorized governmental agency as defined in item (1) that
12 is a part of the government of the State of Illinois or any
13 of the counties or municipalities of this State or any
14 other authorized entity; and

15 (5) For the purposes of this Section and Section
16 155.23, "insurer" means insurance companies, insurance
17 support organizations, self-insured entities, and other
18 providers of insurance products and services doing
19 business in the State of Illinois.

20 (b) Upon written request to an insurer by an authorized
21 governmental agency, an insurer or agent authorized by an
22 insurer to act on its behalf shall release to the requesting
23 authorized governmental agency any or all relevant information
24 deemed important to the authorized governmental agency which
25 the insurer may possess relating to any specific motor vehicle
26 theft or motor vehicle insurance fraud. Relevant information

1 may include, but is not limited to:

2 (1) Insurance policy information relevant to the motor
3 vehicle theft or motor vehicle insurance fraud under
4 investigation, including any application for such a
5 policy.

6 (2) Policy premium payment records which are
7 available.

8 (3) History of previous claims made by the insured.

9 (4) Information relating to the investigation of the
10 motor vehicle theft or motor vehicle insurance fraud,
11 including statements of any person, proofs of loss and
12 notice of loss.

13 (c) When an insurer knows or reasonably believes to know
14 the identity of a person whom it has reason to believe
15 committed a criminal or fraudulent act relating to a motor
16 vehicle theft or a motor vehicle insurance claim or has
17 knowledge of such a criminal or fraudulent act which is
18 reasonably believed not to have been reported to an authorized
19 governmental agency, then for the purpose of notification and
20 investigation, the insurer or an agent authorized by an
21 insurer to act on its behalf shall notify an authorized
22 governmental agency of such knowledge or reasonable belief and
23 provide any additional relevant information in accordance with
24 subsection (b) of this Section. When the motor vehicle theft
25 or motor vehicle claim that gives rise to the suspected
26 criminal or fraudulent act has already generated an incident

1 report to an Illinois authorized governmental agency, the
2 insurer shall report the suspected criminal or fraudulent act
3 to that agency. When no prior incident report has been made,
4 the insurer shall report the suspected criminal or fraudulent
5 act to the Attorney General or State's Attorney in the county
6 or counties where the incident is claimed to have occurred.
7 When the incident that gives rise to the suspected criminal or
8 fraudulent act is claimed to have occurred outside the State
9 of Illinois, but the suspected criminal or fraudulent act
10 occurs within the State of Illinois, the insurer shall make
11 the report to the Attorney General or State's Attorney in the
12 county or counties where the suspected criminal or fraudulent
13 act occurred. When the fraud occurs in multiple counties the
14 report shall also be sent to the Attorney General.

15 (d) When an insurer provides any of the authorized
16 governmental agencies with notice pursuant to this Section it
17 shall be deemed sufficient notice to all authorized
18 governmental agencies for the purpose of this Act.

19 (e) The authorized governmental agency provided with
20 information pursuant to this Section may release or provide
21 such information to any other authorized governmental agency.

22 (f) Any insurer providing information to an authorized
23 governmental agency pursuant to this Section shall have the
24 right to request and receive relevant information from such
25 authorized governmental agency, and receive within a
26 reasonable time after the completion of the investigation, not

1 to exceed 30 days, the information requested.

2 (g) Any information furnished pursuant to this Section
3 shall be privileged and not a part of any public record. Except
4 as otherwise provided by law, any authorized governmental
5 agency, insurer, or an agent authorized by an insurer to act on
6 its behalf which receives any information furnished pursuant
7 to this Section, shall not release such information to public
8 inspection. Such evidence or information shall not be subject
9 to subpoena duces tecum in a civil or criminal proceeding
10 unless, after reasonable notice to any insurer, agent
11 authorized by an insurer to act on its behalf and authorized
12 governmental agency which has an interest in such information
13 and a hearing, the court determines that the public interest
14 and any ongoing investigation by the authorized governmental
15 agency, insurer, or any agent authorized by an insurer to act
16 on its behalf will not be jeopardized by obedience to such a
17 subpoena duces tecum.

18 (h) No insurer, or agent authorized by an insurer on its
19 behalf, authorized governmental agency or their respective
20 employees shall be subject to any civil or criminal liability
21 in a cause of action of any kind for releasing or receiving any
22 information pursuant to this Section. Nothing herein is
23 intended to or does in any way or manner abrogate or lessen the
24 common and statutory law privileges and immunities of an
25 insurer, agent authorized by an insurer to act on its behalf or
26 authorized governmental agency or any of their respective

1 employees.

2 (Source: P.A. 92-233, eff. 1-1-02.)

3 (215 ILCS 5/401) (from Ch. 73, par. 1013)

4 Sec. 401. General powers of the director. The Director is
5 charged with the rights, powers and duties appertaining to the
6 enforcement and execution of all the insurance laws of this
7 State. He shall have the power

8 (a) to make reasonable rules and regulations as may be
9 necessary for making effective such laws;

10 (b) to conduct such investigations as may be necessary
11 to determine whether any person has violated any provision
12 of such insurance laws;

13 (c) to conduct such examinations, investigations and
14 hearings in addition to those specifically provided for,
15 as may be necessary and proper for the efficient
16 administration of the insurance laws of this State; and

17 (d) to institute such actions or other lawful
18 proceedings as he may deem necessary for the enforcement
19 of the Illinois Insurance Code or of any Order or action
20 made or taken by him under this Code. The Attorney
21 General, upon request of the Director, may proceed in the
22 courts of this State to enforce an Order or decision in any
23 court proceeding or in any administrative proceeding
24 before the Director.

25 Whenever the Director is authorized or required by law to

1 consider some aspect of criminal history record information
2 for the purpose of carrying out his 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 such information contained in State files as is necessary to
9 meet the requirements of such authorization or statutes.

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

11 (215 ILCS 5/1520)

12 Sec. 1520. Application for license.

13 (a) A person applying for a public adjuster license shall
14 make application to the Director on the appropriate uniform
15 application or other application prescribed by the Director.

16 (b) The applicant shall declare under penalty of perjury
17 and under penalty of refusal, suspension, or revocation of the
18 license that the statements made in the application are true,
19 correct, and complete to the best of the applicant's knowledge
20 and belief.

21 (c) In order to make a determination of license
22 eligibility, the Director is authorized to require all
23 applicants for licensing, including renewal applicants, to
24 undergo a fingerprint-based criminal history record check for
25 the first year following the effective date of this amendatory

1 Act of the 97th General Assembly. The fingerprints and the fee
2 required to perform the criminal history record checks shall
3 be submitted to the Illinois ~~Department of~~ State Police and
4 the Federal Bureau of Investigation (FBI) to conduct a State
5 and national criminal history record check. The Illinois
6 ~~Department of~~ State Police and the Federal Bureau of
7 Investigation shall furnish to the Department of Insurance all
8 records of convictions, unless or until expunged, pursuant to
9 the fingerprint-based criminal history records check. The
10 Illinois ~~Department of~~ State Police shall charge a fee for
11 conducting such checks, which fee shall be deposited into the
12 State Police Services Fund and shall not exceed the cost of the
13 inquiry. The applicant shall be required to pay all fees
14 associated with conducting the criminal history record check.

15 (d) The Director may adopt rules to establish procedures
16 necessary to carry out the requirements of subsection (c) of
17 this Section.

18 (e) The Director is authorized to submit electronic
19 fingerprint records and necessary identifying information to
20 the NAIC, its affiliates, or subsidiaries for permanent
21 retention in a centralized repository. The purpose of such a
22 centralized repository is to provide Directors with access to
23 fingerprint records in order to perform criminal history
24 record checks.

25 (f) Until such time as the Director can obtain and receive
26 national criminal history records, the applicant shall obtain

1 a copy of his or her fingerprints and complete criminal
2 history record from the FBI Criminal Justice Information
3 Services Division and the Illinois State Police and provide
4 such information to the Department of Insurance.

5 (Source: P.A. 96-1332, eff. 1-1-11; 97-207, eff. 7-28-11.)

6 Section 580. The Public Utilities Act is amended by
7 changing Section 4-101 as follows:

8 (220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

9 Sec. 4-101. The Commerce Commission shall have general
10 supervision of all public utilities, except as otherwise
11 provided in this Act, shall inquire into the management of the
12 business thereof and shall keep itself informed as to the
13 manner and method in which the business is conducted. It shall
14 examine those public utilities and keep informed as to their
15 general condition, their franchises, capitalization, rates and
16 other charges, and the manner in which their plants, equipment
17 and other property owned, leased, controlled or operated are
18 managed, conducted and operated, not only with respect to the
19 adequacy, security and accommodation afforded by their service
20 but also with respect to their compliance with this Act and any
21 other law, with the orders of the Commission and with the
22 charter and franchise requirements.

23 Whenever the Commission is authorized or required by law
24 to consider some aspect of criminal history record information

1 for the purpose of carrying out its statutory powers and
2 responsibilities, then, upon request and payment of fees in
3 conformance with the requirements of Section 2605-400 of the
4 Illinois Department of State Police Law (~~20 ILCS~~
5 ~~2605/2605-400~~), the Illinois Department of State Police is
6 authorized to furnish, pursuant to positive identification,
7 such information contained in State files as is necessary to
8 fulfill the request.

9 The Commission shall require all public utilities to
10 establish a security policy that includes on-site safeguards
11 to restrict physical or electronic access to critical
12 infrastructure and computerized control and data systems. The
13 Commission shall maintain a record of and each regulated
14 entity shall provide to the Commission an annual affidavit
15 signed by a representative of the regulated entity that
16 states:

17 (1) that the entity has a security policy in place;

18 (2) that the entity has conducted at least one
19 practice exercise based on the security policy within the
20 12 months immediately preceding the date of the affidavit;
21 and

22 (3) with respect to any entity that is an electric
23 public utility, that the entity follows, at a minimum, the
24 most current security standards set forth by the North
25 American Electric Reliability Council.

26 (Source: P.A. 94-480, eff. 1-1-06; 94-735, eff. 5-1-06.)

1 Section 585. The Child Care Act of 1969 is amended by
2 changing Section 4.1 as follows:

3 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

4 Sec. 4.1. Criminal Background Investigations. The
5 Department shall require that each child care facility license
6 applicant as part of the application process, and each
7 employee and volunteer of a child care facility or
8 non-licensed service provider, as a condition of employment,
9 authorize an investigation to determine if such applicant,
10 employee, or volunteer has ever been charged with a crime and
11 if so, the disposition of those charges; this authorization
12 shall indicate the scope of the inquiry and the agencies which
13 may be contacted. Upon this authorization, the Director shall
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, employee, or
17 volunteer of a child care facility or non-licensed service
18 provider shall submit his or her fingerprints to the Illinois
19 ~~Department of~~ State Police in the form and manner prescribed
20 by the Illinois ~~Department of~~ State Police. These fingerprints
21 shall be checked against the fingerprint records now and
22 hereafter filed in the Illinois ~~Department of~~ State Police and
23 Federal Bureau of Investigation criminal history records
24 databases. The Illinois ~~Department of~~ State Police shall

1 charge a fee for conducting the criminal history records
2 check, which shall be deposited in the State Police Services
3 Fund and shall not exceed the actual cost of the records check.
4 The Illinois ~~Department~~ of State Police shall provide
5 information concerning any criminal charges, and their
6 disposition, now or hereafter filed, against an applicant,
7 employee, or volunteer of a child care facility or
8 non-licensed service provider upon request of the Department
9 of Children and Family Services when the request is made in the
10 form and manner required by the Illinois ~~Department~~ of State
11 Police.

12 Information concerning convictions of a license applicant,
13 employee, or volunteer of a child care facility or
14 non-licensed service provider investigated under this Section,
15 including the source of the information and any conclusions or
16 recommendations derived from the information, shall be
17 provided, upon request, to such applicant, employee, or
18 volunteer of a child care facility or non-licensed service
19 provider prior to final action by the Department on the
20 application. State conviction information provided by the
21 Illinois ~~Department~~ of State Police regarding employees,
22 prospective employees, or volunteers of non-licensed service
23 providers and child care facilities licensed under this Act
24 shall be provided to the operator of such facility, and, upon
25 request, to the employee, prospective employee, or volunteer
26 of a child care facility or non-licensed service provider. Any

1 information concerning criminal charges and the disposition of
2 such charges obtained by the Department shall be confidential
3 and may not be transmitted outside the Department, except as
4 required herein, and may not be transmitted to anyone within
5 the Department except as needed for the purpose of evaluating
6 an application or an employee or volunteer of a child care
7 facility or non-licensed service provider. Only information
8 and standards which bear a reasonable and rational relation to
9 the performance of a child care facility shall be used by the
10 Department or any licensee. Any employee of the Department of
11 Children and Family Services, Illinois ~~Department of~~ State
12 Police, or a child care facility receiving confidential
13 information under this Section who gives or causes to be given
14 any confidential information concerning any criminal
15 convictions of an applicant, employee, or volunteer of a child
16 care facility or non-licensed service provider, shall be
17 guilty of a Class A misdemeanor unless release of such
18 information is authorized by this Section.

19 A child care facility may hire, on a probationary basis,
20 any employee or volunteer of a child care facility or
21 non-licensed service provider authorizing a criminal
22 background investigation under this Section, pending the
23 result of such investigation. Employees and volunteers of a
24 child care facility or non-licensed service provider shall be
25 notified prior to hiring that such employment may be
26 terminated on the basis of criminal background information

1 obtained by the facility.

2 (Source: P.A. 98-570, eff. 8-27-13.)

3 Section 590. The Health Care Worker Background Check Act
4 is amended by changing Sections 15, 33, 45, 65, and 70 as
5 follows:

6 (225 ILCS 46/15)

7 Sec. 15. Definitions. In this Act:

8 "Applicant" means an individual enrolling in a training
9 program, seeking employment, whether paid or on a volunteer
10 basis, with a health care employer who has received a bona fide
11 conditional offer of employment.

12 "Conditional offer of employment" means a bona fide offer
13 of employment by a health care employer to an applicant, which
14 is contingent upon the receipt of a report from the Department
15 of Public Health indicating that the applicant does not have a
16 record of conviction of any of the criminal offenses
17 enumerated in Section 25.

18 "Department" means the Department of Public Health.

19 "Direct care" means the provision of nursing care or
20 assistance with feeding, dressing, movement, bathing,
21 toileting, or other personal needs, including home services as
22 defined in the Home Health, Home Services, and Home Nursing
23 Agency Licensing Act. The entity responsible for inspecting
24 and licensing, certifying, or registering the health care

1 employer may, by administrative rule, prescribe guidelines for
2 interpreting this definition with regard to the health care
3 employers that it licenses.

4 "Director" means the Director of Public Health.

5 "Disqualifying offenses" means those offenses set forth in
6 Section 25 of this Act.

7 "Employee" means any individual hired, employed, or
8 retained, whether paid or on a volunteer basis, to which this
9 Act applies.

10 "Finding" means the Department's determination of whether
11 an allegation is verified and substantiated.

12 "Fingerprint-based criminal history records check" means a
13 livescan fingerprint-based criminal history records check
14 submitted as a fee applicant inquiry in the form and manner
15 prescribed by the Illinois ~~Department of~~ State Police.

16 "Health care employer" means:

17 (1) the owner or licensee of any of the following:

18 (i) a community living facility, as defined in the
19 Community Living Facilities Act;

20 (ii) a life care facility, as defined in the Life
21 Care Facilities Act;

22 (iii) a long-term care facility;

23 (iv) a home health agency, home services agency,
24 or home nursing agency as defined in the Home Health,
25 Home Services, and Home Nursing Agency Licensing Act;

26 (v) a hospice care program or volunteer hospice

1 program, as defined in the Hospice Program Licensing
2 Act;

3 (vi) a hospital, as defined in the Hospital
4 Licensing Act;

5 (vii) (blank);

6 (viii) a nurse agency, as defined in the Nurse
7 Agency Licensing Act;

8 (ix) a respite care provider, as defined in the
9 Respite Program Act;

10 (ix-a) an establishment licensed under the
11 Assisted Living and Shared Housing Act;

12 (x) a supportive living program, as defined in the
13 Illinois Public Aid Code;

14 (xi) early childhood intervention programs as
15 described in 59 Ill. Adm. Code 121;

16 (xii) the University of Illinois Hospital,
17 Chicago;

18 (xiii) programs funded by the Department on Aging
19 through the Community Care Program;

20 (xiv) programs certified to participate in the
21 Supportive Living Program authorized pursuant to
22 Section 5-5.01a of the Illinois Public Aid Code;

23 (xv) programs listed by the Emergency Medical
24 Services (EMS) Systems Act as Freestanding Emergency
25 Centers;

26 (xvi) locations licensed under the Alternative

1 Health Care Delivery Act;

2 (2) a day training program certified by the Department
3 of Human Services;

4 (3) a community integrated living arrangement operated
5 by a community mental health and developmental service
6 agency, as defined in the Community-Integrated Living
7 Arrangements Licensing and Certification Act; or

8 (4) the State Long Term Care Ombudsman Program,
9 including any regional long term care ombudsman programs
10 under Section 4.04 of the Illinois Act on the Aging, only
11 for the purpose of securing background checks.

12 "Initiate" means obtaining from a student, applicant, or
13 employee his or her social security number, demographics, a
14 disclosure statement, and an authorization for the Department
15 of Public Health or its designee to request a
16 fingerprint-based criminal history records check; transmitting
17 this information electronically to the Department of Public
18 Health; conducting Internet searches on certain web sites,
19 including without limitation the Illinois Sex Offender
20 Registry, the Department of Corrections' Sex Offender Search
21 Engine, the Department of Corrections' Inmate Search Engine,
22 the Department of Corrections Wanted Fugitives Search Engine,
23 the National Sex Offender Public Registry, and the List of
24 Excluded Individuals and Entities database on the website of
25 the Health and Human Services Office of Inspector General to
26 determine if the applicant has been adjudicated a sex

1 offender, has been a prison inmate, or has committed Medicare
2 or Medicaid fraud, or conducting similar searches as defined
3 by rule; and having the student, applicant, or employee's
4 fingerprints collected and transmitted electronically to the
5 Illinois ~~Department of~~ State Police.

6 "Livescan vendor" means an entity whose equipment has been
7 certified by the Illinois ~~Department of~~ State Police to
8 collect an individual's demographics and inkless fingerprints
9 and, in a manner prescribed by the Illinois ~~Department of~~
10 State Police and the Department of Public Health,
11 electronically transmit the fingerprints and required data to
12 the Illinois ~~Department of~~ State Police and a daily file of
13 required data to the Department of Public Health. The
14 Department of Public Health shall negotiate a contract with
15 one or more vendors that effectively demonstrate that the
16 vendor has 2 or more years of experience transmitting
17 fingerprints electronically to the Illinois ~~Department of~~
18 State Police and that the vendor can successfully transmit the
19 required data in a manner prescribed by the Department of
20 Public Health. Vendor authorization may be further defined by
21 administrative rule.

22 "Long-term care facility" means a facility licensed by the
23 State or certified under federal law as a long-term care
24 facility, including without limitation facilities licensed
25 under the Nursing Home Care Act, the Specialized Mental Health
26 Rehabilitation Act of 2013, the ID/DD Community Care Act, or

1 the MC/DD Act, a supportive living facility, an assisted
2 living establishment, or a shared housing establishment or
3 registered as a board and care home.

4 "Resident" means a person, individual, or patient under
5 the direct care of a health care employer or who has been
6 provided goods or services by a health care employer.

7 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

8 (225 ILCS 46/33)

9 Sec. 33. Fingerprint-based criminal history records check.

10 (a) A fingerprint-based criminal history records check is
11 not required for health care employees who have been
12 continuously employed by a health care employer since October
13 1, 2007, have met the requirements for criminal history
14 background checks prior to October 1, 2007, and have no
15 disqualifying convictions or requested and received a waiver
16 of those disqualifying convictions. These employees shall be
17 retained on the Health Care Worker Registry as long as they
18 remain active. Nothing in this subsection (a) shall be
19 construed to prohibit a health care employer from initiating a
20 criminal history records check for these employees. Should
21 these employees seek a new position with a different health
22 care employer, then a fingerprint-based criminal history
23 records check shall be required.

24 (b) On October 1, 2007 or as soon thereafter as is
25 reasonably practical, in the discretion of the Director of

1 Public Health, and thereafter, any student, applicant, or
2 employee who desires to be included on the Department of
3 Public Health's Health Care Worker Registry shall authorize
4 the Department of Public Health or its designee to request a
5 fingerprint-based criminal history records check to determine
6 if the individual has a conviction for a disqualifying
7 offense. This authorization shall allow the Department of
8 Public Health to request and receive information and
9 assistance from any State or governmental agency. Each
10 individual shall submit his or her fingerprints to the
11 Illinois ~~Department of~~ State Police in an electronic format
12 that complies with the form and manner for requesting and
13 furnishing criminal history record information prescribed by
14 the Illinois ~~Department of~~ State Police. The fingerprints
15 submitted under this Section shall be checked against the
16 fingerprint records now and hereafter filed in the Illinois
17 ~~Department of~~ State Police criminal history record databases.
18 The Illinois ~~Department of~~ State Police shall charge a fee for
19 conducting the criminal history records check, which shall not
20 exceed the actual cost of the records check. The livescan
21 vendor may act as the designee for individuals, educational
22 entities, or health care employers in the collection of
23 Illinois ~~Department of~~ State Police fees and deposit those
24 fees into the State Police Services Fund. The Illinois
25 ~~Department of~~ State Police shall provide information
26 concerning any criminal convictions, now or hereafter filed,

1 against the individual.

2 (c) On October 1, 2007 or as soon thereafter as is
3 reasonably practical, in the discretion of the Director of
4 Public Health, and thereafter, an educational entity, other
5 than a secondary school, conducting a nurse aide training
6 program shall initiate a fingerprint-based criminal history
7 records check required by this Act prior to entry of an
8 individual into the training program.

9 (d) On October 1, 2007 or as soon thereafter as is
10 reasonably practical, in the discretion of the Director of
11 Public Health, and thereafter, a health care employer who
12 makes a conditional offer of employment to an applicant for a
13 position as an employee shall initiate a fingerprint-based
14 criminal history record check, requested by the Department of
15 Public Health, on the applicant, if such a background check
16 has not been previously conducted. Workforce intermediaries
17 and organizations providing pro bono legal services may
18 initiate a fingerprint-based criminal history record check if
19 a conditional offer of employment has not been made and a
20 background check has not been previously conducted for an
21 individual who has a disqualifying conviction and is receiving
22 services from a workforce intermediary or an organization
23 providing pro bono legal services.

24 (e) When initiating a background check requested by the
25 Department of Public Health, an educational entity, health
26 care employer, workforce intermediary, or organization that

1 provides pro bono legal services shall electronically submit
2 to the Department of Public Health the student's, applicant's,
3 or employee's social security number, demographics,
4 disclosure, and authorization information in a format
5 prescribed by the Department of Public Health within 2 working
6 days after the authorization is secured. The student,
7 applicant, or employee shall have his or her fingerprints
8 collected electronically and transmitted to the Illinois
9 ~~Department of~~ State Police within 10 working days. The
10 educational entity, health care employer, workforce
11 intermediary, or organization that provides pro bono legal
12 services shall transmit all necessary information and fees to
13 the livescan vendor and Illinois ~~Department of~~ State Police
14 within 10 working days after receipt of the authorization.
15 This information and the results of the criminal history
16 record checks shall be maintained by the Department of Public
17 Health's Health Care Worker Registry.

18 (f) A direct care employer may initiate a
19 fingerprint-based background check required by this Act for
20 any of its employees, but may not use this process to initiate
21 background checks for residents. The results of any
22 fingerprint-based background check that is initiated with the
23 Department as the requester shall be entered in the Health
24 Care Worker Registry.

25 (g) As long as the employee or trainee has had a
26 fingerprint-based criminal history record check required by

1 this Act and stays active on the Health Care Worker Registry,
2 no further criminal history record checks are required, as the
3 Illinois ~~Department~~ of State Police shall notify the
4 Department of Public Health of any additional convictions
5 associated with the fingerprints previously submitted. Health
6 care employers shall check the Health Care Worker Registry
7 before hiring an employee to determine that the individual has
8 had a fingerprint-based record check required by this Act and
9 has no disqualifying convictions or has been granted a waiver
10 pursuant to Section 40 of this Act. If the individual has not
11 had such a background check or is not active on the Health Care
12 Worker Registry, then the health care employer shall initiate
13 a fingerprint-based record check requested by the Department
14 of Public Health. If an individual is inactive on the Health
15 Care Worker Registry, that individual is prohibited from being
16 hired to work as a certified nursing assistant if, since the
17 individual's most recent completion of a competency test,
18 there has been a period of 24 consecutive months during which
19 the individual has not provided nursing or nursing-related
20 services for pay. If the individual can provide proof of
21 having retained his or her certification by not having a
22 24-consecutive-month break in service for pay, he or she may
23 be hired as a certified nursing assistant and that employment
24 information shall be entered into the Health Care Worker
25 Registry.

26 (h) On October 1, 2007 or as soon thereafter as is

1 reasonably practical, in the discretion of the Director of
2 Public Health, and thereafter, if the Illinois ~~Department of~~
3 State Police notifies the Department of Public Health that an
4 employee has a new conviction of a disqualifying offense,
5 based upon the fingerprints that were previously submitted,
6 then (i) the Health Care Worker Registry shall notify the
7 employee's last known employer of the offense, (ii) a record
8 of the employee's disqualifying offense shall be entered on
9 the Health Care Worker Registry, and (iii) the individual
10 shall no longer be eligible to work as an employee unless he or
11 she obtains a waiver pursuant to Section 40 of this Act.

12 (i) On October 1, 2007, or as soon thereafter, in the
13 discretion of the Director of Public Health, as is reasonably
14 practical, and thereafter, each direct care employer or its
15 designee shall provide an employment verification for each
16 employee no less than annually. The direct care employer or
17 its designee shall log into the Health Care Worker Registry
18 through a secure login. The health care employer or its
19 designee shall indicate employment and termination dates
20 within 30 days after hiring or terminating an employee, as
21 well as the employment category and type. Failure to comply
22 with this subsection (i) constitutes a licensing violation. A
23 fine of up to \$500 may be imposed for failure to maintain these
24 records. This information shall be used by the Department of
25 Public Health to notify the last known employer of any
26 disqualifying offenses that are reported by the Illinois

1 ~~Department of~~ State Police.

2 (j) In the event that an applicant or employee has a waiver
3 for one or more disqualifying offenses pursuant to Section 40
4 of this Act and he or she is otherwise eligible to work, the
5 Health Care Worker Registry shall indicate that the applicant
6 or employee is eligible to work and that additional
7 information is available on the Health Care Worker Registry.
8 The Health Care Worker Registry may indicate that the
9 applicant or employee has received a waiver.

10 (k) The student, applicant, or employee shall be notified
11 of each of the following whenever a fingerprint-based criminal
12 history records check is required:

13 (1) That the educational entity, health care employer,
14 or long-term care facility shall initiate a
15 fingerprint-based criminal history record check required
16 by this Act of the student, applicant, or employee.

17 (2) That the student, applicant, or employee has a
18 right to obtain a copy of the criminal records report that
19 indicates a conviction for a disqualifying offense and
20 challenge the accuracy and completeness of the report
21 through an established Illinois ~~Department of~~ State Police
22 procedure of Access and Review.

23 (3) That the applicant, if hired conditionally, may be
24 terminated if the criminal records report indicates that
25 the applicant has a record of a conviction of any of the
26 criminal offenses enumerated in Section 25, unless the

1 applicant obtains a waiver pursuant to Section 40 of this
2 Act.

3 (4) That the applicant, if not hired conditionally,
4 shall not be hired if the criminal records report
5 indicates that the applicant has a record of a conviction
6 of any of the criminal offenses enumerated in Section 25,
7 unless the applicant obtains a waiver pursuant to Section
8 40 of this Act.

9 (5) That the employee shall be terminated if the
10 criminal records report indicates that the employee has a
11 record of a conviction of any of the criminal offenses
12 enumerated in Section 25.

13 (6) If, after the employee has originally been
14 determined not to have disqualifying offenses, the
15 employer is notified that the employee has a new
16 conviction(s) of any of the criminal offenses enumerated
17 in Section 25, then the employee shall be terminated.

18 (1) A health care employer or long-term care facility may
19 conditionally employ an applicant for up to 3 months pending
20 the results of a fingerprint-based criminal history record
21 check requested by the Department of Public Health.

22 (m) The Department of Public Health or an entity
23 responsible for inspecting, licensing, certifying, or
24 registering the health care employer or long-term care
25 facility shall be immune from liability for notices given
26 based on the results of a fingerprint-based criminal history

1 record check.

2 (n) As used in this Section:

3 "Workforce intermediaries" means organizations that
4 function to provide job training and employment services.
5 Workforce intermediaries include institutions of higher
6 education, faith-based and community organizations, and
7 workforce investment boards.

8 "Organizations providing pro bono legal services" means
9 legal services performed without compensation or at a
10 significantly reduced cost to the recipient that provide
11 services designed to help individuals overcome statutory
12 barriers that would prevent them from entering positions in
13 the healthcare industry.

14 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

15 (225 ILCS 46/45)

16 Sec. 45. Application fees. Except as otherwise provided in
17 this Act, the student, applicant, or employee, other than a
18 nurse aide, may be required to pay all related application and
19 fingerprinting fees including, but not limited to, the amounts
20 established by the Illinois Department of State Police to
21 process fingerprint-based criminal history records checks. If
22 a health care employer certified to participate in the
23 Medicaid program pays the fees, the fees shall be a direct
24 pass-through on the cost report submitted by the employer to
25 the Medicaid agency.

1 (Source: P.A. 95-120, eff. 8-13-07.)

2 (225 ILCS 46/65)

3 Sec. 65. Health Care Worker Task Force. A Health Care
4 Worker Task Force shall be appointed to study and make
5 recommendations on statutory changes to this Act.

6 (a) The Task Force shall monitor the status of the
7 implementation of this Act and monitor complaint
8 investigations relating to this Act by the Department on
9 Aging, Department of Public Health, Department of Professional
10 Regulation, and the Department of Human Services to determine
11 the criminal background, if any, of health care workers who
12 have had findings of abuse, theft, or exploitation.

13 (b) The Task Force shall make recommendations concerning
14 modifications to the list of offenses enumerated in Section
15 25, including time limits on all or some of the disqualifying
16 offenses, and any other necessary or desirable changes to the
17 Act.

18 (c) In the event that proposed rules or changes are
19 properly submitted to the Task Force and the Task Force fails
20 to advise the Department within 90 days after receipt of the
21 proposed rules or changes, final action shall be deemed to
22 have been taken by the Task Force concerning the proposed
23 rules or changes.

24 (d) The Task Force shall be composed of the following
25 members, who shall serve without pay:

1 (1) a chairman knowledgeable about health care issues,
2 who shall be appointed by the Governor;

3 (2) the Director of Public Health or his or her
4 designee;

5 (3) the Director of the Illinois State Police or his
6 or her designee;

7 (3.5) the Director of Healthcare and Family Services
8 or his or her designee;

9 (3.6) the Secretary of Human Services or his or her
10 designee;

11 (3.7) the Director of Aging or his or her designee;

12 (4) 2 representatives of health care providers, who
13 shall be appointed by the Governor;

14 (5) 2 representatives of health care employees, who
15 shall be appointed by the Governor;

16 (5.5) a representative of a Community Care homemaker
17 program, who shall be appointed by the Governor;

18 (6) a representative of the general public who has an
19 interest in health care, who shall be appointed by the
20 Governor; and

21 (7) 4 members of the General Assembly, one appointed
22 by the Speaker of the House, one appointed by the House
23 Minority Leader, one appointed by the President of the
24 Senate, and one appointed by the Senate Minority Leader.

25 (e) The Task Force shall meet at least quarterly, and more
26 frequently at the discretion of the chairperson. Task Force

1 members shall serve until a replacement is sworn and
2 qualified. Nine members appointed to the Task Force
3 constitutes a quorum.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-987, eff. 10-3-08.)

5 (225 ILCS 46/70)

6 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)
7 grant; Voluntary FBI Fingerprint Demonstration Project.

8 (a) The General Assembly authorizes the establishment of
9 the Voluntary FBI Fingerprint Demonstration Project
10 (Demonstration Project), which shall be consistent with the
11 provisions of the Centers for Medicare and Medicaid Services
12 grant awarded to and distributed by the Department of Public
13 Health pursuant to Title VI, Subtitle B, Part III, Subtitle C,
14 Section 6201 of the Affordable Care Act of 2010. The
15 Demonstration Project is authorized to operate for the period
16 of January 1, 2014 through December 31, 2014 and shall operate
17 until the conclusion of this grant period or until the
18 long-term care facility terminates its participation in the
19 Demonstration Project, whichever occurs sooner.

20 (b) The Long-Term Care Facility Advisory Board established
21 under the Nursing Home Care Act shall act in an advisory
22 capacity to the Demonstration Project.

23 (c) Long-term care facilities voluntarily participating in
24 the Demonstration Project shall, in addition to the provisions
25 of this Section, comply with all requirements set forth in

1 this Act. When conflict between the Act and the provisions of
2 this Section occurs, the provisions of this Section shall
3 supersede until the conclusion of the grant period or until
4 the long-term care facility terminates its participation in
5 the Demonstration Project, whichever occurs sooner.

6 (d) The Department of Public Health shall select at least
7 one facility in the State to participate in the Demonstration
8 Project.

9 (e) For the purposes of determining who shall be required
10 to undergo a State and an FBI fingerprint-based criminal
11 history records check under the Demonstration Project, "direct
12 access employee" means any individual who has access to a
13 patient or resident of a long-term care facility or provider
14 through employment or through a contract with a long-term care
15 facility or provider and has duties that involve or may
16 involve one-on-one contact with a resident of the facility or
17 provider, as determined by the State for purposes of the
18 Demonstration Project.

19 (f) All long-term care facilities licensed under the
20 Nursing Home Care Act are qualified to volunteer for the
21 Demonstration Project.

22 (g) The Department of Public Health shall notify qualified
23 long-term care facilities within 30 days after the effective
24 date of this amendatory Act of the 98th General Assembly of the
25 opportunity to volunteer for the Demonstration Project. The
26 notice shall include information concerning application

1 procedures and deadlines, termination rights, requirements for
2 participation, the selection process, and a
3 question-and-answer document addressing potential conflicts
4 between this Act and the provisions of this Section.

5 (h) Qualified long-term care facilities shall be given a
6 minimum of 30 days after the date of receiving the notice to
7 inform the Department of Public Health, in the form and manner
8 prescribed by the Department of Public Health, of their
9 interest in volunteering for the Demonstration Project.
10 Facilities selected for the Demonstration Project shall be
11 notified, within 30 days after the date of application, of the
12 effective date that their participation in the Demonstration
13 Project will begin, which may vary.

14 (i) The individual applicant shall be responsible for the
15 cost of each individual fingerprint inquiry, which may be
16 offset with grant funds, if available.

17 (j) Each applicant seeking employment in a position
18 described in subsection (e) of this Section with a selected
19 health care employer shall, as a condition of employment, have
20 his or her fingerprints submitted to the Illinois Department
21 ~~of~~ State Police in an electronic format that complies with the
22 form and manner for requesting and furnishing criminal history
23 record information by the Illinois Department ~~of~~ State Police
24 and the Federal Bureau of Investigation criminal history
25 record databases now and hereafter filed. The Illinois
26 ~~Department of~~ State Police shall forward the fingerprints to

1 the Federal Bureau of Investigation for a national criminal
2 history records check. The Illinois ~~Department of~~ State Police
3 shall charge a fee for conducting the criminal history records
4 check, which shall not exceed the actual cost of the records
5 check and shall be deposited into the State Police Services
6 Fund. The Illinois ~~Department of~~ State Police shall furnish,
7 pursuant to positive identification, records of Illinois
8 convictions to the Department of Public Health.

9 (k) A fingerprint-based criminal history records check
10 submitted in accordance with subsection (j) of this Section
11 shall be submitted as a fee applicant inquiry in the form and
12 manner prescribed by the Illinois ~~Department of~~ State Police.

13 (l) A long-term care facility may terminate its
14 participation in the Demonstration Project without prejudice
15 by providing the Department of Public Health with notice of
16 its intent to terminate at least 30 days prior to its voluntary
17 termination.

18 (m) This Section shall be inapplicable upon the conclusion
19 of the CMMS grant period.

20 (Source: P.A. 98-756, eff. 7-16-14; 98-1041, eff. 8-25-14;
21 99-78, eff. 7-20-15.)

22 Section 595. The Massage Licensing Act is amended by
23 changing Section 15 as follows:

24 (225 ILCS 57/15)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 15. Licensure requirements.

3 (a) Persons engaged in massage for compensation must be
4 licensed by the Department. The Department shall issue a
5 license to an individual who meets all of the following
6 requirements:

7 (1) The applicant has applied in writing on the
8 prescribed forms and has paid the required fees.

9 (2) The applicant is at least 18 years of age and of
10 good moral character. In determining good moral character,
11 the Department may take into consideration conviction of
12 any crime under the laws of the United States or any state
13 or territory thereof that is a felony or a misdemeanor or
14 any crime that is directly related to the practice of the
15 profession. Such a conviction shall not operate
16 automatically as a complete bar to a license, except in
17 the case of any conviction for prostitution, rape, or
18 sexual misconduct, or where the applicant is a registered
19 sex offender.

20 (3) The applicant has met one of the following
21 requirements:

22 (A) has successfully completed a massage therapy
23 program approved by the Department that requires a
24 minimum of 500 hours, except applicants applying on or
25 after January 1, 2014 shall meet a minimum requirement
26 of 600 hours, and has passed a competency examination

1 approved by the Department;

2 (B) holds a current license from another
3 jurisdiction having licensure requirements that
4 include the completion of a massage therapy program of
5 at least 500 hours; or

6 (C) (blank).

7 (b) Each applicant for licensure as a massage therapist
8 shall have his or her fingerprints submitted to the Illinois
9 ~~Department of~~ State Police in an electronic format that
10 complies with the form and manner for requesting and
11 furnishing criminal history record information as prescribed
12 by the Illinois ~~Department of~~ State Police. These fingerprints
13 shall be checked against the Illinois ~~Department of~~ State
14 Police and Federal Bureau of Investigation criminal history
15 record databases now and hereafter filed. 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 convictions to the
22 Department. The Department may require applicants to pay a
23 separate fingerprinting fee, either to the Department or to a
24 vendor. The Department, in its discretion, may allow an
25 applicant who does not have reasonable access to a designated
26 vendor to provide his or her fingerprints in an alternative

1 manner. The Department may adopt any rules necessary to
2 implement this Section.

3 (Source: P.A. 97-514, eff. 8-23-11.)

4 Section 600. The Medical Practice Act of 1987 is amended
5 by changing Sections 7, 9.7, and 65 as follows:

6 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 7. Medical Disciplinary Board.

9 (A) There is hereby created the Illinois State Medical
10 Disciplinary Board. The Disciplinary Board shall consist of 11
11 members, to be appointed by the Governor by and with the advice
12 and consent of the Senate. All members shall be residents of
13 the State, not more than 6 of whom shall be members of the same
14 political party. All members shall be voting members. Five
15 members shall be physicians licensed to practice medicine in
16 all of its branches in Illinois possessing the degree of
17 doctor of medicine. One member shall be a physician licensed
18 to practice medicine in all its branches in Illinois
19 possessing the degree of doctor of osteopathy or osteopathic
20 medicine. One member shall be a chiropractic physician
21 licensed to practice in Illinois and possessing the degree of
22 doctor of chiropractic. Four members shall be members of the
23 public, who shall not be engaged in any way, directly or
24 indirectly, as providers of health care.

1 (B) Members of the Disciplinary Board shall be appointed
2 for terms of 4 years. Upon the expiration of the term of any
3 member, his or her ~~their~~ successor shall be appointed for a
4 term of 4 years by the Governor by and with the advice and
5 consent of the Senate. The Governor shall fill any vacancy for
6 the remainder of the unexpired term with the advice and
7 consent of the Senate. Upon recommendation of the Board, any
8 member of the Disciplinary Board may be removed by the
9 Governor for misfeasance, malfeasance, or willful ~~wilful~~
10 neglect of duty, after notice, and a public hearing, unless
11 such notice and hearing shall be expressly waived in writing.
12 Each member shall serve on the Disciplinary Board until their
13 successor is appointed and qualified. No member of the
14 Disciplinary Board shall serve more than 2 consecutive 4 year
15 terms.

16 In making appointments the Governor shall attempt to
17 insure that the various social and geographic regions of the
18 State of Illinois are properly represented.

19 In making the designation of persons to act for the
20 several professions represented on the Disciplinary Board, the
21 Governor shall give due consideration to recommendations by
22 members of the respective professions and by organizations
23 therein.

24 (C) The Disciplinary Board shall annually elect one of its
25 voting members as chairperson and one as vice chairperson. No
26 officer shall be elected more than twice in succession to the

1 same office. Each officer shall serve until their successor
2 has been elected and qualified.

3 (D) (Blank).

4 (E) Six voting members of the Disciplinary Board, at least
5 4 of whom are physicians, shall constitute a quorum. A vacancy
6 in the membership of the Disciplinary Board shall not impair
7 the right of a quorum to exercise all the rights and perform
8 all the duties of the Disciplinary Board. Any action taken by
9 the Disciplinary Board under this Act may be authorized by
10 resolution at any regular or special meeting and each such
11 resolution shall take effect immediately. The Disciplinary
12 Board shall meet at least quarterly.

13 (F) Each member, and member-officer, of the Disciplinary
14 Board shall receive a per diem stipend as the Secretary shall
15 determine. Each member shall be paid their necessary expenses
16 while engaged in the performance of their duties.

17 (G) The Secretary shall select a Chief Medical Coordinator
18 and not less than 2 Deputy Medical Coordinators who shall not
19 be members of the Disciplinary Board. Each medical coordinator
20 shall be a physician licensed to practice medicine in all of
21 its branches, and the Secretary shall set their rates of
22 compensation. The Secretary shall assign at least one medical
23 coordinator to a region composed of Cook County and such other
24 counties as the Secretary may deem appropriate, and such
25 medical coordinator or coordinators shall locate their office
26 in Chicago. The Secretary shall assign at least one medical

1 coordinator to a region composed of the balance of counties in
2 the State, and such medical coordinator or coordinators shall
3 locate their office in Springfield. The Chief Medical
4 Coordinator shall be the chief enforcement officer of this
5 Act. None of the functions, powers, or duties of the
6 Department with respect to policies regarding enforcement or
7 discipline under this Act, including the adoption of such
8 rules as may be necessary for the administration of this Act,
9 shall be exercised by the Department except upon review of the
10 Disciplinary Board.

11 The Secretary shall employ, in conformity with the
12 Personnel Code, investigators who are college graduates with
13 at least 2 years of investigative experience or one year of
14 advanced medical education. Upon the written request of the
15 Disciplinary Board, the Secretary shall employ, in conformity
16 with the Personnel Code, such other professional, technical,
17 investigative, and clerical help, either on a full or
18 part-time basis as the Disciplinary Board deems necessary for
19 the proper performance of its duties.

20 (H) Upon the specific request of the Disciplinary Board,
21 signed by either the chairperson, vice chairperson, or a
22 medical coordinator of the Disciplinary Board, the Department
23 of Human Services, the Department of Healthcare and Family
24 Services, the Illinois ~~Department of~~ State Police, or any
25 other law enforcement agency located in this State shall make
26 available any and all information that they have in their

1 possession regarding a particular case then under
2 investigation by the Disciplinary Board.

3 (I) Members of the Disciplinary Board shall be immune from
4 suit in any action based upon any disciplinary proceedings or
5 other acts performed in good faith as members of the
6 Disciplinary Board.

7 (J) The Disciplinary Board may compile and establish a
8 statewide roster of physicians and other medical
9 professionals, including the several medical specialties, of
10 such physicians and medical professionals, who have agreed to
11 serve from time to time as advisors to the medical
12 coordinators. Such advisors shall assist the medical
13 coordinators or the Disciplinary Board in their investigations
14 and participation in complaints against physicians. Such
15 advisors shall serve under contract and shall be reimbursed at
16 a reasonable rate for the services provided, plus reasonable
17 expenses incurred. While serving in this capacity, the
18 advisor, for any act undertaken in good faith and in the
19 conduct of his or her duties under this Section, shall be
20 immune from civil suit.

21 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

22 (225 ILCS 60/9.7)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 9.7. Criminal history records background check. Each
25 applicant for licensure or permit under Sections 9, 18, and 19

1 shall have his or her fingerprints submitted to the Illinois
2 ~~Department of~~ State Police in an electronic format that
3 complies with the form and manner for requesting and
4 furnishing criminal history record information as prescribed
5 by the Illinois ~~Department of~~ State Police. These fingerprints
6 shall be checked against the Illinois ~~Department of~~ State
7 Police and Federal Bureau of Investigation criminal history
8 record databases now and hereafter filed. The Illinois
9 ~~Department of~~ State Police shall charge applicants a fee for
10 conducting the criminal history records check, which shall be
11 deposited into the State Police Services Fund and shall not
12 exceed the actual cost of the records check. The Illinois
13 ~~Department of~~ State Police shall furnish, pursuant to positive
14 identification, records of Illinois convictions to the
15 Department. The Department may require applicants to pay a
16 separate fingerprinting fee, either to the Department or to a
17 Department designated or approved vendor. The Department, in
18 its discretion, may allow an applicant who does not have
19 reasonable access to a designated vendor to provide his or her
20 fingerprints in an alternative manner. The Department may
21 adopt any rules necessary to implement this Section.

22 (Source: P.A. 97-622, eff. 11-23-11.)

23 (225 ILCS 60/65)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 65. Annie LeGere Law; epinephrine auto-injector. A

1 licensee under this Act may not be subject to discipline for
2 providing a standing order or prescription for an epinephrine
3 auto-injector in accordance with Section 40 of the Illinois
4 State Police Act or Section 10.19 of the Illinois Police
5 Training Act.

6 (Source: P.A. 100-648, eff. 7-31-18.)

7 Section 605. The Nurse Practice Act is amended by changing
8 Section 50-35 as follows:

9 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

10 (Section scheduled to be repealed on January 1, 2028)

11 Sec. 50-35. Criminal history records background check.
12 Each applicant for licensure by examination or restoration
13 shall have his or her fingerprints submitted to the Illinois
14 ~~Department of~~ State Police in an electronic format that
15 complies with the form and manner for requesting and
16 furnishing criminal history record information as prescribed
17 by the Illinois ~~Department of~~ State Police. These fingerprints
18 shall be checked against the Illinois ~~Department of~~ State
19 Police and Federal Bureau of Investigation criminal history
20 record databases now and hereafter filed. The Illinois
21 ~~Department of~~ State Police shall charge applicants a fee for
22 conducting the criminal history records check, which shall be
23 deposited into the State Police Services Fund and shall not
24 exceed the actual cost of the records check. The Illinois

1 ~~Department of~~ State Police shall furnish, pursuant to positive
2 identification, records of Illinois convictions to the
3 Department. The Department may require applicants to pay a
4 separate fingerprinting fee, either to the Department or to a
5 vendor. The Department, in its discretion, may allow an
6 applicant who does not have reasonable access to a designated
7 vendor to provide his or her fingerprints in an alternative
8 manner. The Department may adopt any rules necessary to
9 implement this Section.

10 (Source: P.A. 95-639, eff. 10-5-07.)

11 Section 610. The Nursing Home Administrators Licensing and
12 Disciplinary Act is amended by changing Section 5.1 as
13 follows:

14 (225 ILCS 70/5.1)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 5.1. Powers and duties; rules. The Department shall
17 exercise the powers and duties prescribed by the Civil
18 Administrative Code of Illinois for administration of
19 licensing acts and shall exercise such other powers and duties
20 necessary for effectuating the purposes of this Act. The
21 Department shall adopt rules to implement, interpret, make
22 specific the provisions and purposes of this Act, and may
23 prescribe forms that shall be issued in connection with
24 rulemaking. The Department shall transmit the proposed

1 rulemaking to the Board.

2 The Department may solicit the advice of the Board on any
3 matter relating to the administration and enforcement of this
4 Act.

5 Upon the written request of the Department, the Department
6 of Public Health, the Department of Human Services or the
7 Illinois ~~Department of~~ State Police may cooperate and assist
8 in any investigation undertaken by the Board.

9 (Source: P.A. 100-675, eff. 8-3-18.)

10 Section 615. The Wholesale Drug Distribution Licensing Act
11 is amended by changing Section 25 as follows:

12 (225 ILCS 120/25) (from Ch. 111, par. 8301-25)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 25. Wholesale drug distributor licensing
15 requirements.

16 (a) Every resident wholesale distributor who engages in
17 the wholesale distribution of prescription drugs must be
18 licensed by the Department, and every non-resident wholesale
19 distributor must be licensed in this State if it ships
20 prescription drugs into this State, in accordance with this
21 Act, before engaging in wholesale distributions of wholesale
22 prescription drugs.

23 (b) The Department shall require without limitation all of
24 the following information from each applicant for licensure

1 under this Act:

2 (1) The name, full business address, and telephone
3 number of the licensee.

4 (2) All trade or business names used by the licensee.

5 (3) Addresses, telephone numbers, and the names of
6 contact persons for all facilities used by the licensee
7 for the storage, handling, and distribution of
8 prescription drugs.

9 (4) The type of ownership or operation, such as a
10 partnership, corporation, or sole proprietorship.

11 (5) The name of the owner or operator of the wholesale
12 distributor, including:

13 (A) if a natural person, the name of the natural
14 person;

15 (B) if a partnership, the name of each partner and
16 the name of the partnership;

17 (C) if a corporation, the name and title of each
18 corporate officer and director, the corporate names,
19 and the name of the state of incorporation; and

20 (D) if a sole proprietorship, the full name of the
21 sole proprietor and the name of the business entity.

22 (6) A list of all licenses and permits issued to the
23 applicant by any other state that authorizes the applicant
24 to purchase or possess prescription drugs.

25 (7) The name of the designated representative for the
26 wholesale distributor, together with the personal

1 information statement and fingerprints, as required under
2 subsection (c) of this Section.

3 (8) Minimum liability insurance and other insurance as
4 defined by rule.

5 (9) Any additional information required by the
6 Department.

7 (c) Each wholesale distributor must designate an
8 individual representative who shall serve as the contact
9 person for the Department. This representative must provide
10 the Department with all of the following information:

11 (1) Information concerning whether the person has been
12 enjoined, either temporarily or permanently, by a court of
13 competent jurisdiction from violating any federal or State
14 law regulating the possession, control, or distribution of
15 prescription drugs or criminal violations, together with
16 details concerning any such event.

17 (2) A description of any involvement by the person
18 with any business, including any investments, other than
19 the ownership of stock in a publicly traded company or
20 mutual fund which manufactured, administered, prescribed,
21 distributed, or stored pharmaceutical products and any
22 lawsuits in which such businesses were named as a party.

23 (3) A description of any misdemeanor or felony
24 criminal offense of which the person, as an adult, was
25 found guilty, regardless of whether adjudication of guilt
26 was withheld or whether the person pled guilty or nolo

1 contendere. If the person indicates that a criminal
2 conviction is under appeal and submits a copy of the
3 notice of appeal of that criminal offense, the applicant
4 must, within 15 days after the disposition of the appeal,
5 submit to the Department a copy of the final written order
6 of disposition.

7 (4) The designated representative of an applicant for
8 licensure as a wholesale drug distributor shall have his
9 or her fingerprints submitted to the Illinois ~~Department~~
10 ~~of~~ State Police in an electronic format that complies with
11 the form and manner for requesting and furnishing criminal
12 history record information as prescribed by the Illinois
13 ~~Department of~~ State Police. These fingerprints shall be
14 checked against the Illinois ~~Department of~~ State Police
15 and Federal Bureau of Investigation criminal history
16 record databases now and hereafter filed. The Illinois
17 ~~Department of~~ State Police shall charge applicants a fee
18 for conducting the criminal history records check, which
19 shall be deposited into the State Police Services Fund and
20 shall not exceed the actual cost of the records check. The
21 Illinois ~~Department of~~ State Police shall furnish,
22 pursuant to positive identification, records of Illinois
23 convictions to the Department. The Department may require
24 applicants to pay a separate fingerprinting fee, either to
25 the Department or to a vendor. The Department, in its
26 discretion, may allow an applicant who does not have

1 reasonable access to a designated vendor to provide his or
2 her fingerprints in an alternative manner. The Department
3 may adopt any rules necessary to implement this Section.

4 The designated representative of a licensee shall
5 receive and complete continuing training in applicable
6 federal and State laws governing the wholesale
7 distribution of prescription drugs.

8 (d) The Department may not issue a wholesale distributor
9 license to an applicant, unless the Department first:

10 (1) ensures that a physical inspection of the facility
11 satisfactory to the Department has occurred at the address
12 provided by the applicant, as required under item (1) of
13 subsection (b) of this Section; and

14 (2) determines that the designated representative
15 meets each of the following qualifications:

16 (A) He or she is at least 21 years of age.

17 (B) He or she has been employed full-time for at
18 least 3 years in a pharmacy or with a wholesale
19 distributor in a capacity related to the dispensing
20 and distribution of, and recordkeeping relating to,
21 prescription drugs.

22 (C) He or she is employed by the applicant full
23 time in a managerial level position.

24 (D) He or she is actively involved in and aware of
25 the actual daily operation of the wholesale
26 distributor.

1 (E) He or she is physically present at the
2 facility of the applicant during regular business
3 hours, except when the absence of the designated
4 representative is authorized, including without
5 limitation sick leave and vacation leave.

6 (F) He or she is serving in the capacity of a
7 designated representative for only one applicant at a
8 time, except where more than one licensed wholesale
9 distributor is co-located in the same facility and
10 such wholesale distributors are members of an
11 affiliated group, as defined in Section 1504 of the
12 Internal Revenue Code.

13 (e) If a wholesale distributor distributes prescription
14 drugs from more than one facility, the wholesale distributor
15 shall obtain a license for each facility.

16 (f) The information provided under this Section may not be
17 disclosed to any person or entity other than the Department or
18 another government entity in need of such information for
19 licensing or monitoring purposes.

20 (Source: P.A. 97-804, eff. 1-1-13.)

21 Section 625. The Pyrotechnic Distributor and Operator
22 Licensing Act is amended by changing Sections 40 and 45 as
23 follows:

24 (225 ILCS 227/40)

1 Sec. 40. Fingerprint card; fees. The Office may require
2 each applicant to file with his or her application a
3 fingerprint card in the form and manner required by the
4 Illinois ~~Department of~~ State Police to enable the Illinois
5 ~~Department of~~ State Police to conduct a criminal history check
6 on the applicant.

7 The Office may require each applicant to submit, in
8 addition to the license fee, a fee specified by the Illinois
9 ~~Department of~~ State Police for processing fingerprint cards,
10 which may be made payable to the State Police Services Fund and
11 shall be remitted to the Illinois ~~Department of~~ State Police
12 for deposit into that Fund.

13 (Source: P.A. 93-263, eff. 7-22-03.)

14 (225 ILCS 227/45)

15 Sec. 45. Investigation. Upon receipt of an application,
16 the Office shall investigate the eligibility of the applicant.
17 The Office has authority to request and receive from any
18 federal, state or local governmental agency such information
19 and assistance as will enable it to carry out its powers and
20 duties under this Act. The Illinois ~~Department of~~ State Police
21 shall cause the fingerprints of each applicant to be compared
22 with fingerprints of criminals filed with the Illinois
23 ~~Department of~~ State Police or with federal law enforcement
24 agencies maintaining official fingerprint files.

25 (Source: P.A. 93-263, eff. 7-22-03.)

1 Section 635. The Private Detective, Private Alarm, Private
2 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
3 amended by changing Sections 5-10, 10-5, 10-25, 31-5, 31-10,
4 31-15, 31-20, 31-25, 35-30, and 40-10 as follows:

5 (225 ILCS 447/5-10)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 5-10. Definitions. As used in this Act:

8 "Address of record" means the designated address recorded
9 by the Department in the applicant's application file or the
10 licensee's license file, as maintained by the Department's
11 licensure maintenance unit.

12 "Advertisement" means any public media, including printed
13 or electronic material, that is published or displayed in a
14 phone book, newspaper, magazine, pamphlet, newsletter,
15 website, or other similar type of publication or electronic
16 format that is intended to either attract business or merely
17 provide contact information to the public for an agency or
18 licensee. Advertisement shall not include a licensee's or an
19 agency's letterhead, business cards, or other stationery used
20 in routine business correspondence or customary name, address,
21 and number type listings in a telephone directory.

22 "Alarm system" means any system, including an electronic
23 access control system, a surveillance video system, a security
24 video system, a burglar alarm system, a fire alarm system, or

1 any other electronic system that activates an audible,
2 visible, remote, or recorded signal that is designed for the
3 protection or detection of intrusion, entry, theft, fire,
4 vandalism, escape, or trespass, or other electronic systems
5 designed for the protection of life by indicating the
6 existence of an emergency situation. "Alarm system" also
7 includes an emergency communication system and a mass
8 notification system.

9 "Applicant" means a person or business applying for
10 licensure, registration, or authorization under this Act. Any
11 applicant or person who holds himself or herself out as an
12 applicant is considered a licensee or registrant for the
13 purposes of enforcement, investigation, hearings, and the
14 Illinois Administrative Procedure Act.

15 "Armed employee" means a licensee or registered person who
16 is employed by an agency licensed or an armed proprietary
17 security force registered under this Act who carries a weapon
18 while engaged in the performance of official duties within the
19 course and scope of his or her employment during the hours and
20 times the employee is scheduled to work or is commuting
21 between his or her home or place of employment.

22 "Armed proprietary security force" means a security force
23 made up of one or more armed individuals employed by a
24 commercial or industrial operation or by a financial
25 institution as security officers for the protection of persons
26 or property.

1 "Board" means the Private Detective, Private Alarm,
2 Private Security, Fingerprint Vendor, and Locksmith Board.

3 "Branch office" means a business location removed from the
4 place of business for which an agency license has been issued,
5 including, but not limited to, locations where active employee
6 records that are required to be maintained under this Act are
7 kept, where prospective new employees are processed, or where
8 members of the public are invited in to transact business. A
9 branch office does not include an office or other facility
10 located on the property of an existing client that is utilized
11 solely for the benefit of that client and is not owned or
12 leased by the agency.

13 "Canine handler" means a person who uses or handles a
14 trained dog to protect persons or property or to conduct
15 investigations.

16 "Canine handler authorization card" means a card issued by
17 the Department that authorizes the holder to use or handle a
18 trained dog to protect persons or property or to conduct
19 investigations during the performance of his or her duties as
20 specified in this Act.

21 "Canine trainer" means a person who acts as a dog trainer
22 for the purpose of training dogs to protect persons or
23 property or to conduct investigations.

24 "Canine trainer authorization card" means a card issued by
25 the Department that authorizes the holder to train a dog to
26 protect persons or property or to conduct investigations

1 during the performance of his or her duties as specified in
2 this Act.

3 "Canine training facility" means a facility operated by a
4 licensed private detective agency or private security
5 contractor agency wherein dogs are trained for the purposes of
6 protecting persons or property or to conduct investigations.

7 "Corporation" means an artificial person or legal entity
8 created by or under the authority of the laws of a state,
9 including without limitation a corporation, limited liability
10 company, or any other legal entity.

11 "Department" means the Department of Financial and
12 Professional Regulation.

13 "Emergency communication system" means any system that
14 communicates information about emergencies, including but not
15 limited to fire, terrorist activities, shootings, other
16 dangerous situations, accidents, and natural disasters.

17 "Employee" means a person who works for a person or agency
18 that has the right to control the details of the work performed
19 and is not dependent upon whether or not federal or state
20 payroll taxes are withheld.

21 "Fingerprint vendor" means a person that offers,
22 advertises, or provides services to fingerprint individuals,
23 through electronic or other means, for the purpose of
24 providing fingerprint images and associated demographic data
25 to the Illinois ~~Department of~~ State Police for processing
26 fingerprint based criminal history record information

1 inquiries.

2 "Fingerprint vendor agency" means a person, firm,
3 corporation, or other legal entity that engages in the
4 fingerprint vendor business and employs, in addition to the
5 fingerprint vendor licensee-in-charge, at least one other
6 person in conducting that business.

7 "Fingerprint vendor licensee-in-charge" means a person who
8 has been designated by a fingerprint vendor agency to be the
9 licensee-in-charge of an agency who is a full-time management
10 employee or owner who assumes sole responsibility for
11 maintaining all records required by this Act and who assumes
12 sole responsibility for assuring the licensed agency's
13 compliance with its responsibilities as stated in this Act.
14 The Department shall adopt rules mandating licensee-in-charge
15 participation in agency affairs.

16 "Fire alarm system" means any system that is activated by
17 an automatic or manual device in the detection of smoke, heat,
18 or fire that activates an audible, visible, or remote signal
19 requiring a response.

20 "Firearm control card" means a card issued by the
21 Department that authorizes the holder, who has complied with
22 the training and other requirements of this Act, to carry a
23 weapon during the performance of his or her duties as
24 specified in this Act.

25 "Firm" means an unincorporated business entity, including
26 but not limited to proprietorships and partnerships.

1 "Licensee" means a person or business licensed under this
2 Act. Anyone who holds himself or herself out as a licensee or
3 who is accused of unlicensed practice is considered a licensee
4 for purposes of enforcement, investigation, hearings, and the
5 Illinois Administrative Procedure Act.

6 "Locksmith" means a person who engages in a business or
7 holds himself out to the public as providing a service that
8 includes, but is not limited to, the servicing, installing,
9 originating first keys, re-coding, repairing, maintaining,
10 manipulating, or bypassing of a mechanical or electronic
11 locking device, access control or video surveillance system at
12 premises, vehicles, safes, vaults, safe deposit boxes, or
13 automatic teller machines.

14 "Locksmith agency" means a person, firm, corporation, or
15 other legal entity that engages in the locksmith business and
16 employs, in addition to the locksmith licensee-in-charge, at
17 least one other person in conducting such business.

18 "Locksmith licensee-in-charge" means a person who has been
19 designated by agency to be the licensee-in-charge of an
20 agency, who is a full-time management employee or owner who
21 assumes sole responsibility for maintaining all records
22 required by this Act, and who assumes sole responsibility for
23 assuring the licensed agency's compliance with its
24 responsibilities as stated in this Act. The Department shall
25 adopt rules mandating licensee-in-charge participation in
26 agency affairs.

1 "Mass notification system" means any system that is used
2 to provide information and instructions to people in a
3 building or other space using voice communications, including
4 visible signals, text, graphics, tactile, or other
5 communication methods.

6 "Peace officer" or "police officer" means a person who, by
7 virtue of office or public employment, is vested by law with a
8 duty to maintain public order or to make arrests for offenses,
9 whether that duty extends to all offenses or is limited to
10 specific offenses. Officers, agents, or employees of the
11 federal government commissioned by federal statute to make
12 arrests for violations of federal laws are considered peace
13 officers.

14 "Permanent employee registration card" means a card issued
15 by the Department to an individual who has applied to the
16 Department and meets the requirements for employment by a
17 licensed agency under this Act.

18 "Person" means a natural person.

19 "Private alarm contractor" means a person who engages in a
20 business that individually or through others undertakes,
21 offers to undertake, purports to have the capacity to
22 undertake, or submits a bid to sell, install, design, monitor,
23 maintain, alter, repair, replace, or service alarm and other
24 security-related systems or parts thereof, including fire
25 alarm systems, at protected premises or premises to be
26 protected or responds to alarm systems at a protected premises

1 on an emergency basis and not as a full-time security officer.
2 "Private alarm contractor" does not include a person, firm, or
3 corporation that manufactures or sells alarm systems only from
4 its place of business and does not sell, install, monitor,
5 maintain, alter, repair, replace, service, or respond to alarm
6 systems at protected premises or premises to be protected.

7 "Private alarm contractor agency" means a person,
8 corporation, or other entity that engages in the private alarm
9 contracting business and employs, in addition to the private
10 alarm contractor-in-charge, at least one other person in
11 conducting such business.

12 "Private alarm contractor licensee-in-charge" means a
13 person who has been designated by an agency to be the
14 licensee-in-charge of an agency, who is a full-time management
15 employee or owner who assumes sole responsibility for
16 maintaining all records required by this Act, and who assumes
17 sole responsibility for assuring the licensed agency's
18 compliance with its responsibilities as stated in this Act.
19 The Department shall adopt rules mandating licensee-in-charge
20 participation in agency affairs.

21 "Private detective" means any person who by any means,
22 including, but not limited to, manual, canine odor detection,
23 or electronic methods, engages in the business of, accepts
24 employment to furnish, or agrees to make or makes
25 investigations for a fee or other consideration to obtain
26 information relating to:

1 (1) Crimes or wrongs done or threatened against the
2 United States, any state or territory of the United
3 States, or any local government of a state or territory.

4 (2) The identity, habits, conduct, business
5 occupation, honesty, integrity, credibility, knowledge,
6 trustworthiness, efficiency, loyalty, activity,
7 movements, whereabouts, affiliations, associations,
8 transactions, acts, reputation, or character of any
9 person, firm, or other entity by any means, manual or
10 electronic.

11 (3) The location, disposition, or recovery of lost or
12 stolen property.

13 (4) The cause, origin, or responsibility for fires,
14 accidents, or injuries to individuals or real or personal
15 property.

16 (5) The truth or falsity of any statement or
17 representation.

18 (6) Securing evidence to be used before any court,
19 board, or investigating body.

20 (7) The protection of individuals from bodily harm or
21 death (bodyguard functions).

22 (8) Service of process in criminal and civil
23 proceedings.

24 "Private detective agency" means a person, firm,
25 corporation, or other legal entity that engages in the private
26 detective business and employs, in addition to the

1 licensee-in-charge, one or more persons in conducting such
2 business.

3 "Private detective licensee-in-charge" means a person who
4 has been designated by an agency to be the licensee-in-charge
5 of an agency, who is a full-time management employee or owner
6 who assumes sole responsibility for maintaining all records
7 required by this Act, and who assumes sole responsibility for
8 assuring the licensed agency's compliance with its
9 responsibilities as stated in this Act. The Department shall
10 adopt rules mandating licensee-in-charge participation in
11 agency affairs.

12 "Private security contractor" means a person who engages
13 in the business of providing a private security officer,
14 watchman, patrol, guard dog, canine odor detection, or a
15 similar service by any other title or name on a contractual
16 basis for another person, firm, corporation, or other entity
17 for a fee or other consideration and performing one or more of
18 the following functions:

19 (1) The prevention or detection of intrusion, entry,
20 theft, vandalism, abuse, fire, or trespass on private or
21 governmental property.

22 (2) The prevention, observation, or detection of any
23 unauthorized activity on private or governmental property.

24 (3) The protection of persons authorized to be on the
25 premises of the person, firm, or other entity for which
26 the security contractor contractually provides security

1 services.

2 (4) The prevention of the misappropriation or
3 concealment of goods, money, bonds, stocks, notes,
4 documents, or papers.

5 (5) The control, regulation, or direction of the
6 movement of the public for the time specifically required
7 for the protection of property owned or controlled by the
8 client.

9 (6) The protection of individuals from bodily harm or
10 death (bodyguard functions).

11 "Private security contractor agency" means a person, firm,
12 corporation, or other legal entity that engages in the private
13 security contractor business and that employs, in addition to
14 the licensee-in-charge, one or more persons in conducting such
15 business.

16 "Private security contractor licensee-in-charge" means a
17 person who has been designated by an agency to be the
18 licensee-in-charge of an agency, who is a full-time management
19 employee or owner who assumes sole responsibility for
20 maintaining all records required by this Act, and who assumes
21 sole responsibility for assuring the licensed agency's
22 compliance with its responsibilities as stated in this Act.
23 The Department shall adopt rules mandating licensee-in-charge
24 participation in agency affairs.

25 "Public member" means a person who is not a licensee or
26 related to a licensee, or who is not an employer or employee of

1 a licensee. The term "related to" shall be determined by the
2 rules of the Department.

3 "Secretary" means the Secretary of the Department of
4 Financial and Professional Regulation.

5 (Source: P.A. 98-253, eff. 8-9-13.)

6 (225 ILCS 447/10-5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 10-5. Requirement of license.

9 (a) It is unlawful for a person to act as or provide the
10 functions of a private detective, private security contractor,
11 private alarm contractor, fingerprint vendor, or locksmith or
12 to advertise or to assume to act as any one of these, or to use
13 these or any other title implying that the person is engaged in
14 any of these activities unless licensed as such by the
15 Department. An individual or sole proprietor who does not
16 employ any employees other than himself or herself may operate
17 under a "doing business as" or assumed name certification
18 without having to obtain an agency license, so long as the
19 assumed name is first registered with the Department.

20 (b) It is unlawful for a person, firm, corporation, or
21 other legal entity to act as an agency licensed under this Act,
22 to advertise, or to assume to act as a licensed agency or to
23 use a title implying that the person, firm, or other entity is
24 engaged in the practice as a private detective agency, private
25 security contractor agency, private alarm contractor agency,

1 fingerprint vendor agency, or locksmith agency unless licensed
2 by the Department.

3 (c) No agency shall operate a branch office without first
4 applying for and receiving a branch office license for each
5 location.

6 (d) Beginning 12 months after the adoption of rules
7 providing for the licensure of fingerprint vendors under this
8 Act, it is unlawful for a person to operate live scan
9 fingerprint equipment or other equipment designed to obtain
10 fingerprint images for the purpose of providing fingerprint
11 images and associated demographic data to the Illinois
12 ~~Department of State Police~~, unless he or she has successfully
13 completed a fingerprint training course conducted or
14 authorized by the Illinois ~~Department of State Police~~ and is
15 licensed as a fingerprint vendor.

16 (e) Beginning 12 months after the adoption of rules
17 providing for the licensure of canine handlers and canine
18 trainers under this Act, no person shall operate a canine
19 training facility unless licensed as a private detective
20 agency or private security contractor agency under this Act,
21 and no person shall act as a canine trainer unless he or she is
22 licensed as a private detective or private security contractor
23 or is a registered employee of a private detective agency or
24 private security contractor agency approved by the Department.

25 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 447/10-25)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 10-25. Issuance of license; renewal; fees.

4 (a) The Department shall, upon the applicant's
5 satisfactory completion of the requirements set forth in this
6 Act and upon receipt of the fee, issue the license indicating
7 the name and business location of the licensee and the date of
8 expiration.

9 (b) An applicant may, upon satisfactory completion of the
10 requirements set forth in this Act and upon receipt of fees
11 related to the application and testing for licensure, elect to
12 defer the issuance of the applicant's initial license for a
13 period not longer than 3 years. An applicant who fails to
14 request issuance of his or her initial license or agency
15 license and to remit the fees required for that license within
16 3 years shall be required to resubmit an application together
17 with all required fees.

18 (c) The expiration date, renewal period, and conditions
19 for renewal and restoration of each license, permanent
20 employee registration card, canine handler authorization card,
21 canine trainer authorization card, and firearm control card
22 shall be set by rule. The holder may renew the license,
23 permanent employee registration card, canine handler
24 authorization card, canine trainer authorization card, or
25 firearm control card during the 30 days preceding its
26 expiration by paying the required fee and by meeting

1 conditions that the Department may specify. Any license holder
2 who notifies the Department on forms prescribed by the
3 Department may place his or her license on inactive status for
4 a period of not longer than 3 years and shall, subject to the
5 rules of the Department, be excused from payment of renewal
6 fees until the license holder notifies the Department, in
7 writing, of an intention to resume active status. Practice
8 while on inactive status constitutes unlicensed practice. A
9 non-renewed license that has lapsed for less than 3 years may
10 be restored upon payment of the restoration fee and all lapsed
11 renewal fees. A license that has lapsed for more than 3 years
12 may be restored by paying the required restoration fee and all
13 lapsed renewal fees and by providing evidence of competence to
14 resume practice satisfactory to the Department and the Board,
15 which may include passing a written examination. All
16 restoration fees and lapsed renewal fees shall be waived for
17 an applicant whose license lapsed while on active duty in the
18 armed forces of the United States if application for
19 restoration is made within 12 months after discharge from the
20 service.

21 Any person seeking renewal or restoration under this
22 subsection (c) shall be subject to the continuing education
23 requirements established pursuant to Section 10-27 of this
24 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
4 of 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
8 the 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
24 or 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
14 Police to provide fingerprinting services for non-criminal
15 justice purposes, notwithstanding whether the local law
16 enforcement agency charges a reasonable fee related to the
17 cost of offering 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
4 felony conviction.

5 (3) Is of good moral character. Good moral character
6 is a continuing requirement of licensure. Conviction of
7 crimes other than felonies may be used in determining
8 moral character, but shall not constitute an absolute bar
9 to licensure, except where the applicant is a registered
10 sex 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
14 subsequently declared him or her to be competent.

15 (5) Is not suffering from dependence on alcohol or
16 from narcotic addiction or dependence.

17 (6) Has not been dishonorably discharged from the
18 armed 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
25 with 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
7 the insurance, upon request, shall result in cancellation
8 of the license without hearing. A fingerprint vendor
9 employed by a licensed fingerprint vendor agency may
10 provide proof that his or her actions as a fingerprint
11 vendor are covered by the liability insurance of his or
12 her employer.

13 (11) Pays the required licensure fee.

14 (12) (Blank).

15 (13) Submits proof that the applicant maintains a
16 business office located in the State of Illinois.

17 (14) Provides proof of compliance with subsection (e)
18 of Section 31-15 of this Act if the applicant is not
19 required to obtain a fingerprint vendor agency license
20 pursuant to subsection (b) of Section 31-15 of this Act.

21 (b) Each applicant for a fingerprint vendor license shall
22 have his or her fingerprints submitted to the Illinois
23 ~~Department of~~ State Police in an electronic format that
24 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
16 also 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 (Source: P.A. 100-44, eff. 8-11-17.)

1 (225 ILCS 447/31-15)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 31-15. Qualifications for licensure as a fingerprint
4 vendor agency.

5 (a) Upon receipt of the required fee, compliance with
6 subsection (e) of this Section, and proof that the applicant
7 has a full-time Illinois licensed fingerprint vendor
8 licensee-in-charge, which is a continuing requirement for
9 agency licensure, the Department may issue a license as a
10 fingerprint vendor agency to any of the following:

11 (1) An individual who submits an application and is a
12 licensed fingerprint vendor under this Act.

13 (2) A firm that submits an application and all of the
14 members of the firm are licensed fingerprint vendors under
15 this Act.

16 (3) A corporation or limited liability company doing
17 business in Illinois that is authorized to engage in the
18 business of conducting a fingerprint vendor agency if at
19 least one officer or executive employee is a licensed
20 fingerprint vendor under this Act and all unlicensed
21 officers and directors of the corporation or limited
22 liability company are determined by the Department to be
23 persons of good moral character.

24 (b) An individual licensed as a fingerprint vendor
25 operating under a business name other than the licensed
26 fingerprint vendor's own name shall not be required to obtain

1 a fingerprint vendor agency license if that licensed
2 fingerprint vendor does not employ any persons to provide
3 fingerprinting services. However, in either circumstance, the
4 individual shall comply with the requirements of subsection
5 (e) of this Section as a requirement for licensure.

6 (c) No fingerprint vendor may be the licensee-in-charge
7 for more than one fingerprint vendor agency. Upon written
8 request by a representative of the agency, within 10 days
9 after the loss of a licensee-in-charge of an agency because of
10 the death of that individual or because of the termination of
11 the employment of that individual, the Department shall issue
12 a temporary certificate of authority allowing the continuing
13 operation of the licensed agency. No temporary certificate of
14 authority shall be valid for more than 90 days. An extension of
15 an additional 90 days may be granted upon written request by
16 the representative of the agency. Not more than 2 extensions
17 may be granted to any agency. No temporary permit shall be
18 issued for loss of the licensee-in-charge because of
19 disciplinary action by the Department related to his or her
20 conduct on behalf of the agency.

21 (d) Upon issuance of the temporary certificate of
22 authority as provided for in subsection (c) of this Section
23 and at any time thereafter while the temporary certificate of
24 authority is in effect, the Department may request in writing
25 additional information from the agency regarding the loss of
26 its licensee-in-charge, the selection of a new

1 licensee-in-charge, and the management of the agency. Failure
2 of the agency to respond or respond to the satisfaction of the
3 Department shall cause the Department to deny any extension of
4 the temporary certificate of authority. While the temporary
5 certificate of authority is in effect, the Department may
6 disapprove the selection of a new licensee-in-charge by the
7 agency if the person's license is not operative or the
8 Department has good cause to believe that the person selected
9 will not fully exercise the responsibilities of a
10 licensee-in-charge. If the Department has disapproved the
11 selection of a new licensee-in-charge and the temporary
12 certificate of authority expires or is about to expire without
13 the agency selecting another new licensee-in-charge, the
14 Department shall grant an extension of the temporary
15 certificate of authority for an additional 90 days, except as
16 otherwise prohibited in subsection (c) or this subsection (d).

17 (e) An applicant shall submit certification issued by the
18 Illinois ~~Department of~~ State Police that the applicant's
19 fingerprinting equipment and software meets all specifications
20 required by the Illinois ~~Department of~~ State Police.
21 Compliance with Illinois ~~Department of~~ State Police
22 fingerprinting equipment and software specifications is a
23 continuing requirement for licensure.

24 (Source: P.A. 100-44, eff. 8-11-17.)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 31-20. Training; fingerprint vendor and employees.

3 (a) Registered employees of a licensed fingerprint vendor
4 agency shall complete a minimum of 20 hours of training
5 provided by a qualified instructor within 30 days of their
6 employment. The substance of the training shall be prescribed
7 by rule.

8 (b) It is the responsibility of the employer to certify,
9 on a form provided by the Department, that the employee has
10 successfully completed the training. The form shall be a
11 permanent record of training completed by the employee and
12 shall be placed in the employee's file with the employer for
13 the period the employee remains with the employer. An agency
14 may place a notarized copy of the Department form, in lieu of
15 the original, into the permanent employee registration card
16 file. The original form shall be given to the employee when his
17 or her employment is terminated. Failure to return the
18 original form to the employee is grounds for disciplinary
19 action. The employee shall not be required to repeat the
20 required training once the employee has been issued the form.
21 An employer may provide or require additional training.

22 (c) Any certification of completion of the 20-hour basic
23 training issued under the Private Detective, Private Alarm,
24 Private Security, and Locksmith Act of 2004 or any prior Act
25 shall be accepted as proof of training under this Act.

26 (d) No registered employee of a licensed fingerprint

1 vendor agency may operate live scan fingerprint equipment or
2 other equipment designed to obtain fingerprint images for the
3 purpose of providing fingerprint images and associated
4 demographic data to the Illinois ~~Department of~~ State Police.

5 (Source: P.A. 95-613, eff. 9-11-07.)

6 (225 ILCS 447/31-25)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 31-25. Customer identification; record keeping. A
9 fingerprint vendor or fingerprint vendor agency shall document
10 in the form of a work order when and where each and every
11 fingerprint service is provided. The work order shall also
12 include the name, address, date of birth, telephone number,
13 and driver's license number or other identification number of
14 the person requesting the service to be done, the signature of
15 that person, the routing number and any other information or
16 documentation as provided by rule. All work orders shall be
17 kept by the licensed fingerprint vendor for a period of 2 years
18 from the date of service and shall include the name and license
19 number of the fingerprint vendor and, if applicable, the name
20 and identification number of the registered employee who
21 performed the services. Work order forms required to be kept
22 under this Section shall be available for inspection by the
23 Department or by the Illinois ~~Department of~~ State Police.

24 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 447/35-30)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-30. Employee requirements. All employees of a
4 licensed agency, other than those exempted, shall apply for a
5 permanent employee registration card. The holder of an agency
6 license issued under this Act, known in this Section as
7 "employer", may employ in the conduct of his or her business
8 employees under the following provisions:

9 (a) No person shall be issued a permanent employee
10 registration card who:

11 (1) Is younger than 18 years of age.

12 (2) Is younger than 21 years of age if the services
13 will include being armed.

14 (3) Has been determined by the Department to be unfit
15 by reason of conviction of an offense in this or another
16 state, including registration as a sex offender, but not
17 including a traffic offense. Persons convicted of felonies
18 involving bodily harm, weapons, violence, or theft within
19 the previous 10 years shall be presumed to be unfit for
20 registration. The Department shall adopt rules for making
21 those determinations that shall afford the applicant due
22 process of law.

23 (4) Has had a license or permanent employee
24 registration card denied, suspended, or revoked under this
25 Act (i) within one year before the date the person's
26 application for permanent employee registration card is

1 received by the Department; and (ii) that refusal, denial,
2 suspension, or revocation was based on any provision of
3 this Act other than Section 40-50, item (6) or (8) of
4 subsection (a) of Section 15-10, subsection (b) of Section
5 15-10, item (6) or (8) of subsection (a) of Section 20-10,
6 subsection (b) of Section 20-10, item (6) or (8) of
7 subsection (a) of Section 25-10, subsection (b) of Section
8 25-10, item (7) of subsection (a) of Section 30-10,
9 subsection (b) of Section 30-10, or Section 10-40.

10 (5) Has been declared incompetent by any court of
11 competent jurisdiction by reason of mental disease or
12 defect and has not been restored.

13 (6) Has been dishonorably discharged from the armed
14 services of the United States.

15 (b) No person may be employed by a private detective
16 agency, private security contractor agency, private alarm
17 contractor agency, fingerprint vendor agency, or locksmith
18 agency under this Section until he or she has executed and
19 furnished to the employer, on forms furnished by the
20 Department, a verified statement to be known as "Employee's
21 Statement" setting forth:

22 (1) The person's full name, age, and residence
23 address.

24 (2) The business or occupation engaged in for the 5
25 years immediately before the date of the execution of the
26 statement, the place where the business or occupation was

1 engaged in, and the names of employers, if any.

2 (3) That the person has not had a license or employee
3 registration denied, revoked, or suspended under this Act

4 (i) within one year before the date the person's
5 application for permanent employee registration card is
6 received by the Department; and (ii) that refusal, denial,
7 suspension, or revocation was based on any provision of
8 this Act other than Section 40-50, item (6) or (8) of
9 subsection (a) of Section 15-10, subsection (b) of Section
10 15-10, item (6) or (8) of subsection (a) of Section 20-10,
11 subsection (b) of Section 20-10, item (6) or (8) of
12 subsection (a) of Section 25-10, subsection (b) of Section
13 25-10, item (7) of subsection (a) of Section 30-10,
14 subsection (b) of Section 30-10, or Section 10-40.

15 (4) Any conviction of a felony or misdemeanor.

16 (5) Any declaration of incompetence by a court of
17 competent jurisdiction that has not been restored.

18 (6) Any dishonorable discharge from the armed services
19 of the United States.

20 (7) Any other information as may be required by any
21 rule of the Department to show the good character,
22 competency, and integrity of the person executing the
23 statement.

24 (c) Each applicant for a permanent employee registration
25 card shall have his or her fingerprints submitted to the
26 Illinois ~~Department of~~ State Police in an electronic format

1 that complies with the form and manner for requesting and
2 furnishing criminal history record information as prescribed
3 by the Illinois ~~Department of~~ State Police. These fingerprints
4 shall be checked against the Illinois ~~Department of~~ State
5 Police and Federal Bureau of Investigation criminal history
6 record databases now and hereafter filed. The Illinois
7 ~~Department of~~ State Police shall charge applicants a fee for
8 conducting the criminal history records check, which shall be
9 deposited in the State Police Services Fund and shall not
10 exceed the actual cost of the records check. The Illinois
11 ~~Department of~~ State Police shall furnish, pursuant to positive
12 identification, records of Illinois convictions to the
13 Department. The Department may require applicants to pay a
14 separate fingerprinting fee, either to the Department or
15 directly to the vendor. The Department, in its discretion, may
16 allow an applicant who does not have reasonable access to a
17 designated vendor to provide his or her fingerprints in an
18 alternative manner. The Department, in its discretion, may
19 also use other procedures in performing or obtaining criminal
20 background checks of applicants. Instead of submitting his or
21 her fingerprints, an individual may submit proof that is
22 satisfactory to the Department that an equivalent security
23 clearance has been conducted. Also, an individual who has
24 retired as a peace officer within 12 months of application may
25 submit verification, on forms provided by the Department and
26 signed by his or her employer, of his or her previous full-time

1 employment as a peace officer.

2 (d) The Department shall issue a permanent employee
3 registration card, in a form the Department prescribes, to all
4 qualified applicants. The holder of a permanent employee
5 registration card shall carry the card at all times while
6 actually engaged in the performance of the duties of his or her
7 employment. Expiration and requirements for renewal of
8 permanent employee registration cards shall be established by
9 rule of the Department. Possession of a permanent employee
10 registration card does not in any way imply that the holder of
11 the card is employed by an agency unless the permanent
12 employee registration card is accompanied by the employee
13 identification card required by subsection (f) of this
14 Section.

15 (e) Each employer shall maintain a record of each employee
16 that is accessible to the duly authorized representatives of
17 the Department. The record shall contain the following
18 information:

19 (1) A photograph taken within 10 days of the date that
20 the employee begins employment with the employer. The
21 photograph shall be replaced with a current photograph
22 every 3 calendar years.

23 (2) The Employee's Statement specified in subsection
24 (b) of this Section.

25 (3) All correspondence or documents relating to the
26 character and integrity of the employee received by the

1 employer from any official source or law enforcement
2 agency.

3 (4) In the case of former employees, the employee
4 identification card of that person issued under subsection
5 (f) of this Section. Each employee record shall duly note
6 if the employee is employed in an armed capacity. Armed
7 employee files shall contain a copy of an active firearm
8 owner's identification card and a copy of an active
9 firearm control card. Each employer shall maintain a
10 record for each armed employee of each instance in which
11 the employee's weapon was discharged during the course of
12 his or her professional duties or activities. The record
13 shall be maintained on forms provided by the Department, a
14 copy of which must be filed with the Department within 15
15 days of an instance. The record shall include the date and
16 time of the occurrence, the circumstances involved in the
17 occurrence, and any other information as the Department
18 may require. Failure to provide this information to the
19 Department or failure to maintain the record as a part of
20 each armed employee's permanent file is grounds for
21 disciplinary action. The Department, upon receipt of a
22 report, shall have the authority to make any investigation
23 it considers appropriate into any occurrence in which an
24 employee's weapon was discharged and to take disciplinary
25 action as may be appropriate.

26 (5) A copy of the employee's permanent employee

1 registration card or a copy of the Department's "License
2 Lookup" Webpage showing that the employee has been issued
3 a valid permanent employee registration card by the
4 Department.

5 The Department may, by rule, prescribe further record
6 requirements.

7 (f) Every employer shall furnish an employee
8 identification card to each of his or her employees. This
9 employee identification card shall contain a recent photograph
10 of the employee, the employee's name, the name and agency
11 license number of the employer, the employee's personal
12 description, the signature of the employer, the signature of
13 that employee, the date of issuance, and an employee
14 identification card number.

15 (g) No employer may issue an employee identification card
16 to any person who is not employed by the employer in accordance
17 with this Section or falsely state or represent that a person
18 is or has been in his or her employ. It is unlawful for an
19 applicant for registered employment to file with the
20 Department the fingerprints of a person other than himself or
21 herself.

22 (h) Every employer shall obtain the identification card of
23 every employee who terminates employment with him or her.

24 (i) Every employer shall maintain a separate roster of the
25 names of all employees currently working in an armed capacity
26 and submit the roster to the Department on request.

1 (j) No agency may employ any person to perform a licensed
2 activity under this Act unless the person possesses a valid
3 permanent employee registration card or a valid license under
4 this Act, or is exempt pursuant to subsection (n).

5 (k) Notwithstanding the provisions of subsection (j), an
6 agency may employ a person in a temporary capacity if all of
7 the following conditions are met:

8 (1) The agency completes in its entirety and submits
9 to the Department an application for a permanent employee
10 registration card, including the required fingerprint
11 receipt and fees.

12 (2) The agency has verification from the Department
13 that the applicant has no record of any criminal
14 conviction pursuant to the criminal history check
15 conducted by the Illinois ~~Department of~~ State Police. The
16 agency shall maintain the verification of the results of
17 the Illinois ~~Department of~~ State Police criminal history
18 check as part of the employee record as required under
19 subsection (e) of this Section.

20 (3) The agency exercises due diligence to ensure that
21 the person is qualified under the requirements of the Act
22 to be issued a permanent employee registration card.

23 (4) The agency maintains a separate roster of the
24 names of all employees whose applications are currently
25 pending with the Department and submits the roster to the
26 Department on a monthly basis. Rosters are to be

1 maintained by the agency for a period of at least 24
2 months.

3 An agency may employ only a permanent employee applicant
4 for which it either submitted a permanent employee application
5 and all required forms and fees or it confirms with the
6 Department that a permanent employee application and all
7 required forms and fees have been submitted by another agency,
8 licensee or the permanent employee and all other requirements
9 of this Section are met.

10 The Department shall have the authority to revoke, without
11 a hearing, the temporary authority of an individual to work
12 upon receipt of Federal Bureau of Investigation fingerprint
13 data or a report of another official authority indicating a
14 criminal conviction. If the Department has not received a
15 temporary employee's Federal Bureau of Investigation
16 fingerprint data within 120 days of the date the Department
17 received the Illinois ~~Department of~~ State Police fingerprint
18 data, the Department may, at its discretion, revoke the
19 employee's temporary authority to work with 15 days written
20 notice to the individual and the employing agency.

21 An agency may not employ a person in a temporary capacity
22 if it knows or reasonably should have known that the person has
23 been convicted of a crime under the laws of this State, has
24 been convicted in another state of any crime that is a crime
25 under the laws of this State, has been convicted of any crime
26 in a federal court, or has been posted as an unapproved

1 applicant by the Department. Notice by the Department to the
2 agency, via certified mail, personal delivery, electronic
3 mail, or posting on the Department's Internet site accessible
4 to the agency that the person has been convicted of a crime
5 shall be deemed constructive knowledge of the conviction on
6 the part of the agency. The Department may adopt rules to
7 implement this subsection (k).

8 (l) No person may be employed under this Section in any
9 capacity if:

10 (1) the person, while so employed, is being paid by
11 the United States or any political subdivision for the
12 time so employed in addition to any payments he or she may
13 receive from the employer; or

14 (2) the person wears any portion of his or her
15 official uniform, emblem of authority, or equipment while
16 so employed.

17 (m) If information is discovered affecting the
18 registration of a person whose fingerprints were submitted
19 under this Section, the Department shall so notify the agency
20 that submitted the fingerprints on behalf of that person.

21 (n) Peace officers shall be exempt from the requirements
22 of this Section relating to permanent employee registration
23 cards. The agency shall remain responsible for any peace
24 officer employed under this exemption, regardless of whether
25 the peace officer is compensated as an employee or as an
26 independent contractor and as further defined by rule.

1 (o) Persons who have no access to confidential or security
2 information, who do not go to a client's or prospective
3 client's residence or place of business, and who otherwise do
4 not provide traditional security services are exempt from
5 employee registration. Examples of exempt employees include,
6 but are not limited to, employees working in the capacity of
7 ushers, directors, ticket takers, cashiers, drivers, and
8 reception personnel. Confidential or security information is
9 that which pertains to employee files, scheduling, client
10 contracts, or technical security and alarm data.

11 (p) An applicant who is 21 years of age or older seeking a
12 religious exemption to the photograph requirement of this
13 Section shall furnish with the application an approved copy of
14 United States Department of the Treasury Internal Revenue
15 Service Form 4029. Regardless of age, an applicant seeking a
16 religious exemption to this photograph requirement shall
17 submit fingerprints in a form and manner prescribed by the
18 Department with his or her application in lieu of a
19 photograph.

20 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

21 (225 ILCS 447/40-10)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 40-10. Disciplinary sanctions.

24 (a) The Department may deny issuance, refuse to renew, or
25 restore or may reprimand, place on probation, suspend, revoke,

1 or take other disciplinary or non-disciplinary action against
2 any license, registration, permanent employee registration
3 card, canine handler authorization card, canine trainer
4 authorization card, or firearm control card, may impose a fine
5 not to exceed \$10,000 for each violation, and may assess costs
6 as provided for under Section 45-60, for any of the following:

7 (1) Fraud, deception, or misrepresentation in
8 obtaining or renewing of a license or registration.

9 (2) Professional incompetence as manifested by poor
10 standards of service.

11 (3) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public.

14 (4) Conviction of or plea of guilty or plea of nolo
15 contendere to a felony or misdemeanor in this State or any
16 other jurisdiction or the entry of an administrative
17 sanction by a government agency in this State or any other
18 jurisdiction; action taken under this paragraph (4) for a
19 misdemeanor or an administrative sanction is limited to a
20 misdemeanor or administrative sanction that has as an
21 essential element of dishonesty or fraud or involves
22 larceny, embezzlement, or obtaining money, property, or
23 credit by false pretenses or by means of a confidence
24 game.

25 (5) Performing any services in a grossly negligent
26 manner or permitting any of a licensee's employees to

1 perform services in a grossly negligent manner, regardless
2 of whether actual damage to the public is established.

3 (6) Continued practice, although the person has become
4 unfit to practice due to any of the following:

5 (A) Physical illness, mental illness, or other
6 impairment, including, but not limited to,
7 deterioration through the aging process or loss of
8 motor skills that results in the inability to serve
9 the public with reasonable judgment, skill, or safety.

10 (B) (Blank).

11 (C) Habitual or excessive use or abuse of drugs
12 defined in law as controlled substances, alcohol, or
13 any other substance that results in the inability to
14 practice with reasonable judgment, skill, or safety.

15 (7) Receiving, directly or indirectly, compensation
16 for any services not rendered.

17 (8) Willfully deceiving or defrauding the public on a
18 material matter.

19 (9) Failing to account for or remit any moneys or
20 documents coming into the licensee's possession that
21 belong to another person or entity.

22 (10) Discipline by another United States jurisdiction,
23 foreign nation, or governmental agency, if at least one of
24 the grounds for the discipline is the same or
25 substantially equivalent to those set forth in this Act.

26 (11) Giving differential treatment to a person that is

1 to that person's detriment because of race, color, creed,
2 sex, religion, or national origin.

3 (12) Engaging in false or misleading advertising.

4 (13) Aiding, assisting, or willingly permitting
5 another person to violate this Act or rules promulgated
6 under it.

7 (14) Performing and charging for services without
8 authorization to do so from the person or entity serviced.

9 (15) Directly or indirectly offering or accepting any
10 benefit to or from any employee, agent, or fiduciary
11 without the consent of the latter's employer or principal
12 with intent to or the understanding that this action will
13 influence his or her conduct in relation to his or her
14 employer's or principal's affairs.

15 (16) Violation of any disciplinary order imposed on a
16 licensee by the Department.

17 (17) Performing any act or practice that is a
18 violation of this Act or the rules for the administration
19 of this Act, or having a conviction or administrative
20 finding of guilty as a result of violating any federal or
21 State laws, rules, or regulations that apply exclusively
22 to the practices of private detectives, private alarm
23 contractors, private security contractors, fingerprint
24 vendors, or locksmiths.

25 (18) Conducting an agency without a valid license.

26 (19) Revealing confidential information, except as

1 required by law, including but not limited to information
2 available under Section 2-123 of the Illinois Vehicle
3 Code.

4 (20) Failing to make available to the Department, upon
5 request, any books, records, or forms required by this
6 Act.

7 (21) Failing, within 30 days, to respond to a written
8 request for information from the Department.

9 (22) Failing to provide employment information or
10 experience information required by the Department
11 regarding an applicant for licensure.

12 (23) Failing to make available to the Department at
13 the time of the request any indicia of licensure or
14 registration issued under this Act.

15 (24) Purporting to be a licensee-in-charge of an
16 agency without active participation in the agency.

17 (25) A finding by the Department that the licensee,
18 after having his or her license placed on probationary
19 status, has violated the terms of probation.

20 (26) Violating subsection (f) of Section 30-30.

21 (27) A firearm control card holder having more
22 firearms in his or her immediate possession than he or she
23 can reasonably exercise control over.

24 (28) Failure to report in writing to the Department,
25 within 60 days of an entry of a settlement or a verdict in
26 excess of \$10,000, any legal action in which the quality

1 of the licensee's or registrant's professional services
2 was the subject of the legal action.

3 (b) All fines imposed under this Section shall be paid
4 within 60 days after the effective date of the order imposing
5 the fine.

6 (c) The Department shall adopt rules that set forth
7 standards of service for the following: (i) acceptable error
8 rate in the transmission of fingerprint images and other data
9 to the Illinois ~~Department of~~ State Police; (ii) acceptable
10 error rate in the collection and documentation of information
11 used to generate fingerprint work orders; and (iii) any other
12 standard of service that affects fingerprinting services as
13 determined by the Department.

14 The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. The suspension will
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission
20 and the issuance of an order so finding and discharging the
21 patient.

22 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

23 Section 640. The Real Estate Appraiser Licensing Act of
24 2002 is amended by changing Section 5-22 as follows:

1 (225 ILCS 458/5-22)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 5-22. Criminal history records check.

4 (a) Each applicant for licensure by examination or
5 restoration shall have his or her fingerprints submitted to
6 the Illinois ~~Department of~~ State Police in an electronic
7 format that complies with the form and manner for requesting
8 and furnishing criminal history record information as
9 prescribed by the Illinois ~~Department of~~ State Police. These
10 fingerprints shall be checked against the Illinois ~~Department~~
11 ~~of~~ State Police and Federal Bureau of Investigation criminal
12 history record databases now and hereafter filed. The Illinois
13 ~~Department of~~ State Police shall charge applicants a fee for
14 conducting the criminal history records check, which shall be
15 deposited into the State Police Services Fund and shall not
16 exceed the actual cost of the records check. The Illinois
17 ~~Department of~~ State Police shall furnish, pursuant to positive
18 identification, records of Illinois convictions to the
19 Department. The Department may require applicants to pay a
20 separate fingerprinting fee, either to the Department or to a
21 vendor. The Department may adopt any rules necessary to
22 implement this Section.

23 (b) The Secretary may designate a multi-state licensing
24 system to perform the functions described in subsection (a).
25 The Department may require applicants to pay a separate
26 fingerprinting fee, either to the Department or to the

1 multi-state licensing system. The Department may adopt any
2 rules necessary to implement this subsection.

3 (Source: P.A. 100-604, eff. 7-13-18.)

4 Section 645. The Appraisal Management Company Registration
5 Act is amended by changing Section 68 as follows:

6 (225 ILCS 459/68)

7 Sec. 68. Criminal history records background check. Each
8 individual applicant or controlling person on behalf of a
9 business entity that applies for registration or restoration
10 shall have his or her fingerprints submitted to the Illinois
11 ~~Department of~~ State Police in an electronic format that
12 complies with the form and manner for requesting and
13 furnishing criminal history record information as prescribed
14 by the Illinois ~~Department of~~ State Police, or through a
15 multi-state licensing system as designated by the Secretary.
16 These fingerprints shall be checked against the Illinois
17 ~~Department of~~ State Police and Federal Bureau of Investigation
18 criminal history record databases now and hereafter filed. The
19 Illinois ~~Department of~~ State Police shall charge applicants a
20 fee for conducting the criminal history records background
21 check, which shall be deposited into the State Police Services
22 Fund and shall not exceed the actual cost of the criminal
23 history records background check. The Illinois ~~Department of~~
24 State Police shall furnish, pursuant to positive

1 identification, records of Illinois convictions to the
2 Department. The Department may require an applicant to pay a
3 separate fingerprinting fee, either to the Department or to a
4 vendor. The Department may adopt any rules necessary to
5 implement this Section.

6 (Source: P.A. 100-604, eff. 7-13-18.)

7 Section 650. The Solicitation for Charity Act is amended
8 by changing Section 16.5 as follows:

9 (225 ILCS 460/16.5)

10 Sec. 16.5. Terrorist acts.

11 (a) Any person or organization subject to registration
12 under this Act, who knowingly acts to further, directly or
13 indirectly, or knowingly uses charitable assets to conduct or
14 further, directly or indirectly, an act or actions as set
15 forth in Article 29D of the Criminal Code of 2012, is thereby
16 engaged in an act or actions contrary to public policy and
17 antithetical to charity, and all of the funds, assets, and
18 records of the person or organization shall be subject to
19 temporary and permanent injunction from use or expenditure and
20 the appointment of a temporary and permanent receiver to take
21 possession of all of the assets and related records.

22 (b) An ex parte action may be commenced by the Attorney
23 General, and, upon a showing of probable cause of a violation
24 of this Section or Article 29D of the Criminal Code of 2012, an

1 immediate seizure of books and records by the Attorney General
2 by and through his or her assistants or investigators or the
3 Illinois ~~Department of~~ State Police and freezing of all assets
4 shall be made by order of a court to protect the public,
5 protect the assets, and allow a full review of the records.

6 (c) Upon a finding by a court after a hearing that a person
7 or organization has acted or is in violation of this Section,
8 the person or organization shall be permanently enjoined from
9 soliciting funds from the public, holding charitable funds, or
10 acting as a trustee or fiduciary within Illinois. Upon a
11 finding of violation all assets and funds held by the person or
12 organization shall be forfeited to the People of the State of
13 Illinois or otherwise ordered by the court to be accounted for
14 and marshaled and then delivered to charitable causes and uses
15 within the State of Illinois by court order.

16 (d) A determination under this Section may be made by any
17 court separate and apart from any criminal proceedings and the
18 standard of proof shall be that for civil proceedings.

19 (e) Any knowing use of charitable assets to conduct or
20 further, directly or indirectly, an act or actions set forth
21 in Article 29D of the Criminal Code of 2012 shall be a misuse
22 of charitable assets and breach of fiduciary duty relative to
23 all other Sections of this Act.

24 (Source: P.A. 97-1150, eff. 1-25-13.)

25 Section 655. The Illinois Horse Racing Act of 1975 is

1 amended by changing Sections 9, 15, 28, 34, and 45 as follows:

2 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

3 Sec. 9. The Board shall have all powers necessary and
4 proper to fully and effectively execute the provisions of this
5 Act, including, but not limited to, the following:

6 (a) The Board is vested with jurisdiction and supervision
7 over all race meetings in this State, over all licensees doing
8 business in this State, over all occupation licensees, and
9 over all persons on the facilities of any licensee. Such
10 jurisdiction shall include the power to issue licenses to the
11 Illinois Department of Agriculture authorizing the pari-mutuel
12 system of wagering on harness and Quarter Horse races held (1)
13 at the Illinois State Fair in Sangamon County, and (2) at the
14 DuQuoin State Fair in Perry County. The jurisdiction of the
15 Board shall also include the power to issue licenses to county
16 fairs which are eligible to receive funds pursuant to the
17 Agricultural Fair Act, as now or hereafter amended, or their
18 agents, authorizing the pari-mutuel system of wagering on
19 horse races conducted at the county fairs receiving such
20 licenses. Such licenses shall be governed by subsection (n) of
21 this Section.

22 Upon application, the Board shall issue a license to the
23 Illinois Department of Agriculture to conduct harness and
24 Quarter Horse races at the Illinois State Fair and at the
25 DuQuoin State Fairgrounds during the scheduled dates of each

1 fair. The Board shall not require and the Department of
2 Agriculture shall be exempt from the requirements of Sections
3 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),
4 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24
5 and 25. The Board and the Department of Agriculture may extend
6 any or all of these exemptions to any contractor or agent
7 engaged by the Department of Agriculture to conduct its race
8 meetings when the Board determines that this would best serve
9 the public interest and the interest of horse racing.

10 Notwithstanding any provision of law to the contrary, it
11 shall be lawful for any licensee to operate pari-mutuel
12 wagering or contract with the Department of Agriculture to
13 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
14 or for the Department to enter into contracts with a licensee,
15 employ its owners, employees or agents and employ such other
16 occupation licensees as the Department deems necessary in
17 connection with race meetings and wagerings.

18 (b) The Board is vested with the full power to promulgate
19 reasonable rules and regulations for the purpose of
20 administering the provisions of this Act and to prescribe
21 reasonable rules, regulations and conditions under which all
22 horse race meetings or wagering in the State shall be
23 conducted. Such reasonable rules and regulations are to
24 provide for the prevention of practices detrimental to the
25 public interest and to promote the best interests of horse
26 racing and to impose penalties for violations thereof.

1 (c) The Board, and any person or persons to whom it
2 delegates this power, is vested with the power to enter the
3 facilities and other places of business of any licensee to
4 determine whether there has been compliance with the
5 provisions of this Act and its rules and regulations.

6 (d) The Board, and any person or persons to whom it
7 delegates this power, is vested with the authority to
8 investigate alleged violations of the provisions of this Act,
9 its reasonable rules and regulations, orders and final
10 decisions; the Board shall take appropriate disciplinary
11 action against any licensee or occupation licensee for
12 violation thereof or institute appropriate legal action for
13 the enforcement thereof.

14 (e) The Board, and any person or persons to whom it
15 delegates this power, may eject or exclude from any race
16 meeting or the facilities of any licensee, or any part
17 thereof, any occupation licensee or any other individual whose
18 conduct or reputation is such that his presence on those
19 facilities may, in the opinion of the Board, call into
20 question the honesty and integrity of horse racing or wagering
21 or interfere with the orderly conduct of horse racing or
22 wagering; provided, however, that no person shall be excluded
23 or ejected from the facilities of any licensee solely on the
24 grounds of race, color, creed, national origin, ancestry, or
25 sex. The power to eject or exclude an occupation licensee or
26 other individual may be exercised for just cause by the

1 licensee or the Board, subject to subsequent hearing by the
2 Board as to the propriety of said exclusion.

3 (f) The Board is vested with the power to acquire,
4 establish, maintain and operate (or provide by contract to
5 maintain and operate) testing laboratories and related
6 facilities, for the purpose of conducting saliva, blood, urine
7 and other tests on the horses run or to be run in any horse
8 race meeting, including races run at county fairs, and to
9 purchase all equipment and supplies deemed necessary or
10 desirable in connection with any such testing laboratories and
11 related facilities and all such tests.

12 (g) The Board may require that the records, including
13 financial or other statements of any licensee or any person
14 affiliated with the licensee who is involved directly or
15 indirectly in the activities of any licensee as regulated
16 under this Act to the extent that those financial or other
17 statements relate to such activities be kept in such manner as
18 prescribed by the Board, and that Board employees shall have
19 access to those records during reasonable business hours.
20 Within 120 days of the end of its fiscal year, each licensee
21 shall transmit to the Board an audit of the financial
22 transactions and condition of the licensee's total operations.
23 All audits shall be conducted by certified public accountants.
24 Each certified public accountant must be registered in the
25 State of Illinois under the Illinois Public Accounting Act.
26 The compensation for each certified public accountant shall be

1 paid directly by the licensee to the certified public
2 accountant. A licensee shall also submit any other financial
3 or related information the Board deems necessary to
4 effectively administer this Act and all rules, regulations,
5 and final decisions promulgated under this Act.

6 (h) The Board shall name and appoint in the manner
7 provided by the rules and regulations of the Board: an
8 Executive Director; a State director of mutuels; State
9 veterinarians and representatives to take saliva, blood, urine
10 and other tests on horses; licensing personnel; revenue
11 inspectors; and State seasonal employees (excluding admission
12 ticket sellers and mutuel clerks). All of those named and
13 appointed as provided in this subsection shall serve during
14 the pleasure of the Board; their compensation shall be
15 determined by the Board and be paid in the same manner as other
16 employees of the Board under this Act.

17 (i) The Board shall require that there shall be 3 stewards
18 at each horse race meeting, at least 2 of whom shall be named
19 and appointed by the Board. Stewards appointed or approved by
20 the Board, while performing duties required by this Act or by
21 the Board, shall be entitled to the same rights and immunities
22 as granted to Board members and Board employees in Section 10
23 of this Act.

24 (j) The Board may discharge any Board employee who fails
25 or refuses for any reason to comply with the rules and
26 regulations of the Board, or who, in the opinion of the Board,

1 is guilty of fraud, dishonesty or who is proven to be
2 incompetent. The Board shall have no right or power to
3 determine who shall be officers, directors or employees of any
4 licensee, or their salaries except the Board may, by rule,
5 require that all or any officials or employees in charge of or
6 whose duties relate to the actual running of races be approved
7 by the Board.

8 (k) The Board is vested with the power to appoint
9 delegates to execute any of the powers granted to it under this
10 Section for the purpose of administering this Act and any
11 rules or regulations promulgated in accordance with this Act.

12 (l) The Board is vested with the power to impose civil
13 penalties of up to \$5,000 against an individual and up to
14 \$10,000 against a licensee for each violation of any provision
15 of this Act, any rules adopted by the Board, any order of the
16 Board or any other action which, in the Board's discretion, is
17 a detriment or impediment to horse racing or wagering.
18 Beginning on the date when any organization licensee begins
19 conducting gaming pursuant to an organization gaming license
20 issued under the Illinois Gambling Act, the power granted to
21 the Board pursuant to this subsection (l) shall authorize the
22 Board to impose penalties of up to \$10,000 against an
23 individual and up to \$25,000 against a licensee. All such
24 civil penalties shall be deposited into the Horse Racing Fund.

25 (m) The Board is vested with the power to prescribe a form
26 to be used by licensees as an application for employment for

1 employees of each licensee.

2 (n) The Board shall have the power to issue a license to
3 any county fair, or its agent, authorizing the conduct of the
4 pari-mutuel system of wagering. The Board is vested with the
5 full power to promulgate reasonable rules, regulations and
6 conditions under which all horse race meetings licensed
7 pursuant to this subsection shall be held and conducted,
8 including rules, regulations and conditions for the conduct of
9 the pari-mutuel system of wagering. The rules, regulations and
10 conditions shall provide for the prevention of practices
11 detrimental to the public interest and for the best interests
12 of horse racing, and shall prescribe penalties for violations
13 thereof. Any authority granted the Board under this Act shall
14 extend to its jurisdiction and supervision over county fairs,
15 or their agents, licensed pursuant to this subsection.
16 However, the Board may waive any provision of this Act or its
17 rules or regulations which would otherwise apply to such
18 county fairs or their agents.

19 (o) Whenever the Board is authorized or required by law to
20 consider some aspect of criminal history record information
21 for 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 Department of State Police Law ~~(20 ILCS~~
25 ~~2605/2605-400)~~, the Illinois Department of State Police is
26 authorized to furnish, pursuant to positive identification,

1 such information contained in State files as is necessary to
2 fulfill the request.

3 (p) To insure the convenience, comfort, and wagering
4 accessibility of race track patrons, to provide for the
5 maximization of State revenue, and to generate increases in
6 purse allotments to the horsemen, the Board shall require any
7 licensee to staff the pari-mutuel department with adequate
8 personnel.

9 (Source: P.A. 101-31, eff. 6-28-19.)

10 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

11 Sec. 15. (a) The Board shall, in its discretion, issue
12 occupation licenses to horse owners, trainers, harness
13 drivers, jockeys, agents, apprentices, grooms, stable foremen,
14 exercise persons, veterinarians, valets, blacksmiths,
15 concessionaires and others designated by the Board whose work,
16 in whole or in part, is conducted upon facilities within the
17 State. Such occupation licenses will be obtained prior to the
18 persons engaging in their vocation upon such facilities. The
19 Board shall not license pari-mutuel clerks, parking
20 attendants, security guards and employees of concessionaires.
21 No occupation license shall be required of any person who
22 works at facilities within this State as a pari-mutuel clerk,
23 parking attendant, security guard or as an employee of a
24 concessionaire. Concessionaires of the Illinois State Fair and
25 DuQuoin State Fair and employees of the Illinois Department of

1 Agriculture shall not be required to obtain an occupation
2 license by the Board.

3 (b) Each application for an occupation license shall be on
4 forms prescribed by the Board. Such license, when issued,
5 shall be for the period ending December 31 of each year, except
6 that the Board in its discretion may grant 3-year licenses.
7 The application shall be accompanied by a fee of not more than
8 \$25 per year or, in the case of 3-year occupation license
9 applications, a fee of not more than \$60. Each applicant shall
10 set forth in the application his full name and address, and if
11 he had been issued prior occupation licenses or has been
12 licensed in any other state under any other name, such name,
13 his age, whether or not a permit or license issued to him in
14 any other state has been suspended or revoked and if so whether
15 such suspension or revocation is in effect at the time of the
16 application, and such other information as the Board may
17 require. Fees for registration of stable names shall not
18 exceed \$50.00. Beginning on the date when any organization
19 licensee begins conducting gaming pursuant to an organization
20 gaming license issued under the Illinois Gambling Act, the fee
21 for registration of stable names shall not exceed \$150, and
22 the application fee for an occupation license shall not exceed
23 \$75, per year or, in the case of a 3-year occupation license
24 application, the fee shall not exceed \$180.

25 (c) The Board may in its discretion refuse an occupation
26 license to any person:

- 1 (1) who has been convicted of a crime;
- 2 (2) who is unqualified to perform the duties required
3 of such applicant;
- 4 (3) who fails to disclose or states falsely any
5 information called for in the application;
- 6 (4) who has been found guilty of a violation of this
7 Act or of the rules and regulations of the Board; or
- 8 (5) whose license or permit has been suspended,
9 revoked or denied for just cause in any other state.

10 (d) The Board may suspend or revoke any occupation
11 license:

- 12 (1) for violation of any of the provisions of this
13 Act; or
- 14 (2) for violation of any of the rules or regulations
15 of the Board; or
- 16 (3) for any cause which, if known to the Board, would
17 have justified the Board in refusing to issue such
18 occupation license; or
- 19 (4) for any other just cause.

20 (e) Each applicant shall submit his or her fingerprints
21 to the Illinois ~~Department of~~ State Police in the form and
22 manner prescribed by the Illinois ~~Department of~~ State Police.
23 These fingerprints shall be checked against the fingerprint
24 records now and hereafter filed in the Illinois ~~Department of~~
25 State Police and Federal Bureau of Investigation criminal
26 history records databases. The Illinois ~~Department of~~ State

1 Police shall charge a fee for conducting the criminal history
2 records check, which shall be deposited in the State Police
3 Services Fund and shall not exceed the actual cost of the
4 records check. The Illinois ~~Department of~~ State Police shall
5 furnish, pursuant to positive identification, records of
6 conviction to the Board. Each applicant for licensure shall
7 submit with his occupation license application, on forms
8 provided by the Board, 2 sets of his fingerprints. All such
9 applicants shall appear in person at the location designated
10 by the Board for the purpose of submitting such sets of
11 fingerprints; however, with the prior approval of a State
12 steward, an applicant may have such sets of fingerprints taken
13 by an official law enforcement agency and submitted to the
14 Board.

15 (f) The Board may, in its discretion, issue an occupation
16 license without submission of fingerprints if an applicant has
17 been duly licensed in another recognized racing jurisdiction
18 after submitting fingerprints that were subjected to a Federal
19 Bureau of Investigation criminal history background check in
20 that jurisdiction.

21 (g) Beginning on the date when any organization licensee
22 begins conducting gaming pursuant to an organization gaming
23 license issued under the Illinois Gambling Act, the Board may
24 charge each applicant a reasonable nonrefundable fee to defray
25 the costs associated with the background investigation
26 conducted by the Board. This fee shall be exclusive of any

1 other fee or fees charged in connection with an application
2 for and, if applicable, the issuance of, an organization
3 gaming license. If the costs of the investigation exceed the
4 amount of the fee charged, the Board shall immediately notify
5 the applicant of the additional amount owed, payment of which
6 must be submitted to the Board within 7 days after such
7 notification. All information, records, interviews, reports,
8 statements, memoranda, or other data supplied to or used by
9 the Board in the course of its review or investigation of an
10 applicant for a license or renewal under this Act shall be
11 privileged, strictly confidential, and shall be used only for
12 the purpose of evaluating an applicant for a license or a
13 renewal. Such information, records, interviews, reports,
14 statements, memoranda, or other data shall not be admissible
15 as evidence, nor discoverable, in any action of any kind in any
16 court or before any tribunal, board, agency, or person, except
17 for any action deemed necessary by the Board.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

20 Sec. 28. Except as provided in subsection (g) of Section
21 27 of this Act, moneys collected shall be distributed
22 according to the provisions of this Section 28.

23 (a) Thirty per cent of the total of all monies received by
24 the State as privilege taxes shall be paid into the
25 Metropolitan Exposition, Auditorium and Office Building Fund

1 in the State Treasury.

2 (b) In addition, 4.5% of the total of all monies received
3 by the State as privilege taxes shall be paid into the State
4 treasury into a special Fund to be known as the Metropolitan
5 Exposition, Auditorium and Office Building Fund.

6 (c) Fifty per cent of the total of all monies received by
7 the State as privilege taxes under the provisions of this Act
8 shall be paid into the Agricultural Premium Fund.

9 (d) Seven per cent of the total of all monies received by
10 the State as privilege taxes shall be paid into the Fair and
11 Exposition Fund in the State treasury; provided, however, that
12 when all bonds issued prior to July 1, 1984 by the Metropolitan
13 Fair and Exposition Authority shall have been paid or payment
14 shall have been provided for upon a refunding of those bonds,
15 thereafter 1/12 of \$1,665,662 of such monies shall be paid
16 each month into the Build Illinois Fund, and the remainder
17 into the Fair and Exposition Fund. All excess monies shall be
18 allocated to the Department of Agriculture for distribution to
19 county fairs for premiums and rehabilitation as set forth in
20 the Agricultural Fair Act.

21 (e) The monies provided for in Section 30 shall be paid
22 into the Illinois Thoroughbred Breeders Fund.

23 (f) The monies provided for in Section 31 shall be paid
24 into the Illinois Standardbred Breeders Fund.

25 (g) Until January 1, 2000, that part representing 1/2 of
26 the total breakage in Thoroughbred, Harness, Appaloosa,

1 Arabian, and Quarter Horse racing in the State shall be paid
2 into the Illinois Race Track Improvement Fund as established
3 in Section 32.

4 (h) All other monies received by the Board under this Act
5 shall be paid into the Horse Racing Fund.

6 (i) The salaries of the Board members, secretary,
7 stewards, directors of mutuels, veterinarians,
8 representatives, accountants, clerks, stenographers,
9 inspectors and other employees of the Board, and all expenses
10 of the Board incident to the administration of this Act,
11 including, but not limited to, all expenses and salaries
12 incident to the taking of saliva and urine samples in
13 accordance with the rules and regulations of the Board shall
14 be paid out of the Agricultural Premium Fund.

15 (j) The Agricultural Premium Fund shall also be used:

16 (1) for the expenses of operating the Illinois State
17 Fair and the DuQuoin State Fair, including the payment of
18 prize money or premiums;

19 (2) for the distribution to county fairs, vocational
20 agriculture section fairs, agricultural societies, and
21 agricultural extension clubs in accordance with the
22 Agricultural Fair Act, as amended;

23 (3) for payment of prize monies and premiums awarded
24 and for expenses incurred in connection with the
25 International Livestock Exposition and the Mid-Continent
26 Livestock Exposition held in Illinois, which premiums, and

1 awards must be approved, and paid by the Illinois
2 Department of Agriculture;

3 (4) for personal service of county agricultural
4 advisors and county home advisors;

5 (5) for distribution to agricultural home economic
6 extension councils in accordance with "An Act in relation
7 to additional support and finance for the Agricultural and
8 Home Economic Extension Councils in the several counties
9 in this State and making an appropriation therefor",
10 approved July 24, 1967, as amended;

11 (6) for research on equine disease, including a
12 development center therefor;

13 (7) for training scholarships for study on equine
14 diseases to students at the University of Illinois College
15 of Veterinary Medicine;

16 (8) for the rehabilitation, repair and maintenance of
17 the Illinois and DuQuoin State Fair Grounds and the
18 structures and facilities thereon and the construction of
19 permanent improvements on such Fair Grounds, including
20 such structures, facilities and property located on such
21 State Fair Grounds which are under the custody and control
22 of the Department of Agriculture;

23 (9) (blank);

24 (10) for the expenses of the Department of Commerce
25 and Economic Opportunity under Sections 605-620, 605-625,
26 and 605-630 of the Department of Commerce and Economic

1 Opportunity Law ~~(20 ILCS 605/605-620, 605/605-625, and~~
2 ~~605/605-630)~~;

3 (11) for remodeling, expanding, and reconstructing
4 facilities destroyed by fire of any Fair and Exposition
5 Authority in counties with a population of 1,000,000 or
6 more inhabitants;

7 (12) for the purpose of assisting in the care and
8 general rehabilitation of veterans with disabilities of
9 any war and their surviving spouses and orphans;

10 (13) for expenses of the Illinois ~~Department of State~~
11 Police for duties performed under this Act;

12 (14) for the Department of Agriculture for soil
13 surveys and soil and water conservation purposes;

14 (15) for the Department of Agriculture for grants to
15 the City of Chicago for conducting the Chicagofest;

16 (16) for the State Comptroller for grants and
17 operating expenses authorized by the Illinois Global
18 Partnership Act.

19 (k) To the extent that monies paid by the Board to the
20 Agricultural Premium Fund are in the opinion of the Governor
21 in excess of the amount necessary for the purposes herein
22 stated, the Governor shall notify the Comptroller and the
23 State Treasurer of such fact, who, upon receipt of such
24 notification, shall transfer such excess monies from the
25 Agricultural Premium Fund to the General Revenue Fund.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;

1 100-110, eff. 8-15-17; 100-863, eff. 8-14-18.)

2 (230 ILCS 5/34) (from Ch. 8, par. 37-34)

3 Sec. 34. (a) The Illinois ~~Department of~~ State Police shall
4 enforce the racing statutes of the State and provide
5 investigative services during all horse racing meetings
6 conducted in this State. Each licensee shall provide and
7 maintain his own security personnel.

8 (b) Each licensee shall submit a request for the
9 investigative services to the Illinois ~~Department of~~ State
10 Police. The Illinois ~~Department of~~ State Police shall
11 determine each licensee's pro rata share of the Department's
12 expenses for investigative services rendered to race tracks on
13 a fiscal year basis, and bill each licensee, except the
14 Illinois Department of Agriculture or their contractor, for
15 such expenses. Upon receipt of such billing, the licensee
16 shall pay the amount billed into the Agricultural Premium
17 Fund. It shall be the duty of the General Assembly in
18 subsequent years to review the operation of the Illinois
19 ~~Department of~~ State Police and make consistent increases or,
20 if the situation necessitates, decreases in the number of
21 personnel necessary in order to fully assure that the Illinois
22 ~~Department of~~ State Police is at such a strength as to
23 effectively carry out the purposes of this Act.

24 (Source: P.A. 89-16, eff. 5-30-95.)

1 (230 ILCS 5/45) (from Ch. 8, par. 37-45)

2 Sec. 45. It shall be the duty of the Attorney General and
3 the various State's attorneys in this State in cooperation
4 with the Illinois ~~Department of~~ State Police to enforce this
5 Act. The Governor may, upon request of the Illinois ~~Department~~
6 ~~of~~ State Police, order the law enforcing officers of the
7 various cities and counties to assign a sufficient number of
8 deputies to aid members of the Illinois ~~Department of~~ State
9 Police in preventing horse racing at any track within the
10 respective jurisdiction of such cities or counties an
11 organization license for which has been refused, suspended or
12 revoked by the Board. The Governor may similarly assign such
13 deputies to aid the Illinois ~~Department of~~ State Police when,
14 by his determination, additional forces are needed to preserve
15 the health, welfare or safety of any person or animal within
16 the grounds of any race track in the State.

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

18 Section 700. The Illinois Gambling Act is amended by
19 changing Sections 5, 6, 7.7, 9, 11, 13, and 22 as follows:

20 (230 ILCS 10/5) (from Ch. 120, par. 2405)

21 Sec. 5. Gaming Board.

22 (a) (1) There is hereby established the Illinois Gaming
23 Board, which shall have the powers and duties specified in
24 this Act, and all other powers necessary and proper to fully

1 and effectively execute this Act for the purpose of
2 administering, regulating, and enforcing the system of
3 riverboat and casino gambling established by this Act and
4 gaming pursuant to an organization gaming license issued under
5 this Act. Its jurisdiction shall extend under this Act to
6 every person, association, corporation, partnership and trust
7 involved in riverboat and casino gambling operations and
8 gaming pursuant to an organization gaming license issued under
9 this Act in the State of Illinois.

10 (2) The Board shall consist of 5 members to be appointed by
11 the Governor with the advice and consent of the Senate, one of
12 whom shall be designated by the Governor to be chairperson.
13 Each member shall have a reasonable knowledge of the practice,
14 procedure and principles of gambling operations. Each member
15 shall either be a resident of Illinois or shall certify that he
16 or she will become a resident of Illinois before taking
17 office.

18 On and after the effective date of this amendatory Act of
19 the 101st General Assembly, new appointees to the Board must
20 include the following:

21 (A) One member who has received, at a minimum, a
22 bachelor's degree from an accredited school and at least
23 10 years of verifiable experience in the fields of
24 investigation and law enforcement.

25 (B) One member who is a certified public accountant
26 with experience in auditing and with knowledge of complex

1 corporate structures and transactions.

2 (C) One member who has 5 years' experience as a
3 principal, senior officer, or director of a company or
4 business with either material responsibility for the daily
5 operations and management of the overall company or
6 business or material responsibility for the policy making
7 of the company or business.

8 (D) One member who is an attorney licensed to practice
9 law in Illinois for at least 5 years.

10 Notwithstanding any provision of this subsection (a), the
11 requirements of subparagraphs (A) through (D) of this
12 paragraph (2) shall not apply to any person reappointed
13 pursuant to paragraph (3).

14 No more than 3 members of the Board may be from the same
15 political party. No Board member shall, within a period of one
16 year immediately preceding nomination, have been employed or
17 received compensation or fees for services from a person or
18 entity, or its parent or affiliate, that has engaged in
19 business with the Board, a licensee, or a licensee under the
20 Illinois Horse Racing Act of 1975. Board members must publicly
21 disclose all prior affiliations with gaming interests,
22 including any compensation, fees, bonuses, salaries, and other
23 reimbursement received from a person or entity, or its parent
24 or affiliate, that has engaged in business with the Board, a
25 licensee, or a licensee under the Illinois Horse Racing Act of
26 1975. This disclosure must be made within 30 days after

1 nomination but prior to confirmation by the Senate and must be
2 made available to the members of the Senate.

3 (3) The terms of office of the Board members shall be 3
4 years, except that the terms of office of the initial Board
5 members appointed pursuant to this Act will commence from the
6 effective date of this Act and run as follows: one for a term
7 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2
8 for a term ending July 1, 1993. Upon the expiration of the
9 foregoing terms, the successors of such members shall serve a
10 term for 3 years and until their successors are appointed and
11 qualified for like terms. Vacancies in the Board shall be
12 filled for the unexpired term in like manner as original
13 appointments. Each member of the Board shall be eligible for
14 reappointment at the discretion of the Governor with the
15 advice and consent of the Senate.

16 (4) Each member of the Board shall receive \$300 for each
17 day the Board meets and for each day the member conducts any
18 hearing pursuant to this Act. Each member of the Board shall
19 also be reimbursed for all actual and necessary expenses and
20 disbursements incurred in the execution of official duties.

21 (5) No person shall be appointed a member of the Board or
22 continue to be a member of the Board who is, or whose spouse,
23 child or parent is, a member of the board of directors of, or a
24 person financially interested in, any gambling operation
25 subject to the jurisdiction of this Board, or any race track,
26 race meeting, racing association or the operations thereof

1 subject to the jurisdiction of the Illinois Racing Board. No
2 Board member shall hold any other public office. No person
3 shall be a member of the Board who is not of good moral
4 character or who has been convicted of, or is under indictment
5 for, a felony under the laws of Illinois or any other state, or
6 the United States.

7 (5.5) No member of the Board shall engage in any political
8 activity. For the purposes of this Section, "political" means
9 any activity in support of or in connection with any campaign
10 for federal, State, or local elective office or any political
11 organization, but does not include activities (i) relating to
12 the support or opposition of any executive, legislative, or
13 administrative action (as those terms are defined in Section 2
14 of the Lobbyist Registration Act), (ii) relating to collective
15 bargaining, or (iii) that are otherwise in furtherance of the
16 person's official State duties or governmental and public
17 service functions.

18 (6) Any member of the Board may be removed by the Governor
19 for neglect of duty, misfeasance, malfeasance, or nonfeasance
20 in office or for engaging in any political activity.

21 (7) Before entering upon the discharge of the duties of
22 his office, each member of the Board shall take an oath that he
23 will faithfully execute the duties of his office according to
24 the laws of the State and the rules and regulations adopted
25 therewith and shall give bond to the State of Illinois,
26 approved by the Governor, in the sum of \$25,000. Every such

1 bond, when duly executed and approved, shall be recorded in
2 the office of the Secretary of State. Whenever the Governor
3 determines that the bond of any member of the Board has become
4 or is likely to become invalid or insufficient, he shall
5 require such member forthwith to renew his bond, which is to be
6 approved by the Governor. Any member of the Board who fails to
7 take oath and give bond within 30 days from the date of his
8 appointment, or who fails to renew his bond within 30 days
9 after it is demanded by the Governor, shall be guilty of
10 neglect of duty and may be removed by the Governor. The cost of
11 any bond given by any member of the Board under this Section
12 shall be taken to be a part of the necessary expenses of the
13 Board.

14 (7.5) For the examination of all mechanical,
15 electromechanical, or electronic table games, slot machines,
16 slot accounting systems, sports wagering systems, and other
17 electronic gaming equipment, and the field inspection of such
18 systems, games, and machines, for compliance with this Act,
19 the Board shall utilize the services of independent outside
20 testing laboratories that have been accredited in accordance
21 with ISO/IEC 17025 by an accreditation body that is a
22 signatory to the International Laboratory Accreditation
23 Cooperation Mutual Recognition Agreement signifying they are
24 qualified to perform such examinations. Notwithstanding any
25 law to the contrary, the Board shall consider the licensing of
26 independent outside testing laboratory applicants in

1 accordance with procedures established by the Board by rule.
2 The Board shall not withhold its approval of an independent
3 outside testing laboratory license applicant that has been
4 accredited as required under this paragraph (7.5) and is
5 licensed in gaming jurisdictions comparable to Illinois. Upon
6 the finalization of required rules, the Board shall license
7 independent testing laboratories and accept the test reports
8 of any licensed testing laboratory of the system's, game's, or
9 machine manufacturer's choice, notwithstanding the existence
10 of contracts between the Board and any independent testing
11 laboratory.

12 (8) The Board shall employ such personnel as may be
13 necessary to carry out its functions and shall determine the
14 salaries of all personnel, except those personnel whose
15 salaries are determined under the terms of a collective
16 bargaining agreement. No person shall be employed to serve the
17 Board who is, or whose spouse, parent or child is, an official
18 of, or has a financial interest in or financial relation with,
19 any operator engaged in gambling operations within this State
20 or any organization engaged in conducting horse racing within
21 this State. For the one year immediately preceding employment,
22 an employee shall not have been employed or received
23 compensation or fees for services from a person or entity, or
24 its parent or affiliate, that has engaged in business with the
25 Board, a licensee, or a licensee under the Illinois Horse
26 Racing Act of 1975. Any employee violating these prohibitions

1 shall be subject to termination of employment.

2 (9) An Administrator shall perform any and all duties that
3 the Board shall assign him. The salary of the Administrator
4 shall be determined by the Board and, in addition, he shall be
5 reimbursed for all actual and necessary expenses incurred by
6 him in discharge of his official duties. The Administrator
7 shall keep records of all proceedings of the Board and shall
8 preserve all records, books, documents and other papers
9 belonging to the Board or entrusted to its care. The
10 Administrator shall devote his full time to the duties of the
11 office and shall not hold any other office or employment.

12 (b) The Board shall have general responsibility for the
13 implementation of this Act. Its duties include, without
14 limitation, the following:

15 (1) To decide promptly and in reasonable order all
16 license applications. Any party aggrieved by an action of
17 the Board denying, suspending, revoking, restricting or
18 refusing to renew a license may request a hearing before
19 the Board. A request for a hearing must be made to the
20 Board in writing within 5 days after service of notice of
21 the action of the Board. Notice of the action of the Board
22 shall be served either by personal delivery or by
23 certified mail, postage prepaid, to the aggrieved party.
24 Notice served by certified mail shall be deemed complete
25 on the business day following the date of such mailing.
26 The Board shall conduct any such hearings promptly and in

1 reasonable order;

2 (2) To conduct all hearings pertaining to civil
3 violations of this Act or rules and regulations
4 promulgated hereunder;

5 (3) To promulgate such rules and regulations as in its
6 judgment may be necessary to protect or enhance the
7 credibility and integrity of gambling operations
8 authorized by this Act and the regulatory process
9 hereunder;

10 (4) To provide for the establishment and collection of
11 all license and registration fees and taxes imposed by
12 this Act and the rules and regulations issued pursuant
13 hereto. All such fees and taxes shall be deposited into
14 the State Gaming Fund;

15 (5) To provide for the levy and collection of
16 penalties and fines for the violation of provisions of
17 this Act and the rules and regulations promulgated
18 hereunder. All such fines and penalties shall be deposited
19 into the Education Assistance Fund, created by Public Act
20 86-0018, of the State of Illinois;

21 (6) To be present through its inspectors and agents
22 any time gambling operations are conducted on any
23 riverboat, in any casino, or at any organization gaming
24 facility for the purpose of certifying the revenue
25 thereof, receiving complaints from the public, and
26 conducting such other investigations into the conduct of

1 the gambling games and the maintenance of the equipment as
2 from time to time the Board may deem necessary and proper;

3 (7) To review and rule upon any complaint by a
4 licensee regarding any investigative procedures of the
5 State which are unnecessarily disruptive of gambling
6 operations. The need to inspect and investigate shall be
7 presumed at all times. The disruption of a licensee's
8 operations shall be proved by clear and convincing
9 evidence, and establish that: (A) the procedures had no
10 reasonable law enforcement purposes, and (B) the
11 procedures were so disruptive as to unreasonably inhibit
12 gambling operations;

13 (8) To hold at least one meeting each quarter of the
14 fiscal year. In addition, special meetings may be called
15 by the Chairman or any 2 Board members upon 72 hours
16 written notice to each member. All Board meetings shall be
17 subject to the Open Meetings Act. Three members of the
18 Board shall constitute a quorum, and 3 votes shall be
19 required for any final determination by the Board. The
20 Board shall keep a complete and accurate record of all its
21 meetings. A majority of the members of the Board shall
22 constitute a quorum for the transaction of any business,
23 for the performance of any duty, or for the exercise of any
24 power which this Act requires the Board members to
25 transact, perform or exercise en banc, except that, upon
26 order of the Board, one of the Board members or an

1 administrative law judge designated by the Board may
2 conduct any hearing provided for under this Act or by
3 Board rule and may recommend findings and decisions to the
4 Board. The Board member or administrative law judge
5 conducting such hearing shall have all powers and rights
6 granted to the Board in this Act. The record made at the
7 time of the hearing shall be reviewed by the Board, or a
8 majority thereof, and the findings and decision of the
9 majority of the Board shall constitute the order of the
10 Board in such case;

11 (9) To maintain records which are separate and
12 distinct from the records of any other State board or
13 commission. Such records shall be available for public
14 inspection and shall accurately reflect all Board
15 proceedings;

16 (10) To file a written annual report with the Governor
17 on or before July 1 each year and such additional reports
18 as the Governor may request. The annual report shall
19 include a statement of receipts and disbursements by the
20 Board, actions taken by the Board, and any additional
21 information and recommendations which the Board may deem
22 valuable or which the Governor may request;

23 (11) (Blank);

24 (12) (Blank);

25 (13) To assume responsibility for administration and
26 enforcement of the Video Gaming Act;

1 (13.1) To assume responsibility for the administration
2 and enforcement of operations at organization gaming
3 facilities pursuant to this Act and the Illinois Horse
4 Racing Act of 1975;

5 (13.2) To assume responsibility for the administration
6 and enforcement of the Sports Wagering Act; and

7 (14) To adopt, by rule, a code of conduct governing
8 Board members and employees that ensure, to the maximum
9 extent possible, that persons subject to this Code avoid
10 situations, relationships, or associations that may
11 represent or lead to a conflict of interest.

12 Internal controls and changes submitted by licensees must
13 be reviewed and either approved or denied with cause within 90
14 days after receipt of submission is deemed final by the
15 Illinois Gaming Board. In the event an internal control
16 submission or change does not meet the standards set by the
17 Board, staff of the Board must provide technical assistance to
18 the licensee to rectify such deficiencies within 90 days after
19 the initial submission and the revised submission must be
20 reviewed and approved or denied with cause within 90 days
21 after the date the revised submission is deemed final by the
22 Board. For the purposes of this paragraph, "with cause" means
23 that the approval of the submission would jeopardize the
24 integrity of gaming. In the event the Board staff has not acted
25 within the timeframe, the submission shall be deemed approved.

26 (c) The Board shall have jurisdiction over and shall

1 supervise all gambling operations governed by this Act. The
2 Board shall have all powers necessary and proper to fully and
3 effectively execute the provisions of this Act, including, but
4 not limited to, the following:

5 (1) To investigate applicants and determine the
6 eligibility of applicants for licenses and to select among
7 competing applicants the applicants which best serve the
8 interests of the citizens of Illinois.

9 (2) To have jurisdiction and supervision over all
10 riverboat gambling operations authorized under this Act
11 and all persons in places where gambling operations are
12 conducted.

13 (3) To promulgate rules and regulations for the
14 purpose of administering the provisions of this Act and to
15 prescribe rules, regulations and conditions under which
16 all gambling operations subject to this Act shall be
17 conducted. Such rules and regulations are to provide for
18 the prevention of practices detrimental to the public
19 interest and for the best interests of riverboat gambling,
20 including rules and regulations regarding the inspection
21 of organization gaming facilities, casinos, and
22 riverboats, and the review of any permits or licenses
23 necessary to operate a riverboat, casino, or organization
24 gaming facility under any laws or regulations applicable
25 to riverboats, casinos, or organization gaming facilities
26 and to impose penalties for violations thereof.

1 (4) To enter the office, riverboats, casinos,
2 organization gaming facilities, and other facilities, or
3 other places of business of a licensee, where evidence of
4 the compliance or noncompliance with the provisions of
5 this Act is likely to be found.

6 (5) To investigate alleged violations of this Act or
7 the rules of the Board and to take appropriate
8 disciplinary action against a licensee or a holder of an
9 occupational license for a violation, or institute
10 appropriate legal action for enforcement, or both.

11 (6) To adopt standards for the licensing of all
12 persons and entities under this Act, as well as for
13 electronic or mechanical gambling games, and to establish
14 fees for such licenses.

15 (7) To adopt appropriate standards for all
16 organization gaming facilities, riverboats, casinos, and
17 other facilities authorized under this Act.

18 (8) To require that the records, including financial
19 or other statements of any licensee under this Act, shall
20 be kept in such manner as prescribed by the Board and that
21 any such licensee involved in the ownership or management
22 of gambling operations submit to the Board an annual
23 balance sheet and profit and loss statement, list of the
24 stockholders or other persons having a 1% or greater
25 beneficial interest in the gambling activities of each
26 licensee, and any other information the Board deems

1 necessary in order to effectively administer this Act and
2 all rules, regulations, orders and final decisions
3 promulgated under this Act.

4 (9) To conduct hearings, issue subpoenas for the
5 attendance of witnesses and subpoenas duces tecum for the
6 production of books, records and other pertinent documents
7 in accordance with the Illinois Administrative Procedure
8 Act, and to administer oaths and affirmations to the
9 witnesses, when, in the judgment of the Board, it is
10 necessary to administer or enforce this Act or the Board
11 rules.

12 (10) To prescribe a form to be used by any licensee
13 involved in the ownership or management of gambling
14 operations as an application for employment for their
15 employees.

16 (11) To revoke or suspend licenses, as the Board may
17 see fit and in compliance with applicable laws of the
18 State regarding administrative procedures, and to review
19 applications for the renewal of licenses. The Board may
20 suspend an owners license or an organization gaming
21 license without notice or hearing upon a determination
22 that the safety or health of patrons or employees is
23 jeopardized by continuing a gambling operation conducted
24 under that license. The suspension may remain in effect
25 until the Board determines that the cause for suspension
26 has been abated. The Board may revoke an owners license or

1 organization gaming license upon a determination that the
2 licensee has not made satisfactory progress toward abating
3 the hazard.

4 (12) To eject or exclude or authorize the ejection or
5 exclusion of, any person from gambling facilities where
6 that person is in violation of this Act, rules and
7 regulations thereunder, or final orders of the Board, or
8 where such person's conduct or reputation is such that his
9 or her presence within the gambling facilities may, in the
10 opinion of the Board, call into question the honesty and
11 integrity of the gambling operations or interfere with the
12 orderly conduct thereof; provided that the propriety of
13 such ejection or exclusion is subject to subsequent
14 hearing by the Board.

15 (13) To require all licensees of gambling operations
16 to utilize a cashless wagering system whereby all players'
17 money is converted to tokens, electronic cards, or chips
18 which shall be used only for wagering in the gambling
19 establishment.

20 (14) (Blank).

21 (15) To suspend, revoke or restrict licenses, to
22 require the removal of a licensee or an employee of a
23 licensee for a violation of this Act or a Board rule or for
24 engaging in a fraudulent practice, and to impose civil
25 penalties of up to \$5,000 against individuals and up to
26 \$10,000 or an amount equal to the daily gross receipts,

1 whichever is larger, against licensees for each violation
2 of any provision of the Act, any rules adopted by the
3 Board, any order of the Board or any other action which, in
4 the Board's discretion, is a detriment or impediment to
5 gambling operations.

6 (16) To hire employees to gather information, conduct
7 investigations and carry out any other tasks contemplated
8 under this Act.

9 (17) To establish minimum levels of insurance to be
10 maintained by licensees.

11 (18) To authorize a licensee to sell or serve
12 alcoholic liquors, wine or beer as defined in the Liquor
13 Control Act of 1934 on board a riverboat or in a casino and
14 to have exclusive authority to establish the hours for
15 sale and consumption of alcoholic liquor on board a
16 riverboat or in a casino, notwithstanding any provision of
17 the Liquor Control Act of 1934 or any local ordinance, and
18 regardless of whether the riverboat makes excursions. The
19 establishment of the hours for sale and consumption of
20 alcoholic liquor on board a riverboat or in a casino is an
21 exclusive power and function of the State. A home rule
22 unit may not establish the hours for sale and consumption
23 of alcoholic liquor on board a riverboat or in a casino.
24 This subdivision (18) is a denial and limitation of home
25 rule powers and functions under subsection (h) of Section
26 6 of Article VII of the Illinois Constitution.

1 (19) After consultation with the U.S. Army Corps of
2 Engineers, to establish binding emergency orders upon the
3 concurrence of a majority of the members of the Board
4 regarding the navigability of water, relative to
5 excursions, in the event of extreme weather conditions,
6 acts of God or other extreme circumstances.

7 (20) To delegate the execution of any of its powers
8 under this Act for the purpose of administering and
9 enforcing this Act and the rules adopted by the Board.

10 (20.5) To approve any contract entered into on its
11 behalf.

12 (20.6) To appoint investigators to conduct
13 investigations, searches, seizures, arrests, and other
14 duties imposed under this Act, as deemed necessary by the
15 Board. These investigators have and may exercise all of
16 the rights and powers of peace officers, provided that
17 these powers shall be limited to offenses or violations
18 occurring or committed in a casino, in an organization
19 gaming facility, or on a riverboat or dock, as defined in
20 subsections (d) and (f) of Section 4, or as otherwise
21 provided by this Act or any other law.

22 (20.7) To contract with the Illinois ~~Department of~~
23 State Police for the use of trained and qualified State
24 police officers and with the Department of Revenue for the
25 use of trained and qualified Department of Revenue
26 investigators to conduct investigations, searches,

1 seizures, arrests, and other duties imposed under this Act
2 and to exercise all of the rights and powers of peace
3 officers, provided that the powers of Department of
4 Revenue investigators under this subdivision (20.7) shall
5 be limited to offenses or violations occurring or
6 committed in a casino, in an organization gaming facility,
7 or on a riverboat or dock, as defined in subsections (d)
8 and (f) of Section 4, or as otherwise provided by this Act
9 or any other law. In the event the Illinois ~~Department of~~
10 State Police or the Department of Revenue is unable to
11 fill contracted police or investigative positions, the
12 Board may appoint investigators to fill those positions
13 pursuant to subdivision (20.6).

14 (21) To adopt rules concerning the conduct of gaming
15 pursuant to an organization gaming license issued under
16 this Act.

17 (22) To have the same jurisdiction and supervision
18 over casinos and organization gaming facilities as the
19 Board has over riverboats, including, but not limited to,
20 the power to (i) investigate, review, and approve
21 contracts as that power is applied to riverboats, (ii)
22 adopt rules for administering the provisions of this Act,
23 (iii) adopt standards for the licensing of all persons
24 involved with a casino or organization gaming facility,
25 (iv) investigate alleged violations of this Act by any
26 person involved with a casino or organization gaming

1 facility, and (v) require that records, including
2 financial or other statements of any casino or
3 organization gaming facility, shall be kept in such manner
4 as prescribed by the Board.

5 (23) To take any other action as may be reasonable or
6 appropriate to enforce this Act and the rules adopted by
7 the Board.

8 (d) The Board may seek and shall receive the cooperation
9 of the Illinois ~~Department of~~ State Police in conducting
10 background investigations of applicants and in fulfilling its
11 responsibilities under this Section. Costs incurred by the
12 Illinois ~~Department of~~ State Police as a result of such
13 cooperation shall be paid by the Board in conformance with the
14 requirements of Section 2605-400 of the Illinois ~~Department of~~
15 State Police Law.

16 (e) The Board must authorize to each investigator and to
17 any other employee of the Board exercising the powers of a
18 peace officer a distinct badge that, on its face, (i) clearly
19 states that the badge is authorized by the Board and (ii)
20 contains a unique identifying number. No other badge shall be
21 authorized by the Board.

22 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

23 (230 ILCS 10/6) (from Ch. 120, par. 2406)

24 Sec. 6. Application for owners license.

25 (a) A qualified person may apply to the Board for an owners

1 license to conduct a gambling operation as provided in this
2 Act. The application shall be made on forms provided by the
3 Board and shall contain such information as the Board
4 prescribes, including but not limited to the identity of the
5 riverboat on which such gambling operation is to be conducted,
6 if applicable, and the exact location where such riverboat or
7 casino will be located, a certification that the riverboat
8 will be registered under this Act at all times during which
9 gambling operations are conducted on board, detailed
10 information regarding the ownership and management of the
11 applicant, and detailed personal information regarding the
12 applicant. Any application for an owners license to be
13 re-issued on or after June 1, 2003 shall also include the
14 applicant's license bid in a form prescribed by the Board.
15 Information provided on the application shall be used as a
16 basis for a thorough background investigation which the Board
17 shall conduct with respect to each applicant. An incomplete
18 application shall be cause for denial of a license by the
19 Board.

20 (a-5) In addition to any other information required under
21 this Section, each application for an owners license must
22 include the following information:

23 (1) The history and success of the applicant and each
24 person and entity disclosed under subsection (c) of this
25 Section in developing tourism facilities ancillary to
26 gaming, if applicable.

1 (2) The likelihood that granting a license to the
2 applicant will lead to the creation of quality, living
3 wage jobs and permanent, full-time jobs for residents of
4 the State and residents of the unit of local government
5 that is designated as the home dock of the proposed
6 facility where gambling is to be conducted by the
7 applicant.

8 (3) The projected number of jobs that would be created
9 if the license is granted and the projected number of new
10 employees at the proposed facility where gambling is to be
11 conducted by the applicant.

12 (4) The record, if any, of the applicant and its
13 developer in meeting commitments to local agencies,
14 community-based organizations, and employees at other
15 locations where the applicant or its developer has
16 performed similar functions as they would perform if the
17 applicant were granted a license.

18 (5) Identification of adverse effects that might be
19 caused by the proposed facility where gambling is to be
20 conducted by the applicant, including the costs of meeting
21 increased demand for public health care, child care,
22 public transportation, affordable housing, and social
23 services, and a plan to mitigate those adverse effects.

24 (6) The record, if any, of the applicant and its
25 developer regarding compliance with:

26 (A) federal, state, and local discrimination, wage

1 and hour, disability, and occupational and
2 environmental health and safety laws; and

3 (B) state and local labor relations and employment
4 laws.

5 (7) The applicant's record, if any, in dealing with
6 its employees and their representatives at other
7 locations.

8 (8) A plan concerning the utilization of
9 minority-owned and women-owned businesses and concerning
10 the hiring of minorities and women.

11 (9) Evidence the applicant used its best efforts to
12 reach a goal of 25% ownership representation by minority
13 persons and 5% ownership representation by women.

14 (b) Applicants shall submit with their application all
15 documents, resolutions, and letters of support from the
16 governing body that represents the municipality or county
17 wherein the licensee will be located.

18 (c) Each applicant shall disclose the identity of every
19 person or entity having a greater than 1% direct or indirect
20 pecuniary interest in the gambling operation with respect to
21 which the license is sought. If the disclosed entity is a
22 trust, the application shall disclose the names and addresses
23 of all beneficiaries; if a corporation, the names and
24 addresses of all stockholders and directors; if a partnership,
25 the names and addresses of all partners, both general and
26 limited.

1 (d) An application shall be filed and considered in
2 accordance with the rules of the Board. Each application shall
3 be accompanied by a nonrefundable application fee of \$250,000.
4 In addition, a nonrefundable fee of \$50,000 shall be paid at
5 the time of filing to defray the costs associated with the
6 background investigation conducted by the Board. If the costs
7 of the investigation exceed \$50,000, the applicant shall pay
8 the additional amount to the Board within 7 days after
9 requested by the Board. If the costs of the investigation are
10 less than \$50,000, the applicant shall receive a refund of the
11 remaining amount. All information, records, interviews,
12 reports, statements, memoranda or other data supplied to or
13 used by the Board in the course of its review or investigation
14 of an application for a license or a renewal under this Act
15 shall be privileged, strictly confidential and shall be used
16 only for the purpose of evaluating an applicant for a license
17 or a renewal. Such information, records, interviews, reports,
18 statements, memoranda or other data shall not be admissible as
19 evidence, nor discoverable in any action of any kind in any
20 court or before any tribunal, board, agency or person, except
21 for any action deemed necessary by the Board. The application
22 fee shall be deposited into the State Gaming Fund.

23 (e) The Board shall charge each applicant a fee set by the
24 Illinois ~~Department of~~ State Police to defray the costs
25 associated with the search and classification of fingerprints
26 obtained by the Board with respect to the applicant's

1 application. These fees shall be paid into the State Police
2 Services Fund. In order to expedite the application process,
3 the Board may establish rules allowing applicants to acquire
4 criminal background checks and financial integrity reviews as
5 part of the initial application process from a list of vendors
6 approved by the Board.

7 (f) The licensed owner shall be the person primarily
8 responsible for the boat or casino itself. Only one gambling
9 operation may be authorized by the Board on any riverboat or in
10 any casino. The applicant must identify the riverboat or
11 premises it intends to use and certify that the riverboat or
12 premises: (1) has the authorized capacity required in this
13 Act; (2) is accessible to persons with disabilities; and (3)
14 is fully registered and licensed in accordance with any
15 applicable laws.

16 (g) A person who knowingly makes a false statement on an
17 application is guilty of a Class A misdemeanor.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 10/7.7)

20 Sec. 7.7. Organization gaming licenses.

21 (a) The Illinois Gaming Board shall award one organization
22 gaming license to each person or entity having operating
23 control of a racetrack that applies under Section 56 of the
24 Illinois Horse Racing Act of 1975, subject to the application
25 and eligibility requirements of this Section. Within 60 days

1 after the effective date of this amendatory Act of the 101st
2 General Assembly, a person or entity having operating control
3 of a racetrack may submit an application for an organization
4 gaming license. The application shall be made on such forms as
5 provided by the Board and shall contain such information as
6 the Board prescribes, including, but not limited to, the
7 identity of any racetrack at which gaming will be conducted
8 pursuant to an organization gaming license, detailed
9 information regarding the ownership and management of the
10 applicant, and detailed personal information regarding the
11 applicant. The application shall specify the number of gaming
12 positions the applicant intends to use and the place where the
13 organization gaming facility will operate. A person who
14 knowingly makes a false statement on an application is guilty
15 of a Class A misdemeanor.

16 Each applicant shall disclose the identity of every person
17 or entity having a direct or indirect pecuniary interest
18 greater than 1% in any racetrack with respect to which the
19 license is sought. If the disclosed entity is a corporation,
20 the applicant shall disclose the names and addresses of all
21 officers, stockholders, and directors. If the disclosed entity
22 is a limited liability company, the applicant shall disclose
23 the names and addresses of all members and managers. If the
24 disclosed entity is a partnership, the applicant shall
25 disclose the names and addresses of all partners, both general
26 and limited. If the disclosed entity is a trust, the applicant

1 shall disclose the names and addresses of all beneficiaries.

2 An application shall be filed and considered in accordance
3 with the rules of the Board. Each application for an
4 organization gaming license shall include a nonrefundable
5 application fee of \$250,000. In addition, a nonrefundable fee
6 of \$50,000 shall be paid at the time of filing to defray the
7 costs associated with background investigations conducted by
8 the Board. If the costs of the background investigation exceed
9 \$50,000, the applicant shall pay the additional amount to the
10 Board within 7 days after a request by the Board. If the costs
11 of the investigation are less than \$50,000, the applicant
12 shall receive a refund of the remaining amount. All
13 information, records, interviews, reports, statements,
14 memoranda, or other data supplied to or used by the Board in
15 the course of this review or investigation of an applicant for
16 an organization gaming license under this Act shall be
17 privileged and strictly confidential and shall be used only
18 for the purpose of evaluating an applicant for an organization
19 gaming license or a renewal. Such information, records,
20 interviews, reports, statements, memoranda, or other data
21 shall not be admissible as evidence nor discoverable in any
22 action of any kind in any court or before any tribunal, board,
23 agency or person, except for any action deemed necessary by
24 the Board. The application fee shall be deposited into the
25 State Gaming Fund.

26 Any applicant or key person, including the applicant's

1 owners, officers, directors (if a corporation), managers and
2 members (if a limited liability company), and partners (if a
3 partnership), for an organization gaming license shall have
4 his or her fingerprints submitted to the Illinois Department
5 ~~of~~ State Police in an electronic format that complies with the
6 form and manner for requesting and furnishing criminal history
7 record information as prescribed by the Illinois Department of
8 State Police. These fingerprints shall be checked against the
9 Illinois Department of State Police and Federal Bureau of
10 Investigation criminal history record databases now and
11 hereafter filed, including, but not limited to, civil,
12 criminal, and latent fingerprint databases. The Illinois
13 ~~Department of~~ State Police shall charge applicants a fee for
14 conducting the criminal history records check, which shall be
15 deposited into the State Police Services Fund and shall not
16 exceed the actual cost of the records check. The Illinois
17 ~~Department of~~ State Police shall furnish, pursuant to positive
18 identification, records of Illinois criminal history to the
19 Illinois State Police Department.

20 (b) The Board shall determine within 120 days after
21 receiving an application for an organization gaming license
22 whether to grant an organization gaming license to the
23 applicant. If the Board does not make a determination within
24 that time period, then the Board shall give a written
25 explanation to the applicant as to why it has not reached a
26 determination and when it reasonably expects to make a

1 determination.

2 The organization gaming licensee shall purchase up to the
3 amount of gaming positions authorized under this Act within
4 120 days after receiving its organization gaming license. If
5 an organization gaming licensee is prepared to purchase the
6 gaming positions, but is temporarily prohibited from doing so
7 by order of a court of competent jurisdiction or the Board,
8 then the 120-day period is tolled until a resolution is
9 reached.

10 An organization gaming license shall authorize its holder
11 to conduct gaming under this Act at its racetracks on the same
12 days of the year and hours of the day that owners licenses are
13 allowed to operate under approval of the Board.

14 An organization gaming license and any renewal of an
15 organization gaming license shall authorize gaming pursuant to
16 this Section for a period of 4 years. The fee for the issuance
17 or renewal of an organization gaming license shall be
18 \$250,000.

19 All payments by licensees under this subsection (b) shall
20 be deposited into the Rebuild Illinois Projects Fund.

21 (c) To be eligible to conduct gaming under this Section, a
22 person or entity having operating control of a racetrack must
23 (i) obtain an organization gaming license, (ii) hold an
24 organization license under the Illinois Horse Racing Act of
25 1975, (iii) hold an inter-track wagering license, (iv) pay an
26 initial fee of \$30,000 per gaming position from organization

1 gaming licensees where gaming is conducted in Cook County and,
2 except as provided in subsection (c-5), \$17,500 for
3 organization gaming licensees where gaming is conducted
4 outside of Cook County before beginning to conduct gaming plus
5 make the reconciliation payment required under subsection (k),
6 (v) conduct live racing in accordance with subsections (e-1),
7 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
8 of 1975, (vi) meet the requirements of subsection (a) of
9 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
10 organization licensees conducting standardbred race meetings,
11 keep backstretch barns and dormitories open and operational
12 year-round unless a lesser schedule is mutually agreed to by
13 the organization licensee and the horsemen association racing
14 at that organization licensee's race meeting, (viii) for
15 organization licensees conducting thoroughbred race meetings,
16 the organization licensee must maintain accident medical
17 expense liability insurance coverage of \$1,000,000 for
18 jockeys, and (ix) meet all other requirements of this Act that
19 apply to owners licensees.

20 An organization gaming licensee may enter into a joint
21 venture with a licensed owner to own, manage, conduct, or
22 otherwise operate the organization gaming licensee's
23 organization gaming facilities, unless the organization gaming
24 licensee has a parent company or other affiliated company that
25 is, directly or indirectly, wholly owned by a parent company
26 that is also licensed to conduct organization gaming, casino

1 gaming, or their equivalent in another state.

2 All payments by licensees under this subsection (c) shall
3 be deposited into the Rebuild Illinois Projects Fund.

4 (c-5) A person or entity having operating control of a
5 racetrack located in Madison County shall only pay the initial
6 fees specified in subsection (c) for 540 of the gaming
7 positions authorized under the license.

8 (d) A person or entity is ineligible to receive an
9 organization gaming license if:

10 (1) the person or entity has been convicted of a
11 felony under the laws of this State, any other state, or
12 the United States, including a conviction under the
13 Racketeer Influenced and Corrupt Organizations Act;

14 (2) the person or entity has been convicted of any
15 violation of Article 28 of the Criminal Code of 2012, or
16 substantially similar laws of any other jurisdiction;

17 (3) the person or entity has submitted an application
18 for a license under this Act that contains false
19 information;

20 (4) the person is a member of the Board;

21 (5) a person defined in (1), (2), (3), or (4) of this
22 subsection (d) is an officer, director, or managerial
23 employee of the entity;

24 (6) the person or entity employs a person defined in
25 (1), (2), (3), or (4) of this subsection (d) who
26 participates in the management or operation of gambling

1 operations authorized under this Act; or

2 (7) a license of the person or entity issued under
3 this Act or a license to own or operate gambling
4 facilities in any other jurisdiction has been revoked.

5 (e) The Board may approve gaming positions pursuant to an
6 organization gaming license statewide as provided in this
7 Section. The authority to operate gaming positions under this
8 Section shall be allocated as follows: up to 1,200 gaming
9 positions for any organization gaming licensee in Cook County
10 and up to 900 gaming positions for any organization gaming
11 licensee outside of Cook County.

12 (f) Each applicant for an organization gaming license
13 shall specify in its application for licensure the number of
14 gaming positions it will operate, up to the applicable
15 limitation set forth in subsection (e) of this Section. Any
16 unreserved gaming positions that are not specified shall be
17 forfeited and retained by the Board. For the purposes of this
18 subsection (f), an organization gaming licensee that did not
19 conduct live racing in 2010 and is located within 3 miles of
20 the Mississippi River may reserve up to 900 positions and
21 shall not be penalized under this Section for not operating
22 those positions until it meets the requirements of subsection
23 (e) of this Section, but such licensee shall not request
24 unreserved gaming positions under this subsection (f) until
25 its 900 positions are all operational.

26 Thereafter, the Board shall publish the number of

1 unreserved gaming positions and shall accept requests for
2 additional positions from any organization gaming licensee
3 that initially reserved all of the positions that were
4 offered. The Board shall allocate expeditiously the unreserved
5 gaming positions to requesting organization gaming licensees
6 in a manner that maximizes revenue to the State. The Board may
7 allocate any such unused gaming positions pursuant to an open
8 and competitive bidding process, as provided under Section 7.5
9 of this Act. This process shall continue until all unreserved
10 gaming positions have been purchased. All positions obtained
11 pursuant to this process and all positions the organization
12 gaming licensee specified it would operate in its application
13 must be in operation within 18 months after they were obtained
14 or the organization gaming licensee forfeits the right to
15 operate those positions, but is not entitled to a refund of any
16 fees paid. The Board may, after holding a public hearing,
17 grant extensions so long as the organization gaming licensee
18 is working in good faith to make the positions operational.
19 The extension may be for a period of 6 months. If, after the
20 period of the extension, the organization gaming licensee has
21 not made the positions operational, then another public
22 hearing must be held by the Board before it may grant another
23 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

1 under this Act.

2 For the purpose of this subsection (f), the unreserved
3 gaming positions for each organization gaming licensee shall
4 be the applicable limitation set forth in subsection (e) of
5 this Section, less the number of reserved gaming positions by
6 such organization gaming licensee, and the total unreserved
7 gaming positions shall be the aggregate of the unreserved
8 gaming 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
25 this Section. Gaming authorized under this Section may take
26 place in existing structures where inter-track wagering is

1 conducted at the racetrack or a facility within 300 yards of
2 the racetrack in accordance with the provisions of this Act
3 and the Illinois Horse Racing Act of 1975.

4 (i) An organization gaming licensee may conduct gaming at
5 a 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
8 months 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
12 period during which the licensee may conduct gaming authorized
13 under this Section at a temporary facility by up to 12 months.
14 The 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
24 in 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

1 Assembly concerning the conduct of gaming by an organization
2 gaming licensee. The adoption of emergency rules authorized by
3 this subsection (j) shall be deemed to be necessary for the
4 public 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
11 item (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 6 years.

20 All payments by licensees under this subsection (k) shall
21 be deposited into the Rebuild Illinois Projects Fund.

22 (l) As soon as practical after a request is made by the
23 Illinois Gaming Board, to minimize duplicate submissions by
24 the applicant, the Illinois Racing Board must provide
25 information on an applicant for an organization gaming license
26 to the Illinois Gaming Board.

1 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;
2 101-648, eff. 6-30-20.)

3 (230 ILCS 10/9) (from Ch. 120, par. 2409)

4 Sec. 9. Occupational licenses.

5 (a) The Board may issue an occupational license to an
6 applicant upon the payment of a non-refundable fee set by the
7 Board, upon a determination by the Board that the applicant is
8 eligible for an occupational license and upon payment of an
9 annual license fee in an amount to be established. To be
10 eligible for an occupational license, an applicant must:

11 (1) be at least 21 years of age if the applicant will
12 perform any function involved in gaming by patrons. Any
13 applicant seeking an occupational license for a non-gaming
14 function shall be at least 18 years of age;

15 (2) not have been convicted of a felony offense, a
16 violation of Article 28 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, or a similar statute of any other
18 jurisdiction;

19 (2.5) not have been convicted of a crime, other than a
20 crime described in item (2) of this subsection (a),
21 involving dishonesty or moral turpitude, except that the
22 Board may, in its discretion, issue an occupational
23 license to a person who has been convicted of a crime
24 described in this item (2.5) more than 10 years prior to
25 his or her application and has not subsequently been

1 convicted of any other crime;

2 (3) have demonstrated a level of skill or knowledge
3 which the Board determines to be necessary in order to
4 operate gambling aboard a riverboat, in a casino, or at an
5 organization gaming facility; and

6 (4) have met standards for the holding of an
7 occupational license as adopted by rules of the Board.
8 Such rules shall provide that any person or entity seeking
9 an occupational license to manage gambling operations
10 under this Act shall be subject to background inquiries
11 and further requirements similar to those required of
12 applicants for an owners license. Furthermore, such rules
13 shall provide that each such entity shall be permitted to
14 manage gambling operations for only one licensed owner.

15 (b) Each application for an occupational license shall be
16 on forms prescribed by the Board and shall contain all
17 information required by the Board. The applicant shall set
18 forth in the application: whether he has been issued prior
19 gambling related licenses; whether he has been licensed in any
20 other state under any other name, and, if so, such name and his
21 age; and whether or not a permit or license issued to him in
22 any other state has been suspended, restricted or revoked,
23 and, if so, for what period of time.

24 (c) Each applicant shall submit with his application, on
25 forms provided by the Board, 2 sets of his fingerprints. The
26 Board shall charge each applicant a fee set by the Illinois

1 ~~Department of~~ State Police to defray the costs associated with
2 the search and classification of fingerprints obtained by the
3 Board with respect to the applicant's application. These fees
4 shall be paid into the State Police Services Fund.

5 (d) The Board may in its discretion refuse an occupational
6 license to any person: (1) who is unqualified to perform the
7 duties required of such applicant; (2) who fails to disclose
8 or states falsely any information called for in the
9 application; (3) who has been found guilty of a violation of
10 this Act or whose prior gambling related license or
11 application therefor has been suspended, restricted, revoked
12 or denied for just cause in any other state; or (4) for any
13 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
9 be conducted either at the site of the gambling facility or at
10 a 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
23 conducts excursion cruises. A licensee may permit the
24 continuous ingress and egress of patrons on a riverboat
25 not used for excursion cruises for the purpose of

1 gambling. Excursion cruises shall not exceed 4 hours for a
2 round trip. However, the Board may grant express approval
3 for an extended cruise 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
8 by the licensee.

9 (4) Agents of the Board and the Illinois ~~Department of~~
10 State Police may board and inspect any riverboat, enter
11 and inspect any portion of a casino, or enter and inspect
12 any portion of an organization gaming facility at any time
13 for 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

1 or 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
9 organization gaming facility. No person present on a
10 licensed riverboat, in a casino, or at an organization
11 gaming facility shall place or attempt to place a wager on
12 behalf of another person who is not present on the
13 riverboat, in a casino, or at the organization gaming
14 facility.

15 (9) Wagering, including gaming authorized under
16 Section 7.7, shall not be conducted with money or other
17 negotiable currency.

18 (10) A person under age 21 shall not be permitted on an
19 area of a riverboat or casino where gambling is being
20 conducted or at an organization gaming facility where
21 gambling is being conducted, except for a person at least
22 18 years of age who is an employee of the riverboat or
23 casino gambling operation or gaming operation. No employee
24 under age 21 shall perform any function involved in
25 gambling by the patrons. No person under age 21 shall be
26 permitted to make a wager under this Act, and any winnings

1 that are a result of a wager by a person under age 21,
2 whether or not paid by a licensee, shall be treated as
3 winnings for the privilege tax purposes, confiscated, and
4 forfeited to the State and deposited into the Education
5 Assistance Fund.

6 (11) Gambling excursion cruises are permitted only
7 when the waterway for which the riverboat is licensed is
8 navigable, as determined by the Board in consultation with
9 the U.S. Army Corps of Engineers. This paragraph (11) does
10 not limit the ability of a licensee to conduct gambling
11 authorized under this Act when gambling excursion cruises
12 are not permitted.

13 (12) All tickets, chips, or electronic cards used to
14 make wagers must be purchased (i) from a licensed owner or
15 manager, in the case of a riverboat, either aboard a
16 riverboat or at an onshore facility which has been
17 approved by the Board and which is located where the
18 riverboat docks, (ii) in the case of a casino, from a
19 licensed owner at the casino, or (iii) from an
20 organization gaming licensee at the organization gaming
21 facility. The tickets, chips, or electronic cards may be
22 purchased by means of an agreement under which the owner
23 or manager extends credit to the patron. Such tickets,
24 chips, or electronic cards may be used while aboard the
25 riverboat, in the casino, or at the organization gaming
26 facility only for the purpose of making wagers on gambling

1 games.

2 (13) Notwithstanding any other Section of this Act, in
3 addition to the other licenses authorized under this Act,
4 the Board may issue special event licenses allowing
5 persons who are not otherwise licensed to conduct
6 riverboat gambling to conduct such gambling on a specified
7 date or series of dates. Riverboat gambling under such a
8 license may take place on a riverboat not normally used
9 for riverboat gambling. The Board shall establish
10 standards, fees and fines for, and limitations upon, such
11 licenses, which may differ from the standards, fees, fines
12 and limitations otherwise applicable under this Act. All
13 such fees shall be deposited into the State Gaming Fund.
14 All such fines shall be deposited into the Education
15 Assistance Fund, created by Public Act 86-0018, of the
16 State of Illinois.

17 (14) In addition to the above, gambling must be
18 conducted in accordance with all rules adopted by the
19 Board.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/13) (from Ch. 120, par. 2413)

22 Sec. 13. Wagering tax; rate; distribution.

23 (a) Until January 1, 1998, a tax is imposed on the adjusted
24 gross receipts received from gambling games authorized under
25 this Act at the rate of 20%.

1 (a-1) From January 1, 1998 until July 1, 2002, a privilege
2 tax is imposed on persons engaged in the business of
3 conducting riverboat gambling operations, based on the
4 adjusted gross receipts received by a licensed owner from
5 gambling games authorized under this Act at the following
6 rates:

7 15% of annual adjusted gross receipts up to and
8 including \$25,000,000;

9 20% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 25% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 30% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 35% of annual adjusted gross receipts in excess of
16 \$100,000,000.

17 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
18 is imposed on persons engaged in the business of conducting
19 riverboat gambling operations, other than licensed managers
20 conducting riverboat gambling operations on behalf of the
21 State, based on the adjusted gross receipts received by a
22 licensed owner from gambling games authorized under this Act
23 at the following rates:

24 15% of annual adjusted gross receipts up to and
25 including \$25,000,000;

26 22.5% of annual adjusted gross receipts in excess of

1 \$25,000,000 but not exceeding \$50,000,000;
2 27.5% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$75,000,000;
4 32.5% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000;
6 37.5% of annual adjusted gross receipts in excess of
7 \$100,000,000 but not exceeding \$150,000,000;
8 45% of annual adjusted gross receipts in excess of
9 \$150,000,000 but not exceeding \$200,000,000;
10 50% of annual adjusted gross receipts in excess of
11 \$200,000,000.

12 (a-3) Beginning July 1, 2003, a privilege tax is imposed
13 on persons engaged in the business of conducting riverboat
14 gambling operations, other than licensed managers conducting
15 riverboat gambling operations on behalf of the State, based on
16 the adjusted gross receipts received by a licensed owner from
17 gambling games authorized under this Act at the following
18 rates:

19 15% of annual adjusted gross receipts up to and
20 including \$25,000,000;
21 27.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$37,500,000;
23 32.5% of annual adjusted gross receipts in excess of
24 \$37,500,000 but not exceeding \$50,000,000;
25 37.5% of annual adjusted gross receipts in excess of
26 \$50,000,000 but not exceeding \$75,000,000;

1 45% of annual adjusted gross receipts in excess of
2 \$75,000,000 but not exceeding \$100,000,000;

3 50% of annual adjusted gross receipts in excess of
4 \$100,000,000 but not exceeding \$250,000,000;

5 70% of annual adjusted gross receipts in excess of
6 \$250,000,000.

7 An amount equal to the amount of wagering taxes collected
8 under this subsection (a-3) that are in addition to the amount
9 of wagering taxes that would have been collected if the
10 wagering tax rates under subsection (a-2) were in effect shall
11 be paid into the Common School Fund.

12 The privilege tax imposed under this subsection (a-3)
13 shall no longer be imposed beginning on the earlier of (i) July
14 1, 2005; (ii) the first date after June 20, 2003 that riverboat
15 gambling operations are conducted pursuant to a dormant
16 license; or (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
19 initially authorized under this Act. For the purposes of this
20 subsection (a-3), the term "dormant license" means an owners
21 license that is authorized by this Act under which no
22 riverboat gambling operations are being conducted on June 20,
23 2003.

24 (a-4) Beginning on the first day on which the tax imposed
25 under subsection (a-3) is no longer imposed and ending upon
26 the imposition of the privilege tax under subsection (a-5) of

1 this Section, a privilege tax is imposed on persons engaged in
2 the business of conducting gambling operations, other than
3 licensed managers conducting riverboat gambling operations on
4 behalf of the State, based on the adjusted gross receipts
5 received by a licensed owner from gambling games authorized
6 under this Act 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 For the imposition of the privilege tax in this subsection
22 (a-4), amounts paid pursuant to item (1) of subsection (b) of
23 Section 56 of the Illinois Horse Racing Act of 1975 shall not
24 be included in the determination of adjusted gross receipts.

25 (a-5)(1) Beginning on July 1, 2020, a privilege tax is
26 imposed on persons engaged in the business of conducting

1 gambling operations, other than the owners licensee under
2 paragraph (1) of subsection (e-5) of Section 7 and licensed
3 managers conducting riverboat gambling operations on behalf of
4 the State, based on the adjusted gross receipts received by
5 such licensee from the gambling games authorized under this
6 Act. The privilege tax for all gambling games other than table
7 games, including, but not limited to, slot machines, video
8 game of chance gambling, and electronic gambling games shall
9 be at the following rates:

10 15% of annual adjusted gross receipts up to and
11 including \$25,000,000;

12 22.5% of annual adjusted gross receipts in excess of
13 \$25,000,000 but not exceeding \$50,000,000;

14 27.5% of annual adjusted gross receipts in excess of
15 \$50,000,000 but not exceeding \$75,000,000;

16 32.5% of annual adjusted gross receipts in excess of
17 \$75,000,000 but not exceeding \$100,000,000;

18 37.5% of annual adjusted gross receipts in excess of
19 \$100,000,000 but not exceeding \$150,000,000;

20 45% of annual adjusted gross receipts in excess of
21 \$150,000,000 but not exceeding \$200,000,000;

22 50% of annual adjusted gross receipts in excess of
23 \$200,000,000.

24 The privilege tax for table games shall be at the
25 following rates:

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 20% of annual adjusted gross receipts in excess of
3 \$25,000,000.

4 For the imposition of the privilege tax in this subsection
5 (a-5), amounts paid pursuant to item (1) of subsection (b) of
6 Section 56 of the Illinois Horse Racing Act of 1975 shall not
7 be included in the determination of adjusted gross receipts.

8 (2) Beginning on the first day that an owners licensee
9 under paragraph (1) of subsection (e-5) of Section 7 conducts
10 gambling operations, either in a temporary facility or a
11 permanent facility, a privilege tax is imposed on persons
12 engaged in the business of conducting gambling operations
13 under paragraph (1) of subsection (e-5) of Section 7, other
14 than licensed managers conducting riverboat gambling
15 operations on behalf of the State, based on the adjusted gross
16 receipts received by such licensee from the gambling games
17 authorized under this Act. The privilege tax for all gambling
18 games other than table games, including, but not limited to,
19 slot machines, video game of chance gambling, and electronic
20 gambling games shall be at the following rates:

21 12% of annual adjusted gross receipts up to and
22 including \$25,000,000 to the State and 10.5% of annual
23 adjusted gross receipts up to and including \$25,000,000 to
24 the City of Chicago;

25 16% of annual adjusted gross receipts in excess of
26 \$25,000,000 but not exceeding \$50,000,000 to the State and

1 14% of annual adjusted gross receipts in excess of
2 \$25,000,000 but not exceeding \$50,000,000 to the City of
3 Chicago;

4 20.1% of annual adjusted gross receipts in excess of
5 \$50,000,000 but not exceeding \$75,000,000 to the State and
6 17.4% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000 to the City of
8 Chicago;

9 21.4% of annual adjusted gross receipts in excess of
10 \$75,000,000 but not exceeding \$100,000,000 to the State
11 and 18.6% of annual adjusted gross receipts in excess of
12 \$75,000,000 but not exceeding \$100,000,000 to the City of
13 Chicago;

14 22.7% of annual adjusted gross receipts in excess of
15 \$100,000,000 but not exceeding \$150,000,000 to the State
16 and 19.8% of annual adjusted gross receipts in excess of
17 \$100,000,000 but not exceeding \$150,000,000 to the City of
18 Chicago;

19 24.1% of annual adjusted gross receipts in excess of
20 \$150,000,000 but not exceeding \$225,000,000 to the State
21 and 20.9% of annual adjusted gross receipts in excess of
22 \$150,000,000 but not exceeding \$225,000,000 to the City of
23 Chicago;

24 26.8% of annual adjusted gross receipts in excess of
25 \$225,000,000 but not exceeding \$1,000,000,000 to the State
26 and 23.2% of annual adjusted gross receipts in excess of

1 \$225,000,000 but not exceeding \$1,000,000,000 to the City
2 of Chicago;

3 40% of annual adjusted gross receipts in excess of
4 \$1,000,000,000 to the State and 34.7% of annual gross
5 receipts in excess of \$1,000,000,000 to the City of
6 Chicago.

7 The privilege tax for table games shall be at the
8 following rates:

9 8.1% of annual adjusted gross receipts up to and
10 including \$25,000,000 to the State and 6.9% of annual
11 adjusted gross receipts up to and including \$25,000,000 to
12 the City of Chicago;

13 10.7% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$75,000,000 to the State and
15 9.3% of annual adjusted gross receipts in excess of
16 \$25,000,000 but not exceeding \$75,000,000 to the City of
17 Chicago;

18 11.2% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$175,000,000 to the State
20 and 9.8% of annual adjusted gross receipts in excess of
21 \$75,000,000 but not exceeding \$175,000,000 to the City of
22 Chicago;

23 13.5% of annual adjusted gross receipts in excess of
24 \$175,000,000 but not exceeding \$225,000,000 to the State
25 and 11.5% of annual adjusted gross receipts in excess of
26 \$175,000,000 but not exceeding \$225,000,000 to the City of

1 Chicago;

2 15.1% of annual adjusted gross receipts in excess of
3 \$225,000,000 but not exceeding \$275,000,000 to the State
4 and 12.9% of annual adjusted gross receipts in excess of
5 \$225,000,000 but not exceeding \$275,000,000 to the City of
6 Chicago;

7 16.2% of annual adjusted gross receipts in excess of
8 \$275,000,000 but not exceeding \$375,000,000 to the State
9 and 13.8% of annual adjusted gross receipts in excess of
10 \$275,000,000 but not exceeding \$375,000,000 to the City of
11 Chicago;

12 18.9% of annual adjusted gross receipts in excess of
13 \$375,000,000 to the State and 16.1% of annual gross
14 receipts in excess of \$375,000,000 to the City of Chicago.

15 For the imposition of the privilege tax in this subsection
16 (a-5), amounts paid pursuant to item (1) of subsection (b) of
17 Section 56 of the Illinois Horse Racing Act of 1975 shall not
18 be included in the determination of adjusted gross receipts.

19 Notwithstanding the provisions of this subsection (a-5),
20 for the first 10 years that the privilege tax is imposed under
21 this subsection (a-5), the privilege tax shall be imposed on
22 the modified annual adjusted gross receipts of a riverboat or
23 casino conducting gambling operations in the City of East St.
24 Louis, unless:

25 (1) the riverboat or casino fails to employ at least
26 450 people;

1 (2) the riverboat or casino fails to maintain
2 operations in a manner consistent with this Act or is not a
3 viable riverboat or casino subject to the approval of the
4 Board; or

5 (3) the owners licensee is not an entity in which
6 employees participate in an employee stock ownership plan.

7 As used in this subsection (a-5), "modified annual
8 adjusted gross receipts" means:

9 (A) for calendar year 2020, the annual adjusted gross
10 receipts for the current year minus the difference between
11 an amount equal to the average annual adjusted gross
12 receipts from a riverboat or casino conducting gambling
13 operations in the City of East St. Louis for 2014, 2015,
14 2016, 2017, and 2018 and the annual adjusted gross
15 receipts for 2018;

16 (B) for calendar year 2021, the annual adjusted gross
17 receipts for the current year minus the difference between
18 an amount equal to the average annual adjusted gross
19 receipts from a riverboat or casino conducting gambling
20 operations in the City of East St. Louis for 2014, 2015,
21 2016, 2017, and 2018 and the annual adjusted gross
22 receipts for 2019; and

23 (C) for calendar years 2022 through 2029, the annual
24 adjusted gross receipts for the current year minus the
25 difference between an amount equal to the average annual
26 adjusted gross receipts from a riverboat or casino

1 conducting gambling operations in the City of East St.
2 Louis for 3 years preceding the current year and the
3 annual adjusted gross receipts for the immediately
4 preceding year.

5 (a-6) From June 28, 2019 (the effective date of Public Act
6 101-31) until June 30, 2023, an owners licensee that conducted
7 gambling operations prior to January 1, 2011 shall receive a
8 dollar-for-dollar credit against the tax imposed under this
9 Section for any renovation or construction costs paid by the
10 owners licensee, but in no event shall the credit exceed
11 \$2,000,000.

12 Additionally, from June 28, 2019 (the effective date of
13 Public Act 101-31) until December 31, 2022, an owners licensee
14 that (i) is located within 15 miles of the Missouri border, and
15 (ii) has at least 3 riverboats, casinos, or their equivalent
16 within a 45-mile radius, may be authorized to relocate to a new
17 location with the approval of both the unit of local
18 government designated as the home dock and the Board, so long
19 as the new location is within the same unit of local government
20 and no more than 3 miles away from its original location. Such
21 owners licensee shall receive a credit against the tax imposed
22 under this Section equal to 8% of the total project costs, as
23 approved by the Board, for any renovation or construction
24 costs paid by the owners licensee for the construction of the
25 new facility, provided that the new facility is operational by
26 July 1, 2022. In determining whether or not to approve a

1 relocation, the Board must consider the extent to which the
2 relocation will diminish the gaming revenues received by other
3 Illinois gaming facilities.

4 (a-7) Beginning in the initial adjustment year and through
5 the final adjustment year, if the total obligation imposed
6 pursuant to either subsection (a-5) or (a-6) will result in an
7 owners licensee receiving less after-tax adjusted gross
8 receipts than it received in calendar year 2018, then the
9 total amount of privilege taxes that the owners licensee is
10 required to pay for that calendar year shall be reduced to the
11 extent necessary so that the after-tax adjusted gross receipts
12 in that calendar year equals the after-tax adjusted gross
13 receipts in calendar year 2018, but the privilege tax
14 reduction shall not exceed the annual adjustment cap. If
15 pursuant to this subsection (a-7), the total obligation
16 imposed pursuant to either subsection (a-5) or (a-6) shall be
17 reduced, then the owners licensee shall not receive a refund
18 from the State at the end of the subject calendar year but
19 instead shall be able to apply that amount as a credit against
20 any payments it owes to the State in the following calendar
21 year to satisfy its total obligation under either subsection
22 (a-5) or (a-6). The credit for the final adjustment year shall
23 occur in the calendar year following the final adjustment
24 year.

25 If an owners licensee that conducted gambling operations
26 prior to January 1, 2019 expands its riverboat or casino,

1 including, but not limited to, with respect to its gaming
2 floor, additional non-gaming amenities such as restaurants,
3 bars, and hotels and other additional facilities, and incurs
4 construction and other costs related to such expansion from
5 June 28, 2019 (the effective date of Public Act 101-31) until
6 June 28, 2024 (the 5th anniversary of the effective date of
7 Public Act 101-31), then for each \$15,000,000 spent for any
8 such construction or other costs related to expansion paid by
9 the owners licensee, the final adjustment year shall be
10 extended by one year and the annual adjustment cap shall
11 increase by 0.2% of adjusted gross receipts during each
12 calendar year until and including the final adjustment year.
13 No further modifications to the final adjustment year or
14 annual adjustment cap shall be made after \$75,000,000 is
15 incurred in construction or other costs related to expansion
16 so that the final adjustment year shall not extend beyond the
17 9th calendar year after the initial adjustment year, not
18 including the initial adjustment year, and the annual
19 adjustment cap shall not exceed 4% of adjusted gross receipts
20 in a particular calendar year. Construction and other costs
21 related to expansion shall include all project related costs,
22 including, but not limited to, all hard and soft costs,
23 financing costs, on or off-site ground, road or utility work,
24 cost of gaming equipment and all other personal property,
25 initial fees assessed for each incremental gaming position,
26 and the cost of incremental land acquired for such expansion.

1 Soft costs shall include, but not be limited to, legal fees,
2 architect, engineering and design costs, other consultant
3 costs, insurance cost, permitting costs, and pre-opening costs
4 related to the expansion, including, but not limited to, any
5 of the following: marketing, real estate taxes, personnel,
6 training, travel and out-of-pocket expenses, supply,
7 inventory, and other costs, and any other project related soft
8 costs.

9 To be eligible for the tax credits in subsection (a-6),
10 all construction contracts shall include a requirement that
11 the contractor enter into a project labor agreement with the
12 building and construction trades council with geographic
13 jurisdiction of the location of the proposed gaming facility.

14 Notwithstanding any other provision of this subsection
15 (a-7), this subsection (a-7) does not apply to an owners
16 licensee unless such owners licensee spends at least
17 \$15,000,000 on construction and other costs related to its
18 expansion, excluding the initial fees assessed for each
19 incremental gaming position.

20 This subsection (a-7) does not apply to owners licensees
21 authorized pursuant to subsection (e-5) of Section 7 of this
22 Act.

23 For purposes of this subsection (a-7):

24 "Building and construction trades council" means any
25 organization representing multiple construction entities that
26 are monitoring or attentive to compliance with public or

1 workers' safety laws, wage and hour requirements, or other
2 statutory requirements or that are making or maintaining
3 collective bargaining agreements.

4 "Initial adjustment year" means the year commencing on
5 January 1 of the calendar year immediately following the
6 earlier of the following:

7 (1) the commencement of gambling operations, either in
8 a temporary or permanent facility, with respect to the
9 owners license authorized under paragraph (1) of
10 subsection (e-5) of Section 7 of this Act; or

11 (2) June 28, 2021 (24 months after the effective date
12 of Public Act 101-31);

13 provided the initial adjustment year shall not commence
14 earlier than June 28, 2020 (12 months after the effective date
15 of Public Act 101-31).

16 "Final adjustment year" means the 2nd calendar year after
17 the initial adjustment year, not including the initial
18 adjustment year, and as may be extended further as described
19 in this subsection (a-7).

20 "Annual adjustment cap" means 3% of adjusted gross
21 receipts in a particular calendar year, and as may be
22 increased further as otherwise described in this subsection
23 (a-7).

24 (a-8) Riverboat gambling operations conducted by a
25 licensed manager on behalf of the State are not subject to the
26 tax imposed under this Section.

1 (a-9) Beginning on January 1, 2020, the calculation of
2 gross receipts or adjusted gross receipts, for the purposes of
3 this Section, for a riverboat, a casino, or an organization
4 gaming facility shall not include the dollar amount of
5 non-cashable vouchers, coupons, and electronic promotions
6 redeemed by wagerers upon the riverboat, in the casino, or in
7 the organization gaming facility up to and including an amount
8 not to exceed 20% of a riverboat's, a casino's, or an
9 organization gaming facility's adjusted gross receipts.

10 The Illinois Gaming Board shall submit to the General
11 Assembly a comprehensive report no later than March 31, 2023
12 detailing, at a minimum, the effect of removing non-cashable
13 vouchers, coupons, and electronic promotions from this
14 calculation on net gaming revenues to the State in calendar
15 years 2020 through 2022, the increase or reduction in wagerers
16 as a result of removing non-cashable vouchers, coupons, and
17 electronic promotions from this calculation, the effect of the
18 tax rates in subsection (a-5) on net gaming revenues to this
19 State, and proposed modifications to the calculation.

20 (a-10) The taxes imposed by this Section shall be paid by
21 the licensed owner or the organization gaming licensee to the
22 Board not later than 5:00 o'clock p.m. of the day after the day
23 when the wagers were made.

24 (a-15) If the privilege tax imposed under subsection (a-3)
25 is no longer imposed pursuant to item (i) of the last paragraph
26 of subsection (a-3), then by June 15 of each year, each owners

1 licensee, other than an owners licensee that admitted
2 1,000,000 persons or fewer in calendar year 2004, must, in
3 addition to the payment of all amounts otherwise due under
4 this Section, pay to the Board a reconciliation payment in the
5 amount, if any, by which the licensed owner's base amount
6 exceeds the amount of net privilege tax paid by the licensed
7 owner to the Board in the then current State fiscal year. A
8 licensed owner's net privilege tax obligation due for the
9 balance of the State fiscal year shall be reduced up to the
10 total of the amount paid by the licensed owner in its June 15
11 reconciliation payment. The obligation imposed by this
12 subsection (a-15) is binding on any person, firm, corporation,
13 or other entity that acquires an ownership interest in any
14 such owners license. The obligation imposed under this
15 subsection (a-15) terminates on the earliest of: (i) July 1,
16 2007, (ii) the first day after the effective date of this
17 amendatory Act of the 94th General Assembly that riverboat
18 gambling operations are conducted pursuant to a dormant
19 license, (iii) the first day that riverboat gambling
20 operations are conducted under the authority of an owners
21 license that is in addition to the 10 owners licenses
22 initially authorized under this Act, or (iv) the first day
23 that a licensee under the Illinois Horse Racing Act of 1975
24 conducts gaming operations with slot machines or other
25 electronic gaming devices. The Board must reduce the
26 obligation imposed under this subsection (a-15) by an amount

1 the Board deems reasonable for any of the following reasons:

2 (A) an act or acts of God, (B) an act of bioterrorism or
3 terrorism or a bioterrorism or terrorism threat that was
4 investigated by a law enforcement agency, or (C) a condition
5 beyond the control of the owners licensee that does not result
6 from any act or omission by the owners licensee or any of its
7 agents and that poses a hazardous threat to the health and
8 safety of patrons. If an owners licensee pays an amount in
9 excess of its liability under this Section, the Board shall
10 apply the overpayment to future payments required under this
11 Section.

12 For purposes of this subsection (a-15):

13 "Act of God" means an incident caused by the operation of
14 an extraordinary force that cannot be foreseen, that cannot be
15 avoided by the exercise of due care, and for which no person
16 can be held liable.

17 "Base amount" means the following:

18 For a riverboat in Alton, \$31,000,000.

19 For a riverboat in East Peoria, \$43,000,000.

20 For the Empress riverboat in Joliet, \$86,000,000.

21 For a riverboat in Metropolis, \$45,000,000.

22 For the Harrah's riverboat in Joliet, \$114,000,000.

23 For a riverboat in Aurora, \$86,000,000.

24 For a riverboat in East St. Louis, \$48,500,000.

25 For a riverboat in Elgin, \$198,000,000.

26 "Dormant license" has the meaning ascribed to it in

1 subsection (a-3).

2 "Net privilege tax" means all privilege taxes paid by a
3 licensed owner to the Board under this Section, less all
4 payments made from the State Gaming Fund pursuant to
5 subsection (b) of this Section.

6 The changes made to this subsection (a-15) by Public Act
7 94-839 are intended to restate and clarify the intent of
8 Public Act 94-673 with respect to the amount of the payments
9 required to be made under this subsection by an owners
10 licensee to the Board.

11 (b) From the tax revenue from riverboat or casino gambling
12 deposited in the State Gaming Fund under this Section, an
13 amount equal to 5% of adjusted gross receipts generated by a
14 riverboat or a casino, other than a riverboat or casino
15 designated in paragraph (1), (3), or (4) of subsection (e-5)
16 of Section 7, shall be paid monthly, subject to appropriation
17 by the General Assembly, to the unit of local government in
18 which the casino is located or that is designated as the home
19 dock of the riverboat. Notwithstanding anything to the
20 contrary, beginning on the first day that an owners licensee
21 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
22 (e-5) of Section 7 conducts gambling operations, either in a
23 temporary facility or a permanent facility, and for 2 years
24 thereafter, a unit of local government designated as the home
25 dock of a riverboat whose license was issued before January 1,
26 2019, other than a riverboat conducting gambling operations in

1 the City of East St. Louis, shall not receive less under this
2 subsection (b) than the amount the unit of local government
3 received under this subsection (b) in calendar year 2018.
4 Notwithstanding anything to the contrary and because the City
5 of East St. Louis is a financially distressed city, beginning
6 on the first day that an owners licensee under paragraph (1),
7 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
8 conducts gambling operations, either in a temporary facility
9 or a permanent facility, and for 10 years thereafter, a unit of
10 local government designated as the home dock of a riverboat
11 conducting gambling operations in the City of East St. Louis
12 shall not receive less under this subsection (b) than the
13 amount the unit of local government received under this
14 subsection (b) in calendar year 2018.

15 From the tax revenue deposited in the State Gaming Fund
16 pursuant to riverboat or casino gambling operations conducted
17 by a licensed manager on behalf of the State, an amount equal
18 to 5% of adjusted gross receipts generated pursuant to those
19 riverboat or casino gambling operations shall be paid monthly,
20 subject to appropriation by the General Assembly, to the unit
21 of local government that is designated as the home dock of the
22 riverboat upon which those riverboat gambling operations are
23 conducted or in which the casino is located.

24 From the tax revenue from riverboat or casino gambling
25 deposited in the State Gaming Fund under this Section, an
26 amount equal to 5% of the adjusted gross receipts generated by

1 a riverboat designated in paragraph (3) of subsection (e-5) of
2 Section 7 shall be divided and remitted monthly, subject to
3 appropriation, as follows: 70% to Waukegan, 10% to Park City,
4 15% to North Chicago, and 5% to Lake County.

5 From the tax revenue from riverboat or casino gambling
6 deposited in the State Gaming Fund under this Section, an
7 amount equal to 5% of the adjusted gross receipts generated by
8 a riverboat designated in paragraph (4) of subsection (e-5) of
9 Section 7 shall be remitted monthly, subject to appropriation,
10 as follows: 70% to the City of Rockford, 5% to the City of
11 Loves Park, 5% to the Village of Machesney, and 20% to
12 Winnebago County.

13 From the tax revenue from riverboat or casino gambling
14 deposited in the State Gaming Fund under this Section, an
15 amount equal to 5% of the adjusted gross receipts generated by
16 a riverboat designated in paragraph (5) of subsection (e-5) of
17 Section 7 shall be remitted monthly, subject to appropriation,
18 as follows: 2% to the unit of local government in which the
19 riverboat or casino is located, and 3% shall be distributed:
20 (A) in accordance with a regional capital development plan
21 entered into by the following communities: Village of Beecher,
22 City of Blue Island, Village of Burnham, City of Calumet City,
23 Village of Calumet Park, City of Chicago Heights, City of
24 Country Club Hills, Village of Crestwood, Village of Crete,
25 Village of Dixmoor, Village of Dolton, Village of East Hazel
26 Crest, Village of Flossmoor, Village of Ford Heights, Village

1 of Glenwood, City of Harvey, Village of Hazel Crest, Village
2 of Homewood, Village of Lansing, Village of Lynwood, City of
3 Markham, Village of Matteson, Village of Midlothian, Village
4 of Monee, City of Oak Forest, Village of Olympia Fields,
5 Village of Orland Hills, Village of Orland Park, City of Palos
6 Heights, Village of Park Forest, Village of Phoenix, Village
7 of Posen, Village of Richton Park, Village of Riverdale,
8 Village of Robbins, Village of Sauk Village, Village of South
9 Chicago Heights, Village of South Holland, Village of Steger,
10 Village of Thornton, Village of Tinley Park, Village of
11 University Park and Village of Worth; or (B) if no regional
12 capital development plan exists, equally among the communities
13 listed in item (A) to be used for capital expenditures or
14 public pension payments, or both.

15 Units of local government may refund any portion of the
16 payment that they receive pursuant to this subsection (b) to
17 the riverboat or casino.

18 (b-4) Beginning on the first day the licensee under
19 paragraph (5) of subsection (e-5) of Section 7 conducts
20 gambling operations, either in a temporary facility or a
21 permanent facility, and ending on July 31, 2042, from the tax
22 revenue deposited in the State Gaming Fund under this Section,
23 \$5,000,000 shall be paid annually, subject to appropriation,
24 to the host municipality of that owners licensee of a license
25 issued or re-issued pursuant to Section 7.1 of this Act before
26 January 1, 2012. Payments received by the host municipality

1 pursuant to this subsection (b-4) may not be shared with any
2 other unit of local government.

3 (b-5) Beginning on June 28, 2019 (the effective date of
4 Public Act 101-31), from the tax revenue deposited in the
5 State Gaming Fund under this Section, an amount equal to 3% of
6 adjusted gross receipts generated by each organization gaming
7 facility located outside Madison County shall be paid monthly,
8 subject to appropriation by the General Assembly, to a
9 municipality other than the Village of Stickney in which each
10 organization gaming facility is located or, if the
11 organization gaming facility is not located within a
12 municipality, to the county in which the organization gaming
13 facility is located, except as otherwise provided in this
14 Section. From the tax revenue deposited in the State Gaming
15 Fund under this Section, an amount equal to 3% of adjusted
16 gross receipts generated by an organization gaming facility
17 located in the Village of Stickney shall be paid monthly,
18 subject to appropriation by the General Assembly, as follows:
19 25% to the Village of Stickney, 5% to the City of Berwyn, 50%
20 to the Town of Cicero, and 20% to the Stickney Public Health
21 District.

22 From the tax revenue deposited in the State Gaming Fund
23 under this Section, an amount equal to 5% of adjusted gross
24 receipts generated by an organization gaming facility located
25 in the City of Collinsville shall be paid monthly, subject to
26 appropriation by the General Assembly, as follows: 30% to the

1 City of Alton, 30% to the City of East St. Louis, and 40% to
2 the City of Collinsville.

3 Municipalities and counties may refund any portion of the
4 payment that they receive pursuant to this subsection (b-5) to
5 the organization gaming facility.

6 (b-6) Beginning on June 28, 2019 (the effective date of
7 Public Act 101-31), from the tax revenue deposited in the
8 State Gaming Fund under this Section, an amount equal to 2% of
9 adjusted gross receipts generated by an organization gaming
10 facility located outside Madison County shall be paid monthly,
11 subject to appropriation by the General Assembly, to the
12 county in which the organization gaming facility is located
13 for the purposes of its criminal justice system or health care
14 system.

15 Counties may refund any portion of the payment that they
16 receive pursuant to this subsection (b-6) to the organization
17 gaming facility.

18 (b-7) From the tax revenue from the organization gaming
19 licensee located in one of the following townships of Cook
20 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
21 Worth, an amount equal to 5% of the adjusted gross receipts
22 generated by that organization gaming licensee shall be
23 remitted monthly, subject to appropriation, as follows: 2% to
24 the unit of local government in which the organization gaming
25 licensee is located, and 3% shall be distributed: (A) in
26 accordance with a regional capital development plan entered

1 into by the following communities: Village of Beecher, City of
2 Blue Island, Village of Burnham, City of Calumet City, Village
3 of Calumet Park, City of Chicago Heights, City of Country Club
4 Hills, Village of Crestwood, Village of Crete, Village of
5 Dixmoor, Village of Dolton, Village of East Hazel Crest,
6 Village of Flossmoor, Village of Ford Heights, Village of
7 Glenwood, City of Harvey, Village of Hazel Crest, Village of
8 Homewood, Village of Lansing, Village of Lynwood, City of
9 Markham, Village of Matteson, Village of Midlothian, Village
10 of Monee, City of Oak Forest, Village of Olympia Fields,
11 Village of Orland Hills, Village of Orland Park, City of Palos
12 Heights, Village of Park Forest, Village of Phoenix, Village
13 of Posen, Village of Richton Park, Village of Riverdale,
14 Village of Robbins, Village of Sauk Village, Village of South
15 Chicago Heights, Village of South Holland, Village of Steger,
16 Village of Thornton, Village of Tinley Park, Village of
17 University Park, and Village of Worth; or (B) if no regional
18 capital development plan exists, equally among the communities
19 listed in item (A) to be used for capital expenditures or
20 public pension payments, or both.

21 (b-8) In lieu of the payments under subsection (b) of this
22 Section, from the tax revenue deposited in the State Gaming
23 Fund pursuant to riverboat or casino gambling operations
24 conducted by an owners licensee under paragraph (1) of
25 subsection (e-5) of Section 7, an amount equal to the tax
26 revenue generated from the privilege tax imposed by paragraph

1 (2) of subsection (a-5) that is to be paid to the City of
2 Chicago shall be paid monthly, subject to appropriation by the
3 General Assembly, as follows: (1) an amount equal to 0.5% of
4 the annual adjusted gross receipts generated by the owners
5 licensee under paragraph (1) of subsection (e-5) of Section 7
6 to the home rule county in which the owners licensee is located
7 for the purpose of enhancing the county's criminal justice
8 system; and (2) the balance to the City of Chicago and shall be
9 expended or obligated by the City of Chicago for pension
10 payments in accordance with Public Act 99-506.

11 (c) Appropriations, as approved by the General Assembly,
12 may be made from the State Gaming Fund to the Board (i) for the
13 administration and enforcement of this Act and the Video
14 Gaming Act, (ii) for distribution to the Illinois Department
15 ~~of~~ State Police and to the Department of Revenue for the
16 enforcement of this Act and the Video Gaming Act, and (iii) to
17 the Department of Human Services for the administration of
18 programs to treat problem gambling, including problem gambling
19 from sports wagering. The Board's annual appropriations
20 request must separately state its funding needs for the
21 regulation of gaming authorized under Section 7.7, riverboat
22 gaming, casino gaming, video gaming, and sports wagering.

23 (c-2) An amount equal to 2% of the adjusted gross receipts
24 generated by an organization gaming facility located within a
25 home rule county with a population of over 3,000,000
26 inhabitants shall be paid, subject to appropriation from the

1 General Assembly, from the State Gaming Fund to the home rule
2 county in which the organization gaming licensee is located
3 for the purpose of enhancing the county's criminal justice
4 system.

5 (c-3) Appropriations, as approved by the General Assembly,
6 may be made from the tax revenue deposited into the State
7 Gaming Fund from organization gaming licensees pursuant to
8 this Section for the administration and enforcement of this
9 Act.

10 (c-4) After payments required under subsections (b),
11 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
12 the tax revenue from organization gaming licensees deposited
13 into the State Gaming Fund under this Section, all remaining
14 amounts from organization gaming licensees shall be
15 transferred into the Capital Projects Fund.

16 (c-5) (Blank).

17 (c-10) 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 into the Horse Racing Equity
20 Fund pursuant to subsection (c-5) in the prior calendar year.

21 (c-15) After the payments required under subsections (b),
22 (c), and (c-5) have been made, an amount equal to 2% of the
23 adjusted gross receipts of (1) an owners licensee that
24 relocates pursuant to Section 11.2, (2) an owners licensee
25 conducting riverboat gambling operations pursuant to an owners
26 license that is initially issued after June 25, 1999, or (3)

1 the first riverboat gambling operations conducted by a
2 licensed manager on behalf of the State under Section 7.3,
3 whichever comes first, shall be paid, subject to appropriation
4 from the General Assembly, from the State Gaming Fund to each
5 home rule county with a population of over 3,000,000
6 inhabitants for the purpose of enhancing the county's criminal
7 justice system.

8 (c-20) Each year the General Assembly shall appropriate
9 from the General Revenue Fund to the Education Assistance Fund
10 an amount equal to the amount paid to each home rule county
11 with a population of over 3,000,000 inhabitants pursuant to
12 subsection (c-15) in the prior calendar year.

13 (c-21) After the payments required under subsections (b),
14 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
15 been made, an amount equal to 0.5% of the adjusted gross
16 receipts generated by the owners licensee under paragraph (1)
17 of subsection (e-5) of Section 7 shall be paid monthly,
18 subject to appropriation from the General Assembly, from the
19 State Gaming Fund to the home rule county in which the owners
20 licensee is located for the purpose of enhancing the county's
21 criminal justice system.

22 (c-22) After the payments required under subsections (b),
23 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
24 (c-21) have been made, an amount equal to 2% of the adjusted
25 gross receipts generated by the owners licensee under
26 paragraph (5) of subsection (e-5) of Section 7 shall be paid,

1 subject to appropriation from the General Assembly, from the
2 State Gaming Fund to the home rule county in which the owners
3 licensee is located for the purpose of enhancing the county's
4 criminal justice system.

5 (c-25) From July 1, 2013 and each July 1 thereafter
6 through July 1, 2019, \$1,600,000 shall be transferred from the
7 State Gaming Fund to the Chicago State University Education
8 Improvement Fund.

9 On July 1, 2020 and each July 1 thereafter, \$3,000,000
10 shall be transferred from the State Gaming Fund to the Chicago
11 State University Education Improvement Fund.

12 (c-30) On July 1, 2013 or as soon as possible thereafter,
13 \$92,000,000 shall be transferred from the State Gaming Fund to
14 the School Infrastructure Fund and \$23,000,000 shall be
15 transferred from the State Gaming Fund to the Horse Racing
16 Equity Fund.

17 (c-35) Beginning on July 1, 2013, in addition to any
18 amount transferred under subsection (c-30) of this Section,
19 \$5,530,000 shall be transferred monthly from the State Gaming
20 Fund to the School Infrastructure Fund.

21 (d) From time to time, the Board shall transfer the
22 remainder of the funds generated by this Act into the
23 Education Assistance Fund, created by Public Act 86-0018, of
24 the State of Illinois.

25 (e) Nothing in this Act shall prohibit the unit of local
26 government designated as the home dock of the riverboat from

1 entering into agreements with other units of local government
2 in this State or in other states to share its portion of the
3 tax revenue.

4 (f) To the extent practicable, the Board shall administer
5 and collect the wagering taxes imposed by this Section in a
6 manner consistent with the provisions of Sections 4, 5, 5a,
7 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of
8 the Retailers' Occupation Tax Act and Section 3-7 of the
9 Uniform Penalty and Interest Act.

10 (Source: P.A. 101-31, Article 25, Section 25-910, eff.
11 6-28-19; 101-31, Article 35, Section 35-55, eff. 6-28-19;
12 101-648, eff. 6-30-20.)

13 (230 ILCS 10/22) (from Ch. 120, par. 2422)

14 Sec. 22. Criminal history record information. Whenever the
15 Board is authorized or required by law to consider some aspect
16 of criminal history record information for the purpose of
17 carrying out its statutory powers and responsibilities, the
18 Board shall, in the form and manner required by the Illinois
19 ~~Department of~~ State Police and the Federal Bureau of
20 Investigation, cause to be conducted a criminal history record
21 investigation to obtain any information currently or
22 thereafter contained in the files of the Illinois Department
23 ~~of~~ State Police or the Federal Bureau of Investigation,
24 including, but not limited to, civil, criminal, and latent
25 fingerprint databases. Each applicant for occupational

1 licensing under Section 9 or key person as defined by the Board
2 in administrative rules shall submit his or her fingerprints
3 to the Illinois ~~Department of~~ State Police in the form and
4 manner prescribed by the Illinois ~~Department of~~ State Police.
5 These fingerprints shall be checked against the fingerprint
6 records now and hereafter filed in the Illinois ~~Department of~~
7 State Police and Federal Bureau of Investigation criminal
8 history records databases, including, but not limited to,
9 civil, criminal, and latent fingerprint databases. The
10 Illinois ~~Department of~~ State Police shall charge a fee for
11 conducting the criminal history records check, which shall be
12 deposited in the State Police Services Fund and shall not
13 exceed the actual cost of the records check. The Illinois
14 ~~Department of~~ State Police shall provide, on the Board's
15 request, information concerning any criminal charges, and
16 their disposition, currently or thereafter filed against any
17 applicant, key person, or holder of any license or for
18 determinations of suitability. Information obtained as a
19 result of an investigation under this Section shall be used in
20 determining eligibility for any license. Upon request and
21 payment of fees in conformance with the requirements of
22 Section 2605-400 of the Illinois ~~Department of~~ State Police
23 Law (~~20 ILCS 2605/2605-400~~), the Illinois ~~Department of~~ State
24 Police is authorized to furnish, pursuant to positive
25 identification, such information contained in State files as
26 is necessary to fulfill the request.

1 (Source: P.A. 101-597, eff. 12-6-19.)

2 Section 705. The Illinois Pull Tabs and Jar Games Act is
3 amended by changing Sections 2.1 and 5 as follows:

4 (230 ILCS 20/2.1)

5 Sec. 2.1. Ineligibility for a license. The following are
6 ineligible for any license under this Act:

7 (1) Any person convicted of any felony within the last
8 5 years where such conviction will impair the person's
9 ability to engage in the position for which a license is
10 sought.

11 (2) Any person convicted of a violation of Article 28
12 of the Criminal Code of 1961 or the Criminal Code of 2012
13 who has not been sufficiently rehabilitated following the
14 conviction.

15 (3) Any person who has had a bingo, pull tabs and jar
16 games, or charitable games license revoked by the
17 Department.

18 (4) Any person who is or has been a professional
19 gambler.

20 (5) Any person found gambling in a manner not
21 authorized by the Illinois Pull Tabs and Jar Games Act,
22 the Bingo License and Tax Act, or the Charitable Games
23 Act, participating in such gambling, or knowingly
24 permitting such gambling on premises where pull tabs and

1 jar games are authorized to be conducted.

2 (6) Any firm or corporation in which a person defined
3 in (1), (2), (3), (4), or (5) has any proprietary,
4 equitable, or credit interest or in which such person is
5 active or employed.

6 (7) Any organization in which a person defined in (1),
7 (2), (3), (4), or (5) is an officer, director, or
8 employee, whether compensated or not.

9 (8) Any organization in which a person defined in (1),
10 (2), (3), (4), or (5) is to participate in the management
11 or operation of pull tabs and jar games.

12 The Illinois ~~Department of~~ State Police shall provide the
13 criminal background of any supplier as requested by the
14 Department of Revenue.

15 (Source: P.A. 100-286, eff. 1-1-18.)

16 (230 ILCS 20/5) (from Ch. 120, par. 1055)

17 Sec. 5. Payments; returns. There shall be paid to the
18 Department of Revenue 5% of the gross proceeds of any pull tabs
19 and jar games conducted under this Act. Such payments shall be
20 made 4 times per year, between the first and the 20th day of
21 April, July, October and January. Accompanying each payment
22 shall be a return, on forms prescribed by the Department of
23 Revenue. Failure to submit either the payment or the return
24 within the specified time shall result in suspension or
25 revocation of the license. Tax returns filed pursuant to this

1 Act shall not be confidential and shall be available for
2 public inspection. All payments made to the Department of
3 Revenue under this Act shall be deposited as follows:

4 (a) 50% shall be deposited in the Common School Fund;

5 and

6 (b) 50% shall be deposited in the Illinois Gaming Law
7 Enforcement Fund. Of the monies deposited in the Illinois
8 Gaming Law Enforcement Fund under this Section, the
9 General Assembly shall appropriate two-thirds to the
10 Department of Revenue, Illinois ~~Department of~~ State Police
11 and the Office of the Attorney General for State law
12 enforcement purposes, and one-third shall be appropriated
13 to the Department of Revenue for the purpose of
14 distribution in the form of grants to counties or
15 municipalities for law enforcement purposes. The amounts
16 of grants to counties or municipalities shall bear the
17 same ratio as the number of licenses issued in counties or
18 municipalities bears to the total number of licenses
19 issued in the State. In computing the number of licenses
20 issued in a county, licenses issued for locations within a
21 municipality's boundaries shall be excluded.

22 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
23 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the
24 Retailers' Occupation Tax Act, and Section 3-7 of the Uniform
25 Penalty and Interest Act, which are not inconsistent with this
26 Act shall apply, as far as practicable, to the subject matter

1 of this Act to the same extent as if such provisions were
2 included in this Act. For the purposes of this Act, references
3 in such incorporated Sections of the Retailers' Occupation Tax
4 Act to retailers, sellers or persons engaged in the business
5 of selling tangible personal property means persons engaged in
6 conducting pull tabs and jar games and references in such
7 incorporated Sections of the Retailers' Occupation Tax Act to
8 sales of tangible personal property mean the conducting of
9 pull tabs and jar games and the making of charges for
10 participating in such drawings.

11 If any payment provided for in this Section exceeds the
12 taxpayer's liabilities under this Act, as shown on an original
13 return, the taxpayer may credit such excess payment against
14 liability subsequently to be remitted to the Department under
15 this Act, in accordance with reasonable rules adopted by the
16 Department.

17 (Source: P.A. 100-1171, eff. 1-4-19.)

18 Section 710. The Bingo License and Tax Act is amended by
19 changing Section 1.2 as follows:

20 (230 ILCS 25/1.2)

21 Sec. 1.2. Ineligibility for licensure. The following are
22 ineligible for any license under this Act:

23 (1) Any person convicted of any felony within the last
24 5 years where such conviction will impair the person's

1 ability to engage in the position for which a license is
2 sought.

3 (2) Any person convicted of a violation of Article 28
4 of the Criminal Code of 1961 or the Criminal Code of 2012
5 who has not been sufficiently rehabilitated following the
6 conviction.

7 (3) Any person who has had a bingo, pull tabs and jar
8 games, or charitable games license revoked by the
9 Department.

10 (4) Any person who is or has been a professional
11 gambler.

12 (5) Any person found gambling in a manner not
13 authorized by the Illinois Pull Tabs and Jar Games Act,
14 Bingo License and Tax Act, or the Charitable Games Act,
15 participating in such gambling, or knowingly permitting
16 such gambling on premises where a bingo event is
17 authorized to be conducted or has been conducted.

18 (6) Any organization in which a person defined in (1),
19 (2), (3), (4), or (5) has a proprietary, equitable, or
20 credit interest, or in which such person is active or
21 employed.

22 (7) Any organization in which a person defined in (1),
23 (2), (3), (4), or (5) is an officer, director, or
24 employee, whether compensated or not.

25 (8) Any organization in which a person defined in (1),
26 (2), (3), (4), or (5) is to participate in the management

1 or operation of a bingo game.

2 The Illinois ~~Department of~~ State Police shall provide the
3 criminal background of any person requested by the Department
4 of Revenue.

5 (Source: P.A. 100-286, eff. 1-1-18.)

6 Section 715. The Charitable Games Act is amended by
7 changing Sections 7 and 14 as follows:

8 (230 ILCS 30/7) (from Ch. 120, par. 1127)

9 Sec. 7. Ineligible persons. The following are ineligible
10 for any license under this Act:

11 (a) any person convicted of any felony within the last
12 5 years where such conviction will impair the person's
13 ability to engage in the position for which a license is
14 sought;

15 (b) any person convicted of a violation of Article 28
16 of the Criminal Code of 1961 or the Criminal Code of 2012
17 who has not been sufficiently rehabilitated following the
18 conviction;

19 (c) any person who has had a bingo, pull tabs and jar
20 games, or charitable games license revoked by the
21 Department;

22 (d) any person who is or has been a professional
23 gambler;

24 (d-1) any person found gambling in a manner not

1 authorized by this Act, the Illinois Pull Tabs and Jar
2 Games Act, or the Bingo License and Tax Act participating
3 in such gambling, or knowingly permitting such gambling on
4 premises where an authorized charitable games event is
5 authorized to be conducted or has been conducted;

6 (e) any organization in which a person defined in (a),
7 (b), (c), (d), or (d-1) has a proprietary, equitable, or
8 credit interest, or in which the person is active or
9 employed;

10 (f) any organization in which a person defined in (a),
11 (b), (c), (d), or (d-1) is an officer, director, or
12 employee, whether compensated or not;

13 (g) any organization in which a person defined in (a),
14 (b), (c), (d), or (d-1) is to participate in the
15 management or operation of charitable games.

16 The Illinois ~~Department of~~ State Police shall provide the
17 criminal background of any person requested by the Department
18 of Revenue.

19 (Source: P.A. 100-286, eff. 1-1-18.)

20 (230 ILCS 30/14) (from Ch. 120, par. 1134)

21 Sec. 14. (a) There is hereby created the Illinois Gaming
22 Law Enforcement Fund, a special fund in the State Treasury.

23 (b) The General Assembly shall appropriate two-thirds of
24 the monies in such fund to the Department of Revenue, Illinois
25 ~~Department of~~ State Police and the Office of the Attorney

1 General for State law enforcement purposes. The remaining
2 one-third of the monies in such fund shall be appropriated to
3 the Department of Revenue for the purpose of distribution in
4 the form of grants to counties or municipalities for law
5 enforcement purposes.

6 The amount of a grant to counties or municipalities shall
7 bear the same ratio to the total amount of grants made as the
8 number of licenses issued in counties or municipalities bears
9 to the total number of licenses issued in the State. In
10 computing the number of licenses issued in a county, licenses
11 issued for locations within a municipality's boundaries shall
12 be excluded.

13 (c) (Blank).

14 (Source: P.A. 90-372, eff. 7-1-98.)

15 Section 720. The Video Gaming Act is amended by changing
16 Section 45 as follows:

17 (230 ILCS 40/45)

18 Sec. 45. Issuance of license.

19 (a) The burden is upon each applicant to demonstrate his
20 suitability for licensure. Each video gaming terminal
21 manufacturer, distributor, supplier, operator, handler,
22 licensed establishment, licensed truck stop establishment,
23 licensed large truck stop establishment, licensed fraternal
24 establishment, and licensed veterans establishment shall be

1 licensed by the Board. The Board may issue or deny a license
2 under this Act to any person pursuant to the same criteria set
3 forth in Section 9 of the Illinois Gambling Act.

4 (a-5) The Board shall not grant a license to a person who
5 has facilitated, enabled, or participated in the use of
6 coin-operated devices for gambling purposes or who is under
7 the significant influence or control of such a person. For the
8 purposes of this Act, "facilitated, enabled, or participated
9 in the use of coin-operated amusement devices for gambling
10 purposes" means that the person has been convicted of any
11 violation of Article 28 of the Criminal Code of 1961 or the
12 Criminal Code of 2012. If there is pending legal action
13 against a person for any such violation, then the Board shall
14 delay the licensure of that person until the legal action is
15 resolved.

16 (b) Each person seeking and possessing a license as a
17 video gaming terminal manufacturer, distributor, supplier,
18 operator, handler, licensed establishment, licensed truck stop
19 establishment, licensed large truck stop establishment,
20 licensed fraternal establishment, or licensed veterans
21 establishment shall submit to a background investigation
22 conducted by the Board with the assistance of the Illinois
23 State Police or other law enforcement. To the extent that the
24 corporate structure of the applicant allows, the background
25 investigation shall include any or all of the following as the
26 Board deems appropriate or as provided by rule for each

1 category of licensure: (i) each beneficiary of a trust, (ii)
2 each partner of a partnership, (iii) each member of a limited
3 liability company, (iv) each director and officer of a
4 publicly or non-publicly held corporation, (v) each
5 stockholder of a non-publicly held corporation, (vi) each
6 stockholder of 5% or more of a publicly held corporation, or
7 (vii) each stockholder of 5% or more in a parent or subsidiary
8 corporation.

9 (c) Each person seeking and possessing a license as a
10 video gaming terminal manufacturer, distributor, supplier,
11 operator, handler, licensed establishment, licensed truck stop
12 establishment, licensed large truck stop establishment,
13 licensed fraternal establishment, or licensed veterans
14 establishment shall disclose the identity of every person,
15 association, trust, corporation, or limited liability company
16 having a greater than 1% direct or indirect pecuniary interest
17 in the video gaming terminal operation for which the license
18 is sought. If the disclosed entity is a trust, the application
19 shall disclose the names and addresses of the beneficiaries;
20 if a corporation, the names and addresses of all stockholders
21 and directors; if a limited liability company, the names and
22 addresses of all members; or if a partnership, the names and
23 addresses of all partners, both general and limited.

24 (d) No person may be licensed as a video gaming terminal
25 manufacturer, distributor, supplier, operator, handler,
26 licensed establishment, licensed truck stop establishment,

1 licensed large truck stop establishment, licensed fraternal
2 establishment, or licensed veterans establishment if that
3 person has been found by the Board to:

4 (1) have a background, including a criminal record,
5 reputation, habits, social or business associations, or
6 prior activities that pose a threat to the public
7 interests of the State or to the security and integrity of
8 video gaming;

9 (2) create or enhance the dangers of unsuitable,
10 unfair, or illegal practices, methods, and activities in
11 the conduct of video gaming; or

12 (3) present questionable business practices and
13 financial arrangements incidental to the conduct of video
14 gaming activities.

15 (e) Any applicant for any license under this Act has the
16 burden of proving his or her qualifications to the
17 satisfaction of the Board. The Board may adopt rules to
18 establish additional qualifications and requirements to
19 preserve the integrity and security of video gaming in this
20 State.

21 (f) A non-refundable application fee shall be paid at the
22 time an application for a license is filed with the Board in
23 the following amounts:

- 24 (1) Manufacturer \$5,000
- 25 (2) Distributor..... \$5,000
- 26 (3) Terminal operator \$5,000

- 1 (4) Supplier \$2,500
- 2 (5) Technician \$100
- 3 (6) Terminal Handler \$100
- 4 (7) Licensed establishment, licensed truck stop
- 5 establishment, licensed large truck stop establishment,
- 6 licensed fraternal establishment, or licensed
- 7 veterans establishment \$100

8 (g) The Board shall establish an annual fee for each
 9 license not to exceed the following:

- 10 (1) Manufacturer \$10,000
- 11 (2) Distributor..... \$10,000
- 12 (3) Terminal operator \$5,000
- 13 (4) Supplier \$2,000
- 14 (5) Technician \$100
- 15 (6) Licensed establishment, licensed truck stop
- 16 establishment, licensed large truck stop establishment,
- 17 licensed fraternal establishment, or licensed
- 18 veterans establishment \$100
- 19 (7) Video gaming terminal \$100
- 20 (8) Terminal Handler \$100

21 (h) A terminal operator and a licensed establishment,
 22 licensed truck stop establishment, licensed large truck stop
 23 establishment, licensed fraternal establishment, or licensed
 24 veterans establishment shall equally split the fees specified
 25 in item (7) of subsection (g).

26 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

1 Section 725. The Sports Wagering Act is amended by
2 changing Section 25-20 as follows:

3 (230 ILCS 45/25-20)

4 Sec. 25-20. Licenses required.

5 (a) No person may engage in any activity in connection
6 with sports wagering in this State unless all necessary
7 licenses have been obtained in accordance with this Act and
8 the rules of the Board and the Department. The following
9 licenses shall be issued under this Act:

10 (1) master sports wagering license;

11 (2) occupational license;

12 (3) supplier license;

13 (4) management services provider license;

14 (5) tier 2 official league data provider license; and

15 (6) central system provider license.

16 No person or entity may engage in a sports wagering
17 operation or activity without first obtaining the appropriate
18 license.

19 (b) An applicant for a license issued under this Act shall
20 submit an application to the Board in the form the Board
21 requires. The applicant shall submit fingerprints for a
22 national criminal records check by the Illinois ~~Department of~~
23 State Police and the Federal Bureau of Investigation. The
24 fingerprints shall be furnished by the applicant's owners,

1 officers, and directors (if a corporation), managers and
2 members (if a limited liability company), and partners (if a
3 partnership). The fingerprints shall be accompanied by a
4 signed authorization for the release of information by the
5 Federal Bureau of Investigation. The Board may require
6 additional background checks on licensees when they apply for
7 license renewal, and an applicant convicted of a disqualifying
8 offense shall not be licensed.

9 (c) Each master sports wagering licensee shall display the
10 license conspicuously in the licensee's place of business or
11 have the license available for inspection by an agent of the
12 Board or a law enforcement agency.

13 (d) Each holder of an occupational license shall carry the
14 license and have some indicia of licensure prominently
15 displayed on his or her person when present in a gaming
16 facility licensed under this Act at all times, in accordance
17 with the rules of the Board.

18 (e) Each person licensed under this Act shall give the
19 Board written notice within 30 days after a material change to
20 information provided in the licensee's application for a
21 license or renewal.

22 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19.)

23 Section 730. The Liquor Control Act of 1934 is amended by
24 changing Sections 4-7 and 10-1 as follows:

1 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

2 Sec. 4-7. The local liquor control commissioner shall have
3 the right to require fingerprints of any applicant for a local
4 license or for a renewal thereof other than an applicant who is
5 an air carrier operating under a certificate or a foreign air
6 permit issued pursuant to the Federal Aviation Act of 1958.
7 Each applicant shall submit his or her fingerprints to the
8 Illinois ~~Department of~~ State Police in the form and manner
9 prescribed by the Illinois ~~Department of~~ State Police. These
10 fingerprints shall be checked against the fingerprint records
11 now and hereafter filed in the Illinois ~~Department of~~ State
12 Police and Federal Bureau of Investigation criminal history
13 records databases. The Illinois ~~Department of~~ State Police
14 shall charge a fee for conducting the criminal history records
15 check, which shall be deposited in the State Police Services
16 Fund and shall not exceed the actual cost of the records check.
17 The Illinois ~~Department of~~ State Police shall furnish pursuant
18 to positive identification, records of conviction to the local
19 liquor control commissioner. For purposes of obtaining
20 fingerprints under this Section, the local liquor commissioner
21 shall collect a fee and forward the fee to the appropriate
22 policing body who shall submit the fingerprints and the fee to
23 the Illinois ~~Department of~~ State Police.

24 (Source: P.A. 93-418, eff. 1-1-04.)

25 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

1 Sec. 10-1. Violations; penalties. Whereas a substantial
2 threat to the sound and careful control, regulation, and
3 taxation of the manufacture, sale, and distribution of
4 alcoholic liquors exists by virtue of individuals who
5 manufacture, import, distribute, or sell alcoholic liquors
6 within the State without having first obtained a valid license
7 to do so, and whereas such threat is especially serious along
8 the borders of this State, and whereas such threat requires
9 immediate correction by this Act, by active investigation and
10 prosecution by the State Commission, law enforcement
11 officials, and prosecutors, and by prompt and strict
12 enforcement through the courts of this State to punish
13 violators and to deter such conduct in the future:

14 (a) Any person who manufactures, imports for distribution
15 or use, transports from outside this State into this State, or
16 distributes or sells 108 liters (28.53 gallons) or more of
17 wine, 45 liters (11.88 gallons) or more of distilled spirits,
18 or 118 liters (31.17 gallons) or more of beer at any place
19 within the State without having first obtained a valid license
20 to do so under the provisions of this Act shall be guilty of a
21 Class 4 felony for each offense. However, any person who was
22 duly licensed under this Act and whose license expired within
23 30 days prior to a violation shall be guilty of a business
24 offense and fined not more than \$1,000 for the first such
25 offense and shall be guilty of a Class 4 felony for each
26 subsequent offense.

1 Any person who 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 less than 108
4 liters (28.53 gallons) of wine, less than 45 liters (11.88
5 gallons) of distilled spirits, or less than 118 liters (31.17
6 gallons) of beer at any place within the State without having
7 first obtained a valid license to do so under the provisions of
8 this Act shall be guilty of a business offense and fined not
9 more than \$1,000 for the first such offense and shall be guilty
10 of a Class 4 felony for each subsequent offense. This
11 subsection does not apply to a motor carrier or freight
12 forwarder, as defined in Section 13102 of Title 49 of the
13 United States Code, an air carrier, as defined in Section
14 40102 of Title 49 of the United States Code, or a rail carrier,
15 as defined in Section 10102 of Title 49 of the United States
16 Code.

17 Any person who: (1) has been issued an initial cease and
18 desist notice from the State Commission; and (2) for
19 compensation, does any of the following: (i) ships alcoholic
20 liquor into this State without a license authorized by Section
21 5-1 issued by the State Commission or in violation of that
22 license; or (ii) manufactures, imports for distribution,
23 transports from outside this State into this State for sale or
24 resale in this State, or distributes or sells alcoholic
25 liquors at any place without having first obtained a valid
26 license to do so is guilty of a Class 4 felony for each

1 offense.

2 (b) (1) Any retailer, caterer retailer, brew pub, special
3 event retailer, special use permit holder, homebrewer special
4 event permit holder, or craft distiller tasting permit holder
5 who knowingly causes alcoholic liquors to be imported directly
6 into the State of Illinois from outside of the State for the
7 purpose of furnishing, giving, or selling to another, except
8 when having received the product from a duly licensed
9 distributor or importing distributor, shall have his license
10 suspended for 30 days for the first offense and for the second
11 offense, shall have his license revoked by the Commission.

12 (2) In the event the State Commission receives a certified
13 copy of a final order from a foreign jurisdiction that an
14 Illinois retail licensee has been found to have violated that
15 foreign jurisdiction's laws, rules, or regulations concerning
16 the importation of alcoholic liquor into that foreign
17 jurisdiction, the violation may be grounds for the State
18 Commission to revoke, suspend, or refuse to issue or renew a
19 license, to impose a fine, or to take any additional action
20 provided by this Act with respect to the Illinois retail
21 license or licensee. Any such action on the part of the State
22 Commission shall be in accordance with this Act and
23 implementing rules.

24 For the purposes of paragraph (2): (i) "foreign
25 jurisdiction" means a state, territory, or possession of the
26 United States, the District of Columbia, or the Commonwealth

1 of Puerto Rico, and (ii) "final order" means an order or
2 judgment of a court or administrative body that determines the
3 rights of the parties respecting the subject matter of the
4 proceeding, that remains in full force and effect, and from
5 which no appeal can be taken.

6 (c) Any person who shall make any false statement or
7 otherwise violates any of the provisions of this Act in
8 obtaining any license hereunder, or who having obtained a
9 license hereunder shall violate any of the provisions of this
10 Act with respect to the manufacture, possession, distribution
11 or sale of alcoholic liquor, or with respect to the
12 maintenance of the licensed premises, or shall violate any
13 other provision of this Act, shall for a first offense be
14 guilty of a petty offense and fined not more than \$500, and for
15 a second or subsequent offense shall be guilty of a Class B
16 misdemeanor.

17 (c-5) Any owner of an establishment that serves alcohol on
18 its premises, if more than 50% of the establishment's gross
19 receipts within the prior 3 months is from the sale of alcohol,
20 who knowingly fails to prohibit concealed firearms on its
21 premises or who knowingly makes a false statement or record to
22 avoid the prohibition of concealed firearms on its premises
23 under the Firearm Concealed Carry Act shall be guilty of a
24 business offense with a fine up to \$5,000.

25 (d) Each day any person engages in business as a
26 manufacturer, foreign importer, importing distributor,

1 distributor or retailer in violation of the provisions of this
2 Act shall constitute a separate offense.

3 (e) Any person, under the age of 21 years who, for the
4 purpose of buying, accepting or receiving alcoholic liquor
5 from a licensee, represents that he is 21 years of age or over
6 shall be guilty of a Class A misdemeanor.

7 (f) In addition to the penalties herein provided, any
8 person licensed as a wine-maker in either class who
9 manufactures more wine than authorized by his license shall be
10 guilty of a business offense and shall be fined \$1 for each
11 gallon so manufactured.

12 (g) A person shall be exempt from prosecution for a
13 violation of this Act if he is a peace officer in the
14 enforcement of the criminal laws and such activity is approved
15 in writing by one of the following:

16 (1) In all counties, the respective State's Attorney;

17 (2) The Director of the Illinois State Police under
18 Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,
19 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120,~~
20 ~~2605-130, 2605-140,~~ 2605-190, 2605-200, 2605-205,
21 2605-210, 2605-215, 2605-250, 2605-275, ~~2605-300,~~
22 2605-305, 2605-315, 2605-325, 2605-335, 2605-340,
23 2605-350, 2605-355, 2605-360, 2605-365, 2605-375,
24 ~~2605-390,~~ 2605-400, 2605-405, 2605-420, 2605-430,
25 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the Illinois
26 ~~Department of State Police Law (20 ILCS 2605/2605-10,~~

1 ~~2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,~~
2 ~~2605/2605-110, 2605/2605-115, 2605/2605-120,~~
3 ~~2605/2605-130, 2605/2605-140, 2605/2605-190,~~
4 ~~2605/2605-200, 2605/2605-205, 2605/2605-210,~~
5 ~~2605/2605-215, 2605/2605-250, 2605/2605-275,~~
6 ~~2605/2605-300, 2605/2605-305, 2605/2605-315,~~
7 ~~2605/2605-325, 2605/2605-335, 2605/2605-340,~~
8 ~~2605/2605-350, 2605/2605-355, 2605/2605-360,~~
9 ~~2605/2605-365, 2605/2605-375, 2605/2605-390,~~
10 ~~2605/2605-400, 2605/2605-405, 2605/2605-420,~~
11 ~~2605/2605-430, 2605/2605-435, 2605/2605-500,~~
12 ~~2605/2605-525, or 2605/2605-550); or~~

13 (3) In cities over 1,000,000, the Superintendent of
14 Police.

15 (Source: P.A. 101-37, eff. 7-3-19.)

16 Section 735. The Illinois Public Aid Code is amended by
17 changing Sections 8A-7, 9A-11.5, 10-3.4, and 12-4.25 as
18 follows:

19 (305 ILCS 5/8A-7) (from Ch. 23, par. 8A-7)

20 Sec. 8A-7. Civil Remedies. (a) A person who receives
21 financial aid by means of a false statement, willful
22 misrepresentation or by his failure to notify the county
23 department or local governmental unit, as the case may be, of a
24 change in his status as required by Sections 11-18 and 11-19,

1 for the purpose of preventing the denial, cancellation or
2 suspension of his grant, or a variation in the amount thereof,
3 or by other fraudulent device, or a person who knowingly aids
4 or abets any person in obtaining financial aid for which he is
5 not eligible, shall be answerable to the county department or
6 the local governmental unit, as the case may be, for refunding
7 the entire amount of aid received. If the refund is not made,
8 it shall be recoverable in a civil action from the person who
9 received the aid, or from anyone who willfully aided such
10 person to obtain the aid. If an act which would be unlawful
11 under Section 8A-2 is proven, the court may as a penalty assess
12 an additional sum of money, not to exceed the entire amount of
13 aid provided, against the recipient or against any person who
14 willfully aided the recipient. If assessed, the penalty shall
15 be included in any judgment entered for the aid received, and
16 paid to the county department or the local governmental unit,
17 as the case may be. Upon entry of the judgment a lien shall
18 attach to all property and assets of such person until the
19 judgment is satisfied.

20 (b) Any person, firm, corporation, association, agency,
21 institution or other legal entity, other than an individual
22 recipient, that willfully, by means of a false statement or
23 representation, or by concealment of any material fact or by
24 other fraudulent scheme or device on behalf of himself or
25 others, obtains or attempts to obtain benefits or payments
26 under this Code to which he or it is not entitled, or in a

1 greater amount than that to which he or it is entitled, shall
2 be liable for repayment of any excess benefits or payments
3 received and, in addition to any other penalties provided by
4 law, civil penalties consisting of (1) the interest on the
5 amount of excess benefits or payments at the maximum legal
6 rate in effect on the date the payment was made to such person,
7 firm, corporation, association, agency, institution or other
8 legal entity for the period from the date upon which payment
9 was made to the date upon which repayment is made to the State,
10 (2) an amount not to exceed 3 times the amount of such excess
11 benefits or payments, and (3) the sum of \$2,000 for each
12 excessive claim for benefits or payments. Upon entry of a
13 judgment for repayment of any excess benefits or payments, or
14 for any civil penalties assessed by the court, a lien shall
15 attach to all property and assets of such person, firm,
16 corporation, association, agency, institution or other legal
17 entity until the judgment is satisfied.

18 (c) Civil recoveries provided for in this Section may be
19 recoverable in court proceedings initiated by the Attorney
20 General or, in actions involving a local governmental unit, by
21 the State's Attorney.

22 (d) Any person who commits the offense of vendor fraud or
23 recipient fraud as defined in Section 8A-2 and Section 8A-3 of
24 this Article shall forfeit, according to the provisions of
25 this subsection, any monies, profits or proceeds, and any
26 interest or property which the sentencing court determines he

1 has acquired or maintained, directly or indirectly, in whole
2 or in part as a result of such offense. Such person shall also
3 forfeit any interest in, securities of, claim against, or
4 contractual right of any kind which affords him a source of
5 influence over, any enterprise which he has established,
6 operated, controlled, conducted, or participated in
7 conducting, where his relationship to or connection with any
8 such thing or activity directly or indirectly, in whole or in
9 part, is traceable to any thing or benefit which he has
10 obtained or acquired through vendor fraud or recipient fraud.

11 Proceedings instituted pursuant to this subsection shall
12 be subject to and conducted in accordance with the following
13 procedures:

14 (1) The sentencing court shall, upon petition by the
15 Attorney General or State's Attorney at any time following
16 sentencing, conduct a hearing to determine whether any
17 property or property interest is subject to forfeiture under
18 this subsection. At the forfeiture hearing the People shall
19 have the burden of establishing, by a preponderance of the
20 evidence, that the property or property interests are subject
21 to such forfeiture.

22 (2) In any action brought by the People of the State of
23 Illinois under this Section, in which any restraining order,
24 injunction or prohibition or any other action in connection
25 with any property or interest subject to forfeiture under this
26 subsection is sought, the circuit court presiding over the

1 trial of the person charged with recipient fraud or vendor
2 fraud as defined in Sections 8A-2 or 8A-3 of this Article shall
3 first determine whether there is probable cause to believe
4 that the person so charged has committed the offense of
5 recipient fraud or vendor fraud and whether the property or
6 interest is subject to forfeiture under this subsection. To
7 make such a determination, prior to entering any such order,
8 the court shall conduct a hearing without a jury, at which the
9 People shall establish that there is (i) probable cause that
10 the person so charged has committed the offense of recipient
11 fraud or vendor fraud and (ii) probable cause that any
12 property or interest may be subject to forfeiture pursuant to
13 this subsection. Such hearing may be conducted simultaneously
14 with a preliminary hearing, if the prosecution is commenced by
15 information or complaint, or by motion of the People at any
16 stage in the proceedings. The court may accept a finding of
17 probable cause at a preliminary hearing following the filing
18 of an information charging the offense of recipient fraud or
19 vendor fraud as defined in Sections 8A-2 or 8A-3 or the return
20 of an indictment by a grand jury charging the offense of
21 recipient fraud or vendor fraud as defined in Sections 8A-2 or
22 8A-3 of this Article as sufficient evidence of probable cause
23 as provided in item (i) above. Upon such a finding, the circuit
24 court shall enter such restraining order, injunction or
25 prohibition, or shall take such other action in connection
26 with any such property or other interest subject to forfeiture

1 under this Act as is necessary to insure that such property is
2 not removed from the jurisdiction of the court, concealed,
3 destroyed or otherwise disposed of by the owner of that
4 property or interest prior to a forfeiture hearing under this
5 subsection. The Attorney General or State's Attorney shall
6 file a certified copy of such restraining order, injunction or
7 other prohibition with the recorder of deeds or registrar of
8 titles of each county where any such property of the defendant
9 may be located. No such injunction, restraining order or other
10 prohibition shall affect the rights of any bonafide purchaser,
11 mortgagee, judgement creditor or other lien holder arising
12 prior to the date of such filing. The court may, at any time,
13 upon verified petition by the defendant, conduct a hearing to
14 determine whether all or portions of any such property or
15 interest which the court previously determined to be subject
16 to forfeiture or subject to any restraining order, injunction,
17 or prohibition or other action, should be released. The court
18 may in its discretion release such property to the defendant
19 for good cause shown.

20 (3) Upon conviction of a person under this Article, the
21 court shall authorize the Director of the Illinois ~~Department~~
22 ~~of~~ State Police to seize all property or other interest
23 declared forfeited under this subsection upon such terms and
24 conditions as the court shall deem proper.

25 (4) The Director of the Illinois ~~Department~~ of State
26 Police is authorized to sell all property forfeited and seized

1 pursuant to this subsection, unless such property is required
2 by law to be destroyed or is harmful to the public. After the
3 deduction of all requisite expenses of administration and
4 sale, the court shall order the Director to distribute to the
5 Illinois Department an amount from the proceeds of the
6 forfeited property, or monies forfeited or seized, which will
7 satisfy any unsatisfied court order of restitution entered
8 pursuant to a conviction under this Article. If the proceeds
9 are less than the amount necessary to satisfy the order of
10 restitution, the Director shall distribute to the Illinois
11 Department the entire amount of the remaining proceeds. The
12 Director shall distribute any remaining proceeds of such sale,
13 along with any monies forfeited or seized, in accordance with
14 the following schedules:

15 (a) 25% shall be distributed to the unit of local
16 government whose officers or employees conducted the
17 investigation into recipient fraud or vendor fraud and caused
18 the arrest or arrests and prosecution leading to the
19 forfeiture. Amounts distributed to units of local government
20 shall be used solely for enforcement matters relating to
21 detection, investigation or prosecution of recipient fraud or
22 vendor fraud as defined in Section 8A-2 or 8A-3 of this
23 Article. Where the investigation, arrest or arrests leading to
24 the prosecution and forfeiture is undertaken solely by the
25 Illinois ~~Department of~~ State Police, the portion provided
26 hereunder shall be paid into the Medicaid Fraud and Abuse

1 Prevention Fund, which is hereby created in the State
2 treasury. Monies from this fund shall be used by the Illinois
3 ~~Department of~~ State Police for the furtherance of enforcement
4 matters relating to detection, investigation or prosecution of
5 recipient fraud or vendor fraud. Monies directed to this fund
6 shall be used in addition to, and not as a substitute for,
7 funds annually appropriated to the Illinois ~~Department of~~
8 State Police for medicaid fraud enforcement.

9 (b) 25% shall be distributed to the county in which the
10 prosecution and petition for forfeiture resulting in the
11 forfeiture was instituted, and deposited in a special fund in
12 the county treasury and appropriated to the State's Attorney
13 for use solely in enforcement matters relating to detection,
14 investigation or prosecution of recipient fraud or vendor
15 fraud; however, if the Attorney General brought the
16 prosecution resulting in the forfeiture, the portion provided
17 hereunder shall be paid into the Medicaid Fraud and Abuse
18 Prevention Fund, to be used by the Medicaid Fraud Control Unit
19 of the Illinois ~~Department of~~ State Police for enforcement
20 matters relating to detection, investigation or prosecution of
21 recipient fraud or vendor fraud. Where the Attorney General
22 and a State's Attorney have jointly participated in any
23 portion of the proceedings, 12.5% shall be distributed to the
24 county in which the prosecution resulting in the forfeiture
25 was instituted, and used as specified herein, and 12.5% shall
26 be paid into the Medicaid Fraud and Abuse Prevention Fund, and

1 used as specified herein.

2 (c) 50% shall be transmitted to the State Treasurer for
3 deposit in the General Revenue Fund.

4 (Source: P.A. 85-707.)

5 (305 ILCS 5/9A-11.5)

6 Sec. 9A-11.5. Investigate child care providers.

7 (a) Any child care provider receiving funds from the child
8 care assistance program under this Code who is not required to
9 be licensed under the Child Care Act of 1969 shall, as a
10 condition of eligibility to participate in the child care
11 assistance program under this Code, authorize in writing on a
12 form prescribed by the Department of Children and Family
13 Services, periodic investigations of the Central Register, as
14 defined in the Abused and Neglected Child Reporting Act, to
15 ascertain if the child care provider has been determined to be
16 a perpetrator in an indicated report of child abuse or
17 neglect. The Department of Children and Family Services shall
18 conduct an investigation of the Central Register at the
19 request of the Department.

20 (b) Any child care provider, other than a relative of the
21 child, receiving funds from the child care assistance program
22 under this Code who is not required to be licensed under the
23 Child Care Act of 1969 shall, as a condition of eligibility to
24 participate in the child care assistance program under this
25 Code, authorize in writing a State and Federal Bureau of

1 Investigation fingerprint-based criminal history record check
2 to determine if the child care provider has ever been
3 convicted of a crime with respect to which the conviction has
4 not been overturned and the criminal records have not been
5 sealed or expunged. Upon this authorization, the Department
6 shall request and receive information and assistance from any
7 federal or State governmental agency as part of the authorized
8 criminal history record check. The Illinois ~~Department of~~
9 State Police shall provide information concerning any
10 conviction that has not been overturned and with respect to
11 which the criminal records have not been sealed or expunged,
12 whether the conviction occurred before or on or after the
13 effective date of this amendatory Act of the 96th General
14 Assembly, of a child care provider upon the request of the
15 Department when the request is made in the form and manner
16 required by the Illinois ~~Department of~~ State Police. The
17 Illinois ~~Department of~~ State Police shall charge a fee not to
18 exceed the cost of processing the criminal history record
19 check. The fee is to be deposited into the State Police
20 Services Fund. Any information concerning convictions that
21 have not been overturned and with respect to which the
22 criminal records have not been sealed or expunged obtained by
23 the Department is confidential and may not be transmitted (i)
24 outside the Department except as required in this Section or
25 (ii) to anyone within the Department except as needed for the
26 purposes of determining participation in the child care

1 assistance program. A copy of the criminal history record
2 check obtained from the Illinois ~~Department of~~ State Police
3 shall be provided to the unlicensed child care provider.

4 (c) The Department shall by rule set standards for
5 determining when to disqualify an unlicensed child care
6 provider for payment because (i) there is an indicated finding
7 against the provider based on the results of the Central
8 Register search or (ii) there is a disqualifying criminal
9 charge pending against the provider or the provider has a
10 disqualifying criminal conviction that has not been overturned
11 and with respect to which the criminal records have not been
12 expunged or sealed based on the results of the
13 fingerprint-based Illinois ~~Department of~~ State Police and
14 Federal Bureau of Investigation criminal history record check.
15 In determining whether to disqualify an unlicensed child care
16 provider for payment under this subsection, the Department
17 shall consider the nature and gravity of any offense or
18 offenses; the time that has passed since the offense or
19 offenses or the completion of the criminal sentence or both;
20 and the relationship of the offense or offenses to the
21 responsibilities of the child care provider.

22 (Source: P.A. 96-632, eff. 8-24-09.)

23 (305 ILCS 5/10-3.4)

24 Sec. 10-3.4. Obtaining location information.

25 (a) The Illinois Department shall enter into agreements

1 with the Illinois ~~Department~~ of State Police and the Secretary
2 of State to obtain location information on persons for the
3 purpose of establishing paternity, and establishing,
4 modifying, and enforcing child support obligations.

5 (b) Upon request, the Illinois Department shall provide
6 information obtained pursuant to this Section to federal
7 agencies and other states' agencies conducting child support
8 enforcement activities under Title IV, Part D of the Social
9 Security Act.

10 (Source: P.A. 90-18, eff. 7-1-97.)

11 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

12 Sec. 12-4.25. Medical assistance program; vendor
13 participation.

14 (A) The Illinois Department may deny, suspend, or
15 terminate the eligibility of any person, firm, corporation,
16 association, agency, institution or other legal entity to
17 participate as a vendor of goods or services to recipients
18 under the medical assistance program under Article V, or may
19 exclude any such person or entity from participation as such a
20 vendor, and may deny, suspend, or recover payments, if after
21 reasonable notice and opportunity for a hearing the Illinois
22 Department finds:

23 (a) Such vendor is not complying with the Department's
24 policy or rules and regulations, or with the terms and
25 conditions prescribed by the Illinois Department in its

1 vendor agreement, which document shall be developed by the
2 Department as a result of negotiations with each vendor
3 category, including physicians, hospitals, long term care
4 facilities, pharmacists, optometrists, podiatric
5 physicians, and dentists setting forth the terms and
6 conditions applicable to the participation of each vendor
7 group in the program; or

8 (b) Such vendor has failed to keep or make available
9 for inspection, audit or copying, after receiving a
10 written request from the Illinois Department, such records
11 regarding payments claimed for providing services. This
12 section does not require vendors to make available patient
13 records of patients for whom services are not reimbursed
14 under this Code; or

15 (c) Such vendor has failed to furnish any information
16 requested by the Department regarding payments for
17 providing goods or services; or

18 (d) Such vendor has knowingly made, or caused to be
19 made, any false statement or representation of a material
20 fact in connection with the administration of the medical
21 assistance program; or

22 (e) Such vendor has furnished goods or services to a
23 recipient which are (1) in excess of need, (2) harmful, or
24 (3) of grossly inferior quality, all of such
25 determinations to be based upon competent medical judgment
26 and evaluations; or

1 (f) The vendor; a person with management
2 responsibility for a vendor; an officer or person owning,
3 either directly or indirectly, 5% or more of the shares of
4 stock or other evidences of ownership in a corporate
5 vendor; an owner of a sole proprietorship which is a
6 vendor; or a partner in a partnership which is a vendor,
7 either:

8 (1) was previously terminated, suspended, or
9 excluded from participation in the Illinois medical
10 assistance program, or was terminated, suspended, or
11 excluded from participation in another state or
12 federal medical assistance or health care program; or

13 (2) was a person with management responsibility
14 for a vendor previously terminated, suspended, or
15 excluded from participation in the Illinois medical
16 assistance program, or terminated, suspended, or
17 excluded from participation in another state or
18 federal medical assistance or health care program
19 during the time of conduct which was the basis for that
20 vendor's termination, suspension, or exclusion; or

21 (3) was an officer, or person owning, either
22 directly or indirectly, 5% or more of the shares of
23 stock or other evidences of ownership in a corporate
24 or limited liability company vendor previously
25 terminated, suspended, or excluded from participation
26 in the Illinois medical assistance program, or

1 terminated, suspended, or excluded from participation
2 in a state or federal medical assistance or health
3 care program during the time of conduct which was the
4 basis for that vendor's termination, suspension, or
5 exclusion; or

6 (4) was an owner of a sole proprietorship or
7 partner of a partnership previously terminated,
8 suspended, or excluded from participation in the
9 Illinois medical assistance program, or terminated,
10 suspended, or excluded from participation in a state
11 or federal medical assistance or health care program
12 during the time of conduct which was the basis for that
13 vendor's termination, suspension, or exclusion; or

14 (f-1) Such vendor has a delinquent debt owed to the
15 Illinois Department; or

16 (g) The vendor; a person with management
17 responsibility for a vendor; an officer or person owning,
18 either directly or indirectly, 5% or more of the shares of
19 stock or other evidences of ownership in a corporate or
20 limited liability company vendor; an owner of a sole
21 proprietorship which is a vendor; or a partner in a
22 partnership which is a vendor, either:

23 (1) has engaged in practices prohibited by
24 applicable federal or State law or regulation; or

25 (2) was a person with management responsibility
26 for a vendor at the time that such vendor engaged in

1 practices prohibited by applicable federal or State
2 law or regulation; or

3 (3) was an officer, or person owning, either
4 directly or indirectly, 5% or more of the shares of
5 stock or other evidences of ownership in a vendor at
6 the time such vendor engaged in practices prohibited
7 by applicable federal or State law or regulation; or

8 (4) was an owner of a sole proprietorship or
9 partner of a partnership which was a vendor at the time
10 such vendor engaged in practices prohibited by
11 applicable federal or State law or regulation; or

12 (h) The direct or indirect ownership of the vendor
13 (including the ownership of a vendor that is a sole
14 proprietorship, a partner's interest in a vendor that is a
15 partnership, or ownership of 5% or more of the shares of
16 stock or other evidences of ownership in a corporate
17 vendor) has been transferred by an individual who is
18 terminated, suspended, or excluded or barred from
19 participating as a vendor to the individual's spouse,
20 child, brother, sister, parent, grandparent, grandchild,
21 uncle, aunt, niece, nephew, cousin, or relative by
22 marriage.

23 (A-5) 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 the vendor; a
5 person with management responsibility for a vendor; an officer
6 or person owning, either directly or indirectly, 5% or more of
7 the shares of stock or other evidences of ownership in a
8 corporate vendor; an owner of a sole proprietorship that is a
9 vendor; or a partner in a partnership that is a vendor has been
10 convicted of an offense based on fraud or willful
11 misrepresentation related to any of the following:

12 (1) The medical assistance program under Article V of
13 this Code.

14 (2) A medical assistance or health care program in
15 another state.

16 (3) The Medicare program under Title XVIII of the
17 Social Security Act.

18 (4) The provision of health care services.

19 (5) A violation of this Code, as provided in Article
20 VIIIA, or another state or federal medical assistance
21 program or health care program.

22 (A-10) The Illinois Department may deny, suspend, or
23 terminate the eligibility of any person, firm, corporation,
24 association, agency, institution, or other legal entity to
25 participate as a vendor of goods or services to recipients
26 under the medical assistance program under Article V, or may

1 exclude any such person or entity from participation as such a
2 vendor, if, after reasonable notice and opportunity for a
3 hearing, the Illinois Department finds that (i) the vendor,
4 (ii) a person with management responsibility for a vendor,
5 (iii) an officer or person owning, either directly or
6 indirectly, 5% or more of the shares of stock or other
7 evidences of ownership in a corporate vendor, (iv) an owner of
8 a sole proprietorship that is a vendor, or (v) a partner in a
9 partnership that is a vendor has been convicted of an offense
10 related to any of the following:

11 (1) Murder.

12 (2) A Class X felony under the Criminal Code of 1961 or
13 the Criminal Code of 2012.

14 (3) Sexual misconduct that may subject recipients to
15 an undue risk of harm.

16 (4) A criminal offense that may subject recipients to
17 an undue risk of harm.

18 (5) A crime of fraud or dishonesty.

19 (6) A crime involving a controlled substance.

20 (7) A misdemeanor relating to fraud, theft,
21 embezzlement, breach of fiduciary responsibility, or other
22 financial misconduct related to a health care program.

23 (A-15) The Illinois Department may deny the eligibility of
24 any person, firm, corporation, association, agency,
25 institution, or other legal entity to participate as a vendor
26 of goods or services to recipients under the medical

1 assistance program under Article V if, after reasonable notice
2 and opportunity for a hearing, the Illinois Department finds:

3 (1) The applicant or any person with management
4 responsibility for the applicant; an officer or member of
5 the board of directors of an applicant; an entity owning
6 (directly or indirectly) 5% or more of the shares of stock
7 or other evidences of ownership in a corporate vendor
8 applicant; an owner of a sole proprietorship applicant; a
9 partner in a partnership applicant; or a technical or
10 other advisor to an applicant has a debt owed to the
11 Illinois Department, and no payment arrangements
12 acceptable to the Illinois Department have been made by
13 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
23 the board of directors of an applicant, (iii) an entity
24 owning (directly or indirectly) 5% or more of the shares
25 of stock or other evidences of ownership in a corporate
26 vendor, (iv) an owner of a sole proprietorship, (v) a

1 partner in a partnership vendor, (vi) a technical or other
2 advisor to a vendor, during a period of time where the
3 conduct of that vendor resulted in a debt owed to the
4 Illinois Department, and no payment arrangements
5 acceptable to the Illinois Department have been made by
6 that vendor.

7 (3) There is a credible allegation of the use,
8 transfer, or lease of assets of any kind to an applicant
9 from a current or prior vendor who has a debt owed to the
10 Illinois Department, no payment arrangements acceptable to
11 the Illinois Department have been made by that vendor or
12 the vendor's alternate payee, and the applicant knows or
13 should have known of such debt.

14 (4) There is a credible allegation of a transfer of
15 management responsibilities, or direct or indirect
16 ownership, to an applicant from a current or prior vendor
17 who has a debt owed to the Illinois Department, and no
18 payment arrangements acceptable to the Illinois Department
19 have been made by that vendor or the vendor's alternate
20 payee, and the applicant knows or should have known of
21 such debt.

22 (5) There is a credible allegation of the use,
23 transfer, or lease of assets of any kind to an applicant
24 who is a spouse, child, brother, sister, parent,
25 grandparent, grandchild, uncle, aunt, niece, relative by
26 marriage, nephew, cousin, or relative of a current or

1 prior vendor who has a debt owed to the Illinois
2 Department and no payment arrangements acceptable to the
3 Illinois Department have been made.

4 (6) There is a credible allegation that the
5 applicant's previous affiliations with a provider of
6 medical services that has an uncollected debt, a provider
7 that has been or is subject to a payment suspension under a
8 federal health care program, or a provider that has been
9 previously excluded from participation in the medical
10 assistance program, poses a risk of fraud, waste, or abuse
11 to the Illinois Department.

12 As used in this subsection, "credible allegation" is
13 defined to include an allegation from any source, including,
14 but not limited to, fraud hotline complaints, claims data
15 mining, patterns identified through provider audits, civil
16 actions filed under the Illinois False Claims Act, and law
17 enforcement investigations. An allegation is considered to be
18 credible when it has indicia of reliability.

19 (B) The Illinois Department shall deny, suspend or
20 terminate the eligibility of any person, firm, corporation,
21 association, agency, institution or other legal entity to
22 participate as a vendor of goods or services to recipients
23 under the medical assistance program under Article V, or may
24 exclude any such person or entity from participation as such a
25 vendor:

26 (1) immediately, if such vendor is not properly

1 licensed, certified, or authorized;

2 (2) within 30 days of the date when such vendor's
3 professional license, certification or other authorization
4 has been refused renewal, restricted, revoked, suspended,
5 or otherwise terminated; or

6 (3) if such vendor has been convicted of a violation
7 of this Code, as provided in Article VIII A.

8 (C) Upon termination, suspension, or exclusion of a vendor
9 of goods or services from participation in the medical
10 assistance program authorized by this Article, a person with
11 management responsibility for such vendor during the time of
12 any conduct which served as the basis for that vendor's
13 termination, suspension, or exclusion is barred from
14 participation in the medical assistance program.

15 Upon termination, suspension, or exclusion of a corporate
16 vendor, the officers and persons owning, directly or
17 indirectly, 5% or more of the shares of stock or other
18 evidences of ownership in the vendor during the time of any
19 conduct which served as the basis for that vendor's
20 termination, suspension, or exclusion are barred from
21 participation in the medical assistance program. A person who
22 owns, directly or indirectly, 5% or more of the shares of stock
23 or other evidences of ownership in a terminated, suspended, or
24 excluded vendor may not transfer his or her ownership interest
25 in that vendor to his or her spouse, child, brother, sister,
26 parent, grandparent, grandchild, uncle, aunt, niece, nephew,

1 cousin, or relative by marriage.

2 Upon termination, suspension, or exclusion of a sole
3 proprietorship or partnership, the owner or partners during
4 the time of any conduct which served as the basis for that
5 vendor's termination, suspension, or exclusion are barred from
6 participation in the medical assistance program. The owner of
7 a terminated, suspended, or excluded vendor that is a sole
8 proprietorship, and a partner in a terminated, suspended, or
9 excluded vendor that is a partnership, may not transfer his or
10 her ownership or partnership interest in that vendor to his or
11 her spouse, child, brother, sister, parent, grandparent,
12 grandchild, uncle, aunt, niece, nephew, cousin, or relative by
13 marriage.

14 A person who owns, directly or indirectly, 5% or more of
15 the shares of stock or other evidences of ownership in a
16 corporate or limited liability company vendor who owes a debt
17 to the Department, if that vendor has not made payment
18 arrangements acceptable to the Department, shall not transfer
19 his or her ownership interest in that vendor, or vendor assets
20 of any kind, to his or her spouse, child, brother, sister,
21 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
22 cousin, or relative by marriage.

23 Rules adopted by the Illinois Department to implement
24 these provisions shall specifically include a definition of
25 the term "management responsibility" as used in this Section.
26 Such definition shall include, but not be limited to, typical

1 job titles, and duties and descriptions which will be
2 considered as within the definition of individuals with
3 management responsibility for a provider.

4 A vendor or a prior vendor who has been terminated,
5 excluded, or suspended from the medical assistance program, or
6 from another state or federal medical assistance or health
7 care program, and any individual currently or previously
8 barred from the medical assistance program, or from another
9 state or federal medical assistance or health care program, as
10 a result of being an officer or a person owning, directly or
11 indirectly, 5% or more of the shares of stock or other
12 evidences of ownership in a corporate or limited liability
13 company vendor during the time of any conduct which served as
14 the basis for that vendor's termination, suspension, or
15 exclusion, may be required to post a surety bond as part of a
16 condition of enrollment or participation in the medical
17 assistance program. The Illinois Department shall establish,
18 by rule, the criteria and requirements for determining when a
19 surety bond must be posted and the value of the bond.

20 A vendor or a prior vendor who has a debt owed to the
21 Illinois Department and any individual currently or previously
22 barred from the medical assistance program, or from another
23 state or federal medical assistance or health care program, as
24 a result of being an officer or a person owning, directly or
25 indirectly, 5% or more of the shares of stock or other
26 evidences of ownership in that corporate or limited liability

1 company vendor during the time of any conduct which served as
2 the basis for the debt, may be required to post a surety bond
3 as part of a condition of enrollment or participation in the
4 medical assistance program. The Illinois Department shall
5 establish, by rule, the criteria and requirements for
6 determining when a surety bond must be posted and the value of
7 the bond.

8 (D) If a vendor has been suspended from the medical
9 assistance program under Article V of the Code, the Director
10 may require that such vendor correct any deficiencies which
11 served as the basis for the suspension. The Director shall
12 specify in the suspension order a specific period of time,
13 which shall not exceed one year from the date of the order,
14 during which a suspended vendor shall not be eligible to
15 participate. At the conclusion of the period of suspension the
16 Director shall reinstate such vendor, unless he finds that
17 such vendor has not corrected deficiencies upon which the
18 suspension was based.

19 If a vendor has been terminated, suspended, or excluded
20 from the medical assistance program under Article V, such
21 vendor shall be barred from participation for at least one
22 year, except that if a vendor has been terminated, suspended,
23 or excluded based on a conviction of a violation of Article
24 VIIIA or a conviction of a felony based on fraud or a willful
25 misrepresentation related to (i) the medical assistance
26 program under Article V, (ii) a federal or another state's

1 medical assistance or health care program, or (iii) the
2 provision of health care services, then the vendor shall be
3 barred from participation for 5 years or for the length of the
4 vendor's sentence for that conviction, whichever is longer. At
5 the end of one year a vendor who has been terminated,
6 suspended, or excluded may apply for reinstatement to the
7 program. Upon proper application to be reinstated such vendor
8 may be deemed eligible by the Director providing that such
9 vendor meets the requirements for eligibility under this Code.
10 If such vendor is deemed not eligible for reinstatement, he
11 shall be barred from again applying for reinstatement for one
12 year from the date his application for reinstatement is
13 denied.

14 A vendor whose termination, suspension, or exclusion from
15 participation in the Illinois medical assistance program under
16 Article V was based solely on an action by a governmental
17 entity other than the Illinois Department may, upon
18 reinstatement by that governmental entity or upon reversal of
19 the termination, suspension, or exclusion, apply for
20 rescission of the termination, suspension, or exclusion from
21 participation in the Illinois medical assistance program. Upon
22 proper application for rescission, the vendor may be deemed
23 eligible by the Director if the vendor meets the requirements
24 for eligibility under this Code.

25 If a vendor has been terminated, suspended, or excluded
26 and reinstated to the medical assistance program under Article

1 V and the vendor is terminated, suspended, or excluded a
2 second or subsequent time from the medical assistance program,
3 the vendor shall be barred from participation for at least 2
4 years, except that if a vendor has been terminated, suspended,
5 or excluded a second time based on a conviction of a violation
6 of Article VIII A or a conviction of a felony based on fraud or
7 a willful misrepresentation related to (i) the medical
8 assistance program under Article V, (ii) a federal or another
9 state's medical assistance or health care program, or (iii)
10 the provision of health care services, then the vendor shall
11 be barred from participation for life. At the end of 2 years, a
12 vendor who has been terminated, suspended, or excluded may
13 apply for reinstatement to the program. Upon application to be
14 reinstated, the vendor may be deemed eligible if the vendor
15 meets the requirements for eligibility under this Code. If the
16 vendor is deemed not eligible for reinstatement, the vendor
17 shall be barred from again applying for reinstatement for 2
18 years from the date the vendor's application for reinstatement
19 is denied.

20 (E) The Illinois Department may recover money improperly
21 or erroneously paid, or overpayments, either by setoff,
22 crediting against future billings or by requiring direct
23 repayment to the Illinois Department. The Illinois Department
24 may suspend or deny payment, in whole or in part, if such
25 payment would be improper or erroneous or would otherwise
26 result in overpayment.

1 (1) Payments may be suspended, denied, or recovered
2 from a vendor or alternate payee: (i) for services
3 rendered in violation of the Illinois Department's
4 provider notices, statutes, rules, and regulations; (ii)
5 for services rendered in violation of the terms and
6 conditions prescribed by the Illinois Department in its
7 vendor agreement; (iii) for any vendor who fails to grant
8 the Office of Inspector General timely access to full and
9 complete records, including, but not limited to, records
10 relating to recipients under the medical assistance
11 program for the most recent 6 years, in accordance with
12 Section 140.28 of Title 89 of the Illinois Administrative
13 Code, and other information for the purpose of audits,
14 investigations, or other program integrity functions,
15 after reasonable written request by the Inspector General;
16 this subsection (E) does not require vendors to make
17 available the medical records of patients for whom
18 services are not reimbursed under this Code or to provide
19 access to medical records more than 6 years old; (iv) when
20 the vendor has knowingly made, or caused to be made, any
21 false statement or representation of a material fact in
22 connection with the administration of the medical
23 assistance program; or (v) when the vendor previously
24 rendered services while terminated, suspended, or excluded
25 from participation in the medical assistance program or
26 while terminated or excluded from participation in another

1 state or federal medical assistance or health care
2 program.

3 (2) Notwithstanding any other provision of law, if a
4 vendor has the same taxpayer identification number
5 (assigned under Section 6109 of the Internal Revenue Code
6 of 1986) as is assigned to a vendor with past-due
7 financial obligations to the Illinois Department, the
8 Illinois Department may make any necessary adjustments to
9 payments to that vendor in order to satisfy any past-due
10 obligations, regardless of whether the vendor is assigned
11 a different billing number under the medical assistance
12 program.

13 (E-5) Civil monetary penalties.

14 (1) As used in this subsection (E-5):

15 (a) "Knowingly" means that a person, with respect
16 to information: (i) has actual knowledge of the
17 information; (ii) acts in deliberate ignorance of the
18 truth or falsity of the information; or (iii) acts in
19 reckless disregard of the truth or falsity of the
20 information. No proof of specific intent to defraud is
21 required.

22 (b) "Overpayment" means any funds that a person
23 receives or retains from the medical assistance
24 program to which the person, after applicable
25 reconciliation, is not entitled under this Code.

26 (c) "Remuneration" means the offer or transfer of

1 items or services for free or for other than fair
2 market value by a person; however, remuneration does
3 not include items or services of a nominal value of no
4 more than \$10 per item or service, or \$50 in the
5 aggregate on an annual basis, or any other offer or
6 transfer of items or services as determined by the
7 Department.

8 (d) "Should know" means that a person, with
9 respect to information: (i) acts in deliberate
10 ignorance of the truth or falsity of the information;
11 or (ii) acts in reckless disregard of the truth or
12 falsity of the information. No proof of specific
13 intent to defraud is required.

14 (2) Any person (including a vendor, provider,
15 organization, agency, or other entity, or an alternate
16 payee thereof, but excluding a recipient) who:

17 (a) knowingly presents or causes to be presented
18 to an officer, employee, or agent of the State, a claim
19 that the Department determines:

20 (i) is for a medical or other item or service
21 that the person knows or should know was not
22 provided as claimed, including any person who
23 engages in a pattern or practice of presenting or
24 causing to be presented a claim for an item or
25 service that is based on a code that the person
26 knows or should know will result in a greater

1 payment to the person than the code the person
2 knows or should know is applicable to the item or
3 service actually provided;

4 (ii) is for a medical or other item or service
5 and the person knows or should know that the claim
6 is false or fraudulent;

7 (iii) is presented for a vendor physician's
8 service, or an item or service incident to a
9 vendor physician's service, by a person who knows
10 or should know that the individual who furnished,
11 or supervised the furnishing of, the service:

12 (AA) was not licensed as a physician;

13 (BB) was licensed as a physician but such
14 license had been obtained through a
15 misrepresentation of material fact (including
16 cheating on an examination required for
17 licensing); or

18 (CC) represented to the patient at the
19 time the service was furnished that the
20 physician was certified in a medical specialty
21 by a medical specialty board, when the
22 individual was not so certified;

23 (iv) is for a medical or other item or service
24 furnished during a period in which the person was
25 excluded from the medical assistance program or a
26 federal or state health care program under which

1 the claim was made pursuant to applicable law; or

2 (v) is for a pattern of medical or other items
3 or services that a person knows or should know are
4 not medically necessary;

5 (b) knowingly presents or causes to be presented
6 to any person a request for payment which is in
7 violation of the conditions for receipt of vendor
8 payments under the medical assistance program under
9 Section 11-13 of this Code;

10 (c) knowingly gives or causes to be given to any
11 person, with respect to medical assistance program
12 coverage of inpatient hospital services, information
13 that he or she knows or should know is false or
14 misleading, and that could reasonably be expected to
15 influence the decision when to discharge such person
16 or other individual from the hospital;

17 (d) in the case of a person who is not an
18 organization, agency, or other entity, is excluded
19 from participating in the medical assistance program
20 or a federal or state health care program and who, at
21 the time of a violation of this subsection (E-5):

22 (i) retains a direct or indirect ownership or
23 control interest in an entity that is
24 participating in the medical assistance program or
25 a federal or state health care program, and who
26 knows or should know of the action constituting

1 the basis for the exclusion; or

2 (ii) is an officer or managing employee of
3 such an entity;

4 (e) offers or transfers remuneration to any
5 individual eligible for benefits under the medical
6 assistance program that such person knows or should
7 know is likely to influence such individual to order
8 or receive from a particular vendor, provider,
9 practitioner, or supplier any item or service for
10 which payment may be made, in whole or in part, under
11 the medical assistance program;

12 (f) arranges or contracts (by employment or
13 otherwise) with an individual or entity that the
14 person knows or should know is excluded from
15 participation in the medical assistance program or a
16 federal or state health care program, for the
17 provision of items or services for which payment may
18 be made under such a program;

19 (g) commits an act described in subsection (b) or
20 (c) of Section 8A-3;

21 (h) knowingly makes, uses, or causes to be made or
22 used, a false record or statement material to a false
23 or fraudulent claim for payment for items and services
24 furnished under the medical assistance program;

25 (i) fails to grant timely access, upon reasonable
26 request (as defined by the Department by rule), to the

1 Inspector General, for the purpose of audits,
2 investigations, evaluations, or other statutory
3 functions of the Inspector General of the Department;

4 (j) orders or prescribes a medical or other item
5 or service during a period in which the person was
6 excluded from the medical assistance program or a
7 federal or state health care program, in the case
8 where the person knows or should know that a claim for
9 such medical or other item or service will be made
10 under such a program;

11 (k) knowingly makes or causes to be made any false
12 statement, omission, or misrepresentation of a
13 material fact in any application, bid, or contract to
14 participate or enroll as a vendor or provider of
15 services or a supplier under the medical assistance
16 program;

17 (l) knows of an overpayment and does not report
18 and return the overpayment to the Department in
19 accordance with paragraph (6);

20 shall be subject, in addition to any other penalties that
21 may be prescribed by law, to a civil money penalty of not
22 more than \$10,000 for each item or service (or, in cases
23 under subparagraph (c), \$15,000 for each individual with
24 respect to whom false or misleading information was given;
25 in cases under subparagraph (d), \$10,000 for each day the
26 prohibited relationship occurs; in cases under

1 subparagraph (g), \$50,000 for each such act; in cases
2 under subparagraph (h), \$50,000 for each false record or
3 statement; in cases under subparagraph (i), \$15,000 for
4 each day of the failure described in such subparagraph; or
5 in cases under subparagraph (k), \$50,000 for each false
6 statement, omission, or misrepresentation of a material
7 fact). In addition, such a person shall be subject to an
8 assessment of not more than 3 times the amount claimed for
9 each such item or service in lieu of damages sustained by
10 the State because of such claim (or, in cases under
11 subparagraph (g), damages of not more than 3 times the
12 total amount of remuneration offered, paid, solicited, or
13 received, without regard to whether a portion of such
14 remuneration was offered, paid, solicited, or received for
15 a lawful purpose; or in cases under subparagraph (k), an
16 assessment of not more than 3 times the total amount
17 claimed for each item or service for which payment was
18 made based upon the application, bid, or contract
19 containing the false statement, omission, or
20 misrepresentation of a material fact).

21 (3) In addition, the Director or his or her designee
22 may make a determination in the same proceeding to
23 exclude, terminate, suspend, or bar the person from
24 participation in the medical assistance program.

25 (4) The Illinois Department may seek the civil
26 monetary penalties and exclusion, termination, suspension,

1 or barment identified in this subsection (E-5). Prior to
2 the imposition of any penalties or sanctions, the affected
3 person shall be afforded an opportunity for a hearing
4 after reasonable notice. The Department shall establish
5 hearing procedures by rule.

6 (5) Any final order, decision, or other determination
7 made, issued, or executed by the Director under the
8 provisions of this subsection (E-5), whereby a person is
9 aggrieved, shall be subject to review in accordance with
10 the provisions of the Administrative Review Law, and the
11 rules adopted pursuant thereto, which shall apply to and
12 govern all proceedings for the judicial review of final
13 administrative decisions of the Director.

14 (6) (a) If a person has received an overpayment, the
15 person shall:

16 (i) report and return the overpayment to the
17 Department at the correct address; and

18 (ii) notify the Department in writing of the
19 reason for the overpayment.

20 (b) An overpayment must be reported and returned under
21 subparagraph (a) by the later of:

22 (i) the date which is 60 days after the date on
23 which the overpayment was identified; or

24 (ii) the date any corresponding cost report is
25 due, if applicable.

26 (E-10) A vendor who disputes an overpayment identified as

1 part of a Department audit shall utilize the Department's
2 self-referral disclosure protocol as set forth under this Code
3 to identify, investigate, and return to the Department any
4 undisputed audit overpayment amount. Unless the disputed
5 overpayment amount is subject to a fraud payment suspension,
6 or involves a termination sanction, the Department shall defer
7 the recovery of the disputed overpayment amount up to one year
8 after the date of the Department's final audit determination,
9 or earlier, or as required by State or federal law. If the
10 administrative hearing extends beyond one year, and such delay
11 was not caused by the request of the vendor, then the
12 Department shall not recover the disputed overpayment amount
13 until the date of the final administrative decision. If a
14 final administrative decision establishes that the disputed
15 overpayment amount is owed to the Department, then the amount
16 shall be immediately due to the Department. The Department
17 shall be entitled to recover interest from the vendor on the
18 overpayment amount from the date of the overpayment through
19 the date the vendor returns the overpayment to the Department
20 at a rate not to exceed the Wall Street Journal Prime Rate, as
21 published from time to time, but not to exceed 5%. Any interest
22 billed by the Department shall be due immediately upon receipt
23 of the Department's billing statement.

24 (F) The Illinois Department may withhold payments to any
25 vendor or alternate payee prior to or during the pendency of
26 any audit or proceeding under this Section, and through the

1 pendency of any administrative appeal or administrative review
2 by any court proceeding. The Illinois Department shall state
3 by rule with as much specificity as practicable the conditions
4 under which payments will not be withheld under this Section.
5 Payments may be denied for bills submitted with service dates
6 occurring during the pendency of a proceeding, after a final
7 decision has been rendered, or after the conclusion of any
8 administrative appeal, where the final administrative decision
9 is to terminate, exclude, or suspend eligibility to
10 participate in the medical assistance program. The Illinois
11 Department shall state by rule with as much specificity as
12 practicable the conditions under which payments will not be
13 denied for such bills. The Illinois Department shall state by
14 rule a process and criteria by which a vendor or alternate
15 payee may request full or partial release of payments withheld
16 under this subsection. The Department must complete a
17 proceeding under this Section in a timely manner.

18 Notwithstanding recovery allowed under subsection (E) or
19 this subsection (F), the Illinois Department may withhold
20 payments to any vendor or alternate payee who is not properly
21 licensed, certified, or in compliance with State or federal
22 agency regulations. Payments may be denied for bills submitted
23 with service dates occurring during the period of time that a
24 vendor is not properly licensed, certified, or in compliance
25 with State or federal regulations. Facilities licensed under
26 the Nursing Home Care Act shall have payments denied or

1 withheld pursuant to subsection (I) of this Section.

2 (F-5) The Illinois Department may temporarily withhold
3 payments to a vendor or alternate payee if any of the following
4 individuals have been indicted or otherwise charged under a
5 law of the United States or this or any other state with an
6 offense that is based on alleged fraud or willful
7 misrepresentation on the part of the individual related to (i)
8 the medical assistance program under Article V of this Code,
9 (ii) a federal or another state's medical assistance or health
10 care program, or (iii) the provision of health care services:

11 (1) If the vendor or alternate payee is a corporation:
12 an officer of the corporation or an individual who owns,
13 either directly or indirectly, 5% or more of the shares of
14 stock or other evidence of ownership of the corporation.

15 (2) If the vendor is a sole proprietorship: the owner
16 of the sole proprietorship.

17 (3) If the vendor or alternate payee is a partnership:
18 a partner in the partnership.

19 (4) If the vendor or alternate payee is any other
20 business entity authorized by law to transact business in
21 this State: an officer of the entity or an individual who
22 owns, either directly or indirectly, 5% or more of the
23 evidences of ownership of the entity.

24 If the Illinois Department withholds payments to a vendor
25 or alternate payee under this subsection, the Department shall
26 not release those payments to the vendor or alternate payee

1 while any criminal proceeding related to the indictment or
2 charge is pending unless the Department determines that there
3 is good cause to release the payments before completion of the
4 proceeding. If the indictment or charge results in the
5 individual's conviction, the Illinois Department shall retain
6 all withheld payments, which shall be considered forfeited to
7 the Department. If the indictment or charge does not result in
8 the individual's conviction, the Illinois Department shall
9 release to the vendor or alternate payee all withheld
10 payments.

11 (F-10) If the Illinois Department establishes that the
12 vendor or alternate payee owes a debt to the Illinois
13 Department, and the vendor or alternate payee subsequently
14 fails to pay or make satisfactory payment arrangements with
15 the Illinois Department for the debt owed, the Illinois
16 Department may seek all remedies available under the law of
17 this State to recover the debt, including, but not limited to,
18 wage garnishment or the filing of claims or liens against the
19 vendor or alternate payee.

20 (F-15) Enforcement of judgment.

21 (1) Any fine, recovery amount, other sanction, or
22 costs imposed, or part of any fine, recovery amount, other
23 sanction, or cost imposed, remaining unpaid after the
24 exhaustion of or the failure to exhaust judicial review
25 procedures under the Illinois Administrative Review Law is
26 a debt due and owing the State and may be collected using

1 all remedies available under the law.

2 (2) After expiration of the period in which judicial
3 review under the Illinois Administrative Review Law may be
4 sought for a final administrative decision, unless stayed
5 by a court of competent jurisdiction, the findings,
6 decision, and order of the Director may be enforced in the
7 same manner as a judgment entered by a court of competent
8 jurisdiction.

9 (3) In any case in which any person or entity has
10 failed to comply with a judgment ordering or imposing any
11 fine or other sanction, any expenses incurred by the
12 Illinois Department to enforce the judgment, including,
13 but not limited to, attorney's fees, court costs, and
14 costs related to property demolition or foreclosure, after
15 they are fixed by a court of competent jurisdiction or the
16 Director, shall be a debt due and owing the State and may
17 be collected in accordance with applicable law. Prior to
18 any expenses being fixed by a final administrative
19 decision pursuant to this subsection (F-15), the Illinois
20 Department shall provide notice to the individual or
21 entity that states that the individual or entity shall
22 appear at a hearing before the administrative hearing
23 officer to determine whether the individual or entity has
24 failed to comply with the judgment. The notice shall set
25 the date for such a hearing, which shall not be less than 7
26 days from the date that notice is served. If notice is

1 served by mail, the 7-day period shall begin to run on the
2 date that the notice was deposited in the mail.

3 (4) Upon being recorded in the manner required by
4 Article XII of the Code of Civil Procedure or by the
5 Uniform Commercial Code, a lien shall be imposed on the
6 real estate or personal estate, or both, of the individual
7 or entity in the amount of any debt due and owing the State
8 under this Section. The lien may be enforced in the same
9 manner as a judgment of a court of competent jurisdiction.
10 A lien shall attach to all property and assets of such
11 person, firm, corporation, association, agency,
12 institution, or other legal entity until the judgment is
13 satisfied.

14 (5) The Director may set aside any judgment entered by
15 default and set a new hearing date upon a petition filed at
16 any time (i) if the petitioner's failure to appear at the
17 hearing was for good cause, or (ii) if the petitioner
18 established that the Department did not provide proper
19 service of process. If any judgment is set aside pursuant
20 to this paragraph (5), the hearing officer shall have
21 authority to enter an order extinguishing any lien which
22 has been recorded for any debt due and owing the Illinois
23 Department as a result of the vacated default judgment.

24 (G) The provisions of the Administrative Review Law, as
25 now or hereafter amended, and the rules adopted pursuant
26 thereto, shall apply to and govern all proceedings for the

1 judicial review of final administrative decisions of the
2 Illinois Department under this Section. The term
3 "administrative decision" is defined as in Section 3-101 of
4 the Code of Civil Procedure.

5 (G-5) Vendors who pose a risk of fraud, waste, abuse, or
6 harm.

7 (1) Notwithstanding any other provision in this
8 Section, the Department may terminate, suspend, or exclude
9 vendors who pose a risk of fraud, waste, abuse, or harm
10 from participation in the medical assistance program prior
11 to an evidentiary hearing but after reasonable notice and
12 opportunity to respond as established by the Department by
13 rule.

14 (2) Vendors who pose a risk of fraud, waste, abuse, or
15 harm shall submit to a fingerprint-based criminal
16 background check on current and future information
17 available in the State system and current information
18 available through the Federal Bureau of Investigation's
19 system by submitting all necessary fees and information in
20 the form and manner prescribed by the Illinois Department
21 ~~of~~ State Police. The following individuals shall be
22 subject to the check:

23 (A) In the case of a vendor that is a corporation,
24 every shareholder who owns, directly or indirectly, 5%
25 or more of the outstanding shares of the corporation.

26 (B) In the case of a vendor that is a partnership,

1 every partner.

2 (C) In the case of a vendor that is a sole
3 proprietorship, the sole proprietor.

4 (D) Each officer or manager of the vendor.

5 Each such vendor shall be responsible for payment of
6 the cost of the criminal background check.

7 (3) Vendors who pose a risk of fraud, waste, abuse, or
8 harm may be required to post a surety bond. The Department
9 shall establish, by rule, the criteria and requirements
10 for determining when a surety bond must be posted and the
11 value of the bond.

12 (4) The Department, or its agents, may refuse to
13 accept requests for authorization from specific vendors
14 who pose a risk of fraud, waste, abuse, or harm, including
15 prior-approval and post-approval requests, if:

16 (A) the Department has initiated a notice of
17 termination, suspension, or exclusion of the vendor
18 from participation in the medical assistance program;
19 or

20 (B) the Department has issued notification of its
21 withholding of payments pursuant to subsection (F-5)
22 of this Section; or

23 (C) the Department has issued a notification of
24 its withholding of payments due to reliable evidence
25 of fraud or willful misrepresentation pending
26 investigation.

1 (5) As used in this subsection, the following terms
2 are defined as follows:

3 (A) "Fraud" means an intentional deception or
4 misrepresentation made by a person with the knowledge
5 that the deception could result in some unauthorized
6 benefit to himself or herself or some other person. It
7 includes any act that constitutes fraud under
8 applicable federal or State law.

9 (B) "Abuse" means provider practices that are
10 inconsistent with sound fiscal, business, or medical
11 practices and that result in an unnecessary cost to
12 the medical assistance program or in reimbursement for
13 services that are not medically necessary or that fail
14 to meet professionally recognized standards for health
15 care. It also includes recipient practices that result
16 in unnecessary cost to the medical assistance program.
17 Abuse does not include diagnostic or therapeutic
18 measures conducted primarily as a safeguard against
19 possible vendor liability.

20 (C) "Waste" means the unintentional misuse of
21 medical assistance resources, resulting in unnecessary
22 cost to the medical assistance program. Waste does not
23 include diagnostic or therapeutic measures conducted
24 primarily as a safeguard against possible vendor
25 liability.

26 (D) "Harm" means physical, mental, or monetary

1 damage to recipients or to the medical assistance
2 program.

3 (G-6) The Illinois Department, upon making a determination
4 based upon information in the possession of the Illinois
5 Department that continuation of participation in the medical
6 assistance program by a vendor would constitute an immediate
7 danger to the public, may immediately suspend such vendor's
8 participation in the medical assistance program without a
9 hearing. In instances in which the Illinois Department
10 immediately suspends the medical assistance program
11 participation of a vendor under this Section, a hearing upon
12 the vendor's participation must be convened by the Illinois
13 Department within 15 days after such suspension and completed
14 without appreciable delay. Such hearing shall be held to
15 determine whether to recommend to the Director that the
16 vendor's medical assistance program participation be denied,
17 terminated, suspended, placed on provisional status, or
18 reinstated. In the hearing, any evidence relevant to the
19 vendor constituting an immediate danger to the public may be
20 introduced against such vendor; provided, however, that the
21 vendor, or his or her counsel, shall have the opportunity to
22 discredit, impeach, and submit evidence rebutting such
23 evidence.

24 (H) Nothing contained in this Code shall in any way limit
25 or otherwise impair the authority or power of any State agency
26 responsible for licensing of vendors.

1 (I) Based on a finding of noncompliance on the part of a
2 nursing home with any requirement for certification under
3 Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec.
4 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois
5 Department may impose one or more of the following remedies
6 after notice to the facility:

7 (1) Termination of the provider agreement.

8 (2) Temporary management.

9 (3) Denial of payment for new admissions.

10 (4) Civil money penalties.

11 (5) Closure of the facility in emergency situations or
12 transfer of residents, or both.

13 (6) State monitoring.

14 (7) Denial of all payments when the U.S. Department of
15 Health and Human Services has imposed this sanction.

16 The Illinois Department shall by rule establish criteria
17 governing continued payments to a nursing facility subsequent
18 to termination of the facility's provider agreement if, in the
19 sole discretion of the Illinois Department, circumstances
20 affecting the health, safety, and welfare of the facility's
21 residents require those continued payments. The Illinois
22 Department may condition those continued payments on the
23 appointment of temporary management, sale of the facility to
24 new owners or operators, or other arrangements that the
25 Illinois Department determines best serve the needs of the
26 facility's residents.

1 Except in the case of a facility that has a right to a
2 hearing on the finding of noncompliance before an agency of
3 the federal government, a facility may request a hearing
4 before a State agency on any finding of noncompliance within
5 60 days after the notice of the intent to impose a remedy.
6 Except in the case of civil money penalties, a request for a
7 hearing shall not delay imposition of the penalty. The choice
8 of remedies is not appealable at a hearing. The level of
9 noncompliance may be challenged only in the case of a civil
10 money penalty. The Illinois Department shall provide by rule
11 for the State agency that will conduct the evidentiary
12 hearings.

13 The Illinois Department may collect interest on unpaid
14 civil money penalties.

15 The Illinois Department may adopt all rules necessary to
16 implement this subsection (I).

17 (J) The Illinois Department, by rule, may permit
18 individual practitioners to designate that Department payments
19 that may be due the practitioner be made to an alternate payee
20 or alternate payees.

21 (a) Such alternate payee or alternate payees shall be
22 required to register as an alternate payee in the Medical
23 Assistance Program with the Illinois Department.

24 (b) If a practitioner designates an alternate payee,
25 the alternate payee and practitioner shall be jointly and
26 severally liable to the Department for payments made to

1 the alternate payee. Pursuant to subsection (E) of this
2 Section, any Department action to suspend or deny payment
3 or recover money or overpayments from an alternate payee
4 shall be subject to an administrative hearing.

5 (c) Registration as an alternate payee or alternate
6 payees in the Illinois Medical Assistance Program shall be
7 conditional. At any time, the Illinois Department may deny
8 or cancel any alternate payee's registration in the
9 Illinois Medical Assistance Program without cause. Any
10 such denial or cancellation is not subject to an
11 administrative hearing.

12 (d) The Illinois Department may seek a revocation of
13 any alternate payee, and all owners, officers, and
14 individuals with management responsibility for such
15 alternate payee shall be permanently prohibited from
16 participating as an owner, an officer, or an individual
17 with management responsibility with an alternate payee in
18 the Illinois Medical Assistance Program, if after
19 reasonable notice and opportunity for a hearing the
20 Illinois Department finds that:

21 (1) the alternate payee is not complying with the
22 Department's policy or rules and regulations, or with
23 the terms and conditions prescribed by the Illinois
24 Department in its alternate payee registration
25 agreement; or

26 (2) the alternate payee has failed to keep or make

1 available for inspection, audit, or copying, after
2 receiving a written request from the Illinois
3 Department, such records regarding payments claimed as
4 an alternate payee; or

5 (3) the alternate payee has failed to furnish any
6 information requested by the Illinois Department
7 regarding payments claimed as an alternate payee; or

8 (4) the alternate payee has knowingly made, or
9 caused to be made, any false statement or
10 representation of a material fact in connection with
11 the administration of the Illinois Medical Assistance
12 Program; or

13 (5) the alternate payee, a person with management
14 responsibility for an alternate payee, an officer or
15 person owning, either directly or indirectly, 5% or
16 more of the shares of stock or other evidences of
17 ownership in a corporate alternate payee, or a partner
18 in a partnership which is an alternate payee:

19 (a) was previously terminated, suspended, or
20 excluded from participation as a vendor in the
21 Illinois Medical Assistance Program, or was
22 previously revoked as an alternate payee in the
23 Illinois Medical Assistance Program, or was
24 terminated, suspended, or excluded from
25 participation as a vendor in a medical assistance
26 program in another state that is of the same kind

1 as the program of medical assistance provided
2 under Article V of this Code; or

3 (b) was a person with management
4 responsibility for a vendor previously terminated,
5 suspended, or excluded from participation as a
6 vendor in the Illinois Medical Assistance Program,
7 or was previously revoked as an alternate payee in
8 the Illinois Medical Assistance Program, or was
9 terminated, suspended, or excluded from
10 participation as a vendor in a medical assistance
11 program in another state that is of the same kind
12 as the program of medical assistance provided
13 under Article V of this Code, during the time of
14 conduct which was the basis for that vendor's
15 termination, suspension, or exclusion or alternate
16 payee's revocation; or

17 (c) was an officer, or person owning, either
18 directly or indirectly, 5% or more of the shares
19 of stock or other evidences of ownership in a
20 corporate vendor previously terminated, suspended,
21 or excluded from participation as a vendor in the
22 Illinois Medical Assistance Program, or was
23 previously revoked as an alternate payee in the
24 Illinois Medical Assistance Program, or was
25 terminated, suspended, or excluded from
26 participation as a vendor in a medical assistance

1 program in another state that is of the same kind
2 as the program of medical assistance provided
3 under Article V of this Code, during the time of
4 conduct which was the basis for that vendor's
5 termination, suspension, or exclusion; or

6 (d) was an owner of a sole proprietorship or
7 partner in a partnership previously terminated,
8 suspended, or excluded from participation as a
9 vendor in the Illinois Medical Assistance Program,
10 or was previously revoked as an alternate payee in
11 the Illinois Medical Assistance Program, or was
12 terminated, suspended, or excluded from
13 participation as a vendor in a medical assistance
14 program in another state that is of the same kind
15 as the program of medical assistance provided
16 under Article V of this Code, during the time of
17 conduct which was the basis for that vendor's
18 termination, suspension, or exclusion or alternate
19 payee's revocation; or

20 (6) the alternate payee, a person with management
21 responsibility for an alternate payee, an officer or
22 person owning, either directly or indirectly, 5% or
23 more of the shares of stock or other evidences of
24 ownership in a corporate alternate payee, or a partner
25 in a partnership which is an alternate payee:

26 (a) has engaged in conduct prohibited by

1 applicable federal or State law or regulation
2 relating to the Illinois Medical Assistance
3 Program; or

4 (b) was a person with management
5 responsibility for a vendor or alternate payee at
6 the time that the vendor or alternate payee
7 engaged in practices prohibited by applicable
8 federal or State law or regulation relating to the
9 Illinois Medical Assistance Program; or

10 (c) was an officer, or person owning, either
11 directly or indirectly, 5% or more of the shares
12 of stock or other evidences of ownership in a
13 vendor or alternate payee at the time such vendor
14 or alternate payee engaged in practices prohibited
15 by applicable federal or State law or regulation
16 relating to the Illinois Medical Assistance
17 Program; or

18 (d) was an owner of a sole proprietorship or
19 partner in a partnership which was a vendor or
20 alternate payee at the time such vendor or
21 alternate payee engaged in practices prohibited by
22 applicable federal or State law or regulation
23 relating to the Illinois Medical Assistance
24 Program; or

25 (7) the direct or indirect ownership of the vendor
26 or alternate payee (including the ownership of a

1 vendor or alternate payee that is a partner's interest
2 in a vendor or alternate payee, or ownership of 5% or
3 more of the shares of stock or other evidences of
4 ownership in a corporate vendor or alternate payee)
5 has been transferred by an individual who is
6 terminated, suspended, or excluded or barred from
7 participating as a vendor or is prohibited or revoked
8 as an alternate payee to the individual's spouse,
9 child, brother, sister, parent, grandparent,
10 grandchild, uncle, aunt, niece, nephew, cousin, or
11 relative by marriage.

12 (K) The Illinois Department of Healthcare and Family
13 Services may withhold payments, in whole or in part, to a
14 provider or alternate payee where there is credible evidence,
15 received from State or federal law enforcement or federal
16 oversight agencies or from the results of a preliminary
17 Department audit, that the circumstances giving rise to the
18 need for a withholding of payments may involve fraud or
19 willful misrepresentation under the Illinois Medical
20 Assistance program. The Department shall by rule define what
21 constitutes "credible" evidence for purposes of this
22 subsection. The Department may withhold payments without first
23 notifying the provider or alternate payee of its intention to
24 withhold such payments. A provider or alternate payee may
25 request a reconsideration of payment withholding, and the
26 Department must grant such a request. The Department shall

1 state by rule a process and criteria by which a provider or
2 alternate payee may request full or partial release of
3 payments withheld under this subsection. This request may be
4 made at any time after the Department first withholds such
5 payments.

6 (a) The Illinois Department must send notice of its
7 withholding of program payments within 5 days of taking
8 such action. The notice must set forth the general
9 allegations as to the nature of the withholding action,
10 but need not disclose any specific information concerning
11 its ongoing investigation. The notice must do all of the
12 following:

13 (1) State that payments are being withheld in
14 accordance with this subsection.

15 (2) State that the withholding is for a temporary
16 period, as stated in paragraph (b) of this subsection,
17 and cite the circumstances under which withholding
18 will be terminated.

19 (3) Specify, when appropriate, which type or types
20 of Medicaid claims withholding is effective.

21 (4) Inform the provider or alternate payee of the
22 right to submit written evidence for reconsideration
23 of the withholding by the Illinois Department.

24 (5) Inform the provider or alternate payee that a
25 written request may be made to the Illinois Department
26 for full or partial release of withheld payments and

1 that such requests may be made at any time after the
2 Department first withholds such payments.

3 (b) All withholding-of-payment actions under this
4 subsection shall be temporary and shall not continue after
5 any of the following:

6 (1) The Illinois Department or the prosecuting
7 authorities determine that there is insufficient
8 evidence of fraud or willful misrepresentation by the
9 provider or alternate payee.

10 (2) Legal proceedings related to the provider's or
11 alternate payee's alleged fraud, willful
12 misrepresentation, violations of this Act, or
13 violations of the Illinois Department's administrative
14 rules are completed.

15 (3) The withholding of payments for a period of 3
16 years.

17 (c) The Illinois Department may adopt all rules
18 necessary to implement this subsection (K).

19 (K-5) The Illinois Department may withhold payments, in
20 whole or in part, to a provider or alternate payee upon
21 initiation of an audit, quality of care review, investigation
22 when there is a credible allegation of fraud, or the provider
23 or alternate payee demonstrating a clear failure to cooperate
24 with the Illinois Department such that the circumstances give
25 rise to the need for a withholding of payments. As used in this
26 subsection, "credible allegation" is defined to include an

1 allegation from any source, including, but not limited to,
2 fraud hotline complaints, claims data mining, patterns
3 identified through provider audits, civil actions filed under
4 the Illinois False Claims Act, and law enforcement
5 investigations. An allegation is considered to be credible
6 when it has indicia of reliability. The Illinois Department
7 may withhold payments without first notifying the provider or
8 alternate payee of its intention to withhold such payments. A
9 provider or alternate payee may request a hearing or a
10 reconsideration of payment withholding, and the Illinois
11 Department must grant such a request. The Illinois Department
12 shall state by rule a process and criteria by which a provider
13 or alternate payee may request a hearing or a reconsideration
14 for the full or partial release of payments withheld under
15 this subsection. This request may be made at any time after the
16 Illinois Department first withholds such payments.

17 (a) The Illinois Department must send notice of its
18 withholding of program payments within 5 days of taking
19 such action. The notice must set forth the general
20 allegations as to the nature of the withholding action but
21 need not disclose any specific information concerning its
22 ongoing investigation. The notice must do all of the
23 following:

24 (1) State that payments are being withheld in
25 accordance with this subsection.

26 (2) State that the withholding is for a temporary

1 period, as stated in paragraph (b) of this subsection,
2 and cite the circumstances under which withholding
3 will be terminated.

4 (3) Specify, when appropriate, which type or types
5 of claims are withheld.

6 (4) Inform the provider or alternate payee of the
7 right to request a hearing or a reconsideration of the
8 withholding by the Illinois Department, including the
9 ability to submit written evidence.

10 (5) Inform the provider or alternate payee that a
11 written request may be made to the Illinois Department
12 for a hearing or a reconsideration for the full or
13 partial release of withheld payments and that such
14 requests may be made at any time after the Illinois
15 Department first withholds such payments.

16 (b) All withholding of payment actions under this
17 subsection shall be temporary and shall not continue after
18 any of the following:

19 (1) The Illinois Department determines that there
20 is insufficient evidence of fraud, or the provider or
21 alternate payee demonstrates clear cooperation with
22 the Illinois Department, as determined by the Illinois
23 Department, such that the circumstances do not give
24 rise to the need for withholding of payments; or

25 (2) The withholding of payments has lasted for a
26 period in excess of 3 years.

1 (c) The Illinois Department may adopt all rules
2 necessary to implement this subsection (K-5).

3 (L) The Illinois Department shall establish a protocol to
4 enable health care providers to disclose an actual or
5 potential violation of this Section pursuant to a
6 self-referral disclosure protocol, referred to in this
7 subsection as "the protocol". The protocol shall include
8 direction for health care providers on a specific person,
9 official, or office to whom such disclosures shall be made.
10 The Illinois Department shall post information on the protocol
11 on the Illinois Department's public website. The Illinois
12 Department may adopt rules necessary to implement this
13 subsection (L). In addition to other factors that the Illinois
14 Department finds appropriate, the Illinois Department may
15 consider a health care provider's timely use or failure to use
16 the protocol in considering the provider's failure to comply
17 with this Code.

18 (M) Notwithstanding any other provision of this Code, the
19 Illinois Department, at its discretion, may exempt an entity
20 licensed under the Nursing Home Care Act, the ID/DD Community
21 Care Act, or the MC/DD Act from the provisions of subsections
22 (A-15), (B), and (C) of this Section if the licensed entity is
23 in receivership.

24 (Source: P.A. 98-214, eff. 8-9-13; 98-550, eff. 8-27-13;
25 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

1 Section 740. The Housing Authorities Act is amended by
2 changing Section 25 as follows:

3 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

4 Sec. 25. Rentals and tenant selection. In the operation or
5 management of housing projects an Authority shall at all times
6 observe the following duties with respect to rentals and
7 tenant selection:

8 (a) It shall not accept any person as a tenant in any
9 dwelling in a housing project if the persons who would occupy
10 the dwelling have an aggregate annual income which equals or
11 exceeds the amount which the Authority determines (which
12 determination shall be conclusive) to be necessary in order to
13 enable such persons to secure safe, sanitary and uncongested
14 dwelling accommodations within the area of operation of the
15 Authority and to provide an adequate standard of living for
16 themselves.

17 (b) It may rent or lease the dwelling accommodations
18 therein only at rentals within the financial reach of persons
19 who lack the amount of income which it determines (pursuant to
20 (a) of this Section) to be necessary in order to obtain safe,
21 sanitary and uncongested dwelling accommodations within the
22 area of operation of the Authority and to provide an adequate
23 standard of living.

24 (c) It may rent or lease to a tenant a dwelling consisting
25 of the number of rooms (but no greater number) which it deems

1 necessary to provide safe and sanitary accommodations to the
2 proposed occupants thereof, without overcrowding.

3 (d) It shall not change the residency preference of any
4 prospective tenant once the application has been accepted by
5 the authority.

6 (e) It may refuse to certify or recertify applicants,
7 current tenants, or other household members if, after due
8 notice and an impartial hearing, that person or any of the
9 proposed occupants of the dwelling has, prior to or during a
10 term of tenancy or occupancy in any housing project operated
11 by an Authority, been convicted of a criminal offense relating
12 to the sale or distribution of controlled substances under the
13 laws of this State, the United States or any other state. If an
14 Authority desires a criminal history records check of all 50
15 states or a 50-state confirmation of a conviction record, the
16 Authority shall submit the fingerprints of the relevant
17 applicant, tenant, or other household member to the Illinois
18 ~~Department of State Police~~ in a manner prescribed by the
19 Illinois ~~Department of State Police~~. These fingerprints shall
20 be checked 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.
23 The Illinois ~~Department of State Police~~ shall charge 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 Authority.

3 (f) It may, if a tenant has created or maintained a threat
4 constituting a serious and clear danger to the health or
5 safety of other tenants or Authority employees, after 3 days'
6 written notice of termination and without a hearing, file suit
7 against any such tenant for recovery of possession of the
8 premises. The tenant shall be given the opportunity to contest
9 the termination in the court proceedings. A serious and clear
10 danger to the health or safety of other tenants or Authority
11 employees shall include, but not be limited to, any of the
12 following activities of the tenant or of any other person on
13 the premises with the consent of the tenant:

14 (1) Physical assault or the threat of physical
15 assault.

16 (2) Illegal use of a firearm or other weapon or the
17 threat to use in an illegal manner a firearm or other
18 weapon.

19 (3) Possession of a controlled substance by the tenant
20 or any other person on the premises with the consent of the
21 tenant if the tenant knew or should have known of the
22 possession by the other person of a controlled substance,
23 unless the controlled substance was obtained directly from
24 or pursuant to a valid prescription.

25 (4) Streetgang membership as defined in the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 The management of low-rent public housing projects
2 financed and developed under the U.S. Housing Act of 1937
3 shall be in accordance with that Act.

4 Nothing contained in this Section or any other Section of
5 this Act shall be construed as limiting the power of an
6 Authority to vest in a bondholder or trustee the right, in the
7 event of a default by the Authority, to take possession and
8 operate a housing project or cause the appointment of a
9 receiver thereof, free from all restrictions imposed by this
10 Section or any other Section of this Act.

11 (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)

12 Section 745. The Adult Protective Services Act is amended
13 by changing Section 3.5 as follows:

14 (320 ILCS 20/3.5)

15 Sec. 3.5. Other responsibilities. The Department shall
16 also be responsible for the following activities, contingent
17 upon adequate funding; implementation shall be expanded to
18 adults with disabilities upon the effective date of this
19 amendatory Act of the 98th General Assembly, except those
20 responsibilities under subsection (a), which shall be
21 undertaken as soon as practicable:

22 (a) promotion of a wide range of endeavors for the
23 purpose of preventing abuse, neglect, financial
24 exploitation, and self-neglect, including, but not limited

1 to, promotion of public and professional education to
2 increase awareness of abuse, neglect, financial
3 exploitation, and self-neglect; to increase reports; to
4 establish access to and use of the Registry established
5 under Section 7.5; and to improve response by various
6 legal, financial, social, and health systems;

7 (b) coordination of efforts with other agencies,
8 councils, and like entities, to include but not be limited
9 to, the Administrative Office of the Illinois Courts, the
10 Office of the Attorney General, the Illinois State Police,
11 the Illinois Law Enforcement Training Standards Board, the
12 State Triad, the Illinois Criminal Justice Information
13 Authority, the Departments of Public Health, Healthcare
14 and Family Services, and Human Services, the Illinois
15 Guardianship and Advocacy Commission, the Family Violence
16 Coordinating Council, the Illinois Violence Prevention
17 Authority, and other entities which may impact awareness
18 of, and response to, abuse, neglect, financial
19 exploitation, and self-neglect;

20 (c) collection and analysis of data;

21 (d) monitoring of the performance of regional
22 administrative agencies and adult protective services
23 agencies;

24 (e) promotion of prevention activities;

25 (f) establishing and coordinating an aggressive
26 training program on the unique nature of adult abuse cases

1 with other agencies, councils, and like entities, to
2 include but not be limited to the Office of the Attorney
3 General, the Illinois State Police, the Illinois Law
4 Enforcement Training Standards Board, the State Triad, the
5 Illinois Criminal Justice Information Authority, the State
6 Departments of Public Health, Healthcare and Family
7 Services, and Human Services, the Family Violence
8 Coordinating Council, the Illinois Violence Prevention
9 Authority, the agency designated by the Governor under
10 Section 1 of the Protection and Advocacy for Persons with
11 Developmental Disabilities Act, and other entities that
12 may impact awareness of and response to abuse, neglect,
13 financial exploitation, and self-neglect;

14 (g) solicitation of financial institutions for the
15 purpose of making information available to the general
16 public warning of financial exploitation of adults and
17 related financial fraud or abuse, including such
18 information and warnings available through signage or
19 other written materials provided by the Department on the
20 premises of such financial institutions, provided that the
21 manner of displaying or distributing such information is
22 subject to the sole discretion of each financial
23 institution;

24 (g-1) developing by joint rulemaking with the
25 Department of Financial and Professional Regulation
26 minimum training standards which shall be used by

1 financial institutions for their current and new employees
2 with direct customer contact; the Department of Financial
3 and Professional Regulation shall retain sole visitation
4 and enforcement authority under this subsection (g-1); the
5 Department of Financial and Professional Regulation shall
6 provide bi-annual reports to the Department setting forth
7 aggregate statistics on the training programs required
8 under this subsection (g-1); and

9 (h) coordinating efforts with utility and electric
10 companies to send notices in utility bills to explain to
11 persons 60 years of age or older their rights regarding
12 telemarketing and home repair fraud.

13 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
14 99-143, eff. 7-27-15.)

15 Section 755. The Abused and Neglected Child Reporting Act
16 is amended by changing Sections 7.3, 7.4, and 11.1 as follows:

17 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

18 Sec. 7.3. (a) The Department shall be the sole agency
19 responsible for receiving and investigating reports of child
20 abuse or neglect made under this Act, including reports of
21 adult resident abuse or neglect as defined in this Act, except
22 where investigations by other agencies may be required with
23 respect to reports alleging the abuse or neglect of a child by
24 a person who is not the child's parent, a member of the child's

1 immediate family, a person responsible for the child's
2 welfare, an individual residing in the same home as the child,
3 or a paramour of the child's parent, the death of a child,
4 serious injury to a child or sexual abuse to a child made
5 pursuant to Sections 4.1 or 7 of this Act, and except that the
6 Department may delegate the performance of the investigation
7 to the Illinois ~~Department of~~ State Police, a law enforcement
8 agency and to those private social service agencies which have
9 been designated for this purpose by the Department prior to
10 July 1, 1980.

11 (b) Notwithstanding any other provision of this Act, the
12 Department shall adopt rules expressly allowing law
13 enforcement personnel to investigate reports of suspected
14 child abuse or neglect concurrently with the Department,
15 without regard to whether the Department determines a report
16 to be "indicated" or "unfounded" or deems a report to be
17 "undetermined".

18 (c) By June 1, 2016, the Department shall adopt rules that
19 address and set forth criteria and standards relevant to
20 investigations of reports of abuse or neglect committed by any
21 agency, as defined in Section 3 of this Act, or person working
22 for an agency responsible for the welfare of a child or adult
23 resident.

24 (Source: P.A. 101-583, eff. 1-1-20.)

25 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

1 Sec. 7.4. (a) The Department shall be capable of receiving
2 reports of suspected child abuse or neglect 24 hours a day, 7
3 days a week. Whenever the Department receives a report
4 alleging that a child is a truant as defined in Section 26-2a
5 of the School Code, as now or hereafter amended, the
6 Department shall notify the superintendent of the school
7 district in which the child resides and the appropriate
8 superintendent of the educational service region. The
9 notification to the appropriate officials by the Department
10 shall not be considered an allegation of abuse or neglect
11 under this Act.

12 (a-5) The Department of Children and Family Services may
13 implement a "differential response program" in accordance with
14 criteria, standards, and procedures prescribed by rule. The
15 program may provide that, upon receiving a report, the
16 Department shall determine whether to conduct a family
17 assessment or an investigation as appropriate to prevent or
18 provide a remedy for child abuse or neglect.

19 For purposes of this subsection (a-5), "family assessment"
20 means a comprehensive assessment of child safety, risk of
21 subsequent child maltreatment, and family strengths and needs
22 that is applied to a child maltreatment report that does not
23 allege substantial child endangerment. "Family assessment"
24 does not include a determination as to whether child
25 maltreatment occurred but does determine the need for services
26 to address the safety of family members and the risk of

1 subsequent maltreatment.

2 For purposes of this subsection (a-5), "investigation"
3 means fact-gathering related to the current safety of a child
4 and the risk of subsequent abuse or neglect that determines
5 whether a report of suspected child abuse or neglect should be
6 indicated or unfounded and whether child protective services
7 are needed.

8 Under the "differential response program" implemented
9 under this subsection (a-5), the Department:

10 (1) Shall conduct an investigation on reports
11 involving substantial child abuse or neglect.

12 (2) Shall begin an immediate investigation if, at any
13 time when it is using a family assessment response, it
14 determines that there is reason to believe that
15 substantial child abuse or neglect or a serious threat to
16 the child's safety exists.

17 (3) May conduct a family assessment for reports that
18 do not allege substantial child endangerment. In
19 determining that a family assessment is appropriate, the
20 Department may consider issues, including, but not limited
21 to, child safety, parental cooperation, and the need for
22 an immediate response.

23 (4) Shall promulgate criteria, standards, and
24 procedures that shall be applied in making this
25 determination, taking into consideration the Child
26 Endangerment Risk Assessment Protocol of the Department.

1 (5) May conduct a family assessment on a report that
2 was initially screened and assigned for an investigation.

3 In determining that a complete investigation is not
4 required, the Department must document the reason for
5 terminating the investigation and notify the local law
6 enforcement agency or the Illinois ~~Department of~~ State Police
7 if the local law enforcement agency or Illinois ~~Department of~~
8 State Police is conducting a joint investigation.

9 Once it is determined that a "family assessment" will be
10 implemented, the case shall not be reported to the central
11 register of abuse and neglect reports.

12 During a family assessment, the Department shall collect
13 any available and relevant information to determine child
14 safety, risk of subsequent abuse or neglect, and family
15 strengths.

16 Information collected includes, but is not limited to,
17 when relevant: information with regard to the person reporting
18 the alleged abuse or neglect, including the nature of the
19 reporter's relationship to the child and to the alleged
20 offender, and the basis of the reporter's knowledge for the
21 report; the child allegedly being abused or neglected; the
22 alleged offender; the child's caretaker; and other collateral
23 sources having relevant information related to the alleged
24 abuse or neglect. Information relevant to the assessment must
25 be asked for, and may include:

26 (A) The child's sex and age, prior reports of abuse or

1 neglect, information relating to developmental
2 functioning, credibility of the child's statement, and
3 whether the information provided under this paragraph (A)
4 is consistent with other information collected during the
5 course of the assessment or investigation.

6 (B) The alleged offender's age, a record check for
7 prior reports of abuse or neglect, and criminal charges
8 and convictions. The alleged offender may submit
9 supporting documentation relevant to the assessment.

10 (C) Collateral source information regarding the
11 alleged abuse or neglect and care of the child. Collateral
12 information includes, when relevant: (i) a medical
13 examination of the child; (ii) prior medical records
14 relating to the alleged maltreatment or care of the child
15 maintained by any facility, clinic, or health care
16 professional, and an interview with the treating
17 professionals; and (iii) interviews with the child's
18 caretakers, including the child's parent, guardian, foster
19 parent, child care provider, teachers, counselors, family
20 members, relatives, and other persons who may have
21 knowledge regarding the alleged maltreatment and the care
22 of the child.

23 (D) Information on the existence of domestic abuse and
24 violence in the home of the child, and substance abuse.

25 Nothing in this subsection (a-5) precludes the Department
26 from collecting other relevant information necessary to

1 conduct the assessment or investigation. Nothing in this
2 subsection (a-5) shall be construed to allow the name or
3 identity of a reporter to be disclosed in violation of the
4 protections afforded under Section 7.19 of this Act.

5 After conducting the family assessment, the Department
6 shall determine whether services are needed to address the
7 safety of the child and other family members and the risk of
8 subsequent abuse or neglect.

9 Upon completion of the family assessment, if the
10 Department concludes that no services shall be offered, then
11 the case shall be closed. If the Department concludes that
12 services shall be offered, the Department shall develop a
13 family preservation plan and offer or refer services to the
14 family.

15 At any time during a family assessment, if the Department
16 believes there is any reason to stop the assessment and
17 conduct an investigation based on the information discovered,
18 the Department shall do so.

19 The procedures available to the Department in conducting
20 investigations under this Act shall be followed as appropriate
21 during a family assessment.

22 If the Department implements a differential response
23 program authorized under this subsection (a-5), the Department
24 shall arrange for an independent evaluation of the program for
25 at least the first 3 years of implementation to determine
26 whether it is meeting the goals in accordance with Section 2 of

1 this Act.

2 The Department may adopt administrative rules necessary
3 for the execution of this Section, in accordance with Section
4 4 of the Children and Family Services Act.

5 The Department shall submit a report to the General
6 Assembly by January 15, 2018 on the implementation progress
7 and recommendations for additional needed legislative changes.

8 (b) (1) The following procedures shall be followed in the
9 investigation of all reports of suspected abuse or neglect of
10 a child, except as provided in subsection (c) of this Section.

11 (2) If, during a family assessment authorized by
12 subsection (a-5) or an investigation, it appears that the
13 immediate safety or well-being of a child is endangered, that
14 the family may flee or the child disappear, or that the facts
15 otherwise so warrant, the Child Protective Service Unit shall
16 commence an investigation immediately, regardless of the time
17 of day or night. All other investigations shall be commenced
18 within 24 hours of receipt of the report. Upon receipt of a
19 report, the Child Protective Service Unit shall conduct a
20 family assessment authorized by subsection (a-5) or begin an
21 initial investigation and make an initial determination
22 whether the report is a good faith indication of alleged child
23 abuse or neglect.

24 (3) Based on an initial investigation, if the Unit
25 determines the report is a good faith indication of alleged
26 child abuse or neglect, then a formal investigation shall

1 commence and, pursuant to Section 7.12 of this Act, may or may
2 not result in an indicated report. The formal investigation
3 shall include: direct contact with the subject or subjects of
4 the report as soon as possible after the report is received; an
5 evaluation of the environment of the child named in the report
6 and any other children in the same environment; a
7 determination of the risk to such children if they continue to
8 remain in the existing environments, as well as a
9 determination of the nature, extent and cause of any condition
10 enumerated in such report; the name, age and condition of
11 other children in the environment; and an evaluation as to
12 whether there would be an immediate and urgent necessity to
13 remove the child from the environment if appropriate family
14 preservation services were provided. After seeing to the
15 safety of the child or children, the Department shall
16 forthwith notify the subjects of the report in writing, of the
17 existence of the report and their rights existing under this
18 Act in regard to amendment or expungement. To fulfill the
19 requirements of this Section, the Child Protective Service
20 Unit shall have the capability of providing or arranging for
21 comprehensive emergency services to children and families at
22 all times of the day or night.

23 (4) If (i) at the conclusion of the Unit's initial
24 investigation of a report, the Unit determines the report to
25 be a good faith indication of alleged child abuse or neglect
26 that warrants a formal investigation by the Unit, the

1 Department, any law enforcement agency or any other
2 responsible agency and (ii) the person who is alleged to have
3 caused the abuse or neglect is employed or otherwise engaged
4 in an activity resulting in frequent contact with children and
5 the alleged abuse or neglect are in the course of such
6 employment or activity, then the Department shall, except in
7 investigations where the Director determines that such
8 notification would be detrimental to the Department's
9 investigation, inform the appropriate supervisor or
10 administrator of that employment or activity that the Unit has
11 commenced a formal investigation pursuant to this Act, which
12 may or may not result in an indicated report. The Department
13 shall also notify the person being investigated, unless the
14 Director determines that such notification would be
15 detrimental to the Department's investigation.

16 (c) In an investigation of a report of suspected abuse or
17 neglect of a child by a school employee at a school or on
18 school grounds, the Department shall make reasonable efforts
19 to follow the following procedures:

20 (1) Investigations involving teachers shall not, to
21 the extent possible, be conducted when the teacher is
22 scheduled to conduct classes. Investigations involving
23 other school employees shall be conducted so as to
24 minimize disruption of the school day. The school employee
25 accused of child abuse or neglect may have his superior,
26 his association or union representative and his attorney

1 present at any interview or meeting at which the teacher
2 or administrator is present. The accused school employee
3 shall be informed by a representative of the Department,
4 at any interview or meeting, of the accused school
5 employee's due process rights and of the steps in the
6 investigation process. These due process rights shall also
7 include the right of the school employee to present
8 countervailing evidence regarding the accusations. In an
9 investigation in which the alleged perpetrator of abuse or
10 neglect is a school employee, including, but not limited
11 to, a school teacher or administrator, and the
12 recommendation is to determine the report to be indicated,
13 in addition to other procedures as set forth and defined
14 in Department rules and procedures, the employee's due
15 process rights shall also include: (i) the right to a copy
16 of the investigation summary; (ii) the right to review the
17 specific allegations which gave rise to the investigation;
18 and (iii) the right to an administrator's teleconference
19 which shall be convened to provide the school employee
20 with the opportunity to present documentary evidence or
21 other information that supports his or her position and to
22 provide information before a final finding is entered.

23 (2) If a report of neglect or abuse of a child by a
24 teacher or administrator does not involve allegations of
25 sexual abuse or extreme physical abuse, the Child
26 Protective Service Unit shall make reasonable efforts to

1 conduct the initial investigation in coordination with the
2 employee's supervisor.

3 If the Unit determines that the report is a good faith
4 indication of potential child abuse or neglect, it shall
5 then commence a formal investigation under paragraph (3)
6 of subsection (b) of this Section.

7 (3) If a report of neglect or abuse of a child by a
8 teacher or administrator involves an allegation of sexual
9 abuse or extreme physical abuse, the Child Protective Unit
10 shall commence an investigation under paragraph (2) of
11 subsection (b) of this Section.

12 (c-5) In any instance in which a report is made or caused
13 to made by a school district employee involving the conduct of
14 a person employed by the school district, at the time the
15 report was made, as required under Section 4 of this Act, the
16 Child Protective Service Unit shall send a copy of its final
17 finding report to the general superintendent of that school
18 district.

19 (c-10) The Department may recommend that a school district
20 remove a school employee who is the subject of an
21 investigation from his or her employment position pending the
22 outcome of the investigation; however, all employment
23 decisions regarding school personnel shall be the sole
24 responsibility of the school district or employer. The
25 Department may not require a school district to remove a
26 school employee from his or her employment position or limit

1 the school employee's duties pending the outcome of an
2 investigation.

3 (d) If the Department has contact with an employer, or
4 with a religious institution or religious official having
5 supervisory or hierarchical authority over a member of the
6 clergy accused of the abuse of a child, in the course of its
7 investigation, the Department shall notify the employer or the
8 religious institution or religious official, in writing, when
9 a report is unfounded so that any record of the investigation
10 can be expunged from the employee's or member of the clergy's
11 personnel or other records. The Department shall also notify
12 the employee or the member of the clergy, in writing, that
13 notification has been sent to the employer or to the
14 appropriate religious institution or religious official
15 informing the employer or religious institution or religious
16 official that the Department's investigation has resulted in
17 an unfounded report.

18 (d-1) Whenever a report alleges that a child was abused or
19 neglected while receiving care in a hospital, including a
20 freestanding psychiatric hospital licensed by the Department
21 of Public Health, the Department shall send a copy of its final
22 finding to the Director of Public Health and the Director of
23 Healthcare and Family Services.

24 (e) Upon request by the Department, the Illinois
25 ~~Department of~~ State Police and law enforcement agencies are
26 authorized to provide criminal history record information as

1 defined in the Illinois Uniform Conviction Information Act and
2 information maintained in the adjudicatory and dispositional
3 record system as defined in Section 2605-355 of the Illinois
4 ~~Department of State Police Law (20 ILCS 2605/2605-355)~~ to
5 properly designated employees of the Department of Children
6 and Family Services if the Department determines the
7 information is necessary to perform its duties under the
8 Abused and Neglected Child Reporting Act, the Child Care Act
9 of 1969, and the Children and Family Services Act. The request
10 shall be in the form and manner required by the Illinois
11 ~~Department of State Police~~. Any information obtained by the
12 Department of Children and Family Services under this Section
13 is confidential and may not be transmitted outside the
14 Department of Children and Family Services other than to a
15 court of competent jurisdiction or unless otherwise authorized
16 by law. Any employee of the Department of Children and Family
17 Services who transmits confidential information in violation
18 of this Section or causes the information to be transmitted in
19 violation of this Section is guilty of a Class A misdemeanor
20 unless the transmittal of the information is authorized by
21 this Section or otherwise authorized by law.

22 (f) For purposes of this Section, "child abuse or neglect"
23 includes abuse or neglect of an adult resident as defined in
24 this Act.

25 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;
26 100-191, eff. 1-1-18; 100-863, eff. 8-14-18; 101-43, eff.

1 1-1-20.)

2 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

3 Sec. 11.1. Access to records.

4 (a) A person shall have access to the records described in
5 Section 11 only in furtherance of purposes directly connected
6 with the administration of this Act or the Intergovernmental
7 Missing Child Recovery Act of 1984. Those persons and purposes
8 for access include:

9 (1) Department staff in the furtherance of their
10 responsibilities under this Act, or for the purpose of
11 completing background investigations on persons or
12 agencies licensed by the Department or with whom the
13 Department contracts for the provision of child welfare
14 services.

15 (2) A law enforcement agency investigating known or
16 suspected child abuse or neglect, known or suspected
17 involvement with child pornography, known or suspected
18 criminal sexual assault, known or suspected criminal
19 sexual abuse, or any other sexual offense when a child is
20 alleged to be involved.

21 (3) The Illinois ~~Department~~ of State Police when
22 administering the provisions of the Intergovernmental
23 Missing Child Recovery Act of 1984.

24 (4) A physician who has before him a child whom he
25 reasonably suspects may be abused or neglected.

1 (5) A person authorized under Section 5 of this Act to
2 place a child in temporary protective custody when such
3 person requires the information in the report or record to
4 determine whether to place the child in temporary
5 protective custody.

6 (6) A person having the legal responsibility or
7 authorization to care for, treat, or supervise a child, or
8 a parent, prospective adoptive parent, foster parent,
9 guardian, or other person responsible for the child's
10 welfare, who is the subject of a report.

11 (7) Except in regard to harmful or detrimental
12 information as provided in Section 7.19, any subject of
13 the report, and if the subject of the report is a minor,
14 his guardian or guardian ad litem.

15 (8) A court, upon its finding that access to such
16 records may be necessary for the determination of an issue
17 before such court; however, such access shall be limited
18 to in camera inspection, unless the court determines that
19 public disclosure of the information contained therein is
20 necessary for the resolution of an issue then pending
21 before it.

22 (8.1) A probation officer or other authorized
23 representative of a probation or court services department
24 conducting an investigation ordered by a court under the
25 Juvenile Court Act of 1987.

26 (9) A grand jury, upon its determination that access

1 to such records is necessary in the conduct of its
2 official business.

3 (10) Any person authorized by the Director, in
4 writing, for audit or bona fide research purposes.

5 (11) Law enforcement agencies, coroners or medical
6 examiners, physicians, courts, school superintendents and
7 child welfare agencies in other states who are responsible
8 for child abuse or neglect investigations or background
9 investigations.

10 (12) The Department of Professional Regulation, the
11 State Board of Education and school superintendents in
12 Illinois, who may use or disclose information from the
13 records as they deem necessary to conduct investigations
14 or take disciplinary action, as provided by law.

15 (13) A coroner or medical examiner who has reason to
16 believe that a child has died as the result of abuse or
17 neglect.

18 (14) The Director of a State-operated facility when an
19 employee of that facility is the perpetrator in an
20 indicated report.

21 (15) The operator of a licensed child care facility or
22 a facility licensed by the Department of Human Services
23 (as successor to the Department of Alcoholism and
24 Substance Abuse) in which children reside when a current
25 or prospective employee of that facility is the
26 perpetrator in an indicated child abuse or neglect report,

1 pursuant to Section 4.3 of the Child Care Act of 1969.

2 (16) Members of a multidisciplinary team in the
3 furtherance of its responsibilities under subsection (b)
4 of Section 7.1. All reports concerning child abuse and
5 neglect made available to members of such
6 multidisciplinary teams and all records generated as a
7 result of such reports shall be confidential and shall not
8 be disclosed, except as specifically authorized by this
9 Act or other applicable law. It is a Class A misdemeanor to
10 permit, assist or encourage the unauthorized release of
11 any information contained in such reports or records.
12 Nothing contained in this Section prevents the sharing of
13 reports or records relating or pertaining to the death of
14 a minor under the care of or receiving services from the
15 Department of Children and Family Services and under the
16 jurisdiction of the juvenile court with the juvenile
17 court, the State's Attorney, and the minor's attorney.

18 (17) The Department of Human Services, as provided in
19 Section 17 of the Rehabilitation of Persons with
20 Disabilities Act.

21 (18) Any other agency or investigative body, including
22 the Department of Public Health and a local board of
23 health, authorized by State law to conduct an
24 investigation into the quality of care provided to
25 children in hospitals and other State regulated care
26 facilities.

1 (19) The person appointed, under Section 2-17 of the
2 Juvenile Court Act of 1987, as the guardian ad litem of a
3 minor who is the subject of a report or records under this
4 Act; or the person appointed, under Section 5-610 of the
5 Juvenile Court Act of 1987, as the guardian ad litem of a
6 minor who is in the custody or guardianship of the
7 Department or who has an open intact family services case
8 with the Department and who is the subject of a report or
9 records made pursuant to this Act.

10 (20) The Department of Human Services, as provided in
11 Section 10 of the Early Intervention Services System Act,
12 and the operator of a facility providing early
13 intervention services pursuant to that Act, for the
14 purpose of determining whether a current or prospective
15 employee who provides or may provide direct services under
16 that Act is the perpetrator in an indicated report of
17 child abuse or neglect filed under this Act.

18 (b) Nothing contained in this Act prevents the sharing or
19 disclosure of information or records relating or pertaining to
20 juveniles subject to the provisions of the Serious Habitual
21 Offender Comprehensive Action Program when that information is
22 used to assist in the early identification and treatment of
23 habitual juvenile offenders.

24 (c) To the extent that persons or agencies are given
25 access to information pursuant to this Section, those persons
26 or agencies may give this information to and receive this

1 information from each other in order to facilitate an
2 investigation conducted by those persons or agencies.

3 (Source: P.A. 100-158, eff. 1-1-18; 101-43, eff. 1-1-20.)

4 Section 760. The Intergovernmental Missing Child Recovery
5 Act of 1984 is amended by changing Sections 2, 3, 3.5, 3.6, 6,
6 and 7 as follows:

7 (325 ILCS 40/2) (from Ch. 23, par. 2252)

8 Sec. 2. As used in this Act:

9 (a) (Blank). ~~"Department" means the Department of State~~
10 ~~Police.~~

11 (b) "Director" means the Director of the Illinois
12 ~~Department of State Police.~~

13 (c) "Unit of local government" is defined as in Article
14 VII, Section 1 of the Illinois Constitution and includes both
15 home rule units and units which are not home rule units. The
16 term is also defined to include all public school districts
17 subject to the provisions of the School Code.

18 (d) "Child" means a person under 21 years of age.

19 (e) A "LEADS terminal" is an interactive computerized
20 communication and processing unit which permits a direct
21 on-line communication with the Illinois ~~Department of~~ State
22 Police's central data repository, the Law Enforcement Agencies
23 Data System (LEADS).

24 (f) A "primary contact agency" means a law enforcement

1 agency which maintains a LEADS terminal, or has immediate
2 access to one on a 24-hour-per-day, 7-day-per-week basis by
3 written agreement with another law enforcement agency.

4 (g) (Blank).

5 (h) "Missing child" means any person under 21 years of age
6 whose whereabouts are unknown to his or her parents or legal
7 guardian.

8 (i) "Exploitation" means activities and actions which
9 include, but are not limited to, child pornography, aggravated
10 child pornography, child prostitution, child sexual abuse,
11 drug and substance abuse by children, and child suicide.

12 (j) (Blank).

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-938, eff. 1-1-13.)

14 (325 ILCS 40/3) (from Ch. 23, par. 2253)

15 Sec. 3. The Illinois State Police ~~Department~~ shall
16 establish a State Missing Persons Clearinghouse as a resource
17 to promote an immediate and effective community response to
18 missing children and may engage in, but shall not be limited
19 to, the following activities:

20 (a) To establish and conduct programs to educate parents,
21 children and communities in ways to prevent the abduction of
22 children.

23 (b) To conduct training programs and distribute materials
24 providing guidelines for children when dealing with strangers,
25 casual acquaintances, or non-custodial parents, in order to

1 avoid abduction or kidnapping situations.

2 (c) To compile, maintain and make available data upon the
3 request of law enforcement agencies and other entities deemed
4 appropriate by the Illinois State Police ~~Department~~ to assist
5 enforcement agencies in recovering missing children, including
6 but not limited to data regarding the places of shelter
7 commonly used by runaway children in a requested geographical
8 area.

9 (d) To draft and implement plans for the most efficient
10 use of available resources to publicize information regarding
11 missing children.

12 (e) To establish and maintain contacts with other state
13 missing persons clearinghouses, law enforcement agencies, and
14 missing persons non-profit organizations in order to increase
15 the probability of locating and returning missing children,
16 and to otherwise assist in the recovery and tracking of
17 missing children.

18 (f) To coordinate the tracking and recovery of children
19 under the custody or guardianship of the Department of
20 Children and Family Services whose disappearance has been
21 reported and to produce an annual report indicating the number
22 of children under the custody or guardianship of that
23 Department who have been reported missing and the number who
24 have been recovered.

25 (g) To conduct other activities as may be necessary to
26 achieve the goals established by this Act.

1 (Source: P.A. 97-938, eff. 1-1-13.)

2 (325 ILCS 40/3.5)

3 Sec. 3.5. Contact with Department of Children and Family
4 Services. For each child reported missing and entered into the
5 LEADS network, the Illinois State Police ~~Department~~ shall, in
6 the form and manner it determines, contact the Department of
7 Children and Family Services to provide it with the name, age,
8 and sex of the child, and the geographic area from which the
9 child was reported missing so that the Department of Children
10 and Family Services can determine if that child had been
11 abandoned within the previous 2 months.

12 (Source: P.A. 97-938, eff. 1-1-13.)

13 (325 ILCS 40/3.6)

14 Sec. 3.6. Department of Children and Family Services;
15 missing persons. The Illinois State Police ~~Department~~ shall
16 develop and conduct a training advisory for LEADS reporting of
17 missing persons when the missing individual, regardless of
18 age, is under the care and legal custody of the Department of
19 Children and Family Services.

20 (Source: P.A. 99-351, eff. 1-1-16.)

21 (325 ILCS 40/6) (from Ch. 23, par. 2256)

22 Sec. 6. The Illinois State Police ~~Department~~ shall:

23 (a) Utilize the ~~Establish and maintain a~~ statewide Law

1 Enforcement Agencies Data System (LEADS) for the purpose of
2 effecting an immediate law enforcement response to reports of
3 missing children. The Illinois State Police ~~Department~~ shall
4 implement an automated data exchange system to compile, to
5 maintain and to make available for dissemination to Illinois
6 and out-of-State law enforcement agencies, data which can
7 assist appropriate agencies in recovering missing children.

8 (b) Establish contacts and exchange information regarding
9 lost, missing or runaway children with nationally recognized
10 "missing person and runaway" service organizations and monitor
11 national research and publicize important developments.

12 (c) Provide a uniform reporting format for the entry of
13 pertinent information regarding reports of missing children
14 into LEADS.

15 (d) Develop and implement a policy whereby a statewide or
16 regional alert would be used in situations relating to the
17 disappearances of children, based on criteria and in a format
18 established by the Illinois State Police ~~Department~~. Such a
19 format shall include, but not be limited to, the age and
20 physical description of the missing child and the suspected
21 circumstances of the disappearance.

22 (e) Notify all law enforcement agencies that reports of
23 missing persons shall be entered as soon as the minimum level
24 of data specified by the Illinois State Police ~~Department~~ is
25 available to the reporting agency and that no waiting period
26 for entry of such data exists.

1 (f) Provide a procedure for prompt confirmation of the
2 receipt and entry of the missing child report into LEADS to the
3 parent or guardian of the missing child.

4 (g) Compile and retain information regarding missing
5 children in a separate data file, in a manner that allows such
6 information to be used by law enforcement and other agencies
7 deemed appropriate by the Director, for investigative
8 purposes. Such files shall be updated to reflect and include
9 information relating to the disposition of the case.

10 (h) Compile and maintain an historic data repository
11 relating to missing children in order (1) to develop and
12 improve techniques utilized by law enforcement agencies when
13 responding to reports of missing children and (2) to provide a
14 factual and statistical base for research that would address
15 the problem of missing children.

16 (i) Create a quality control program to monitor timeliness
17 of entries of missing children reports into LEADS and conduct
18 performance audits of all entering agencies.

19 (j) Prepare a periodic information bulletin concerning
20 missing children who it determines may be present in this
21 State, compiling such bulletin from information contained in
22 both the National Crime Information Center computer and from
23 reports, alerts and other information entered into LEADS or
24 otherwise compiled and retained by the Illinois State Police
25 ~~Department~~ pursuant to this Act. The bulletin shall indicate
26 the name, age, physical description, suspected circumstances

1 of disappearance if that information is available, a
2 photograph if one is available, the name of the law
3 enforcement agency investigating the case, and such other
4 information as the Director considers appropriate concerning
5 each missing child who the Illinois State Police ~~Department~~
6 determines may be present in this State. The Illinois State
7 Police ~~Department~~ shall send a copy of each periodic
8 information bulletin to the State Board of Education for its
9 use in accordance with Section 2-3.48 of the School Code. The
10 Illinois State Police ~~Department~~ shall provide a copy of the
11 bulletin, upon request, to law enforcement agencies of this or
12 any other state or of the federal government, and may provide a
13 copy of the bulletin, upon request, to other persons or
14 entities, if deemed appropriate by the Director, and may
15 establish limitations on its use and a reasonable fee for so
16 providing the same, except that no fee shall be charged for
17 providing the periodic information bulletin to the State Board
18 of Education, appropriate units of local government, State
19 agencies, or law enforcement agencies of this or any other
20 state or of the federal government.

21 (k) Provide for the entry into LEADS of the names and
22 addresses of sex offenders as defined in the Sex Offender
23 Registration Act who are required to register under that Act.
24 The information shall be immediately accessible to law
25 enforcement agencies and peace officers of this State or any
26 other state or of the federal government. Similar information

1 may be requested from any other state or of the federal
2 government for purposes of this Act.

3 (1) Provide for the entry into LEADS of the names and
4 addresses of violent offenders against youth as defined in the
5 Murderer and Violent Offender Against Youth Registration Act
6 who are required to register under that Act. The information
7 shall be immediately accessible to law enforcement agencies
8 and peace officers of this State or any other state or of the
9 federal government. Similar information may be requested from
10 any other state or of the federal government for purposes of
11 this Act.

12 (Source: P.A. 97-154, eff. 1-1-12.)

13 (325 ILCS 40/7) (from Ch. 23, par. 2257)

14 Sec. 7. (a) All law enforcement agencies and policing
15 bodies of this State shall, upon receipt of a report of a
16 missing person, enter that report into LEADS as soon as the
17 minimum level of data specified pursuant to subsection (e) of
18 Section 6 is available and shall furnish the Illinois State
19 Police Department, in the form and detail the Illinois State
20 Police Department requires, (1) reports of cases of lost,
21 missing or runaway children as they arise and the disposition
22 of such cases, (2) information relating to sex crimes which
23 occurred in their respective jurisdictions and which they
24 investigated, and (3) the names and addresses of sex offenders
25 required to register in their respective jurisdictions under

1 the Sex Offender Registration Act. Such information shall be
2 submitted on a regular basis, as deemed necessary by the
3 Illinois State Police ~~Department~~, and shall be kept in a
4 central automated data repository for the purpose of
5 establishing profiles of sex offenders and victims and to
6 assist all law enforcement agencies in the identification and
7 apprehension of sex offenders.

8 (b) In addition to entering the report of a missing child
9 into LEADS as prescribed by subsection (a), all law
10 enforcement agencies shall, upon receipt of a report of a
11 missing child:

12 (1) Immediately make a radio dispatch to officers on
13 duty at the time of receipt of the report. The dispatch
14 shall contain the name and approximate age of the missing
15 child and any other pertinent information available at
16 that time. In the event that the law enforcement agency
17 receiving the report of the missing child does not operate
18 a radio dispatch system, a geographically appropriate
19 radio dispatch system shall be used, such as the Illinois
20 State Police Emergency Radio Network or a similar
21 multi-agency law enforcement radio communication system
22 serving the area of the reporting agency.

23 In addition, in the event that a missing child is not
24 recovered during the work shift in which the radio
25 dispatch was made, the law enforcement agency receiving
26 the report of the missing child shall disseminate the

1 information relating to the missing child to all sworn
2 personnel employed by the agency who work or are assigned
3 to other shifts or time periods.

4 (2) Immediately contact State Missing Persons
5 Clearinghouse personnel designated by the Illinois State
6 Police Department, by a means and in a manner and form
7 prescribed by the Illinois State Police Department,
8 informing the personnel of the report of the missing
9 child.

10 (Source: P.A. 97-938, eff. 1-1-13.)

11 Section 765. The Missing Children Records Act is amended
12 by changing Sections 1, 2, 3, 4, and 5 as follows:

13 (325 ILCS 50/1) (from Ch. 23, par. 2281)

14 Sec. 1. Definitions. As used in this Act, unless the
15 context requires otherwise:

16 (a) "Custodian" means the State Registrar of Vital
17 Records, local registrars of vital records appointed by the
18 State Registrar and county clerks.

19 (b) (Blank). ~~"Department" means the Illinois Department of~~
20 ~~State Police.~~

21 (c) "Missing person" means a person 17 years old or
22 younger reported to any law enforcement authority as abducted,
23 lost or a runaway.

24 (d) "Registrar" means the State Registrar of Vital

1 Records.

2 (Source: P.A. 84-1430.)

3 (325 ILCS 50/2) (from Ch. 23, par. 2282)

4 Sec. 2. Illinois State Police ~~Department~~ duties. Upon
5 entry of a report of a missing person born in Illinois into the
6 Law Enforcement Agencies Data System (LEADS) established
7 pursuant to the Intergovernmental Missing Child Recovery Act
8 of 1984, the Illinois State Police ~~Department~~ shall notify the
9 Registrar within 5 business days of the disappearance and
10 shall provide the Registrar with information concerning the
11 identity of the missing person. Upon entry of a report of a
12 missing person born in a state other than Illinois into the Law
13 Enforcement Agencies Data System (LEADS), the Illinois State
14 Police ~~Department~~ shall notify the registrar, or other state
15 agency responsible for vital records, in that state within 5
16 business days of the disappearance and shall provide such
17 registrar or other agency with information concerning the
18 identity of the missing person.

19 If the Illinois State Police ~~Department~~ has reason to
20 believe that a missing person has been enrolled in a specific
21 Illinois elementary or secondary school, it shall notify the
22 last such known school as to the disappearance at which time
23 the school shall flag the missing child's record pursuant to
24 Section 5.

25 Upon learning of the recovery of a missing person, the

1 Illinois State Police ~~Department~~ shall so notify the Registrar
2 and any school previously informed of the person's
3 disappearance.

4 The Illinois State Police ~~Department~~ shall by rule
5 determine the manner and form of notices and information
6 required by this Act.

7 (Source: P.A. 84-1430.)

8 (325 ILCS 50/3) (from Ch. 23, par. 2283)

9 Sec. 3. Registrar duties. Upon notification by the
10 Illinois State Police ~~Department~~ that a person born in this
11 State is missing, the Registrar shall flag the birth
12 certificate record of that person in such a manner that
13 whenever a copy of the birth certificate or information
14 regarding the birth record is requested, the Registrar shall
15 be alerted to the fact that the certificate is that of a
16 missing person. The Registrar shall also notify the
17 appropriate municipality or county custodians to likewise flag
18 their records. Upon notification by the Illinois State Police
19 ~~Department~~ that the missing person has been recovered, the
20 Registrar shall remove the flag from the person's birth
21 certificate record and shall notify any other previously
22 notified municipality or county custodian to remove the flag
23 from his record.

24 (Source: P.A. 84-1430.)

1 (325 ILCS 50/4) (from Ch. 23, par. 2284)

2 Sec. 4. Custodian duties. (a) In response to any inquiry,
3 a custodian shall not provide a copy of a birth certificate or
4 information concerning the birth record of any person whose
5 record is flagged pursuant to Section 3 except as approved by
6 the Illinois State Police Department.

7 (b) When a copy of the birth certificate of a person whose
8 record has been flagged is requested in person, the
9 custodian's personnel accepting the request shall immediately
10 notify his supervisor. The custodian's personnel shall then
11 follow procedures prescribed by the Illinois State Police
12 ~~Department~~ to clearly ascertain the identity of the person
13 making the request, his address and his physical description.
14 Such procedures shall include requiring the person making the
15 request to complete a standardized information form and to
16 present at least one form of photo identification. The
17 custodian's personnel shall inform the person making the
18 request that a copy of the certificate shall be mailed to him,
19 and, upon the latter's departure from the custodian's office,
20 his supervisor shall immediately notify the Illinois State
21 Police Department or the local law enforcement authority as to
22 the request and the information obtained pursuant to this
23 subsection. The custodian shall retain the form completed by
24 the person making the request.

25 (c) When a copy of the birth certificate of a person whose
26 record has been flagged is requested in writing, the

1 custodian's personnel receiving the request shall immediately
2 notify his supervisor. The supervisor shall immediately notify
3 the Illinois State Police ~~Department~~ or local law enforcement
4 authority as to the request and shall provide a copy of the
5 written request. The custodian shall retain the original
6 written request.

7 (Source: P.A. 84-1430.)

8 (325 ILCS 50/5) (from Ch. 23, par. 2285)

9 Sec. 5. Duties of school or other entity.

10 (a) Upon notification by the Illinois State Police
11 ~~Department~~ of a person's disappearance, a school, preschool
12 educational program, child care facility, or day care home or
13 group day care home in which the person is currently or was
14 previously enrolled shall flag the record of that person in
15 such a manner that whenever a copy of or information regarding
16 the record is requested, the school or other entity shall be
17 alerted to the fact that the record is that of a missing
18 person. The school or other entity shall immediately report to
19 the Illinois State Police ~~Department~~ any request concerning
20 flagged records or knowledge as to the whereabouts of any
21 missing person. Upon notification by the Illinois State Police
22 ~~Department~~ that the missing person has been recovered, the
23 school or other entity shall remove the flag from the person's
24 record.

25 (b) (1) For every child enrolled in a particular

1 elementary or secondary school, public or private preschool
2 educational program, public or private child care facility
3 licensed under the Child Care Act of 1969, or day care home or
4 group day care home licensed under the Child Care Act of 1969,
5 that school or other entity shall notify in writing the person
6 enrolling the child that within 30 days he must provide either
7 (i) a certified copy of the child's birth certificate or (ii)
8 other reliable proof, as determined by the Illinois State
9 Police Department, of the child's identity and age and an
10 affidavit explaining the inability to produce a copy of the
11 birth certificate. Other reliable proof of the child's
12 identity and age shall include a passport, visa or other
13 governmental documentation of the child's identity. When the
14 person enrolling the child provides the school or other entity
15 with a certified copy of the child's birth certificate, the
16 school or other entity shall promptly make a copy of the
17 certified copy for its records and return the original
18 certified copy to the person enrolling the child. Once a
19 school or other entity has been provided with a certified copy
20 of a child's birth certificate as required under item (i) of
21 this subdivision (b) (1), the school or other entity need not
22 request another such certified copy with respect to that child
23 for any other year in which the child is enrolled in that
24 school or other entity.

25 (2) Upon the failure of a person enrolling a child to
26 comply with subsection (b) (1), the school or other entity

1 shall immediately notify the Illinois State Police ~~Department~~
2 or local law enforcement agency of such failure, and shall
3 notify the person enrolling the child in writing that he has 10
4 additional days to comply.

5 (3) The school or other entity shall immediately report to
6 the Illinois State Police ~~Department~~ any affidavit received
7 pursuant to this subsection which appears inaccurate or
8 suspicious in form or content.

9 (c) Within 14 days after enrolling a transfer student, the
10 elementary or secondary school shall request directly from the
11 student's previous school a certified copy of his record. The
12 requesting school shall exercise due diligence in obtaining
13 the copy of the record requested. Any elementary or secondary
14 school requested to forward a copy of a transferring student's
15 record to the new school shall comply within 10 days of receipt
16 of the request unless the record has been flagged pursuant to
17 subsection (a), in which case the copy shall not be forwarded
18 and the requested school shall notify the Illinois State
19 Police ~~Department~~ or local law enforcement authority of the
20 request.

21 (Source: P.A. 95-439, eff. 1-1-08; 95-793, eff. 8-8-08.)

22 Section 770. The Missing Children Registration Law is
23 amended by changing Sections 1, 2, 3, 4, 5, and 6 as follows:

24 (325 ILCS 55/1) (from Ch. 23, par. 2271)

1 Sec. 1. Definitions. As used in this Article, unless the
2 context requires otherwise:

3 (a) "Custodian" means the State Registrar of Vital
4 Records, local registrars of vital records appointed by the
5 State Registrar and county clerks.

6 (b) (Blank). ~~"Department" means the Illinois Department of~~
7 ~~State Police.~~

8 (c) "Missing child" means a person under the age of 18
9 years, reported to any law enforcement authority as abducted,
10 lost or a runaway, whose identity is entered into the Law
11 Enforcement Agencies Data System.

12 (d) "Registrar" means the State Registrar of Vital
13 Records.

14 (Source: P.A. 84-1279.)

15 (325 ILCS 55/2) (from Ch. 23, par. 2272)

16 Sec. 2. Illinois State Police ~~Department~~ duties. Upon
17 entry of a report of a missing child born in Illinois into the
18 Law Enforcement Agencies Data System, the Illinois State
19 Police ~~Department~~ shall notify the Registrar of the
20 disappearance and shall provide the Registrar with information
21 concerning the identity of the missing child.

22 If the Illinois State Police ~~Department~~ has reason to
23 believe that a missing child may be enrolled in an Illinois
24 elementary or secondary school, it shall notify the last such
25 known school as to the disappearance, at which time the school

1 shall flag the missing child's record pursuant to Section 5.

2 Upon learning of the recovery of a missing child, the
3 Illinois State Police ~~Department~~ shall so notify the
4 Registrar.

5 The Illinois State Police ~~Department~~ shall by rule
6 determine the manner and form of notices and information
7 required by this Article.

8 (Source: P.A. 84-1279.)

9 (325 ILCS 55/3) (from Ch. 23, par. 2273)

10 Sec. 3. Registrar duties. Upon notification by the
11 Illinois State Police ~~Department~~ that a person under the age
12 of 18 years who was born in this State is missing, the
13 Registrar shall flag the birth certificate record of that
14 person in such a manner that whenever a copy of the birth
15 certificate or information regarding the birth record is
16 requested, the Registrar shall be alerted to the fact that the
17 certificate is that of a missing child. The Registrar shall
18 also notify the appropriate city or county custodian to
19 likewise flag his records. Upon notification by the Illinois
20 State Police ~~Department~~ that the missing child has been
21 recovered, the Registrar shall remove the flag from the
22 person's birth certificate record and shall notify any other
23 previously notified city or county custodian to remove the
24 flag from his record.

25 (Source: P.A. 84-1279.)

1 (325 ILCS 55/4) (from Ch. 23, par. 2274)

2 Sec. 4. Custodian duties. (a) In response to any inquiry,
3 a custodian shall not provide a copy of a birth certificate or
4 information concerning the birth record of any person whose
5 record is flagged pursuant to Section 3 except as approved by
6 the Illinois State Police Department.

7 (b) When a copy of the birth certificate of a person whose
8 record has been flagged is requested in person, the
9 custodian's personnel accepting the request shall immediately
10 notify his supervisor. The person making the request shall
11 complete a form as prescribed by the Illinois State Police
12 ~~Department~~, which may include the name, address, telephone
13 number and social security number of the person making the
14 request, his or her relationship to the missing child and the
15 name, address and birth date of the missing child. The
16 driver's license of the person making the request, if
17 available, shall be photocopied and returned to him. He shall
18 be informed that a copy of the certificate shall be mailed to
19 him. The custodian's personnel shall note the physical
20 description of the person making the request, and, upon the
21 latter's departure from the custodian's office, his supervisor
22 shall immediately notify the local law enforcement authority
23 as to the request and the information obtained pursuant to
24 this subsection. The custodian shall retain the form completed
25 by the person making the request.

1 (c) When a copy of the birth certificate of a person whose
2 record has been flagged is requested in writing, the
3 custodian's personnel receiving the request shall immediately
4 notify his supervisor. The supervisor shall immediately notify
5 the local law enforcement authority as to the request and
6 shall provide a copy of the written request. The custodian
7 shall retain the original written request.

8 (Source: P.A. 84-1279.)

9 (325 ILCS 55/5) (from Ch. 23, par. 2275)

10 Sec. 5. School duties. (a) Upon notification by the
11 Illinois State Police Department of a child's disappearance, a
12 school in which the child is currently or was previously
13 enrolled shall flag the record of that child in such a manner
14 that whenever a copy of or information regarding the record is
15 requested, the school shall be alerted to the fact that the
16 record is that of a missing child. The school shall
17 immediately report to the local law enforcement authority any
18 request concerning flagged records or knowledge as to the
19 whereabouts of any missing child. Upon notification by the
20 Illinois State Police Department that the missing child has
21 been recovered, the school shall remove the flag from the
22 person's record.

23 (b) Upon enrollment of a student for the first time in a
24 particular elementary or secondary school, that school shall
25 notify in writing the person enrolling the student that within

1 30 days he must provide either (1) a certified copy of the
2 student's birth certificate or (2) other reliable proof, as
3 determined by the Illinois State Police Department, of the
4 student's identity and age, and an affidavit explaining the
5 inability to produce a copy of the birth certificate.

6 Upon the failure of a person enrolling a student to comply
7 with this subsection, the school shall immediately notify the
8 local law enforcement agency and shall also notify the person
9 enrolling the student in writing that, unless he complies
10 within 10 days, the case shall be referred to the local law
11 enforcement authority for investigation. If compliance is not
12 obtained within that 10 day period, the school shall so refer
13 the case.

14 The school shall immediately report to the local law
15 enforcement authority any affidavit received pursuant to this
16 subsection which appears inaccurate or suspicious in form or
17 content.

18 (c) Within 14 days after enrolling a transfer student, the
19 elementary or secondary school shall request directly from the
20 student's previous school a certified copy of his record. The
21 requesting school shall exercise due diligence in obtaining
22 the copy of the record requested. Any elementary or secondary
23 school requested to forward a copy of a transferring student's
24 record to the new school shall comply within 10 days of receipt
25 of such request unless the record has been flagged pursuant to
26 subsection (a), in which case the copy shall not be forwarded

1 and the requested school shall notify the local law
2 enforcement authority of the request.

3 (Source: P.A. 84-1279.)

4 (325 ILCS 55/6) (from Ch. 23, par. 2276)

5 Sec. 6. Local law enforcement duties. Any local law
6 enforcement authority notified pursuant to this Article of the
7 request for the birth certificate or school record of or other
8 information concerning a missing child shall immediately
9 notify the Illinois State Police ~~Department~~ of such request
10 and shall investigate the request.

11 (Source: P.A. 84-1279.)

12 Section 815. The Mental Health and Developmental
13 Disabilities Code is amended by changing Sections 6-103.1,
14 6-103.2, and 6-103.3 as follows:

15 (405 ILCS 5/6-103.1)

16 Sec. 6-103.1. Adjudication as a person with a mental
17 disability. When a person has been adjudicated as a person
18 with a mental disability as defined in Section 1.1 of the
19 Firearm Owners Identification Card Act, including, but not
20 limited to, an adjudication as a person with a disability as
21 defined in Section 11a-2 of the Probate Act of 1975, the court
22 shall direct the circuit court clerk to notify the Illinois
23 ~~Department of~~ State Police, Firearm Owner's Identification

1 (FOID) Office, in a form and manner prescribed by the Illinois
2 ~~Department of~~ State Police, and shall forward a copy of the
3 court order to the Department no later than 7 days after the
4 entry of the order. Upon receipt of the order, the Illinois
5 ~~Department of~~ State Police shall provide notification to the
6 National Instant Criminal Background Check System.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

8 (405 ILCS 5/6-103.2)

9 Sec. 6-103.2. Developmental disability; notice. If a
10 person 14 years old or older is determined to be a person with
11 a developmental disability by a physician, clinical
12 psychologist, or qualified examiner, the physician, clinical
13 psychologist, or qualified examiner shall notify the
14 Department of Human Services within 7 days of making the
15 determination that the person has a developmental disability.
16 The Department of Human Services shall immediately update its
17 records and information relating to mental health and
18 developmental disabilities, and if appropriate, shall notify
19 the Illinois ~~Department of~~ State Police in a form and manner
20 prescribed by the Illinois ~~Department of~~ State Police.
21 Information disclosed under this Section shall remain
22 privileged and confidential, and shall not be redisclosed,
23 except as required under subsection (e) of Section 3.1 of the
24 Firearm Owners Identification Card Act, nor used for any other
25 purpose. The method of providing this information shall

1 guarantee that the information is not released beyond that
2 which is necessary for the purpose of this Section and shall be
3 provided by rule by the Department of Human Services. The
4 identity of the person reporting under this Section shall not
5 be disclosed to the subject of the report.

6 The physician, clinical psychologist, or qualified
7 examiner making the determination and his or her employer may
8 not be held criminally, civilly, or professionally liable for
9 making or not making the notification required under this
10 Section, except for willful or wanton misconduct.

11 For purposes of this Section, "developmental disability"
12 means a disability which is attributable to any other
13 condition which results in impairment similar to that caused
14 by an intellectual disability and which requires services
15 similar to those required by intellectually disabled persons.
16 The disability must originate before the age of 18 years, be
17 expected to continue indefinitely, and constitute a
18 substantial disability. This disability results, in the
19 professional opinion of a physician, clinical psychologist, or
20 qualified examiner, in significant functional limitations in 3
21 or more of the following areas of major life activity:

- 22 (i) self-care;
23 (ii) receptive and expressive language;
24 (iii) learning;
25 (iv) mobility; or
26 (v) self-direction.

1 "Determined to be a person with a developmental disability
2 by a physician, clinical psychologist, or qualified examiner"
3 means in the professional opinion of the physician, clinical
4 psychologist, or qualified examiner, a person is diagnosed,
5 assessed, or evaluated as having a developmental disability.
6 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
7 eff. 7-27-15; 99-642, eff. 7-28-16.)

8 (405 ILCS 5/6-103.3)

9 Sec. 6-103.3. Clear and present danger; notice. If a
10 person is determined to pose a clear and present danger to
11 himself, herself, or to others by a physician, clinical
12 psychologist, or qualified examiner, whether employed by the
13 State, by any public or private mental health facility or part
14 thereof, or by a law enforcement official or a school
15 administrator, then the physician, clinical psychologist,
16 qualified examiner shall notify the Department of Human
17 Services and a law enforcement official or school
18 administrator shall notify the Illinois ~~Department of~~ State
19 Police, within 24 hours of making the determination that the
20 person poses a clear and present danger. The Department of
21 Human Services shall immediately update its records and
22 information relating to mental health and developmental
23 disabilities, and if appropriate, shall notify the Illinois
24 ~~Department of~~ State Police in a form and manner prescribed by
25 the Illinois ~~Department of~~ State Police. Information disclosed

1 under this Section shall remain privileged and confidential,
2 and shall not be redisclosed, except as required under
3 subsection (e) of Section 3.1 of the Firearm Owners
4 Identification Card Act, nor used for any other purpose. The
5 method of providing this information shall guarantee that the
6 information is not released beyond that which is necessary for
7 the purpose of this Section and shall be provided by rule by
8 the Department of Human Services. The identity of the person
9 reporting under this Section shall not be disclosed to the
10 subject of the report. The physician, clinical psychologist,
11 qualified examiner, law enforcement official, or school
12 administrator making the determination and his or her employer
13 shall not be held criminally, civilly, or professionally
14 liable for making or not making the notification required
15 under this Section, except for willful or wanton misconduct.
16 This Section does not apply to a law enforcement official, if
17 making the notification under this Section will interfere with
18 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
22 Card 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
2 clear 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.

12 (a) In this Act:

13 "Advanced practice registered nurse" has the meaning
14 provided in Section 50-10 of the Nurse Practice Act.

15 "Ambulance provider" means an individual or entity that
16 owns and operates a business or service using ambulances or
17 emergency medical services vehicles to transport emergency
18 patients.

19 "Approved pediatric health care facility" means a health
20 care facility, other than a hospital, with a sexual assault
21 treatment plan approved by the Department to provide medical
22 forensic services to pediatric sexual assault survivors who
23 present with a complaint of sexual assault within a minimum of
24 the last 7 days or who have disclosed past sexual assault by a

1 specific individual and were in the care of that individual
2 within a minimum of the last 7 days.

3 "Areawide sexual assault treatment plan" means a plan,
4 developed by hospitals or by hospitals and approved pediatric
5 health care facilities in a community or area to be served,
6 which provides for medical forensic services to sexual assault
7 survivors that shall be made available by each of the
8 participating hospitals and approved pediatric health care
9 facilities.

10 "Board-certified child abuse pediatrician" means a
11 physician certified by the American Board of Pediatrics in
12 child abuse pediatrics.

13 "Board-eligible child abuse pediatrician" means a
14 physician who has completed the requirements set forth by the
15 American Board of Pediatrics to take the examination for
16 certification in child abuse pediatrics.

17 "Department" means the Department of Public Health.

18 "Emergency contraception" means medication as approved by
19 the federal Food and Drug Administration (FDA) that can
20 significantly reduce the risk of pregnancy if taken within 72
21 hours after sexual assault.

22 "Follow-up healthcare" means healthcare services related
23 to a sexual assault, including laboratory services and
24 pharmacy services, rendered within 90 days of the initial
25 visit for medical forensic services.

26 "Health care professional" means a physician, a physician

1 assistant, a sexual assault forensic examiner, an advanced
2 practice registered nurse, a registered professional nurse, a
3 licensed practical nurse, or a sexual assault nurse examiner.

4 "Hospital" means a hospital licensed under the Hospital
5 Licensing Act or operated under the University of Illinois
6 Hospital Act, any outpatient center included in the hospital's
7 sexual assault treatment plan where hospital employees provide
8 medical forensic services, and an out-of-state hospital that
9 has consented to the jurisdiction of the Department under
10 Section 2.06.

11 "Illinois State Police Sexual Assault Evidence Collection
12 Kit" means a prepackaged set of materials and forms to be used
13 for the collection of evidence relating to sexual assault. The
14 standardized evidence collection kit for the State of Illinois
15 shall be the Illinois State Police Sexual Assault Evidence
16 Collection Kit.

17 "Law enforcement agency having jurisdiction" means the law
18 enforcement agency in the jurisdiction where an alleged sexual
19 assault or sexual abuse occurred.

20 "Licensed practical nurse" has the meaning provided in
21 Section 50-10 of the Nurse Practice Act.

22 "Medical forensic services" means health care delivered to
23 patients within or under the care and supervision of personnel
24 working in a designated emergency department of a hospital or
25 an approved pediatric health care facility. "Medical forensic
26 services" includes, but is not limited to, taking a medical

1 history, performing photo documentation, performing a physical
2 and anogenital examination, assessing the patient for evidence
3 collection, collecting evidence in accordance with a statewide
4 sexual assault evidence collection program administered by the
5 Illinois Department of State Police using the Illinois State
6 Police Sexual Assault Evidence Collection Kit, if appropriate,
7 assessing the patient for drug-facilitated or
8 alcohol-facilitated sexual assault, providing an evaluation of
9 and care for sexually transmitted infection and human
10 immunodeficiency virus (HIV), pregnancy risk evaluation and
11 care, and discharge and follow-up healthcare planning.

12 "Pediatric health care facility" means a clinic or
13 physician's office that provides medical services to pediatric
14 patients.

15 "Pediatric sexual assault survivor" means a person under
16 the age of 13 who presents for medical forensic services in
17 relation to injuries or trauma resulting from a sexual
18 assault.

19 "Photo documentation" means digital photographs or
20 colposcope videos stored and backed up securely in the
21 original file format.

22 "Physician" means a person licensed to practice medicine
23 in all its branches.

24 "Physician assistant" has the meaning provided in Section
25 4 of the Physician Assistant Practice Act of 1987.

26 "Prepubescent sexual assault survivor" means a female who

1 is under the age of 18 years and has not had a first menstrual
2 cycle or a male who is under the age of 18 years and has not
3 started to develop secondary sex characteristics who presents
4 for medical forensic services in relation to injuries or
5 trauma resulting from a sexual assault.

6 "Qualified medical provider" means a board-certified child
7 abuse pediatrician, board-eligible child abuse pediatrician, a
8 sexual assault forensic examiner, or a sexual assault nurse
9 examiner who has access to photo documentation tools, and who
10 participates in peer review.

11 "Registered Professional Nurse" has the meaning provided
12 in Section 50-10 of the Nurse Practice Act.

13 "Sexual assault" means:

14 (1) an act of sexual conduct; as used in this
15 paragraph, "sexual conduct" has the meaning provided under
16 Section 11-0.1 of the Criminal Code of 2012; or

17 (2) any act of sexual penetration; as used in this
18 paragraph, "sexual penetration" has the meaning provided
19 under Section 11-0.1 of the Criminal Code of 2012 and
20 includes, without limitation, acts prohibited under
21 Sections 11-1.20 through 11-1.60 of the Criminal Code of
22 2012.

23 "Sexual assault forensic examiner" means a physician or
24 physician assistant who has completed training that meets or
25 is substantially similar to the Sexual Assault Nurse Examiner
26 Education Guidelines established by the International

1 Association of Forensic Nurses.

2 "Sexual assault nurse examiner" means an advanced practice
3 registered nurse or registered professional nurse who has
4 completed a sexual assault nurse examiner training program
5 that meets the Sexual Assault Nurse Examiner Education
6 Guidelines established by the International Association of
7 Forensic Nurses.

8 "Sexual assault services voucher" means a document
9 generated by a hospital or approved pediatric health care
10 facility at the time the sexual assault survivor receives
11 outpatient medical forensic services that may be used to seek
12 payment for any ambulance services, medical forensic services,
13 laboratory services, pharmacy services, and follow-up
14 healthcare provided as a result of the sexual assault.

15 "Sexual assault survivor" means a person who presents for
16 medical forensic services in relation to injuries or trauma
17 resulting from a sexual assault.

18 "Sexual assault transfer plan" means a written plan
19 developed by a hospital and approved by the Department, which
20 describes the hospital's procedures for transferring sexual
21 assault survivors to another hospital, and an approved
22 pediatric health care facility, if applicable, in order to
23 receive medical forensic services.

24 "Sexual assault treatment plan" means a written plan that
25 describes the procedures and protocols for providing medical
26 forensic services to sexual assault survivors who present

1 themselves for such services, either directly or through
2 transfer from a hospital or an approved pediatric health care
3 facility.

4 "Transfer hospital" means a hospital with a sexual assault
5 transfer plan approved by the Department.

6 "Transfer services" means the appropriate medical
7 screening examination and necessary stabilizing treatment
8 prior to the transfer of a sexual assault survivor to a
9 hospital or an approved pediatric health care facility that
10 provides medical forensic services to sexual assault survivors
11 pursuant to a sexual assault treatment plan or areawide sexual
12 assault treatment plan.

13 "Treatment hospital" means a hospital with a sexual
14 assault treatment plan approved by the Department to provide
15 medical forensic services to all sexual assault survivors who
16 present with a complaint of sexual assault within a minimum of
17 the last 7 days or who have disclosed past sexual assault by a
18 specific individual and were in the care of that individual
19 within a minimum of the last 7 days.

20 "Treatment hospital with approved pediatric transfer"
21 means a hospital with a treatment plan approved by the
22 Department to provide medical forensic services to sexual
23 assault survivors 13 years old or older who present with a
24 complaint of sexual assault within a minimum of the last 7 days
25 or who have disclosed past sexual assault by a specific
26 individual and were in the care of that individual within a

1 minimum of the last 7 days.

2 (b) This Section is effective on and after July 1, 2021.

3 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;
4 101-81, eff. 7-12-19; 101-634, eff. 6-5-20.)

5 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

6 Sec. 5. Minimum requirements for medical forensic services
7 provided to sexual assault survivors by hospitals and approved
8 pediatric health care facilities.

9 (a) Every hospital and approved pediatric health care
10 facility providing medical forensic services to sexual assault
11 survivors under this Act shall, as minimum requirements for
12 such services, provide, with the consent of the sexual assault
13 survivor, and as ordered by the attending physician, an
14 advanced practice registered nurse, or a physician assistant,
15 the services set forth in subsection (a-5).

16 Beginning January 1, 2022, a qualified medical provider
17 must provide the services set forth in subsection (a-5).

18 (a-5) A treatment hospital, a treatment hospital with
19 approved pediatric transfer, or an approved pediatric health
20 care facility shall provide the following services in
21 accordance with subsection (a):

22 (1) Appropriate medical forensic services without
23 delay, in a private, age-appropriate or
24 developmentally-appropriate space, required to ensure the
25 health, safety, and welfare of a sexual assault survivor

1 and which may be used as evidence in a criminal proceeding
2 against a person accused of the sexual assault, in a
3 proceeding under the Juvenile Court Act of 1987, or in an
4 investigation under the Abused and Neglected Child
5 Reporting Act.

6 Records of medical forensic services, including
7 results of examinations and tests, the Illinois State
8 Police Medical Forensic Documentation Forms, the Illinois
9 State Police Patient Discharge Materials, and the Illinois
10 State Police Patient Consent: Collect and Test Evidence or
11 Collect and Hold Evidence Form, shall be maintained by the
12 hospital or approved pediatric health care facility as
13 part of the patient's electronic medical record.

14 Records of medical forensic services of sexual assault
15 survivors under the age of 18 shall be retained by the
16 hospital for a period of 60 years after the sexual assault
17 survivor reaches the age of 18. Records of medical
18 forensic services of sexual assault survivors 18 years of
19 age or older shall be retained by the hospital for a period
20 of 20 years after the date the record was created.

21 Records of medical forensic services may only be
22 disseminated in accordance with Section 6.5 of this Act
23 and other State and federal law.

24 (1.5) An offer to complete the Illinois Sexual Assault
25 Evidence Collection Kit for any sexual assault survivor
26 who presents within a minimum of the last 7 days of the

1 assault or who has disclosed past sexual assault by a
2 specific individual and was in the care of that individual
3 within a minimum of the last 7 days.

4 (A) Appropriate oral and written information
5 concerning evidence-based guidelines for the
6 appropriateness of evidence collection depending on
7 the sexual development of the sexual assault survivor,
8 the type of sexual assault, and the timing of the
9 sexual assault shall be provided to the sexual assault
10 survivor. Evidence collection is encouraged for
11 prepubescent sexual assault survivors who present to a
12 hospital or approved pediatric health care facility
13 with a complaint of sexual assault within a minimum of
14 96 hours after the sexual assault.

15 Before January 1, 2022, the information required
16 under this subparagraph shall be provided in person by
17 the health care professional providing medical
18 forensic services directly to the sexual assault
19 survivor.

20 On and after January 1, 2022, the information
21 required under this subparagraph shall be provided in
22 person by the qualified medical provider providing
23 medical forensic services directly to the sexual
24 assault survivor.

25 The written information provided shall be the
26 information created in accordance with Section 10 of

1 this Act.

2 (B) Following the discussion regarding the
3 evidence-based guidelines for evidence collection in
4 accordance with subparagraph (A), evidence collection
5 must be completed at the sexual assault survivor's
6 request. A sexual assault nurse examiner conducting an
7 examination using the Illinois State Police Sexual
8 Assault Evidence Collection Kit may do so without the
9 presence or participation of a physician.

10 (2) Appropriate oral and written information
11 concerning the possibility of infection, sexually
12 transmitted infection, including an evaluation of the
13 sexual assault survivor's risk of contracting human
14 immunodeficiency virus (HIV) from sexual assault, and
15 pregnancy resulting from sexual assault.

16 (3) Appropriate oral and written information
17 concerning accepted medical procedures, laboratory tests,
18 medication, and possible contraindications of such
19 medication available for the prevention or treatment of
20 infection or disease resulting from sexual assault.

21 (3.5) After a medical evidentiary or physical
22 examination, access to a shower at no cost, unless
23 showering facilities are unavailable.

24 (4) An amount of medication, including HIV
25 prophylaxis, for treatment at the hospital or approved
26 pediatric health care facility and after discharge as is

1 deemed appropriate by the attending physician, an advanced
2 practice registered nurse, or a physician assistant in
3 accordance with the Centers for Disease Control and
4 Prevention guidelines and consistent with the hospital's
5 or approved pediatric health care facility's current
6 approved protocol for sexual assault survivors.

7 (5) Photo documentation of the sexual assault
8 survivor's injuries, anatomy involved in the assault, or
9 other visible evidence on the sexual assault survivor's
10 body to supplement the medical forensic history and
11 written documentation of physical findings and evidence
12 beginning July 1, 2019. Photo documentation does not
13 replace written documentation of the injury.

14 (6) Written and oral instructions indicating the need
15 for follow-up examinations and laboratory tests after the
16 sexual assault to determine the presence or absence of
17 sexually transmitted infection.

18 (7) Referral by hospital or approved pediatric health
19 care facility personnel for appropriate counseling.

20 (8) Medical advocacy services provided by a rape
21 crisis counselor whose communications are protected under
22 Section 8-802.1 of the Code of Civil Procedure, if there
23 is a memorandum of understanding between the hospital or
24 approved pediatric health care facility and a rape crisis
25 center. With the consent of the sexual assault survivor, a
26 rape crisis counselor shall remain in the exam room during

1 the medical forensic examination.

2 (9) Written information regarding services provided by
3 a Children's Advocacy Center and rape crisis center, if
4 applicable.

5 (10) A treatment hospital, a treatment hospital with
6 approved pediatric transfer, an out-of-state hospital as
7 defined in Section 5.4, or an approved pediatric health
8 care facility shall comply with the rules relating to the
9 collection and tracking of sexual assault evidence adopted
10 by the Illinois ~~Department of~~ State Police under Section
11 50 of the Sexual Assault Evidence Submission Act.

12 (a-7) By January 1, 2022, every hospital with a treatment
13 plan approved by the Department shall employ or contract with
14 a qualified medical provider to initiate medical forensic
15 services to a sexual assault survivor within 90 minutes of the
16 patient presenting to the treatment hospital or treatment
17 hospital with approved pediatric transfer. The provision of
18 medical forensic services by a qualified medical provider
19 shall not delay the provision of life-saving medical care.

20 (b) Any person who is a sexual assault survivor who seeks
21 medical forensic services or follow-up healthcare under this
22 Act shall be provided such services without the consent of any
23 parent, guardian, custodian, surrogate, or agent. If a sexual
24 assault survivor is unable to consent to medical forensic
25 services, the services may be provided under the Consent by
26 Minors to Medical Procedures Act, the Health Care Surrogate

1 Act, or other applicable State and federal laws.

2 (b-5) Every hospital or approved pediatric health care
3 facility providing medical forensic services to sexual assault
4 survivors shall issue a voucher to any sexual assault survivor
5 who is eligible to receive one in accordance with Section 5.2
6 of this Act. The hospital shall make a copy of the voucher and
7 place it in the medical record of the sexual assault survivor.
8 The hospital shall provide a copy of the voucher to the sexual
9 assault survivor after discharge upon request.

10 (c) Nothing in this Section creates a physician-patient
11 relationship that extends beyond discharge from the hospital
12 or approved pediatric health care facility.

13 (d) This Section is effective on and after July 1, 2021.

14 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;
15 100-1087, eff. 1-1-19; 101-81, eff. 7-12-19; 101-377, eff.
16 8-16-19; 101-634, eff. 6-5-20.)

17 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

18 Sec. 6.4. Sexual assault evidence collection program.

19 (a) There is created a statewide sexual assault evidence
20 collection program to facilitate the prosecution of persons
21 accused of sexual assault. This program shall be administered
22 by the Illinois State Police. The program shall consist of the
23 following: (1) distribution of sexual assault evidence
24 collection kits which have been approved by the Illinois State
25 Police to hospitals and approved pediatric health care

1 facilities that request them, or arranging for such
2 distribution by the manufacturer of the kits, (2) collection
3 of the kits from hospitals and approved pediatric health care
4 facilities after the kits have been used to collect evidence,
5 (3) analysis of the collected evidence and conducting of
6 laboratory tests, (4) maintaining the chain of custody and
7 safekeeping of the evidence for use in a legal proceeding, and
8 (5) the comparison of the collected evidence with the genetic
9 marker grouping analysis information maintained by the
10 Illinois ~~Department of~~ State Police under Section 5-4-3 of the
11 Unified Code of Corrections and with the information contained
12 in the Federal Bureau of Investigation's National DNA
13 database; provided the amount and quality of genetic marker
14 grouping results obtained from the evidence in the sexual
15 assault case meets the requirements of both the Illinois
16 ~~Department of~~ State Police and the Federal Bureau of
17 Investigation's Combined DNA Index System (CODIS) policies.
18 The standardized evidence collection kit for the State of
19 Illinois shall be the Illinois State Police Sexual Assault
20 Evidence Kit and shall include a written consent form
21 authorizing law enforcement to test the sexual assault
22 evidence and to provide law enforcement with details of the
23 sexual assault.

24 (a-5) (Blank).

25 (b) The Illinois State Police shall administer a program
26 to train hospital and approved pediatric health care facility

1 personnel participating in the sexual assault evidence
2 collection program, in the correct use and application of the
3 sexual assault evidence collection kits. The Department shall
4 cooperate with the Illinois State Police in this program as it
5 pertains to medical aspects of the evidence collection.

6 (c) (Blank).

7 (d) This Section is effective on and after July 1, 2021.

8 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

9 (410 ILCS 70/9.5)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 9.5. Sexual Assault Medical Forensic Services
12 Implementation Task Force.

13 (a) The Sexual Assault Medical Forensic Services
14 Implementation Task Force is created to assist hospitals and
15 approved pediatric health care facilities with the
16 implementation of the changes made by this amendatory Act of
17 the 100th General Assembly. The Task Force shall consist of
18 the following members, who shall serve without compensation:

19 (1) one member of the Senate appointed by the
20 President of the Senate, who may designate an alternate
21 member;

22 (2) one member of the Senate appointed by the Minority
23 Leader of the Senate, who may designate an alternate
24 member;

25 (3) one member of the House of Representatives

1 appointed by the Speaker of the House of Representatives,
2 who may designate an alternate member;

3 (4) one member of the House of Representatives
4 appointed by the Minority Leader of the House of
5 Representatives, who may designate an alternate member;

6 (5) two members representing the Office of the
7 Attorney General appointed by the Attorney General, one of
8 whom shall be the Sexual Assault Nurse Examiner
9 Coordinator for the State of Illinois;

10 (6) one member representing the Department of Public
11 Health appointed by the Director of Public Health;

12 (7) one member representing the Illinois ~~Department of~~
13 State Police appointed by the Director of the Illinois
14 State Police;

15 (8) one member representing the Department of
16 Healthcare and Family Services appointed by the Director
17 of Healthcare and Family Services;

18 (9) six members representing hospitals appointed by
19 the head of a statewide organization representing the
20 interests of hospitals in Illinois, at least one of whom
21 shall represent small and rural hospitals and at least one
22 of these members shall represent urban hospitals;

23 (10) one member representing physicians appointed by
24 the head of a statewide organization representing the
25 interests of physicians in Illinois;

26 (11) one member representing emergency physicians

1 appointed by the head of a statewide organization
2 representing the interests of emergency physicians in
3 Illinois;

4 (12) two members representing child abuse
5 pediatricians appointed by the head of a statewide
6 organization representing the interests of child abuse
7 pediatricians in Illinois, at least one of whom shall
8 represent child abuse pediatricians providing medical
9 forensic services in rural locations and at least one of
10 whom shall represent child abuse pediatricians providing
11 medical forensic services in urban locations;

12 (13) one member representing nurses appointed by the
13 head of a statewide organization representing the
14 interests of nurses in Illinois;

15 (14) two members representing sexual assault nurse
16 examiners appointed by the head of a statewide
17 organization representing the interests of forensic nurses
18 in Illinois, at least one of whom shall represent
19 pediatric/adolescent sexual assault nurse examiners and at
20 least one of these members shall represent
21 adult/adolescent sexual assault nurse examiners;

22 (15) one member representing State's Attorneys
23 appointed by the head of a statewide organization
24 representing the interests of State's Attorneys in
25 Illinois;

26 (16) three members representing sexual assault

1 survivors appointed by the head of a statewide
2 organization representing the interests of sexual assault
3 survivors and rape crisis centers, at least one of whom
4 shall represent rural rape crisis centers and at least one
5 of whom shall represent urban rape crisis centers; and

6 (17) one member representing children's advocacy
7 centers appointed by the head of a statewide organization
8 representing the interests of children's advocacy centers
9 in Illinois.

10 The members representing the Office of the Attorney
11 General and the Department of Public Health shall serve as
12 co-chairpersons of the Task Force. The Office of the Attorney
13 General shall provide administrative and other support to the
14 Task Force.

15 (b) The first meeting of the Task Force shall be called by
16 the co-chairpersons no later than 90 days after the effective
17 date of this Section.

18 (c) The goals of the Task Force shall include, but not be
19 limited to, the following:

20 (1) to facilitate the development of areawide
21 treatment plans among hospitals and pediatric health care
22 facilities;

23 (2) to facilitate the development of on-call systems
24 of qualified medical providers and assist hospitals with
25 the development of plans to employ or contract with a
26 qualified medical provider to initiate medical forensic

1 services to a sexual assault survivor within 90 minutes of
2 the patient presenting to the hospital as required in
3 subsection (a-7) of Section 5;

4 (3) to identify photography and storage options for
5 hospitals to comply with the photo documentation
6 requirements in Sections 5 and 5.1;

7 (4) to develop a model written agreement for use by
8 rape crisis centers, hospitals, and approved pediatric
9 health care facilities with sexual assault treatment plans
10 to comply with subsection (c) of Section 2;

11 (5) to develop and distribute educational information
12 regarding the implementation of this Act to hospitals,
13 health care providers, rape crisis centers, children's
14 advocacy centers, State's Attorney's offices;

15 (6) to examine the role of telemedicine in the
16 provision of medical forensic services under this Act and
17 to develop recommendations for statutory change and
18 standards and procedures for the use of telemedicine to be
19 adopted by the Department;

20 (7) to seek inclusion of the International Association
21 of Forensic Nurses Sexual Assault Nurse Examiner Education
22 Guidelines for nurses within the registered nurse training
23 curriculum in Illinois nursing programs and the American
24 College of Emergency Physicians Management of the Patient
25 with the Complaint of Sexual Assault for emergency
26 physicians within the Illinois residency training

1 curriculum for emergency physicians; and

2 (8) to submit a report to the General Assembly by
3 January 1, 2023 regarding the status of implementation of
4 this amendatory Act of the 100th General Assembly,
5 including, but not limited to, the impact of transfers to
6 out-of-state hospitals on sexual assault survivors and the
7 availability of treatment hospitals in Illinois; the
8 report to the General Assembly shall be filed with the
9 Clerk of the House of Representatives and the Secretary of
10 the Senate in electronic form only, in the manner that the
11 Clerk and the Secretary shall direct.

12 (d) This Section is repealed on January 1, 2024.

13 (Source: P.A. 100-775, eff. 8-10-18.)

14 Section 825. The Smoke Free Illinois Act is amended by
15 changing Sections 40 and 45 as follows:

16 (410 ILCS 82/40)

17 Sec. 40. Enforcement; complaints.

18 (a) The Department, State-certified local public health
19 departments, and local, Department of Natural Resources, and
20 Illinois ~~Department of~~ State Police law enforcement agencies
21 shall enforce the provisions of this Act through the issuance
22 of citations and may assess civil penalties pursuant to
23 Section 45 of this Act.

24 (a-2) The citations issued pursuant to this Act shall

1 conspicuously include the following:

2 (1) the name of the offense and its statutory
3 reference;

4 (2) the nature and elements of the violation;

5 (3) the date and location of the violation;

6 (4) the name of the enforcing agency;

7 (5) the name of the violator;

8 (6) the amount of the imposed civil penalty and the
9 location where the violator can pay the civil penalty
10 without objection;

11 (7) the address and phone number of the enforcing
12 agency where the violator can request a hearing before the
13 Department to contest the imposition of the civil penalty
14 imposed by the citation under the rules and procedures of
15 the Illinois Administrative Procedure Act;

16 (8) the time period in which to pay the civil penalty
17 or to request a hearing to contest the imposition of the
18 civil penalty imposed by the citation; and

19 (9) the verified signature of the person issuing the
20 citation.

21 (a-3) One copy of the citation shall be provided to the
22 violator, one copy shall be retained by the enforcing agency,
23 and one copy shall be provided to the entity otherwise
24 authorized by the enforcing agency to receive civil penalties
25 on their behalf.

26 (b) Any person may register a complaint with the

1 Department, a State-certified local public health department,
2 or a law enforcement agency for a violation of this Act. The
3 Department shall establish a telephone number that a person
4 may call to register a complaint under this subsection (b).

5 (c) The Department shall afford a violator the opportunity
6 to pay the civil penalty without objection or to contest the
7 citation in accordance with the Illinois Administrative
8 Procedure Act, except that in case of a conflict between the
9 Illinois Administrative Procedure Act and this Act, the
10 provisions of this Act shall control.

11 (d) Upon receipt of a request for hearing to contest the
12 imposition of a civil penalty imposed by a citation, the
13 enforcing agency shall immediately forward a copy of the
14 citation and notice of the request for hearing to the
15 Department for initiation of a hearing conducted in accordance
16 with the Illinois Administrative Procedure Act and the rules
17 established thereto by the Department applicable to contested
18 cases, except that in case of a conflict between the Illinois
19 Administrative Procedure Act and this Act, the provisions of
20 this Act shall control. Parties to the hearing shall be the
21 enforcing agency and the violator.

22 The Department shall notify the violator in writing of the
23 time, place, and location of the hearing. The hearing shall be
24 conducted at the nearest regional office of the Department, or
25 in a location contracted by the Department in the county where
26 the citation was issued.

1 (e) Civil penalties imposed under this Act may be
2 collected in accordance with all methods otherwise available
3 to the enforcing agency or the Department, except that there
4 shall be no collection efforts during the pendency of the
5 hearing before the Department.

6 (f) Rulemaking authority to implement this amendatory Act
7 of the 95th General Assembly, if any, is conditioned on the
8 rules being adopted in accordance with all provisions of the
9 Illinois Administrative Procedure Act and all rules and
10 procedures of the Joint Committee on Administrative Rules; any
11 purported rule not so adopted, for whatever reason, is
12 unauthorized.

13 (Source: P.A. 100-877, eff. 1-1-19.)

14 (410 ILCS 82/45)

15 Sec. 45. Violations.

16 (a) A person, corporation, partnership, association or
17 other entity who violates Section 15 or 20 of this Act shall be
18 liable for a civil penalty pursuant to this Section. Each day
19 that a violation occurs is a separate violation.

20 (b) A person who smokes in an area where smoking is
21 prohibited under Section 15 of this Act shall be liable for a
22 civil penalty in an amount that is \$100 for a first offense and
23 \$250 for each subsequent offense. A person who owns, operates,
24 or otherwise controls a public place or place of employment
25 that violates Section 15 or 20 of this Act shall be liable for

1 a civil penalty of (i) \$250 for the first violation, (ii) \$500
2 for the second violation within one year after the first
3 violation, and (iii) \$2,500 for each additional violation
4 within one year after the first violation.

5 (c) A civil penalty imposed under this Section shall be
6 allocated as follows:

7 (1) one-half of the civil penalty shall be distributed
8 to the Department; and

9 (2) one-half of the civil penalty shall be distributed
10 to the enforcing agency.

11 With respect to funds designated for the Illinois
12 ~~Department of~~ State Police under this subsection, the Illinois
13 ~~Department of~~ State Police shall deposit the moneys into the
14 State Police Operations Assistance Fund. With respect to funds
15 designated for the Department of Natural Resources under this
16 subsection, the Department of Natural Resources shall deposit
17 the moneys into the Conservation Police Operations Assistance
18 Fund.

19 (d) Rulemaking authority to implement this amendatory Act
20 of the 95th General Assembly, if any, is conditioned on the
21 rules being adopted in accordance with all provisions of the
22 Illinois Administrative Procedure Act and all rules and
23 procedures of the Joint Committee on Administrative Rules; any
24 purported rule not so adopted, for whatever reason, is
25 unauthorized.

26 (Source: P.A. 100-877, eff. 1-1-19.)

1 Section 830. The Compassionate Use of Medical Cannabis
2 Pilot Program Act is amended by changing Sections 85, 95, 100,
3 105, 145, 150, and 180 as follows:

4 (410 ILCS 130/85)

5 Sec. 85. Issuance and denial of medical cannabis
6 cultivation permit.

7 (a) The Department of Agriculture may register up to 22
8 cultivation center registrations for operation. The Department
9 of Agriculture may not issue more than one registration per
10 each Illinois State Police District boundary as specified on
11 the date of January 1, 2013. The Department of Agriculture may
12 not issue less than the 22 registrations if there are
13 qualified applicants who have applied with the Department.

14 (b) The registrations shall be issued and renewed annually
15 as determined by administrative rule.

16 (c) The Department of Agriculture shall determine a
17 registration fee by rule.

18 (d) A cultivation center may only operate if it has been
19 issued a valid registration from the Department of
20 Agriculture. When applying for a cultivation center
21 registration, the applicant shall submit the following in
22 accordance with Department of Agriculture rules:

23 (1) the proposed legal name of the cultivation center;

24 (2) the proposed physical address of the cultivation

1 center and description of the enclosed, locked facility as
2 it applies to cultivation centers where medical cannabis
3 will be grown, harvested, manufactured, packaged, or
4 otherwise prepared for distribution to a dispensing
5 organization;

6 (3) the name, address, and date of birth of each
7 principal officer and board member of the cultivation
8 center, provided that all those individuals shall be at
9 least 21 years of age;

10 (4) any instance in which a business that any of the
11 prospective board members of the cultivation center had
12 managed or served on the board of the business and was
13 convicted, fined, censured, or had a registration or
14 license suspended or revoked in any administrative or
15 judicial proceeding;

16 (5) cultivation, inventory, and packaging plans;

17 (6) proposed operating by-laws that include procedures
18 for the oversight of the cultivation center, development
19 and implementation of a plant monitoring system, medical
20 cannabis container tracking system, accurate record
21 keeping, staffing plan, and security plan reviewed by the
22 Illinois State Police that are in accordance with the
23 rules issued by the Department of Agriculture under this
24 Act. A physical inventory shall be performed of all plants
25 and medical cannabis containers on a weekly basis;

26 (7) experience with agricultural cultivation

1 techniques and industry standards;

2 (8) any academic degrees, certifications, or relevant
3 experience with related businesses;

4 (9) the identity of every person, association, trust,
5 or corporation having any direct or indirect pecuniary
6 interest in the cultivation center operation with respect
7 to which the registration is sought. If the disclosed
8 entity is a trust, the application shall disclose the
9 names and addresses of the beneficiaries; if a
10 corporation, the names and addresses of all stockholders
11 and directors; if a partnership, the names and addresses
12 of all partners, both general and limited;

13 (10) verification from the Illinois State Police that
14 all background checks of the principal officer, board
15 members, and registered agents have been conducted and
16 those individuals have not been convicted of an excluded
17 offense;

18 (11) provide a copy of the current local zoning
19 ordinance to the Department of Agriculture and verify that
20 proposed cultivation center is in compliance with the
21 local zoning rules issued in accordance with Section 140;

22 (12) an application fee set by the Department of
23 Agriculture by rule; and

24 (13) any other information required by Department of
25 Agriculture rules, including, but not limited to a
26 cultivation center applicant's experience with the

1 cultivation of agricultural or horticultural products,
2 operating an agriculturally related business, or operating
3 a horticultural business.

4 (e) An application for a cultivation center permit must be
5 denied if any of the following conditions are met:

6 (1) the applicant failed to submit the materials
7 required by this Section, including if the applicant's
8 plans do not satisfy the security, oversight, inventory,
9 or recordkeeping rules issued by the Department of
10 Agriculture;

11 (2) the applicant would not be in compliance with
12 local zoning rules issued in accordance with Section 140;

13 (3) one or more of the prospective principal officers
14 or board members has been convicted of an excluded
15 offense;

16 (4) one or more of the prospective principal officers
17 or board members has served as a principal officer or
18 board member for a registered dispensing organization or
19 cultivation center that has had its registration revoked;

20 (5) one or more of the principal officers or board
21 members is under 21 years of age;

22 (6) a principal officer or board member of the
23 cultivation center has been convicted of a felony under
24 the laws of this State, any other state, or the United
25 States;

26 (7) a principal officer or board member of the

1 cultivation center has been convicted of any violation of
2 Article 28 of the Criminal Code of 2012, or substantially
3 similar laws of any other jurisdiction; or

4 (8) the person has submitted an application for a
5 certificate under this Act which contains false
6 information.

7 (Source: P.A. 98-122, eff. 1-1-14.)

8 (410 ILCS 130/95)

9 Sec. 95. Background checks.

10 (a) The Department of Agriculture through the Illinois
11 ~~Department of~~ State Police shall conduct a background check of
12 the prospective cultivation center agents. The Illinois
13 ~~Department of~~ State Police shall charge a fee for conducting
14 the criminal history record check, which shall be deposited in
15 the State Police Services Fund and shall not exceed the actual
16 cost of the record check. In order to carry out this provision,
17 each person applying as a cultivation center agent shall
18 submit a full set of fingerprints to the Illinois ~~Department~~
19 ~~of~~ State Police for the purpose of obtaining a State and
20 federal criminal records check. These fingerprints shall be
21 checked against the fingerprint records now and hereafter, to
22 the extent allowed by law, filed in the Illinois ~~Department of~~
23 State Police and Federal Bureau of Investigation criminal
24 history records databases. The Illinois ~~Department of~~ State
25 Police shall furnish, following positive identification, all

1 Illinois conviction information to the Department of
2 Agriculture.

3 (b) When applying for the initial permit, the background
4 checks for the principal officer, board members, and
5 registered agents shall be completed prior to submitting the
6 application to the Department of Agriculture.

7 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

8 (410 ILCS 130/100)

9 Sec. 100. Cultivation center agent identification card.

10 (a) The Department of Agriculture shall:

11 (1) verify the information contained in an application
12 or renewal for a cultivation center identification card
13 submitted under this Act, and approve or deny an
14 application or renewal, within 30 days of receiving a
15 completed application or renewal application and all
16 supporting documentation required by rule;

17 (2) issue a cultivation center agent identification
18 card to a qualifying agent within 15 business days of
19 approving the application or renewal;

20 (3) enter the registry identification number of the
21 cultivation center where the agent works; and

22 (4) allow for an electronic application process, and
23 provide a confirmation by electronic or other methods that
24 an application has been submitted.

25 (b) A cultivation center agent must keep his or her

1 identification card visible at all times when on the property
2 of a cultivation center and during the transportation of
3 medical cannabis to a registered dispensary organization.

4 (c) The cultivation center agent identification cards
5 shall contain the following:

6 (1) the name of the cardholder;

7 (2) the date of issuance and expiration date of
8 cultivation center agent identification cards;

9 (3) a random 10 digit alphanumeric identification
10 number containing at least 4 numbers and at least 4
11 letters; that is unique to the holder; and

12 (4) a photograph of the cardholder.

13 (d) The cultivation center agent identification cards
14 shall be immediately returned to the cultivation center upon
15 termination of employment.

16 (e) Any card lost by a cultivation center agent shall be
17 reported to the Illinois State Police and the Department of
18 Agriculture immediately upon discovery of the loss.

19 (f) An applicant shall be denied a cultivation center
20 agent identification card if he or she has been convicted of an
21 excluded offense.

22 (Source: P.A. 98-122, eff. 1-1-14.)

23 (410 ILCS 130/105)

24 Sec. 105. Requirements; prohibitions; penalties for
25 cultivation centers.

1 (a) The operating documents of a registered cultivation
2 center shall include procedures for the oversight of the
3 cultivation center, a cannabis plant monitoring system
4 including a physical inventory recorded weekly, a cannabis
5 container system including a physical inventory recorded
6 weekly, accurate record keeping, and a staffing plan.

7 (b) A registered cultivation center shall implement a
8 security plan reviewed by the Illinois State Police and
9 including but not limited to: facility access controls,
10 perimeter intrusion detection systems, personnel
11 identification systems, 24-hour surveillance system to monitor
12 the interior and exterior of the registered cultivation center
13 facility and accessible to authorized law enforcement and the
14 Department of Agriculture in real-time.

15 (c) A registered cultivation center may not be located
16 within 2,500 feet of the property line of a pre-existing
17 public or private preschool or elementary or secondary school
18 or day care center, day care home, group day care home, part
19 day child care facility, or an area zoned for residential use.

20 (d) All cultivation of cannabis for distribution to a
21 registered dispensing organization must take place in an
22 enclosed, locked facility as it applies to cultivation centers
23 at the physical address provided to the Department of
24 Agriculture during the registration process. The cultivation
25 center location shall only be accessed by the cultivation
26 center agents working for the registered cultivation center,

1 Department of Agriculture staff performing inspections,
2 Department of Public Health staff performing inspections, law
3 enforcement or other emergency personnel, and contractors
4 working on jobs unrelated to medical cannabis, such as
5 installing or maintaining security devices or performing
6 electrical wiring.

7 (e) A cultivation center may not sell or distribute any
8 cannabis to any individual or entity other than another
9 cultivation center, a dispensing organization registered under
10 this Act, or a laboratory licensed by the Department of
11 Agriculture.

12 (f) All harvested cannabis intended for distribution to a
13 dispensing organization must be packaged in a labeled medical
14 cannabis container and entered into a data collection system.

15 (g) No person who has been convicted of an excluded
16 offense may be a cultivation center agent.

17 (h) Registered cultivation centers are subject to random
18 inspection by the Illinois State Police.

19 (i) Registered cultivation centers are subject to random
20 inspections by the Department of Agriculture and the
21 Department of Public Health.

22 (j) A cultivation center agent shall notify local law
23 enforcement, the Illinois State Police, and the Department of
24 Agriculture within 24 hours of the discovery of any loss or
25 theft. Notification shall be made by phone or in-person, or by
26 written or electronic communication.

1 (k) A cultivation center shall comply with all State and
2 federal rules and regulations regarding the use of pesticides.

3 (Source: P.A. 101-363, eff. 8-9-19.)

4 (410 ILCS 130/145)

5 Sec. 145. Confidentiality.

6 (a) The following information received and records kept by
7 the Department of Public Health, Department of Financial and
8 Professional Regulation, Department of Agriculture, or
9 Illinois ~~Department~~ of State Police for purposes of
10 administering this Act are subject to all applicable federal
11 privacy laws, confidential, and exempt from the Freedom of
12 Information Act, and not subject to disclosure to any
13 individual or public or private entity, except as necessary
14 for authorized employees of those authorized agencies to
15 perform official duties under this Act and the following
16 information received and records kept by Department of Public
17 Health, Department of Agriculture, Department of Financial and
18 Professional Regulation, and Illinois ~~Department~~ of State
19 Police, excluding any existing or non-existing Illinois or
20 national criminal history record information as defined in
21 subsection (d), may be disclosed to each other upon request:

22 (1) Applications and renewals, their contents, and
23 supporting information submitted by qualifying patients
24 and designated caregivers, including information regarding
25 their designated caregivers and certifying health care

1 professionals.

2 (2) Applications and renewals, their contents, and
3 supporting information submitted by or on behalf of
4 cultivation centers and dispensing organizations in
5 compliance with this Act, including their physical
6 addresses.

7 (3) The individual names and other information
8 identifying persons to whom the Department of Public
9 Health has issued registry identification cards.

10 (4) Any dispensing information required to be kept
11 under Section 135, Section 150, or Department of Public
12 Health, Department of Agriculture, or Department of
13 Financial and Professional Regulation rules shall identify
14 cardholders and registered cultivation centers by their
15 registry identification numbers and medical cannabis
16 dispensing organizations by their registration number and
17 not contain names or other personally identifying
18 information.

19 (5) All medical records provided to the Department of
20 Public Health in connection with an application for a
21 registry card.

22 (b) Nothing in this Section precludes the following:

23 (1) Department of Agriculture, Department of Financial
24 and Professional Regulation, or Public Health employees
25 may notify law enforcement about falsified or fraudulent
26 information submitted to the Departments if the employee

1 who suspects that falsified or fraudulent information has
2 been submitted conferred with his or her supervisor and
3 both agree that circumstances exist that warrant
4 reporting.

5 (2) If the employee conferred with his or her
6 supervisor and both agree that circumstances exist that
7 warrant reporting, Department of Public Health employees
8 may notify the Department of Financial and Professional
9 Regulation if there is reasonable cause to believe a
10 certifying health care professional:

11 (A) issued a written certification without a bona
12 fide health care professional-patient relationship
13 under this Act;

14 (B) issued a written certification to a person who
15 was not under the certifying health care
16 professional's care for the debilitating medical
17 condition; or

18 (C) failed to abide by the acceptable and
19 prevailing standard of care when evaluating a
20 patient's medical condition.

21 (3) The Department of Public Health, Department of
22 Agriculture, and Department of Financial and Professional
23 Regulation may notify State or local law enforcement about
24 apparent criminal violations of this Act if the employee
25 who suspects the offense has conferred with his or her
26 supervisor and both agree that circumstances exist that

1 warrant reporting.

2 (4) Medical cannabis cultivation center agents and
3 medical cannabis dispensing organizations may notify the
4 Department of Public Health, Department of Financial and
5 Professional Regulation, or Department of Agriculture of a
6 suspected violation or attempted violation of this Act or
7 the rules issued under it.

8 (5) Each Department may verify registry identification
9 cards under Section 150.

10 (6) The submission of the report to the General
11 Assembly under Section 160.

12 (c) It is a Class B misdemeanor with a \$1,000 fine for any
13 person, including an employee or official of the Department of
14 Public Health, Department of Financial and Professional
15 Regulation, or Department of Agriculture or another State
16 agency or local government, to breach the confidentiality of
17 information obtained under this Act.

18 (d) The Department of Public Health, the Department of
19 Agriculture, the Illinois ~~Department of~~ State Police, and the
20 Department of Financial and Professional Regulation shall not
21 share or disclose any existing or non-existing Illinois or
22 national criminal history record information. For the purposes
23 of this Section, "any existing or non-existing Illinois or
24 national criminal history record information" means any
25 Illinois or national criminal history record information,
26 including but not limited to the lack of or non-existence of

1 these records.

2 (Source: P.A. 101-363, eff. 8-9-19.)

3 (410 ILCS 130/150)

4 Sec. 150. Registry identification and registration
5 certificate verification.

6 (a) The Department of Public Health shall maintain a
7 confidential list of the persons to whom the Department of
8 Public Health has issued registry identification cards and
9 their addresses, phone numbers, and registry identification
10 numbers. This confidential list may not be combined or linked
11 in any manner with any other list or database except as
12 provided in this Section.

13 (b) Within 180 days of the effective date of this Act, the
14 Department of Public Health, Department of Financial and
15 Professional Regulation, and Department of Agriculture shall
16 together establish a computerized database or verification
17 system. The database or verification system must allow law
18 enforcement personnel and medical cannabis dispensary
19 organization agents to determine whether or not the
20 identification number corresponds with a current, valid
21 registry identification card. The system shall only disclose
22 whether the identification card is valid, whether the
23 cardholder is a registered qualifying patient or a registered
24 designated caregiver, the registry identification number of
25 the registered medical cannabis dispensing organization

1 designated to serve the registered qualifying patient who
2 holds the card, and the registry identification number of the
3 patient who is assisted by a registered designated caregiver
4 who holds the card. The Department of Public Health, the
5 Department of Agriculture, the Illinois ~~Department of~~ State
6 Police, and the Department of Financial and Professional
7 Regulation shall not share or disclose any existing or
8 non-existing Illinois or national criminal history record
9 information. Notwithstanding any other requirements
10 established by this subsection, the Department of Public
11 Health shall issue registry cards to qualifying patients, the
12 Department of Financial and Professional Regulation may issue
13 registration to medical cannabis dispensing organizations for
14 the period during which the database is being established, and
15 the Department of Agriculture may issue registration to
16 medical cannabis cultivation organizations for the period
17 during which the database is being established.

18 (c) For the purposes of this Section, "any existing or
19 non-existing Illinois or national criminal history record
20 information" means any Illinois or national criminal history
21 record information, including but not limited to the lack of
22 or non-existence of these records.

23 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

24 (410 ILCS 130/180)

25 Sec. 180. Destruction of medical cannabis.

1 (a) All cannabis byproduct, scrap, and harvested cannabis
2 not intended for distribution to a medical cannabis
3 organization must be destroyed and disposed of pursuant to
4 State law. Documentation of destruction and disposal shall be
5 retained at the cultivation center for a period of not less
6 than 5 years.

7 (b) A cultivation center shall prior to the destruction,
8 notify the Department of Agriculture and the Illinois State
9 Police.

10 (c) The cultivation center shall keep record of the date
11 of destruction and how much was destroyed.

12 (d) A dispensary organization shall destroy all cannabis,
13 including cannabis-infused products, that are not sold to
14 registered qualifying patients. Documentation of destruction
15 and disposal shall be retained at the dispensary organization
16 for a period of not less than 5 years.

17 (e) A dispensary organization shall prior to the
18 destruction, notify the Department of Financial and
19 Professional Regulation and the Illinois State Police.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 Section 835. The Vital Records Act is amended by changing
22 Sections 15.1 and 25.1 as follows:

23 (410 ILCS 535/15.1) (from Ch. 111 1/2, par. 73-15.1)

24 Sec. 15.1. (1) The Director of the Illinois ~~Department of~~

1 State Police or his designee may obtain a registration of a
2 fictitious vital record for the purpose and in the manner
3 prescribed in this Section.

4 (2) A registration of a fictitious vital record may be
5 obtained pursuant to this Section only for law enforcement
6 purposes in providing: (a) witnesses with new identification
7 to protect them during and following criminal investigations
8 or proceedings; and (b) law enforcement officers with new
9 identification to enable them to escape detection while
10 performing criminal investigations.

11 (3) The Director of the Illinois State Police or his
12 designee may apply to the circuit court on behalf of a person
13 for an order directing the State Registrar of Vital Records to
14 establish a fictitious vital record if it is determined by the
15 Director that normal procedures of investigation or protection
16 are inadequate or reasonably appear to be unlikely to succeed
17 if tried or are too dangerous to employ. The court shall fix a
18 time and place for hearing the application and, if it finds
19 that the application should be granted, shall order the State
20 Registrar of Vital Records to establish the vital record
21 requested. The order shall include the data to be registered,
22 and shall be delivered in person by the designee of the
23 Director of the Illinois ~~Department of~~ State Police to the
24 State Registrar of Vital Records. Upon receipt of such order,
25 the State Registrar of Vital Records shall establish a vital
26 record as if such data had been registered pursuant to Section

1 12 or 18 of this Act or pursuant to Section 210 or 413 of the
2 Illinois Marriage and Dissolution of Marriage Act.

3 (4) The general public shall be excluded from any hearing
4 on an application for an order under this Section and only
5 persons, including representatives of agencies, who in the
6 opinion of the court have a direct interest in the matter of
7 the application shall be admitted to the hearing.

8 (5) The court's file relating to any proceeding under this
9 Section shall be impounded by the clerk of the court and shall
10 be opened for examination only upon specific order of the
11 court, which order shall name the person or persons who are to
12 be permitted to examine such file. Certified copies of any
13 paper or document contained in any file so impounded shall be
14 made only on like order.

15 (6) Any documentation concerning a vital record registered
16 pursuant to this Section, including any court order entered
17 under subsection (3), maintained by the Illinois ~~Department of~~
18 State Police or by the State Registrar of Vital Records shall
19 be sealed. Such documentation maintained by the Registrar of
20 Vital Records shall be opened for examination only upon
21 specific order of the court, which order shall name the person
22 or persons who are to be permitted to examine such file. Such
23 documentation maintained by the Illinois ~~Department of~~ State
24 Police shall be opened for examination only upon the written
25 permission of the Director of that Department or his designee.

26 (7) The Registrar of Vital Records shall immediately

1 notify the Director of the Illinois ~~Department of~~ State Police
2 or his designee upon receiving any request for a copy of or
3 information concerning any vital record registered pursuant to
4 this Section.

5 (8) If the court order directing the State Registrar of
6 Vital Records to establish a fictitious vital record does not
7 specify a time for the destruction or elimination of such
8 vital record, the fictitious vital record shall be destroyed
9 or eliminated at the conclusion of the investigation or when
10 the Director of the Illinois ~~Department of~~ State Police
11 determines that such record is no longer necessary. After the
12 destruction of such record, the Director of the Illinois
13 ~~Department of~~ State Police shall so notify the court which
14 entered the order directing the establishment of the
15 fictitious vital record.

16 (Source: P.A. 85-829.)

17 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

18 Sec. 25.1. (a) When the State Registrar of Vital Records
19 receives or prepares a death certificate the Registrar shall
20 make an appropriate notation in the birth certificate record
21 of that person that the person is deceased. The Registrar
22 shall also notify the appropriate municipal or county
23 custodian of such birth record that the person is deceased,
24 and such custodian shall likewise make an appropriate notation
25 in its records.

1 (b) In response to any inquiry, the Registrar or a
2 custodian shall not provide a copy of a birth certificate or
3 information concerning the birth record of any deceased person
4 except as provided in this subsection (b) or as otherwise
5 provided in this Act or as approved by the Department. When a
6 copy of the birth certificate of a deceased person is
7 requested, the Registrar or custodian shall require the person
8 making the request to complete an information form, which
9 shall be developed and furnished by the Department and shall
10 include, at a minimum, the name, address, telephone number,
11 social security number and driver's license number of the
12 person making the request. Before furnishing the copy, the
13 custodian shall prominently stamp on the copy the word
14 "DECEASED" and write or stamp on the copy the date of death of
15 the deceased person. The custodian shall retain the
16 information form completed by the person making the request,
17 and note on the birth certificate record that such a request
18 was made. The custodian shall make the information form
19 available to the Illinois ~~Department of~~ State Police or any
20 local law enforcement agency upon request. A city or county
21 custodian shall promptly submit copies of all completed forms
22 to the Registrar. The word "DECEASED" and the date of death
23 shall not appear on a copy of a birth certificate furnished to
24 a parent of a child who died within 3 months of birth, provided
25 no other copy of a birth certificate was furnished to the
26 parent prior to the child's death.

1 (c) The Registrar shall furnish, no later than 60 days
2 after receipt of a form used to request a birth certificate
3 record of a deceased person, a copy of the form and a copy of
4 the corresponding birth certificate record to the Department
5 of Healthcare and Family Services and the Department of Human
6 Services. The Department of Healthcare and Family Services and
7 the Department of Human Services shall, upon receipt of such
8 information, check their records to ensure that no claim for
9 public assistance under the Illinois Public Aid Code is being
10 made either by a person purporting to be the deceased person or
11 by any person on behalf of the deceased person.

12 (d) Notwithstanding the requirements of subsection (b),
13 when the death of a child occurs within 90 days of that child's
14 live birth, the mother listed on the birth certificate of that
15 child may request the issuance of a copy of a certificate of
16 live birth from the State Registrar. Such request shall be
17 made in accordance with subsection (b), shall indicate the
18 requestor's relationship to the child, and shall be made not
19 later than 9 months from the date of the death of the child.
20 Except as provided herein, the Registrar shall conform to all
21 requirements of this Act in issuing copies of certificates
22 under this subsection (d).

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

24 Section 840. The Illinois Food, Drug and Cosmetic Act is
25 amended by changing Section 3.21 as follows:

1 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

2 Sec. 3.21. Except as authorized by this Act, the Illinois
3 Controlled Substances Act, the Pharmacy Practice Act, the
4 Dental Practice Act, the Medical Practice Act of 1987, the
5 Veterinary Medicine and Surgery Practice Act of 2004, the
6 Podiatric Medical Practice Act of 1987, Section 22-30 of the
7 School Code, Section 40 of the Illinois State Police Act,
8 Section 10.19 of the Illinois Police Training Act, or the
9 Epinephrine Injector Act, to sell or dispense a prescription
10 drug without a prescription.

11 (Source: P.A. 99-78, eff. 7-20-15; 99-711, eff. 1-1-17;
12 100-799, eff. 1-1-19.)

13 Section 845. The Cannabis Regulation and Tax Act is
14 amended by changing Sections 1-10, 5-20, 15-25, 15-30, 15-40,
15 15-65, 15-75, 15-100, 15-135, 20-15, 20-30, 20-35, 20-40,
16 25-30, 25-35, 30-10, 30-30, 30-35, 30-40, 35-10, 35-25, 35-30,
17 40-10, 40-25, 40-30, 40-35, 55-15, 55-30, 55-35, 55-40, 55-50,
18 55-55, and 55-80 as follows:

19 (410 ILCS 705/1-10)

20 Sec. 1-10. Definitions. In this Act:

21 "Adult Use Cultivation Center License" means a license
22 issued by the Department of Agriculture that permits a person
23 to act as a cultivation center under this Act and any

1 administrative rule made in furtherance of this Act.

2 "Adult Use Dispensing Organization License" means a
3 license issued by the Department of Financial and Professional
4 Regulation that permits a person to act as a dispensing
5 organization under this Act and any administrative rule made
6 in furtherance of this Act.

7 "Advertise" means to engage in promotional activities
8 including, but not limited to: newspaper, radio, Internet and
9 electronic media, and television advertising; the distribution
10 of fliers and circulars; billboard advertising; and the
11 display of window and interior signs. "Advertise" does not
12 mean exterior signage displaying only the name of the licensed
13 cannabis business establishment.

14 "BLS Region" means a region in Illinois used by the United
15 States Bureau of Labor Statistics to gather and categorize
16 certain employment and wage data. The 17 such regions in
17 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
18 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
19 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
20 Rockford, St. Louis, Springfield, Northwest Illinois
21 nonmetropolitan area, West Central Illinois nonmetropolitan
22 area, East Central Illinois nonmetropolitan area, and South
23 Illinois nonmetropolitan area.

24 "Cannabis" means marijuana, hashish, and other substances
25 that are identified as including any parts of the plant
26 Cannabis sativa and including derivatives or subspecies, such

1 as indica, of all strains of cannabis, whether growing or not;
2 the seeds thereof, the resin extracted from any part of the
3 plant; and any compound, manufacture, salt, derivative,
4 mixture, or preparation of the plant, its seeds, or resin,
5 including tetrahydrocannabinol (THC) and all other naturally
6 produced cannabinol derivatives, whether produced directly or
7 indirectly by extraction; however, "cannabis" does not include
8 the mature stalks of the plant, fiber produced from the
9 stalks, oil or cake made from the seeds of the plant, any other
10 compound, manufacture, salt, derivative, mixture, or
11 preparation of the mature stalks (except the resin extracted
12 from it), fiber, oil or cake, or the sterilized seed of the
13 plant that is incapable of germination. "Cannabis" does not
14 include industrial hemp as defined and authorized under the
15 Industrial Hemp Act. "Cannabis" also means cannabis flower,
16 concentrate, and cannabis-infused products.

17 "Cannabis business establishment" means a cultivation
18 center, craft grower, processing organization, infuser
19 organization, dispensing organization, or transporting
20 organization.

21 "Cannabis concentrate" means a product derived from
22 cannabis that is produced by extracting cannabinoids,
23 including tetrahydrocannabinol (THC), from the plant through
24 the use of propylene glycol, glycerin, butter, olive oil or
25 other typical cooking fats; water, ice, or dry ice; or butane,
26 propane, CO₂, ethanol, or isopropanol and with the intended

1 use of smoking or making a cannabis-infused product. The use
2 of any other solvent is expressly prohibited unless and until
3 it is approved by the Department of Agriculture.

4 "Cannabis container" means a sealed, traceable, container,
5 or package used for the purpose of containment of cannabis or
6 cannabis-infused product during transportation.

7 "Cannabis flower" means marijuana, hashish, and other
8 substances that are identified as including any parts of the
9 plant Cannabis sativa and including derivatives or subspecies,
10 such as indica, of all strains of cannabis; including raw
11 kief, leaves, and buds, but not resin that has been extracted
12 from any part of such plant; nor any compound, manufacture,
13 salt, derivative, mixture, or preparation of such plant, its
14 seeds, or resin.

15 "Cannabis-infused product" means a beverage, food, oil,
16 ointment, tincture, topical formulation, or another product
17 containing cannabis or cannabis concentrate that is not
18 intended to be smoked.

19 "Cannabis paraphernalia" means equipment, products, or
20 materials intended to be used for planting, propagating,
21 cultivating, growing, harvesting, manufacturing, producing,
22 processing, preparing, testing, analyzing, packaging,
23 repackaging, storing, containing, concealing, ingesting, or
24 otherwise introducing cannabis into the human body.

25 "Cannabis plant monitoring system" or "plant monitoring
26 system" means a system that includes, but is not limited to,

1 testing and data collection established and maintained by the
2 cultivation center, craft grower, or processing organization
3 and that is available to the Department of Revenue, the
4 Department of Agriculture, the Department of Financial and
5 Professional Regulation, and the Illinois ~~Department of~~ State
6 Police for the purposes of documenting each cannabis plant and
7 monitoring plant development throughout the life cycle of a
8 cannabis plant cultivated for the intended use by a customer
9 from seed planting to final packaging.

10 "Cannabis testing facility" means an entity registered by
11 the Department of Agriculture to test cannabis for potency and
12 contaminants.

13 "Clone" means a plant section from a female cannabis plant
14 not yet rootbound, growing in a water solution or other
15 propagation matrix, that is capable of developing into a new
16 plant.

17 "Community College Cannabis Vocational Training Pilot
18 Program faculty participant" means a person who is 21 years of
19 age or older, licensed by the Department of Agriculture, and
20 is employed or contracted by an Illinois community college to
21 provide student instruction using cannabis plants at an
22 Illinois Community College.

23 "Community College Cannabis Vocational Training Pilot
24 Program faculty participant Agent Identification Card" means a
25 document issued by the Department of Agriculture that
26 identifies a person as a Community College Cannabis Vocational

1 Training Pilot Program faculty participant.

2 "Conditional Adult Use Dispensing Organization License"
3 means a license awarded to top-scoring applicants for an Adult
4 Use Dispensing Organization License that reserves the right to
5 an Adult Use Dispensing Organization License if the applicant
6 meets certain conditions described in this Act, but does not
7 entitle the recipient to begin purchasing or selling cannabis
8 or cannabis-infused products.

9 "Conditional Adult Use Cultivation Center License" means a
10 license awarded to top-scoring applicants for an Adult Use
11 Cultivation Center License that reserves the right to an Adult
12 Use Cultivation Center License if the applicant meets certain
13 conditions as determined by the Department of Agriculture by
14 rule, but does not entitle the recipient to begin growing,
15 processing, or selling cannabis or cannabis-infused products.

16 "Craft grower" means a facility operated by an
17 organization or business that is licensed by the Department of
18 Agriculture to cultivate, dry, cure, and package cannabis and
19 perform other necessary activities to make cannabis available
20 for sale at a dispensing organization or use at a processing
21 organization. A craft grower may contain up to 5,000 square
22 feet of canopy space on its premises for plants in the
23 flowering state. The Department of Agriculture may authorize
24 an increase or decrease of flowering stage cultivation space
25 in increments of 3,000 square feet by rule based on market
26 need, craft grower capacity, and the licensee's history of

1 compliance or noncompliance, with a maximum space of 14,000
2 square feet for cultivating plants in the flowering stage,
3 which must be cultivated in all stages of growth in an enclosed
4 and secure area. A craft grower may share premises with a
5 processing organization or a dispensing organization, or both,
6 provided each licensee stores currency and cannabis or
7 cannabis-infused products in a separate secured vault to which
8 the other licensee does not have access or all licensees
9 sharing a vault share more than 50% of the same ownership.

10 "Craft grower agent" means a principal officer, board
11 member, employee, or other agent of a craft grower who is 21
12 years of age or older.

13 "Craft Grower Agent Identification Card" means a document
14 issued by the Department of Agriculture that identifies a
15 person as a craft grower agent.

16 "Cultivation center" means a facility operated by an
17 organization or business that is licensed by the Department of
18 Agriculture to cultivate, process, transport (unless otherwise
19 limited by this Act), and perform other necessary activities
20 to provide cannabis and cannabis-infused products to cannabis
21 business establishments.

22 "Cultivation center agent" means a principal officer,
23 board member, employee, or other agent of a cultivation center
24 who is 21 years of age or older.

25 "Cultivation Center Agent Identification Card" means a
26 document issued by the Department of Agriculture that

1 identifies a person as a cultivation center agent.

2 "Currency" means currency and coin of the United States.

3 "Dispensary" means a facility operated by a dispensing
4 organization at which activities licensed by this Act may
5 occur.

6 "Dispensing organization" means a facility operated by an
7 organization or business that is licensed by the Department of
8 Financial and Professional Regulation to acquire cannabis from
9 a cultivation center, craft grower, processing organization,
10 or another dispensary for the purpose of selling or dispensing
11 cannabis, cannabis-infused products, cannabis seeds,
12 paraphernalia, or related supplies under this Act to
13 purchasers or to qualified registered medical cannabis
14 patients and caregivers. As used in this Act, "dispensing
15 organization" includes a registered medical cannabis
16 organization as defined in the Compassionate Use of Medical
17 Cannabis Program Act or its successor Act that has obtained an
18 Early Approval Adult Use Dispensing Organization License.

19 "Dispensing organization agent" means a principal officer,
20 employee, or agent of a dispensing organization who is 21
21 years of age or older.

22 "Dispensing organization agent identification card" means
23 a document issued by the Department of Financial and
24 Professional Regulation that identifies a person as a
25 dispensing organization agent.

26 "Disproportionately Impacted Area" means a census tract or

1 comparable geographic area that satisfies the following
2 criteria as determined by the Department of Commerce and
3 Economic Opportunity, that:

4 (1) meets at least one of the following criteria:

5 (A) the area has a poverty rate of at least 20%
6 according to the latest federal decennial census; or

7 (B) 75% or more of the children in the area
8 participate in the federal free lunch program
9 according to reported statistics from the State Board
10 of Education; or

11 (C) at least 20% of the households in the area
12 receive assistance under the Supplemental Nutrition
13 Assistance Program; or

14 (D) the area has an average unemployment rate, as
15 determined by the Illinois Department of Employment
16 Security, that is more than 120% of the national
17 unemployment average, as determined by the United
18 States Department of Labor, for a period of at least 2
19 consecutive calendar years preceding the date of the
20 application; and

21 (2) has high rates of arrest, conviction, and
22 incarceration related to the sale, possession, use,
23 cultivation, manufacture, or transport of cannabis.

24 "Early Approval Adult Use Cultivation Center License"
25 means a license that permits a medical cannabis cultivation
26 center licensed under the Compassionate Use of Medical

1 Cannabis Program Act as of the effective date of this Act to
2 begin cultivating, infusing, packaging, transporting (unless
3 otherwise provided in this Act), processing and selling
4 cannabis or cannabis-infused product to cannabis business
5 establishments for resale to purchasers as permitted by this
6 Act as of January 1, 2020.

7 "Early Approval Adult Use Dispensing Organization License"
8 means a license that permits a medical cannabis dispensing
9 organization licensed under the Compassionate Use of Medical
10 Cannabis Program Act as of the effective date of this Act to
11 begin selling cannabis or cannabis-infused product to
12 purchasers as permitted by this Act as of January 1, 2020.

13 "Early Approval Adult Use Dispensing Organization at a
14 secondary site" means a license that permits a medical
15 cannabis dispensing organization licensed under the
16 Compassionate Use of Medical Cannabis Program Act as of the
17 effective date of this Act to begin selling cannabis or
18 cannabis-infused product to purchasers as permitted by this
19 Act on January 1, 2020 at a different dispensary location from
20 its existing registered medical dispensary location.

21 "Enclosed, locked facility" means a room, greenhouse,
22 building, or other enclosed area equipped with locks or other
23 security devices that permit access only by cannabis business
24 establishment agents working for the licensed cannabis
25 business establishment or acting pursuant to this Act to
26 cultivate, process, store, or distribute cannabis.

1 "Enclosed, locked space" means a closet, room, greenhouse,
2 building or other enclosed area equipped with locks or other
3 security devices that permit access only by authorized
4 individuals under this Act. "Enclosed, locked space" may
5 include:

6 (1) a space within a residential building that (i) is
7 the primary residence of the individual cultivating 5 or
8 fewer cannabis plants that are more than 5 inches tall and
9 (ii) includes sleeping quarters and indoor plumbing. The
10 space must only be accessible by a key or code that is
11 different from any key or code that can be used to access
12 the residential building from the exterior; or

13 (2) a structure, such as a shed or greenhouse, that
14 lies on the same plot of land as a residential building
15 that (i) includes sleeping quarters and indoor plumbing
16 and (ii) is used as a primary residence by the person
17 cultivating 5 or fewer cannabis plants that are more than
18 5 inches tall, such as a shed or greenhouse. The structure
19 must remain locked when it is unoccupied by people.

20 "Financial institution" has the same meaning as "financial
21 organization" as defined in Section 1501 of the Illinois
22 Income Tax Act, and also includes the holding companies,
23 subsidiaries, and affiliates of such financial organizations.

24 "Flowering stage" means the stage of cultivation where and
25 when a cannabis plant is cultivated to produce plant material
26 for cannabis products. This includes mature plants as follows:

1 (1) if greater than 2 stigmas are visible at each
2 internode of the plant; or

3 (2) if the cannabis plant is in an area that has been
4 intentionally deprived of light for a period of time
5 intended to produce flower buds and induce maturation,
6 from the moment the light deprivation began through the
7 remainder of the marijuana plant growth cycle.

8 "Individual" means a natural person.

9 "Infuser organization" or "infuser" means a facility
10 operated by an organization or business that is licensed by
11 the Department of Agriculture to directly incorporate cannabis
12 or cannabis concentrate into a product formulation to produce
13 a cannabis-infused product.

14 "Kief" means the resinous crystal-like trichomes that are
15 found on cannabis and that are accumulated, resulting in a
16 higher concentration of cannabinoids, untreated by heat or
17 pressure, or extracted using a solvent.

18 "Labor peace agreement" means an agreement between a
19 cannabis business establishment and any labor organization
20 recognized under the National Labor Relations Act, referred to
21 in this Act as a bona fide labor organization, that prohibits
22 labor organizations and members from engaging in picketing,
23 work stoppages, boycotts, and any other economic interference
24 with the cannabis business establishment. This agreement means
25 that the cannabis business establishment has agreed not to
26 disrupt efforts by the bona fide labor organization to

1 communicate with, and attempt to organize and represent, the
2 cannabis business establishment's employees. The agreement
3 shall provide a bona fide labor organization access at
4 reasonable times to areas in which the cannabis business
5 establishment's employees work, for the purpose of meeting
6 with employees to discuss their right to representation,
7 employment rights under State law, and terms and conditions of
8 employment. This type of agreement shall not mandate a
9 particular method of election or certification of the bona
10 fide labor organization.

11 "Limited access area" means a room or other area under the
12 control of a cannabis dispensing organization licensed under
13 this Act and upon the licensed premises where cannabis sales
14 occur with access limited to purchasers, dispensing
15 organization owners and other dispensing organization agents,
16 or service professionals conducting business with the
17 dispensing organization, or, if sales to registered qualifying
18 patients, caregivers, provisional patients, and Opioid
19 Alternative Pilot Program participants licensed pursuant to
20 the Compassionate Use of Medical Cannabis Program Act are also
21 permitted at the dispensary, registered qualifying patients,
22 caregivers, provisional patients, and Opioid Alternative Pilot
23 Program participants.

24 "Member of an impacted family" means an individual who has
25 a parent, legal guardian, child, spouse, or dependent, or was
26 a dependent of an individual who, prior to the effective date

1 of this Act, was arrested for, convicted of, or adjudicated
2 delinquent for any offense that is eligible for expungement
3 under this Act.

4 "Mother plant" means a cannabis plant that is cultivated
5 or maintained for the purpose of generating clones, and that
6 will not be used to produce plant material for sale to an
7 infuser or dispensing organization.

8 "Ordinary public view" means within the sight line with
9 normal visual range of a person, unassisted by visual aids,
10 from a public street or sidewalk adjacent to real property, or
11 from within an adjacent property.

12 "Ownership and control" means ownership of at least 51% of
13 the business, including corporate stock if a corporation, and
14 control over the management and day-to-day operations of the
15 business and an interest in the capital, assets, and profits
16 and losses of the business proportionate to percentage of
17 ownership.

18 "Person" means a natural individual, firm, partnership,
19 association, joint stock company, joint venture, public or
20 private corporation, limited liability company, or a receiver,
21 executor, trustee, guardian, or other representative appointed
22 by order of any court.

23 "Possession limit" means the amount of cannabis under
24 Section 10-10 that may be possessed at any one time by a person
25 21 years of age or older or who is a registered qualifying
26 medical cannabis patient or caregiver under the Compassionate

1 Use of Medical Cannabis Program Act.

2 "Principal officer" includes a cannabis business
3 establishment applicant or licensed cannabis business
4 establishment's board member, owner with more than 1% interest
5 of the total cannabis business establishment or more than 5%
6 interest of the total cannabis business establishment of a
7 publicly traded company, president, vice president, secretary,
8 treasurer, partner, officer, member, manager member, or person
9 with a profit sharing, financial interest, or revenue sharing
10 arrangement. The definition includes a person with authority
11 to control the cannabis business establishment, a person who
12 assumes responsibility for the debts of the cannabis business
13 establishment and who is further defined in this Act.

14 "Primary residence" means a dwelling where a person
15 usually stays or stays more often than other locations. It may
16 be determined by, without limitation, presence, tax filings;
17 address on an Illinois driver's license, an Illinois
18 Identification Card, or an Illinois Person with a Disability
19 Identification Card; or voter registration. No person may have
20 more than one primary residence.

21 "Processing organization" or "processor" means a facility
22 operated by an organization or business that is licensed by
23 the Department of Agriculture to either extract constituent
24 chemicals or compounds to produce cannabis concentrate or
25 incorporate cannabis or cannabis concentrate into a product
26 formulation to produce a cannabis product.

1 "Processing organization agent" means a principal officer,
2 board member, employee, or agent of a processing organization.

3 "Processing organization agent identification card" means
4 a document issued by the Department of Agriculture that
5 identifies a person as a processing organization agent.

6 "Purchaser" means a person 21 years of age or older who
7 acquires cannabis for a valuable consideration. "Purchaser"
8 does not include a cardholder under the Compassionate Use of
9 Medical Cannabis Program Act.

10 "Qualified Social Equity Applicant" means a Social Equity
11 Applicant who has been awarded a conditional license under
12 this Act to operate a cannabis business establishment.

13 "Resided" means an individual's primary residence was
14 located within the relevant geographic area as established by
15 2 of the following:

16 (1) a signed lease agreement that includes the
17 applicant's name;

18 (2) a property deed that includes the applicant's
19 name;

20 (3) school records;

21 (4) a voter registration card;

22 (5) an Illinois driver's license, an Illinois
23 Identification Card, or an Illinois Person with a
24 Disability Identification Card;

25 (6) a paycheck stub;

26 (7) a utility bill;

1 (8) tax records; or

2 (9) any other proof of residency or other information
3 necessary to establish residence as provided by rule.

4 "Smoking" means the inhalation of smoke caused by the
5 combustion of cannabis.

6 "Social Equity Applicant" means an applicant that is an
7 Illinois resident that meets one of the following criteria:

8 (1) an applicant with at least 51% ownership and
9 control by one or more individuals who have resided for at
10 least 5 of the preceding 10 years in a Disproportionately
11 Impacted Area;

12 (2) an applicant with at least 51% ownership and
13 control by one or more individuals who:

14 (i) have been arrested for, convicted of, or
15 adjudicated delinquent for any offense that is
16 eligible for expungement under this Act; or

17 (ii) is a member of an impacted family;

18 (3) for applicants with a minimum of 10 full-time
19 employees, an applicant with at least 51% of current
20 employees who:

21 (i) currently reside in a Disproportionately
22 Impacted Area; or

23 (ii) have been arrested for, convicted of, or
24 adjudicated delinquent for any offense that is
25 eligible for expungement under this Act or member of
26 an impacted family.

1 Nothing in this Act shall be construed to preempt or limit
2 the duties of any employer under the Job Opportunities for
3 Qualified Applicants Act. Nothing in this Act shall permit an
4 employer to require an employee to disclose sealed or expunged
5 offenses, unless otherwise required by law.

6 "Tincture" means a cannabis-infused solution, typically
7 comprised of alcohol, glycerin, or vegetable oils, derived
8 either directly from the cannabis plant or from a processed
9 cannabis extract. A tincture is not an alcoholic liquor as
10 defined in the Liquor Control Act of 1934. A tincture shall
11 include a calibrated dropper or other similar device capable
12 of accurately measuring servings.

13 "Transporting organization" or "transporter" means an
14 organization or business that is licensed by the Department of
15 Agriculture to transport cannabis or cannabis-infused product
16 on behalf of a cannabis business establishment or a community
17 college licensed under the Community College Cannabis
18 Vocational Training Pilot Program.

19 "Transporting organization agent" means a principal
20 officer, board member, employee, or agent of a transporting
21 organization.

22 "Transporting organization agent identification card"
23 means a document issued by the Department of Agriculture that
24 identifies a person as a transporting organization agent.

25 "Unit of local government" means any county, city,
26 village, or incorporated town.

1 "Vegetative stage" means the stage of cultivation in which
2 a cannabis plant is propagated to produce additional cannabis
3 plants or reach a sufficient size for production. This
4 includes seedlings, clones, mothers, and other immature
5 cannabis plants as follows:

6 (1) if the cannabis plant is in an area that has not
7 been intentionally deprived of light for a period of time
8 intended to produce flower buds and induce maturation, it
9 has no more than 2 stigmas visible at each internode of the
10 cannabis plant; or

11 (2) any cannabis plant that is cultivated solely for
12 the purpose of propagating clones and is never used to
13 produce cannabis.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/5-20)

16 Sec. 5-20. Background checks.

17 (a) Through the Illinois ~~Department of~~ State Police, the
18 licensing or issuing Department shall conduct a criminal
19 history record check of the prospective principal officers,
20 board members, and agents of a cannabis business establishment
21 applying for a license or identification card under this Act.

22 Each cannabis business establishment prospective principal
23 officer, board member, or agent shall submit his or her
24 fingerprints to the Illinois ~~Department of~~ State Police in the
25 form and manner prescribed by the Illinois ~~Department of~~ State

1 Police.

2 Unless otherwise provided in this Act, such fingerprints
3 shall be transmitted through a live scan fingerprint vendor
4 licensed by the Department of Financial and Professional
5 Regulation. 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 Investigation
8 criminal history records databases. The Illinois ~~Department of~~
9 State Police shall charge a fee for conducting the criminal
10 history record check, which shall be deposited into the State
11 Police Services Fund and shall not exceed the actual cost of
12 the State and national criminal history record check. The
13 Illinois ~~Department of~~ State Police shall furnish, pursuant to
14 positive identification, all Illinois conviction information
15 and shall forward the national criminal history record
16 information to:

17 (i) the Department of Agriculture, with respect to a
18 cultivation center, craft grower, infuser organization, or
19 transporting organization; or

20 (ii) the Department of Financial and Professional
21 Regulation, with respect to a dispensing organization.

22 (b) When applying for the initial license or
23 identification card, the background checks for all prospective
24 principal officers, board members, and agents shall be
25 completed before submitting the application to the licensing
26 or issuing agency.

1 (c) All applications for licensure under this Act by
2 applicants with criminal convictions shall be subject to
3 Sections 2105-131, 2105-135, and 2105-205 of the Department of
4 Professional Regulation Law of the Civil Administrative Code
5 of Illinois.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

7 (410 ILCS 705/15-25)

8 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
9 Organization Licenses prior to January 1, 2021.

10 (a) The Department shall issue up to 75 Conditional Adult
11 Use Dispensing Organization Licenses before May 1, 2020.

12 (b) The Department shall make the application for a
13 Conditional Adult Use Dispensing Organization License
14 available no later than October 1, 2019 and shall accept
15 applications no later than January 1, 2020.

16 (c) To ensure the geographic dispersion of Conditional
17 Adult Use Dispensing Organization License holders, the
18 following number of licenses shall be awarded in each BLS
19 Region as determined by each region's percentage of the
20 State's population:

21 (1) Bloomington: 1

22 (2) Cape Girardeau: 1

23 (3) Carbondale-Marion: 1

24 (4) Champaign-Urbana: 1

25 (5) Chicago-Naperville-Elgin: 47

- 1 (6) Danville: 1
- 2 (7) Davenport-Moline-Rock Island: 1
- 3 (8) Decatur: 1
- 4 (9) Kankakee: 1
- 5 (10) Peoria: 3
- 6 (11) Rockford: 2
- 7 (12) St. Louis: 4
- 8 (13) Springfield: 1
- 9 (14) Northwest Illinois nonmetropolitan: 3
- 10 (15) West Central Illinois nonmetropolitan: 3
- 11 (16) East Central Illinois nonmetropolitan: 2
- 12 (17) South Illinois nonmetropolitan: 2

13 (d) An applicant seeking issuance of a Conditional Adult
14 Use Dispensing Organization License shall submit an
15 application on forms provided by the Department. An applicant
16 must meet the following requirements:

17 (1) Payment of a nonrefundable application fee of
18 \$5,000 for each license for which the applicant is
19 applying, which shall be deposited into the Cannabis
20 Regulation Fund;

21 (2) Certification that the applicant will comply with
22 the requirements contained in this Act;

23 (3) The legal name of the proposed dispensing
24 organization;

25 (4) A statement that the dispensing organization
26 agrees to respond to the Department's supplemental

1 requests for information;

2 (5) From each principal officer, a statement
3 indicating whether that person:

4 (A) has previously held or currently holds an
5 ownership interest in a cannabis business
6 establishment in Illinois; or

7 (B) has held an ownership interest in a dispensing
8 organization or its equivalent in another state or
9 territory of the United States that had the dispensing
10 organization registration or license suspended,
11 revoked, placed on probationary status, or subjected
12 to other disciplinary action;

13 (6) Disclosure of whether any principal officer has
14 ever filed for bankruptcy or defaulted on spousal support
15 or child support obligation;

16 (7) A resume for each principal officer, including
17 whether that person has an academic degree, certification,
18 or relevant experience with a cannabis business
19 establishment or in a related industry;

20 (8) A description of the training and education that
21 will be provided to dispensing organization agents;

22 (9) A copy of the proposed operating bylaws;

23 (10) A copy of the proposed business plan that
24 complies with the requirements in this Act, including, at
25 a minimum, the following:

26 (A) A description of services to be offered; and

1 (B) A description of the process of dispensing
2 cannabis;

3 (11) A copy of the proposed security plan that
4 complies with the requirements in this Article, including:

5 (A) The process or controls that will be
6 implemented to monitor the dispensary, secure the
7 premises, agents, and currency, and prevent the
8 diversion, theft, or loss of cannabis; and

9 (B) The process to ensure that access to the
10 restricted access areas is restricted to, registered
11 agents, service professionals, transporting
12 organization agents, Department inspectors, and
13 security personnel;

14 (12) A proposed inventory control plan that complies
15 with this Section;

16 (13) A proposed floor plan, a square footage estimate,
17 and a description of proposed security devices, including,
18 without limitation, cameras, motion detectors, servers,
19 video storage capabilities, and alarm service providers;

20 (14) The name, address, social security number, and
21 date of birth of each principal officer and board member
22 of the dispensing organization; each of those individuals
23 shall be at least 21 years of age;

24 (15) Evidence of the applicant's status as a Social
25 Equity Applicant, if applicable, and whether a Social
26 Equity Applicant plans to apply for a loan or grant issued

1 by the Department of Commerce and Economic Opportunity;

2 (16) The address, telephone number, and email address
3 of the applicant's principal place of business, if
4 applicable. A post office box is not permitted;

5 (17) Written summaries of any information regarding
6 instances in which a business or not-for-profit that a
7 prospective board member previously managed or served on
8 were fined or censured, or any instances in which a
9 business or not-for-profit that a prospective board member
10 previously managed or served on had its registration
11 suspended or revoked in any administrative or judicial
12 proceeding;

13 (18) A plan for community engagement;

14 (19) Procedures to ensure accurate recordkeeping and
15 security measures that are in accordance with this Article
16 and Department rules;

17 (20) The estimated volume of cannabis it plans to
18 store at the dispensary;

19 (21) A description of the features that will provide
20 accessibility to purchasers as required by the Americans
21 with Disabilities Act;

22 (22) A detailed description of air treatment systems
23 that will be installed to reduce odors;

24 (23) A reasonable assurance that the issuance of a
25 license will not have a detrimental impact on the
26 community in which the applicant wishes to locate;

1 (24) The dated signature of each principal officer;

2 (25) A description of the enclosed, locked facility
3 where cannabis will be stored by the dispensing
4 organization;

5 (26) Signed statements from each dispensing
6 organization agent stating that he or she will not divert
7 cannabis;

8 (27) The number of licenses it is applying for in each
9 BLS Region;

10 (28) A diversity plan that includes a narrative of at
11 least 2,500 words that establishes a goal of diversity in
12 ownership, management, employment, and contracting to
13 ensure that diverse participants and groups are afforded
14 equality of opportunity;

15 (29) A contract with a private security contractor
16 that is licensed under Section 10-5 of the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004 in order for the
19 dispensary to have adequate security at its facility; and

20 (30) Other information deemed necessary by the
21 Illinois Cannabis Regulation Oversight Officer to conduct
22 the disparity and availability study referenced in
23 subsection (e) of Section 5-45.

24 (e) An applicant who receives a Conditional Adult Use
25 Dispensing Organization License under this Section has 180
26 days from the date of award to identify a physical location for

1 the dispensing organization retail storefront. Before a
2 conditional licensee receives an authorization to build out
3 the dispensing organization from the Department, the
4 Department shall inspect the physical space selected by the
5 conditional licensee. The Department shall verify the site is
6 suitable for public access, the layout promotes the safe
7 dispensing of cannabis, the location is sufficient in size,
8 power allocation, lighting, parking, handicapped accessible
9 parking spaces, accessible entry and exits as required by the
10 Americans with Disabilities Act, product handling, and
11 storage. The applicant shall also provide a statement of
12 reasonable assurance that the issuance of a license will not
13 have a detrimental impact on the community. The applicant
14 shall also provide evidence that the location is not within
15 1,500 feet of an existing dispensing organization. If an
16 applicant is unable to find a suitable physical address in the
17 opinion of the Department within 180 days of the issuance of
18 the Conditional Adult Use Dispensing Organization License, the
19 Department may extend the period for finding a physical
20 address another 180 days if the Conditional Adult Use
21 Dispensing Organization License holder demonstrates concrete
22 attempts to secure a location and a hardship. If the
23 Department denies the extension or the Conditional Adult Use
24 Dispensing Organization License holder is unable to find a
25 location or become operational within 360 days of being
26 awarded a conditional license, the Department shall rescind

1 the conditional license and award it to the next highest
2 scoring applicant in the BLS Region for which the license was
3 assigned, provided the applicant receiving the license: (i)
4 confirms a continued interest in operating a dispensing
5 organization; (ii) can provide evidence that the applicant
6 continues to meet all requirements for holding a Conditional
7 Adult Use Dispensing Organization License set forth in this
8 Act; and (iii) has not otherwise become ineligible to be
9 awarded a dispensing organization license. If the new awardee
10 is unable to accept the Conditional Adult Use Dispensing
11 Organization License, the Department shall award the
12 Conditional Adult Use Dispensing Organization License to the
13 next highest scoring applicant in the same manner. The new
14 awardee shall be subject to the same required deadlines as
15 provided in this subsection.

16 (e-5) If, within 180 days of being awarded a Conditional
17 Adult Use Dispensing Organization License, a dispensing
18 organization is unable to find a location within the BLS
19 Region in which it was awarded a Conditional Adult Use
20 Dispensing Organization License because no jurisdiction within
21 the BLS Region allows for the operation of an Adult Use
22 Dispensing Organization, the Department of Financial and
23 Professional Regulation may authorize the Conditional Adult
24 Use Dispensing Organization License holder to transfer its
25 license to a BLS Region specified by the Department.

26 (f) A dispensing organization that is awarded a

1 Conditional Adult Use Dispensing Organization License pursuant
2 to the criteria in Section 15-30 shall not purchase, possess,
3 sell, or dispense cannabis or cannabis-infused products until
4 the person has received an Adult Use Dispensing Organization
5 License issued by the Department pursuant to Section 15-36 of
6 this Act.

7 (g) The Department shall conduct a background check of the
8 prospective organization agents in order to carry out this
9 Article. The Illinois ~~Department of~~ State Police shall charge
10 the applicant a fee for conducting the criminal history record
11 check, which shall be deposited into the State Police Services
12 Fund and shall not exceed the actual cost of the record check.
13 Each person applying as a dispensing organization agent shall
14 submit a full set of fingerprints to the Illinois ~~Department~~
15 ~~of~~ State Police for the purpose of obtaining a State and
16 federal criminal records check. These fingerprints shall be
17 checked against the fingerprint records now and hereafter, to
18 the extent allowed by law, filed in the Illinois ~~Department of~~
19 State Police and Federal Bureau of Identification criminal
20 history records databases. The Illinois ~~Department of~~ State
21 Police shall furnish, following positive identification, all
22 Illinois conviction information to the Department.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

24 (410 ILCS 705/15-30)

25 Sec. 15-30. Selection criteria for conditional licenses

1 awarded under Section 15-25.

2 (a) Applicants for a Conditional Adult Use Dispensing
3 Organization License must submit all required information,
4 including the information required in Section 15-25, to the
5 Department. Failure by an applicant to submit all required
6 information may result in the application being disqualified.

7 (b) If the Department receives an application that fails
8 to provide the required elements contained in this Section,
9 the Department shall issue a deficiency notice to the
10 applicant. The applicant shall have 10 calendar days from the
11 date of the deficiency notice to resubmit the incomplete
12 information. Applications that are still incomplete after this
13 opportunity to cure will not be scored and will be
14 disqualified.

15 (c) The Department will award up to 250 points to complete
16 applications based on the sufficiency of the applicant's
17 responses to required information. Applicants will be awarded
18 points based on a determination that the application
19 satisfactorily includes the following elements:

20 (1) Suitability of Employee Training Plan (15 points).

21 The plan includes an employee training plan that
22 demonstrates that employees will understand the rules
23 and laws to be followed by dispensary employees, have
24 knowledge of any security measures and operating
25 procedures of the dispensary, and are able to advise
26 purchasers on how to safely consume cannabis and use

1 individual products offered by the dispensary.

2 (2) Security and Recordkeeping (65 points).

3 (A) The security plan accounts for the prevention
4 of the theft or diversion of cannabis. The security
5 plan demonstrates safety procedures for dispensing
6 organization agents and purchasers, and safe delivery
7 and storage of cannabis and currency. It demonstrates
8 compliance with all security requirements in this Act
9 and rules.

10 (B) A plan for recordkeeping, tracking, and
11 monitoring inventory, quality control, and other
12 policies and procedures that will promote standard
13 recordkeeping and discourage unlawful activity. This
14 plan includes the applicant's strategy to communicate
15 with the Department and the Illinois Department ~~of~~
16 State Police on the destruction and disposal of
17 cannabis. The plan must also demonstrate compliance
18 with this Act and rules.

19 (C) The security plan shall also detail which
20 private security contractor licensed under Section
21 10-5 of the Private Detective, Private Alarm, Private
22 Security, Fingerprint Vendor, and Locksmith Act of
23 2004 the dispensary will contract with in order to
24 provide adequate security at its facility.

25 (3) Applicant's Business Plan, Financials, Operating
26 and Floor Plan (65 points).

1 (A) The business plan shall describe, at a
2 minimum, how the dispensing organization will be
3 managed on a long-term basis. This shall include a
4 description of the dispensing organization's
5 point-of-sale system, purchases and denials of sale,
6 confidentiality, and products and services to be
7 offered. It will demonstrate compliance with this Act
8 and rules.

9 (B) The operating plan shall include, at a
10 minimum, best practices for day-to-day dispensary
11 operation and staffing. The operating plan may also
12 include information about employment practices,
13 including information about the percentage of
14 full-time employees who will be provided a living
15 wage.

16 (C) The proposed floor plan is suitable for public
17 access, the layout promotes safe dispensing of
18 cannabis, is compliant with the Americans with
19 Disabilities Act and the Environmental Barriers Act,
20 and facilitates safe product handling and storage.

21 (4) Knowledge and Experience (30 points).

22 (A) The applicant's principal officers must
23 demonstrate experience and qualifications in business
24 management or experience with the cannabis industry.
25 This includes ensuring optimal safety and accuracy in
26 the dispensing and sale of cannabis.

1 (B) The applicant's principal officers must
2 demonstrate knowledge of various cannabis product
3 strains or varieties and describe the types and
4 quantities of products planned to be sold. This
5 includes confirmation of whether the dispensing
6 organization plans to sell cannabis paraphernalia or
7 edibles.

8 (C) Knowledge and experience may be demonstrated
9 through experience in other comparable industries that
10 reflect on the applicant's ability to operate a
11 cannabis business establishment.

12 (5) Status as a Social Equity Applicant (50 points).

13 The applicant meets the qualifications for a
14 Social Equity Applicant as set forth in this Act.

15 (6) Labor and employment practices (5 points): The
16 applicant may describe plans to provide a safe, healthy,
17 and economically beneficial working environment for its
18 agents, including, but not limited to, codes of conduct,
19 health care benefits, educational benefits, retirement
20 benefits, living wage standards, and entering a labor
21 peace agreement with employees.

22 (7) Environmental Plan (5 points): The applicant may
23 demonstrate an environmental plan of action to minimize
24 the carbon footprint, environmental impact, and resource
25 needs for the dispensary, which may include, without
26 limitation, recycling cannabis product packaging.

1 (8) Illinois owner (5 points): The applicant is 51% or
2 more owned and controlled by an Illinois resident, who can
3 prove residency in each of the past 5 years with tax
4 records or 2 of the following:

5 (A) a signed lease agreement that includes the
6 applicant's name;

7 (B) a property deed that includes the applicant's
8 name;

9 (C) school records;

10 (D) a voter registration card;

11 (E) an Illinois driver's license, an Illinois
12 Identification Card, or an Illinois Person with a
13 Disability Identification Card;

14 (F) a paycheck stub;

15 (G) a utility bill; or

16 (H) any other proof of residency or other
17 information necessary to establish residence as
18 provided by rule.

19 (9) Status as veteran (5 points): The applicant is 51%
20 or more controlled and owned by an individual or
21 individuals who meet the qualifications of a veteran as
22 defined by Section 45-57 of the Illinois Procurement Code.

23 (10) A diversity plan (5 points): that includes a
24 narrative of not more than 2,500 words that establishes a
25 goal of diversity in ownership, management, employment,
26 and contracting to ensure that diverse participants and

1 groups are afforded equality of opportunity.

2 (d) The Department may also award up to 2 bonus points for
3 a plan to engage with the community. The applicant may
4 demonstrate a desire to engage with its community by
5 participating in one or more of, but not limited to, the
6 following actions: (i) establishment of an incubator program
7 designed to increase participation in the cannabis industry by
8 persons who would qualify as Social Equity Applicants; (ii)
9 providing financial assistance to substance abuse treatment
10 centers; (iii) educating children and teens about the
11 potential harms of cannabis use; or (iv) other measures
12 demonstrating a commitment to the applicant's community. Bonus
13 points will only be awarded if the Department receives
14 applications that receive an equal score for a particular
15 region.

16 (e) The Department may verify information contained in
17 each application and accompanying documentation to assess the
18 applicant's veracity and fitness to operate a dispensing
19 organization.

20 (f) The Department may, in its discretion, refuse to issue
21 an authorization to any applicant:

22 (1) Who is unqualified to perform the duties required
23 of the applicant;

24 (2) Who fails to disclose or states falsely any
25 information called for in the application;

26 (3) Who has been found guilty of a violation of this

1 Act, or whose medical cannabis dispensing organization,
2 medical cannabis cultivation organization, or Early
3 Approval Adult Use Dispensing Organization License, or
4 Early Approval Adult Use Dispensing Organization License
5 at a secondary site, or Early Approval Cultivation Center
6 License was suspended, restricted, revoked, or denied for
7 just cause, or the applicant's cannabis business
8 establishment license was suspended, restricted, revoked,
9 or denied in any other state; or

10 (4) Who has engaged in a pattern or practice of unfair
11 or illegal practices, methods, or activities in the
12 conduct of owning a cannabis business establishment or
13 other business.

14 (g) The Department shall deny the license if any principal
15 officer, board member, or person having a financial or voting
16 interest of 5% or greater in the licensee is delinquent in
17 filing any required tax returns or paying any amounts owed to
18 the State of Illinois.

19 (h) The Department shall verify an applicant's compliance
20 with the requirements of this Article and rules before issuing
21 a dispensing organization license.

22 (i) Should the applicant be awarded a license, the
23 information and plans provided in the application, including
24 any plans submitted for bonus points, shall become a condition
25 of the Conditional Adult Use Dispensing Organization Licenses
26 and any Adult Use Dispensing Organization License issued to

1 the holder of the Conditional Adult Use Dispensing
2 Organization License, except as otherwise provided by this Act
3 or rule. Dispensing organizations have a duty to disclose any
4 material changes to the application. The Department shall
5 review all material changes disclosed by the dispensing
6 organization, and may re-evaluate its prior decision regarding
7 the awarding of a license, including, but not limited to,
8 suspending or permanently revoking a license. Failure to
9 comply with the conditions or requirements in the application
10 may subject the dispensing organization to discipline, up to
11 and including suspension or permanent revocation of its
12 authorization or license by the Department.

13 (j) If an applicant has not begun operating as a
14 dispensing organization within one year of the issuance of the
15 Conditional Adult Use Dispensing Organization License, the
16 Department may permanently revoke the Conditional Adult Use
17 Dispensing Organization License and award it to the next
18 highest scoring applicant in the BLS Region if a suitable
19 applicant indicates a continued interest in the license or
20 begin a new selection process to award a Conditional Adult Use
21 Dispensing Organization License.

22 (k) The Department shall deny an application if granting
23 that application would result in a single person or entity
24 having a direct or indirect financial interest in more than 10
25 Early Approval Adult Use Dispensing Organization Licenses,
26 Conditional Adult Use Dispensing Organization Licenses, or

1 Adult Use Dispensing Organization Licenses. Any entity that is
2 awarded a license that results in a single person or entity
3 having a direct or indirect financial interest in more than 10
4 licenses shall forfeit the most recently issued license and
5 suffer a penalty to be determined by the Department, unless
6 the entity declines the license at the time it is awarded.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8 (410 ILCS 705/15-40)

9 Sec. 15-40. Dispensing organization agent identification
10 card; agent training.

11 (a) The Department shall:

12 (1) verify the information contained in an application
13 or renewal for a dispensing organization agent
14 identification card submitted under this Article, and
15 approve or deny an application or renewal, within 30 days
16 of receiving a completed application or renewal
17 application and all supporting documentation required by
18 rule;

19 (2) issue a dispensing organization agent
20 identification card to a qualifying agent within 15
21 business days of approving the application or renewal;

22 (3) enter the registry identification number of the
23 dispensing organization where the agent works;

24 (4) within one year from the effective date of this
25 Act, allow for an electronic application process and

1 provide a confirmation by electronic or other methods that
2 an application has been submitted; and

3 (5) collect a \$100 nonrefundable fee from the
4 applicant to be deposited into the Cannabis Regulation
5 Fund.

6 (b) A dispensing organization agent must keep his or her
7 identification card visible at all times when in the
8 dispensary.

9 (c) The dispensing organization agent identification cards
10 shall contain the following:

11 (1) the name of the cardholder;

12 (2) the date of issuance and expiration date of the
13 dispensing organization agent identification cards;

14 (3) a random 10-digit alphanumeric identification
15 number containing at least 4 numbers and at least 4
16 letters that is unique to the cardholder; and

17 (4) a photograph of the cardholder.

18 (d) The dispensing organization agent identification cards
19 shall be immediately returned to the dispensing organization
20 upon termination of employment.

21 (e) The Department shall not issue an agent identification
22 card if the applicant is delinquent in filing any required tax
23 returns or paying any amounts owed to the State of Illinois.

24 (f) Any card lost by a dispensing organization agent shall
25 be reported to the Illinois ~~Department of~~ State Police and the
26 Department immediately upon discovery of the loss.

1 (g) An applicant shall be denied a dispensing organization
2 agent identification card renewal if he or she fails to
3 complete the training provided for in this Section.

4 (h) A dispensing organization agent shall only be required
5 to hold one card for the same employer regardless of what type
6 of dispensing organization license the employer holds.

7 (i) Cannabis retail sales training requirements.

8 (1) Within 90 days of September 1, 2019, or 90 days of
9 employment, whichever is later, all owners, managers,
10 employees, and agents involved in the handling or sale of
11 cannabis or cannabis-infused product employed by an adult
12 use dispensing organization or medical cannabis dispensing
13 organization as defined in Section 10 of the Compassionate
14 Use of Medical Cannabis Program Act shall attend and
15 successfully complete a Responsible Vendor Program.

16 (2) Each owner, manager, employee, and agent of an
17 adult use dispensing organization or medical cannabis
18 dispensing organization shall successfully complete the
19 program annually.

20 (3) Responsible Vendor Program Training modules shall
21 include at least 2 hours of instruction time approved by
22 the Department including:

23 (i) Health and safety concerns of cannabis use,
24 including the responsible use of cannabis, its
25 physical effects, onset of physiological effects,
26 recognizing signs of impairment, and appropriate

1 responses in the event of overconsumption.

2 (ii) Training on laws and regulations on driving
3 while under the influence and operating a watercraft
4 or snowmobile while under the influence.

5 (iii) Sales to minors prohibition. Training shall
6 cover all relevant Illinois laws and rules.

7 (iv) Quantity limitations on sales to purchasers.
8 Training shall cover all relevant Illinois laws and
9 rules.

10 (v) Acceptable forms of identification. Training
11 shall include:

12 (I) How to check identification; and

13 (II) Common mistakes made in verification;

14 (vi) Safe storage of cannabis;

15 (vii) Compliance with all inventory tracking
16 system regulations;

17 (viii) Waste handling, management, and disposal;

18 (ix) Health and safety standards;

19 (x) Maintenance of records;

20 (xi) Security and surveillance requirements;

21 (xii) Permitting inspections by State and local
22 licensing and enforcement authorities;

23 (xiii) Privacy issues;

24 (xiv) Packaging and labeling requirement for sales
25 to purchasers; and

26 (xv) Other areas as determined by rule.

1 (j) Blank.

2 (k) Upon the successful completion of the Responsible
3 Vendor Program, the provider shall deliver proof of completion
4 either through mail or electronic communication to the
5 dispensing organization, which shall retain a copy of the
6 certificate.

7 (l) The license of a dispensing organization or medical
8 cannabis dispensing organization whose owners, managers,
9 employees, or agents fail to comply with this Section may be
10 suspended or permanently revoked under Section 15-145 or may
11 face other disciplinary action.

12 (m) The regulation of dispensing organization and medical
13 cannabis dispensing employer and employee training is an
14 exclusive function of the State, and regulation by a unit of
15 local government, including a home rule unit, is prohibited.
16 This subsection (m) is a denial and limitation of home rule
17 powers and functions under subsection (h) of Section 6 of
18 Article VII of the Illinois Constitution.

19 (n) Persons seeking Department approval to offer the
20 training required by paragraph (3) of subsection (i) may apply
21 for such approval between August 1 and August 15 of each
22 odd-numbered year in a manner prescribed by the Department.

23 (o) Persons seeking Department approval to offer the
24 training required by paragraph (3) of subsection (i) shall
25 submit a nonrefundable application fee of \$2,000 to be
26 deposited into the Cannabis Regulation Fund or a fee as may be

1 set by rule. Any changes made to the training module shall be
2 approved by the Department.

3 (p) The Department shall not unreasonably deny approval of
4 a training module that meets all the requirements of paragraph
5 (3) of subsection (i). A denial of approval shall include a
6 detailed description of the reasons for the denial.

7 (q) Any person approved to provide the training required
8 by paragraph (3) of subsection (i) shall submit an application
9 for re-approval between August 1 and August 15 of each
10 odd-numbered year and include a nonrefundable application fee
11 of \$2,000 to be deposited into the Cannabis Regulation Fund or
12 a fee as may be set by rule.

13 (r) All persons applying to become or renewing their
14 registrations to be agents, including agents-in-charge and
15 principal officers, shall disclose any disciplinary action
16 taken against them that may have occurred in Illinois, another
17 state, or another country in relation to their employment at a
18 cannabis business establishment or at any cannabis cultivation
19 center, processor, infuser, dispensary, or other cannabis
20 business establishment.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

22 (410 ILCS 705/15-65)

23 Sec. 15-65. Administration.

24 (a) A dispensing organization shall establish, maintain,
25 and comply with written policies and procedures as submitted

1 in the Business, Financial and Operating plan as required in
2 this Article or by rules established by the Department, and
3 approved by the Department, for the security, storage,
4 inventory, and distribution of cannabis. These policies and
5 procedures shall include methods for identifying, recording,
6 and reporting diversion, theft, or loss, and for correcting
7 errors and inaccuracies in inventories. At a minimum,
8 dispensing organizations shall ensure the written policies and
9 procedures provide for the following:

10 (1) Mandatory and voluntary recalls of cannabis
11 products. The policies shall be adequate to deal with
12 recalls due to any action initiated at the request of the
13 Department and any voluntary action by the dispensing
14 organization to remove defective or potentially defective
15 cannabis from the market or any action undertaken to
16 promote public health and safety, including:

17 (i) A mechanism reasonably calculated to contact
18 purchasers who have, or likely have, obtained the
19 product from the dispensary, including information on
20 the policy for return of the recalled product;

21 (ii) A mechanism to identify and contact the adult
22 use cultivation center, craft grower, or infuser that
23 manufactured the cannabis;

24 (iii) Policies for communicating with the
25 Department, the Department of Agriculture, and the
26 Department of Public Health within 24 hours of

1 discovering defective or potentially defective
2 cannabis; and

3 (iv) Policies for destruction of any recalled
4 cannabis product;

5 (2) Responses to local, State, or national
6 emergencies, including natural disasters, that affect the
7 security or operation of a dispensary;

8 (3) Segregation and destruction of outdated, damaged,
9 deteriorated, misbranded, or adulterated cannabis. This
10 procedure shall provide for written documentation of the
11 cannabis disposition;

12 (4) Ensure the oldest stock of a cannabis product is
13 distributed first. The procedure may permit deviation from
14 this requirement, if such deviation is temporary and
15 appropriate;

16 (5) Training of dispensing organization agents in the
17 provisions of this Act and rules, to effectively operate
18 the point-of-sale system and the State's verification
19 system, proper inventory handling and tracking, specific
20 uses of cannabis or cannabis-infused products, instruction
21 regarding regulatory inspection preparedness and law
22 enforcement interaction, awareness of the legal
23 requirements for maintaining status as an agent, and other
24 topics as specified by the dispensing organization or the
25 Department. The dispensing organization shall maintain
26 evidence of all training provided to each agent in its

1 files that is subject to inspection and audit by the
2 Department. The dispensing organization shall ensure
3 agents receive a minimum of 8 hours of training subject to
4 the requirements in subsection (i) of Section 15-40
5 annually, unless otherwise approved by the Department;

6 (6) Maintenance of business records consistent with
7 industry standards, including bylaws, consents, manual or
8 computerized records of assets and liabilities, audits,
9 monetary transactions, journals, ledgers, and supporting
10 documents, including agreements, checks, invoices,
11 receipts, and vouchers. Records shall be maintained in a
12 manner consistent with this Act and shall be retained for
13 5 years;

14 (7) Inventory control, including:

15 (i) Tracking purchases and denials of sale;

16 (ii) Disposal of unusable or damaged cannabis as
17 required by this Act and rules; and

18 (8) Purchaser education and support, including:

19 (i) Whether possession of cannabis is illegal
20 under federal law;

21 (ii) Current educational information issued by the
22 Department of Public Health about the health risks
23 associated with the use or abuse of cannabis;

24 (iii) Information about possible side effects;

25 (iv) Prohibition on smoking cannabis in public
26 places; and

1 (v) Offering any other appropriate purchaser
2 education or support materials.

3 (b) Blank.

4 (c) A dispensing organization shall maintain copies of the
5 policies and procedures on the dispensary premises and provide
6 copies to the Department upon request. The dispensing
7 organization shall review the dispensing organization policies
8 and procedures at least once every 12 months from the issue
9 date of the license and update as needed due to changes in
10 industry standards or as requested by the Department.

11 (d) A dispensing organization shall ensure that each
12 principal officer and each dispensing organization agent has a
13 current agent identification card in the agent's immediate
14 possession when the agent is at the dispensary.

15 (e) A dispensing organization shall provide prompt written
16 notice to the Department, including the date of the event,
17 when a dispensing organization agent no longer is employed by
18 the dispensing organization.

19 (f) A dispensing organization shall promptly document and
20 report any loss or theft of cannabis from the dispensary to the
21 Illinois Department of State Police and the Department. It is
22 the duty of any dispensing organization agent who becomes
23 aware of the loss or theft to report it as provided in this
24 Article.

25 (g) A dispensing organization shall post the following
26 information in a conspicuous location in an area of the

1 dispensary accessible to consumers:

2 (1) The dispensing organization's license;

3 (2) The hours of operation.

4 (h) Signage that shall be posted inside the premises.

5 (1) All dispensing organizations must display a
6 placard that states the following: "Cannabis consumption
7 can impair cognition and driving, is for adult use only,
8 may be habit forming, and should not be used by pregnant or
9 breastfeeding women."

10 (2) Any dispensing organization that sells edible
11 cannabis-infused products must display a placard that
12 states the following:

13 (A) "Edible cannabis-infused products were
14 produced in a kitchen that may also process common
15 food allergens."; and

16 (B) "The effects of cannabis products can vary
17 from person to person, and it can take as long as two
18 hours to feel the effects of some cannabis-infused
19 products. Carefully review the portion size
20 information and warnings contained on the product
21 packaging before consuming."

22 (3) All of the required signage in this subsection (h)
23 shall be no smaller than 24 inches tall by 36 inches wide,
24 with typed letters no smaller than 2 inches. The signage
25 shall be clearly visible and readable by customers. The
26 signage shall be placed in the area where cannabis and

1 cannabis-infused products are sold and may be translated
2 into additional languages as needed. The Department may
3 require a dispensary to display the required signage in a
4 different language, other than English, if the Secretary
5 deems it necessary.

6 (i) A dispensing organization shall prominently post
7 notices inside the dispensing organization that state
8 activities that are strictly prohibited and punishable by law,
9 including, but not limited to:

10 (1) no minors permitted on the premises unless the
11 minor is a minor qualifying patient under the
12 Compassionate Use of Medical Cannabis Program Act;

13 (2) distribution to persons under the age of 21 is
14 prohibited;

15 (3) transportation of cannabis or cannabis products
16 across state lines is prohibited.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/15-75)

19 Sec. 15-75. Inventory control system.

20 (a) A dispensing organization agent-in-charge shall have
21 primary oversight of the dispensing organization's cannabis
22 inventory verification system, and its point-of-sale system.
23 The inventory point-of-sale system shall be real-time,
24 web-based, and accessible by the Department at any time. The
25 point-of-sale system shall track, at a minimum the date of

1 sale, amount, price, and currency.

2 (b) A dispensing organization shall establish an account
3 with the State's verification system that documents:

4 (1) Each sales transaction at the time of sale and
5 each day's beginning inventory, acquisitions, sales,
6 disposal, and ending inventory.

7 (2) Acquisition of cannabis and cannabis-infused
8 products from a licensed adult use cultivation center,
9 craft grower, infuser, or transporter, including:

10 (i) A description of the products, including the
11 quantity, strain, variety, and batch number of each
12 product received;

13 (ii) The name and registry identification number
14 of the licensed adult use cultivation center, craft
15 grower, or infuser providing the cannabis and
16 cannabis-infused products;

17 (iii) The name and registry identification number
18 of the licensed adult use cultivation center, craft
19 grower, infuser, or transporting agent delivering the
20 cannabis;

21 (iv) The name and registry identification number
22 of the dispensing organization agent receiving the
23 cannabis; and

24 (v) The date of acquisition.

25 (3) The disposal of cannabis, including:

26 (i) A description of the products, including the

1 quantity, strain, variety, batch number, and reason
2 for the cannabis being disposed;

3 (ii) The method of disposal; and

4 (iii) The date and time of disposal.

5 (c) Upon cannabis delivery, a dispensing organization
6 shall confirm the product's name, strain name, weight, and
7 identification number on the manifest matches the information
8 on the cannabis product label and package. The product name
9 listed and the weight listed in the State's verification
10 system shall match the product packaging.

11 (d) The agent-in-charge shall conduct daily inventory
12 reconciliation documenting and balancing cannabis inventory by
13 confirming the State's verification system matches the
14 dispensing organization's point-of-sale system and the amount
15 of physical product at the dispensary.

16 (1) A dispensing organization must receive Department
17 approval before completing an inventory adjustment. It
18 shall provide a detailed reason for the adjustment.
19 Inventory adjustment documentation shall be kept at the
20 dispensary for 2 years from the date performed.

21 (2) If the dispensing organization identifies an
22 imbalance in the amount of cannabis after the daily
23 inventory reconciliation due to mistake, the dispensing
24 organization shall determine how the imbalance occurred
25 and immediately upon discovery take and document
26 corrective action. If the dispensing organization cannot

1 identify the reason for the mistake within 2 calendar days
2 after first discovery, it shall inform the Department
3 immediately in writing of the imbalance and the corrective
4 action taken to date. The dispensing organization shall
5 work diligently to determine the reason for the mistake.

6 (3) If the dispensing organization identifies an
7 imbalance in the amount of cannabis after the daily
8 inventory reconciliation or through other means due to
9 theft, criminal activity, or suspected criminal activity,
10 the dispensing organization shall immediately determine
11 how the reduction occurred and take and document
12 corrective action. Within 24 hours after the first
13 discovery of the reduction due to theft, criminal
14 activity, or suspected criminal activity, the dispensing
15 organization shall inform the Department and the Illinois
16 ~~Department of State Police~~ in writing.

17 (4) The dispensing organization shall file an annual
18 compilation report with the Department, including a
19 financial statement that shall include, but not be limited
20 to, an income statement, balance sheet, profit and loss
21 statement, statement of cash flow, wholesale cost and
22 sales, and any other documentation requested by the
23 Department in writing. The financial statement shall
24 include any other information the Department deems
25 necessary in order to effectively administer this Act and
26 all rules, orders, and final decisions promulgated under

1 this Act. Statements required by this Section shall be
2 filed with the Department within 60 days after the end of
3 the calendar year. The compilation report shall include a
4 letter authored by a licensed certified public accountant
5 that it has been reviewed and is accurate based on the
6 information provided. The dispensing organization,
7 financial statement, and accompanying documents are not
8 required to be audited unless specifically requested by
9 the Department.

10 (e) A dispensing organization shall:

11 (1) Maintain the documentation required in this
12 Section in a secure locked location at the dispensing
13 organization for 5 years from the date on the document;

14 (2) Provide any documentation required to be
15 maintained in this Section to the Department for review
16 upon request; and

17 (3) If maintaining a bank account, retain for a period
18 of 5 years a record of each deposit or withdrawal from the
19 account.

20 (f) If a dispensing organization chooses to have a return
21 policy for cannabis and cannabis products, the dispensing
22 organization shall seek prior approval from the Department.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

24 (410 ILCS 705/15-100)

25 Sec. 15-100. Security.

1 (a) A dispensing organization shall implement security
2 measures to deter and prevent entry into and theft of cannabis
3 or currency.

4 (b) A dispensing organization shall submit any changes to
5 the floor plan or security plan to the Department for
6 pre-approval. All cannabis shall be maintained and stored in a
7 restricted access area during construction.

8 (c) The dispensing organization shall implement security
9 measures to protect the premises, purchasers, and dispensing
10 organization agents including, but not limited to the
11 following:

12 (1) Establish a locked door or barrier between the
13 facility's entrance and the limited access area;

14 (2) Prevent individuals from remaining on the premises
15 if they are not engaging in activity permitted by this Act
16 or rules;

17 (3) Develop a policy that addresses the maximum
18 capacity and purchaser flow in the waiting rooms and
19 limited access areas;

20 (4) Dispose of cannabis in accordance with this Act
21 and rules;

22 (5) During hours of operation, store and dispense all
23 cannabis from the restricted access area. During
24 operational hours, cannabis shall be stored in an enclosed
25 locked room or cabinet and accessible only to specifically
26 authorized dispensing organization agents;

1 (6) When the dispensary is closed, store all cannabis
2 and currency in a reinforced vault room in the restricted
3 access area and in a manner as to prevent diversion,
4 theft, or loss;

5 (7) Keep the reinforced vault room and any other
6 equipment or cannabis storage areas securely locked and
7 protected from unauthorized entry;

8 (8) Keep an electronic daily log of dispensing
9 organization agents with access to the reinforced vault
10 room and knowledge of the access code or combination;

11 (9) Keep all locks and security equipment in good
12 working order;

13 (10) Maintain an operational security and alarm system
14 at all times;

15 (11) Prohibit keys, if applicable, from being left in
16 the locks, or stored or placed in a location accessible to
17 persons other than specifically authorized personnel;

18 (12) Prohibit accessibility of security measures,
19 including combination numbers, passwords, or electronic or
20 biometric security systems to persons other than
21 specifically authorized dispensing organization agents;

22 (13) Ensure that the dispensary interior and exterior
23 premises are sufficiently lit to facilitate surveillance;

24 (14) Ensure that trees, bushes, and other foliage
25 outside of the dispensary premises do not allow for a
26 person or persons to conceal themselves from sight;

1 (15) Develop emergency policies and procedures for
2 securing all product and currency following any instance
3 of diversion, theft, or loss of cannabis, and conduct an
4 assessment to determine whether additional safeguards are
5 necessary; and

6 (16) Develop sufficient additional safeguards in
7 response to any special security concerns, or as required
8 by the Department.

9 (d) The Department may request or approve alternative
10 security provisions that it determines are an adequate
11 substitute for a security requirement specified in this
12 Article. Any additional protections may be considered by the
13 Department in evaluating overall security measures.

14 (e) A dispensing organization may share premises with a
15 craft grower or an infuser organization, or both, provided
16 each licensee stores currency and cannabis or cannabis-infused
17 products in a separate secured vault to which the other
18 licensee does not have access or all licensees sharing a vault
19 share more than 50% of the same ownership.

20 (f) A dispensing organization shall provide additional
21 security as needed and in a manner appropriate for the
22 community where it operates.

23 (g) Restricted access areas.

24 (1) All restricted access areas must be identified by
25 the posting of a sign that is a minimum of 12 inches by 12
26 inches and that states "Do Not Enter - Restricted Access

1 Area - Authorized Personnel Only" in lettering no smaller
2 than one inch in height.

3 (2) All restricted access areas shall be clearly
4 described in the floor plan of the premises, in the form
5 and manner determined by the Department, reflecting walls,
6 partitions, counters, and all areas of entry and exit. The
7 floor plan shall show all storage, disposal, and retail
8 sales areas.

9 (3) All restricted access areas must be secure, with
10 locking devices that prevent access from the limited
11 access areas.

12 (h) Security and alarm.

13 (1) A dispensing organization shall have an adequate
14 security plan and security system to prevent and detect
15 diversion, theft, or loss of cannabis, currency, or
16 unauthorized intrusion using commercial grade equipment
17 installed by an Illinois licensed private alarm contractor
18 or private alarm contractor agency that shall, at a
19 minimum, include:

20 (i) A perimeter alarm on all entry points and
21 glass break protection on perimeter windows;

22 (ii) Security shatterproof tinted film on exterior
23 windows;

24 (iii) A failure notification system that provides
25 an audible, text, or visual notification of any
26 failure in the surveillance system, including, but not

1 limited to, panic buttons, alarms, and video
2 monitoring system. The failure notification system
3 shall provide an alert to designated dispensing
4 organization agents within 5 minutes after the
5 failure, either by telephone or text message;

6 (iv) A duress alarm, panic button, and alarm, or
7 holdup alarm and after-hours intrusion detection alarm
8 that by design and purpose will directly or indirectly
9 notify, by the most efficient means, the Public Safety
10 Answering Point for the law enforcement agency having
11 primary jurisdiction;

12 (v) Security equipment to deter and prevent
13 unauthorized entrance into the dispensary, including
14 electronic door locks on the limited and restricted
15 access areas that include devices or a series of
16 devices to detect unauthorized intrusion that may
17 include a signal system interconnected with a radio
18 frequency method, cellular, private radio signals or
19 other mechanical or electronic device.

20 (2) All security system equipment and recordings shall
21 be maintained in good working order, in a secure location
22 so as to prevent theft, loss, destruction, or alterations.

23 (3) Access to surveillance monitoring recording
24 equipment shall be limited to persons who are essential to
25 surveillance operations, law enforcement authorities
26 acting within their jurisdiction, security system service

1 personnel, and the Department. A current list of
2 authorized dispensing organization agents and service
3 personnel that have access to the surveillance equipment
4 must be available to the Department upon request.

5 (4) All security equipment shall be inspected and
6 tested at regular intervals, not to exceed one month from
7 the previous inspection, and tested to ensure the systems
8 remain functional.

9 (5) The security system shall provide protection
10 against theft and diversion that is facilitated or hidden
11 by tampering with computers or electronic records.

12 (6) The dispensary shall ensure all access doors are
13 not solely controlled by an electronic access panel to
14 ensure that locks are not released during a power outage.

15 (i) To monitor the dispensary, the dispensing organization
16 shall incorporate continuous electronic video monitoring
17 including the following:

18 (1) All monitors must be 19 inches or greater;

19 (2) Unobstructed video surveillance of all enclosed
20 dispensary areas, unless prohibited by law, including all
21 points of entry and exit that shall be appropriate for the
22 normal lighting conditions of the area under surveillance.
23 The cameras shall be directed so all areas are captured,
24 including, but not limited to, safes, vaults, sales areas,
25 and areas where cannabis is stored, handled, dispensed, or
26 destroyed. Cameras shall be angled to allow for facial

1 recognition, the capture of clear and certain
2 identification of any person entering or exiting the
3 dispensary area and in lighting sufficient during all
4 times of night or day;

5 (3) Unobstructed video surveillance of outside areas,
6 the storefront, and the parking lot, that shall be
7 appropriate for the normal lighting conditions of the area
8 under surveillance. Cameras shall be angled so as to allow
9 for the capture of facial recognition, clear and certain
10 identification of any person entering or exiting the
11 dispensary and the immediate surrounding area, and license
12 plates of vehicles in the parking lot;

13 (4) 24-hour recordings from all video cameras
14 available for immediate viewing by the Department upon
15 request. Recordings shall not be destroyed or altered and
16 shall be retained for at least 90 days. Recordings shall
17 be retained as long as necessary if the dispensing
18 organization is aware of the loss or theft of cannabis or a
19 pending criminal, civil, or administrative investigation
20 or legal proceeding for which the recording may contain
21 relevant information;

22 (5) The ability to immediately produce a clear, color
23 still photo from the surveillance video, either live or
24 recorded;

25 (6) A date and time stamp embedded on all video
26 surveillance recordings. The date and time shall be

1 synchronized and set correctly and shall not significantly
2 obscure the picture;

3 (7) The ability to remain operational during a power
4 outage and ensure all access doors are not solely
5 controlled by an electronic access panel to ensure that
6 locks are not released during a power outage;

7 (8) All video surveillance equipment shall allow for
8 the exporting of still images in an industry standard
9 image format, including .jpg, .bmp, and .gif. Exported
10 video shall have the ability to be archived in a
11 proprietary format that ensures authentication of the
12 video and guarantees that no alteration of the recorded
13 image has taken place. Exported video shall also have the
14 ability to be saved in an industry standard file format
15 that can be played on a standard computer operating
16 system. All recordings shall be erased or destroyed before
17 disposal;

18 (9) The video surveillance system shall be operational
19 during a power outage with a 4-hour minimum battery
20 backup;

21 (10) A video camera or cameras recording at each
22 point-of-sale location allowing for the identification of
23 the dispensing organization agent distributing the
24 cannabis and any purchaser. The camera or cameras shall
25 capture the sale, the individuals and the computer
26 monitors used for the sale;

1 (11) A failure notification system that provides an
2 audible and visual notification of any failure in the
3 electronic video monitoring system; and

4 (12) All electronic video surveillance monitoring must
5 record at least the equivalent of 8 frames per second and
6 be available as recordings to the Department and the
7 Illinois ~~Department of~~ State Police 24 hours a day via a
8 secure web-based portal with reverse functionality.

9 (j) The requirements contained in this Act are minimum
10 requirements for operating a dispensing organization. The
11 Department may establish additional requirements by rule.

12 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

13 (410 ILCS 705/15-135)

14 Sec. 15-135. Investigations.

15 (a) Dispensing organizations are subject to random and
16 unannounced dispensary inspections and cannabis testing by the
17 Department, the Illinois ~~Department of~~ State Police, and local
18 law enforcement.

19 (b) The Department and its authorized representatives may
20 enter any place, including a vehicle, in which cannabis is
21 held, stored, dispensed, sold, produced, delivered,
22 transported, manufactured, or disposed of and inspect, in a
23 reasonable manner, the place and all pertinent equipment,
24 containers and labeling, and all things including records,
25 files, financial data, sales data, shipping data, pricing

1 data, personnel data, research, papers, processes, controls,
2 and facility, and inventory any stock of cannabis and obtain
3 samples of any cannabis or cannabis-infused product, any
4 labels or containers for cannabis, or paraphernalia.

5 (c) The Department may conduct an investigation of an
6 applicant, application, dispensing organization, principal
7 officer, dispensary agent, third party vendor, or any other
8 party associated with a dispensing organization for an alleged
9 violation of this Act or rules or to determine qualifications
10 to be granted a registration by the Department.

11 (d) The Department may require an applicant or holder of
12 any license issued pursuant to this Article to produce
13 documents, records, or any other material pertinent to the
14 investigation of an application or alleged violations of this
15 Act or rules. Failure to provide the required material may be
16 grounds for denial or discipline.

17 (e) Every person charged with preparation, obtaining, or
18 keeping records, logs, reports, or other documents in
19 connection with this Act and rules and every person in charge,
20 or having custody, of those documents shall, upon request by
21 the Department, make the documents immediately available for
22 inspection and copying by the Department, the Department's
23 authorized representative, or others authorized by law to
24 review the documents.

25 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/20-15)

2 Sec. 20-15. Conditional Adult Use Cultivation Center
3 application.

4 (a) If the Department of Agriculture makes available
5 additional cultivation center licenses pursuant to Section
6 20-5, applicants for a Conditional Adult Use Cultivation
7 Center License shall electronically submit the following in
8 such form as the Department of Agriculture may direct:

9 (1) the nonrefundable application fee set by rule by
10 the Department of Agriculture, to be deposited into the
11 Cannabis Regulation Fund;

12 (2) the legal name of the cultivation center;

13 (3) the proposed physical address of the cultivation
14 center;

15 (4) the name, address, social security number, and
16 date of birth of each principal officer and board member
17 of the cultivation center; each principal officer and
18 board member shall be at least 21 years of age;

19 (5) the details of any administrative or judicial
20 proceeding in which any of the principal officers or board
21 members of the cultivation center (i) pled guilty, were
22 convicted, were fined, or had a registration or license
23 suspended or revoked, or (ii) managed or served on the
24 board of a business or non-profit organization that pled
25 guilty, was convicted, was fined, or had a registration or
26 license suspended or revoked;

1 (6) proposed operating bylaws that include procedures
2 for the oversight of the cultivation center, including the
3 development and implementation of a plant monitoring
4 system, accurate recordkeeping, staffing plan, and
5 security plan approved by the Illinois ~~Department of~~ State
6 Police that are in accordance with the rules issued by the
7 Department of Agriculture under this Act. A physical
8 inventory shall be performed of all plants and cannabis on
9 a weekly basis by the cultivation center;

10 (7) verification from the Illinois ~~Department of~~ State
11 Police that all background checks of the prospective
12 principal officers, board members, and agents of the
13 cannabis business establishment have been conducted;

14 (8) a copy of the current local zoning ordinance or
15 permit and verification that the proposed cultivation
16 center is in compliance with the local zoning rules and
17 distance limitations established by the local
18 jurisdiction;

19 (9) proposed employment practices, in which the
20 applicant must demonstrate a plan of action to inform,
21 hire, and educate minorities, women, veterans, and persons
22 with disabilities, engage in fair labor practices, and
23 provide worker protections;

24 (10) whether an applicant can demonstrate experience
25 in or business practices that promote economic empowerment
26 in Disproportionately Impacted Areas;

1 (11) experience with the cultivation of agricultural
2 or horticultural products, operating an agriculturally
3 related business, or operating a horticultural business;

4 (12) a description of the enclosed, locked facility
5 where cannabis will be grown, harvested, manufactured,
6 processed, packaged, or otherwise prepared for
7 distribution to a dispensing organization;

8 (13) a survey of the enclosed, locked facility,
9 including the space used for cultivation;

10 (14) cultivation, processing, inventory, and packaging
11 plans;

12 (15) a description of the applicant's experience with
13 agricultural cultivation techniques and industry
14 standards;

15 (16) a list of any academic degrees, certifications,
16 or relevant experience of all prospective principal
17 officers, board members, and agents of the related
18 business;

19 (17) the identity of every person having a financial
20 or voting interest of 5% or greater in the cultivation
21 center operation with respect to which the license is
22 sought, whether a trust, corporation, partnership, limited
23 liability company, or sole proprietorship, including the
24 name and address of each person;

25 (18) a plan describing how the cultivation center will
26 address each of the following:

1 (i) energy needs, including estimates of monthly
2 electricity and gas usage, to what extent it will
3 procure energy from a local utility or from on-site
4 generation, and if it has or will adopt a sustainable
5 energy use and energy conservation policy;

6 (ii) water needs, including estimated water draw
7 and if it has or will adopt a sustainable water use and
8 water conservation policy; and

9 (iii) waste management, including if it has or
10 will adopt a waste reduction policy;

11 (19) a diversity plan that includes a narrative of not
12 more than 2,500 words that establishes a goal of diversity
13 in ownership, management, employment, and contracting to
14 ensure that diverse participants and groups are afforded
15 equality of opportunity;

16 (20) any other information required by rule;

17 (21) a recycling plan:

18 (A) Purchaser packaging, including cartridges,
19 shall be accepted by the applicant and recycled.

20 (B) Any recyclable waste generated by the cannabis
21 cultivation facility shall be recycled per applicable
22 State and local laws, ordinances, and rules.

23 (C) Any cannabis waste, liquid waste, or hazardous
24 waste shall be disposed of in accordance with 8 Ill.
25 Adm. Code 1000.460, except, to the greatest extent
26 feasible, all cannabis plant waste will be rendered

1 unusable by grinding and incorporating the cannabis
2 plant waste with compostable mixed waste to be
3 disposed of in accordance with 8 Ill. Adm. Code
4 1000.460 (g) (1);

5 (22) commitment to comply with local waste provisions:
6 a cultivation facility must remain in compliance with
7 applicable State and federal environmental requirements,
8 including, but not limited to:

9 (A) storing, securing, and managing all
10 recyclables and waste, including organic waste
11 composed of or containing finished cannabis and
12 cannabis products, in accordance with applicable State
13 and local laws, ordinances, and rules; and

14 (B) disposing liquid waste containing cannabis or
15 byproducts of cannabis processing in compliance with
16 all applicable State and federal requirements,
17 including, but not limited to, the cannabis
18 cultivation facility's permits under Title X of the
19 Environmental Protection Act; and

20 (23) a commitment to a technology standard for
21 resource efficiency of the cultivation center facility.

22 (A) A cannabis cultivation facility commits to use
23 resources efficiently, including energy and water. For
24 the following, a cannabis cultivation facility commits
25 to meet or exceed the technology standard identified
26 in items (i), (ii), (iii), and (iv), which may be

1 modified by rule:

2 (i) lighting systems, including light bulbs;

3 (ii) HVAC system;

4 (iii) water application system to the crop;

5 and

6 (iv) filtration system for removing
7 contaminants from wastewater.

8 (B) Lighting. The Lighting Power Densities (LPD)
9 for cultivation space commits to not exceed an average
10 of 36 watts per gross square foot of active and growing
11 space canopy, or all installed lighting technology
12 shall meet a photosynthetic photon efficacy (PPE) of
13 no less than 2.2 micromoles per joule fixture and
14 shall be featured on the DesignLights Consortium (DLC)
15 Horticultural Specification Qualified Products List
16 (QPL). In the event that DLC requirement for minimum
17 efficacy exceeds 2.2 micromoles per joule fixture,
18 that PPE shall become the new standard.

19 (C) HVAC.

20 (i) For cannabis grow operations with less
21 than 6,000 square feet of canopy, the licensee
22 commits that all HVAC units will be
23 high-efficiency ductless split HVAC units, or
24 other more energy efficient equipment.

25 (ii) For cannabis grow operations with 6,000
26 square feet of canopy or more, the licensee

1 commits that all HVAC units will be variable
2 refrigerant flow HVAC units, or other more energy
3 efficient equipment.

4 (D) Water application.

5 (i) The cannabis cultivation facility commits
6 to use automated watering systems, including, but
7 not limited to, drip irrigation and flood tables,
8 to irrigate cannabis crop.

9 (ii) The cannabis cultivation facility commits
10 to measure runoff from watering events and report
11 this volume in its water usage plan, and that on
12 average, watering events shall have no more than
13 20% of runoff of water.

14 (E) Filtration. The cultivator commits that HVAC
15 condensate, dehumidification water, excess runoff, and
16 other wastewater produced by the cannabis cultivation
17 facility shall be captured and filtered to the best of
18 the facility's ability to achieve the quality needed
19 to be reused in subsequent watering rounds.

20 (F) Reporting energy use and efficiency as
21 required by rule.

22 (b) Applicants must submit all required information,
23 including the information required in Section 20-10, to the
24 Department of Agriculture. Failure by an applicant to submit
25 all required information may result in the application being
26 disqualified.

1 (c) If the Department of Agriculture receives an
2 application with missing information, the Department of
3 Agriculture may issue a deficiency notice to the applicant.
4 The applicant shall have 10 calendar days from the date of the
5 deficiency notice to resubmit the incomplete information.
6 Applications that are still incomplete after this opportunity
7 to cure will not be scored and will be disqualified.

8 (e) A cultivation center that is awarded a Conditional
9 Adult Use Cultivation Center License pursuant to the criteria
10 in Section 20-20 shall not grow, purchase, possess, or sell
11 cannabis or cannabis-infused products until the person has
12 received an Adult Use Cultivation Center License issued by the
13 Department of Agriculture pursuant to Section 20-21 of this
14 Act.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

16 (410 ILCS 705/20-30)

17 Sec. 20-30. Cultivation center requirements; prohibitions.

18 (a) The operating documents of a cultivation center shall
19 include procedures for the oversight of the cultivation center
20 a cannabis plant monitoring system including a physical
21 inventory recorded weekly, accurate recordkeeping, and a
22 staffing plan.

23 (b) A cultivation center shall implement a security plan
24 reviewed by the Illinois ~~Department of~~ State Police that
25 includes, but is 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 cultivation center facility
4 and accessibility to authorized law enforcement, the
5 Department of Public Health where processing takes place, and
6 the Department of Agriculture in real time.

7 (c) All cultivation of cannabis by a cultivation center
8 must take place in an enclosed, locked facility at the
9 physical address provided to the Department of Agriculture
10 during the licensing process. The cultivation center location
11 shall only be accessed by the agents working for the
12 cultivation center, the Department of Agriculture staff
13 performing inspections, the Department of Public Health staff
14 performing inspections, local and State law enforcement or
15 other emergency personnel, contractors working on jobs
16 unrelated to cannabis, such as installing or maintaining
17 security devices or performing electrical wiring, transporting
18 organization agents as provided in this Act, individuals in a
19 mentoring or educational program approved by the State, or
20 other individuals as provided by rule.

21 (d) A cultivation center may not sell or distribute any
22 cannabis or cannabis-infused products to any person other than
23 a dispensing organization, craft grower, infuser organization,
24 transporter, or as otherwise authorized by rule.

25 (e) A cultivation center may not either directly or
26 indirectly discriminate in price between different dispensing

1 organizations, craft growers, or infuser organizations that
2 are purchasing a like grade, strain, brand, and quality of
3 cannabis or cannabis-infused product. Nothing in this
4 subsection (e) prevents a cultivation center ~~centers~~ from
5 pricing cannabis differently based on differences in the cost
6 of manufacturing or processing, the quantities sold, such as
7 volume discounts, or the way the products are delivered.

8 (f) All cannabis harvested by a cultivation center and
9 intended for distribution to a dispensing organization must be
10 entered into a data collection system, packaged and labeled
11 under Section 55-21, and placed into a cannabis container for
12 transport. All cannabis harvested by a cultivation center and
13 intended for distribution to a craft grower or infuser
14 organization must be packaged in a labeled cannabis container
15 and entered into a data collection system before transport.

16 (g) Cultivation centers are subject to random inspections
17 by the Department of Agriculture, the Department of Public
18 Health, local safety or health inspectors, and the Illinois
19 ~~Department of~~ State Police.

20 (h) A cultivation center agent shall notify local law
21 enforcement, the Illinois ~~Department of~~ State Police, and the
22 Department of Agriculture within 24 hours of the discovery of
23 any loss or theft. Notification shall be made by phone or in
24 person, or by written or electronic communication.

25 (i) A cultivation center shall comply with all State and
26 any applicable federal rules and regulations regarding the use

1 of pesticides on cannabis plants.

2 (j) No person or entity shall hold any legal, equitable,
3 ownership, or beneficial interest, directly or indirectly, of
4 more than 3 cultivation centers licensed under this Article.
5 Further, no person or entity that is employed by, an agent of,
6 has a contract to receive payment in any form from a
7 cultivation center, is a principal officer of a cultivation
8 center, or entity controlled by or affiliated with a principal
9 officer of a cultivation shall hold any legal, equitable,
10 ownership, or beneficial interest, directly or indirectly, in
11 a cultivation that would result in the person or entity owning
12 or controlling in combination with any cultivation center,
13 principal officer of a cultivation center, or entity
14 controlled or affiliated with a principal officer of a
15 cultivation center by which he, she, or it is employed, is an
16 agent of, or participates in the management of, more than 3
17 cultivation center licenses.

18 (k) A cultivation center may not contain more than 210,000
19 square feet of canopy space for plants in the flowering stage
20 for cultivation of adult use cannabis as provided in this Act.

21 (l) A cultivation center may process cannabis, cannabis
22 concentrates, and cannabis-infused products.

23 (m) Beginning July 1, 2020, a cultivation center shall not
24 transport cannabis or cannabis-infused products to a craft
25 grower, dispensing organization, infuser organization, or
26 laboratory licensed under this Act, unless it has obtained a

1 transporting organization license.

2 (n) It is unlawful for any person having a cultivation
3 center license or any officer, associate, member,
4 representative, or agent of such licensee to offer or deliver
5 money, or anything else of value, directly or indirectly to
6 any person having an Early Approval Adult Use Dispensing
7 Organization License, a Conditional Adult Use Dispensing
8 Organization License, an Adult Use Dispensing Organization
9 License, or a medical cannabis dispensing organization license
10 issued under the Compassionate Use of Medical Cannabis Program
11 Act, or to any person connected with or in any way
12 representing, or to any member of the family of, such person
13 holding an Early Approval Adult Use Dispensing Organization
14 License, a Conditional Adult Use Dispensing Organization
15 License, an Adult Use Dispensing Organization License, or a
16 medical cannabis dispensing organization license issued under
17 the Compassionate Use of Medical Cannabis Program Act, or to
18 any stockholders in any corporation engaged in the retail sale
19 of cannabis, or to any officer, manager, agent, or
20 representative of the Early Approval Adult Use Dispensing
21 Organization License, a Conditional Adult Use Dispensing
22 Organization License, an Adult Use Dispensing Organization
23 License, or a medical cannabis dispensing organization license
24 issued under the Compassionate Use of Medical Cannabis Program
25 Act to obtain preferential placement within the dispensing
26 organization, including, without limitation, on shelves and in

1 display cases where purchasers can view products, or on the
2 dispensing organization's website.

3 (o) A cultivation center must comply with any other
4 requirements or prohibitions set by administrative rule of the
5 Department of Agriculture.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

7 (410 ILCS 705/20-35)

8 Sec. 20-35. Cultivation center 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
18 or deny an application within 30 days of receiving a
19 completed initial application or renewal application and
20 all 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 cultivation center
25 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 the cultivation
10 center at which the agent is employed.

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
18 letters that is unique to the holder;

19 (4) a photograph of the cardholder; and

20 (5) the legal name of the cultivation center employing
21 the agent.

22 (d) An agent identification card shall be immediately
23 returned to the cultivation center of the agent upon
24 termination of his or her employment.

25 (e) Any agent identification card lost by a cultivation
26 center agent shall be reported to the Illinois ~~Department of~~

1 State Police and the Department of Agriculture immediately
2 upon discovery of the loss.

3 (f) The Department of Agriculture shall not issue an agent
4 identification card if the applicant is delinquent in filing
5 any required tax returns or paying any amounts owed to the
6 State of Illinois.

7 (Source: P.A. 101-27, eff. 6-25-19.)

8 (410 ILCS 705/20-40)

9 Sec. 20-40. Cultivation center background checks.

10 (a) Through the Illinois ~~Department of~~ State Police, the
11 Department of Agriculture shall conduct a background check of
12 the prospective principal officers, board members, and agents
13 of a cultivation center applying for a license or
14 identification card under this Act. The Illinois ~~Department of~~
15 State Police shall charge a fee set by rule for conducting the
16 criminal history record check, which shall be deposited into
17 the State Police Services Fund and shall not exceed the actual
18 cost of the record check. In order to carry out this provision,
19 each cultivation center prospective principal officer, board
20 member, or agent shall submit a full set of fingerprints to the
21 Illinois ~~Department of~~ State Police for the purpose of
22 obtaining a State and federal criminal records check. These
23 fingerprints shall be checked against the fingerprint records
24 now and hereafter, to the extent allowed by law, filed in the
25 Illinois ~~Department of~~ State Police and Federal Bureau of

1 Investigation criminal history records databases. The Illinois
2 ~~Department of~~ State Police shall furnish, following positive
3 identification, all conviction information to the Department
4 of Agriculture.

5 (b) When applying for the initial license or
6 identification card, the background checks for all prospective
7 principal officers, board members, and agents shall be
8 completed before submitting the application to the licensing
9 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
15 to 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
9 letters 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
15 termination of his or her employment.

16 (e) Any agent identification card lost shall be reported
17 to the Illinois ~~Department of~~ State Police and the Department
18 of 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
7 date of birth of each principal officer and board member
8 of the craft grower; each principal officer and board
9 member shall 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
15 board of a business or non-profit organization that pled
16 guilty, was convicted, was fined, or had a registration or
17 license 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,
7 or relevant experience of all prospective principal
8 officers, board members, and agents of the related
9 business;

10 (17) the identity of every person having a financial
11 or voting interest of 5% or greater in the craft grower
12 operation, whether a trust, corporation, partnership,
13 limited liability company, or sole proprietorship,
14 including the name and address of each person;

15 (18) a plan describing how the craft grower will
16 address each of the following:

17 (i) energy needs, including estimates of monthly
18 electricity and gas usage, to what extent it will
19 procure energy from a local utility or from on-site
20 generation, and if it has or will adopt a sustainable
21 energy use and energy conservation policy;

22 (ii) water needs, including estimated water draw
23 and if it has or will adopt a sustainable water use and
24 water conservation policy; and

25 (iii) waste management, including if it has or
26 will adopt a waste reduction policy;

1 (19) a recycling plan:

2 (A) Purchaser packaging, including cartridges,
3 shall be accepted by the applicant and recycled.

4 (B) Any recyclable waste generated by the craft
5 grower facility shall be recycled per applicable State
6 and local laws, ordinances, and rules.

7 (C) Any cannabis waste, liquid waste, or hazardous
8 waste shall be disposed of in accordance with 8 Ill.
9 Adm. Code 1000.460, except, to the greatest extent
10 feasible, all cannabis plant waste will be rendered
11 unusable by grinding and incorporating the cannabis
12 plant waste with compostable mixed waste to be
13 disposed of in accordance with 8 Ill. Adm. Code
14 1000.460(g)(1);

15 (20) a commitment to comply with local waste
16 provisions: a craft grower facility must remain in
17 compliance with applicable State and federal environmental
18 requirements, including, but not limited to:

19 (A) storing, securing, and managing all
20 recyclables and waste, including organic waste
21 composed of or containing finished cannabis and
22 cannabis products, in accordance with applicable State
23 and local laws, ordinances, and rules; and

24 (B) disposing liquid waste containing cannabis or
25 byproducts of cannabis processing in compliance with
26 all applicable State and federal requirements,

1 including, but not limited to, the cannabis
2 cultivation facility's permits under Title X of the
3 Environmental Protection Act;

4 (21) a commitment to a technology standard for
5 resource efficiency of the craft grower facility.

6 (A) A craft grower facility commits to use
7 resources efficiently, including energy and water. For
8 the following, a cannabis cultivation facility commits
9 to meet or exceed the technology standard identified
10 in paragraphs (i), (ii), (iii), and (iv), which may be
11 modified by rule:

12 (i) lighting systems, including light bulbs;

13 (ii) HVAC system;

14 (iii) water application system to the crop;

15 and

16 (iv) filtration system for removing
17 contaminants from wastewater.

18 (B) Lighting. The Lighting Power Densities (LPD)
19 for cultivation space commits to not exceed an average
20 of 36 watts per gross square foot of active and growing
21 space canopy, or all installed lighting technology
22 shall meet a photosynthetic photon efficacy (PPE) of
23 no less than 2.2 micromoles per joule fixture and
24 shall be featured on the DesignLights Consortium (DLC)
25 Horticultural Specification Qualified Products List
26 (QPL). In the event that DLC requirement for minimum

1 efficacy exceeds 2.2 micromoles per joule fixture,
2 that PPE shall become the new standard.

3 (C) HVAC.

4 (i) For cannabis grow operations with less
5 than 6,000 square feet of canopy, the licensee
6 commits that all HVAC units will be
7 high-efficiency ductless split HVAC units, or
8 other more energy efficient equipment.

9 (ii) For cannabis grow operations with 6,000
10 square feet of canopy or more, the licensee
11 commits that all HVAC units will be variable
12 refrigerant flow HVAC units, or other more energy
13 efficient equipment.

14 (D) Water application.

15 (i) The craft grower facility commits to use
16 automated watering systems, including, but not
17 limited to, drip irrigation and flood tables, to
18 irrigate cannabis crop.

19 (ii) The craft grower facility commits to
20 measure runoff from watering events and report
21 this volume in its water usage plan, and that on
22 average, watering events shall have no more than
23 20% of runoff of water.

24 (E) Filtration. The craft grower commits that HVAC
25 condensate, dehumidification water, excess runoff, and
26 other wastewater produced by the craft grower facility

1 shall be captured and filtered to the best of the
2 facility's ability to achieve the quality needed to be
3 reused in subsequent watering rounds.

4 (F) Reporting energy use and efficiency as
5 required by rule; and

6 (22) any other information required by rule.

7 (b) Applicants must submit all required information,
8 including the information required in Section 30-15, to the
9 Department of Agriculture. Failure by an applicant to submit
10 all required information may result in the application being
11 disqualified.

12 (c) If the Department of Agriculture receives an
13 application with missing information, the Department of
14 Agriculture may issue a deficiency notice to the applicant.
15 The applicant shall have 10 calendar days from the date of the
16 deficiency notice to resubmit the incomplete information.
17 Applications that are still incomplete after this opportunity
18 to cure will not be scored and will be disqualified.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 (410 ILCS 705/30-30)

21 Sec. 30-30. Craft grower requirements; prohibitions.

22 (a) The operating documents of a craft grower shall
23 include procedures for the oversight of the craft grower, a
24 cannabis plant monitoring system including a physical
25 inventory recorded weekly, accurate recordkeeping, and a

1 staffing plan.

2 (b) A craft grower shall implement a security plan
3 reviewed by the Illinois ~~Department of~~ State Police that
4 includes, but is not limited to: facility access controls,
5 perimeter intrusion detection systems, personnel
6 identification systems, and a 24-hour surveillance system to
7 monitor the interior and exterior of the craft grower facility
8 and that is accessible to authorized law enforcement and the
9 Department of Agriculture in real time.

10 (c) All cultivation of cannabis by a craft grower must
11 take place in an enclosed, locked facility at the physical
12 address provided to the Department of Agriculture during the
13 licensing process. The craft grower location shall only be
14 accessed by the agents working for the craft grower, the
15 Department of Agriculture staff performing inspections, the
16 Department of Public Health staff performing inspections,
17 State and local law enforcement or other emergency personnel,
18 contractors working on jobs unrelated to cannabis, such as
19 installing or maintaining security devices or performing
20 electrical wiring, transporting organization agents as
21 provided in this Act, or participants in the incubator
22 program, individuals in a mentoring or educational program
23 approved by the State, or other individuals as provided by
24 rule. However, if a craft grower shares a premises with an
25 infuser or dispensing organization, agents from those other
26 licensees may access the craft grower portion of the premises

1 if that is the location of common bathrooms, lunchrooms,
2 locker rooms, or other areas of the building where work or
3 cultivation of cannabis is not performed. At no time may an
4 infuser or dispensing organization agent perform work at a
5 craft grower without being a registered agent of the craft
6 grower.

7 (d) A craft grower may not sell or distribute any cannabis
8 to any person other than a cultivation center, a craft grower,
9 an infuser organization, a dispensing organization, or as
10 otherwise authorized by rule.

11 (e) A craft grower may not be located in an area zoned for
12 residential use.

13 (f) A craft grower may not either directly or indirectly
14 discriminate in price between different cannabis business
15 establishments that are purchasing a like grade, strain,
16 brand, and quality of cannabis or cannabis-infused product.
17 Nothing in this subsection (f) prevents a craft grower from
18 pricing cannabis differently based on differences in the cost
19 of manufacturing or processing, the quantities sold, such as
20 volume discounts, or the way the products are delivered.

21 (g) All cannabis harvested by a craft grower and intended
22 for distribution to a dispensing organization must be entered
23 into a data collection system, packaged and labeled under
24 Section 55-21, and, if distribution is to a dispensing
25 organization that does not share a premises with the
26 dispensing organization receiving the cannabis, placed into a

1 cannabis container for transport. All cannabis harvested by a
2 craft grower and intended for distribution to a cultivation
3 center, to an infuser organization, or to a craft grower with
4 which it does not share a premises, must be packaged in a
5 labeled cannabis container and entered into a data collection
6 system before transport.

7 (h) Craft growers are subject to random inspections by the
8 Department of Agriculture, local safety or health inspectors,
9 and the Illinois ~~Department of~~ State Police.

10 (i) A craft grower agent shall notify local law
11 enforcement, the Illinois ~~Department of~~ State Police, and the
12 Department of Agriculture within 24 hours of the discovery of
13 any loss or theft. Notification shall be made by phone, in
14 person, or written or electronic communication.

15 (j) A craft grower shall comply with all State and any
16 applicable federal rules and regulations regarding the use of
17 pesticides.

18 (k) A craft grower or craft grower agent shall not
19 transport cannabis or cannabis-infused products to any other
20 cannabis business establishment without a transport
21 organization license unless:

22 (i) If the craft grower is located in a county with a
23 population of 3,000,000 or more, the cannabis business
24 establishment receiving the cannabis is within 2,000 feet
25 of the property line of the craft grower;

26 (ii) If the craft grower is located in a county with a

1 population of more than 700,000 but fewer than 3,000,000,
2 the cannabis business establishment receiving the cannabis
3 is within 2 miles of the craft grower; or

4 (iii) If the craft grower is located in a county with a
5 population of fewer than 700,000, the cannabis business
6 establishment receiving the cannabis is within 15 miles of
7 the craft grower.

8 (l) A craft grower may enter into a contract with a
9 transporting organization to transport cannabis to a
10 cultivation center, a craft grower, an infuser organization, a
11 dispensing organization, or a laboratory.

12 (m) No person or entity shall hold any legal, equitable,
13 ownership, or beneficial interest, directly or indirectly, of
14 more than 3 craft grower licenses. Further, no person or
15 entity that is employed by, an agent of, or has a contract to
16 receive payment from or participate in the management of a
17 craft grower, is a principal officer of a craft grower, or
18 entity controlled by or affiliated with a principal officer of
19 a craft grower shall hold any legal, equitable, ownership, or
20 beneficial interest, directly or indirectly, in a craft grower
21 license that would result in the person or entity owning or
22 controlling in combination with any craft grower, principal
23 officer of a craft grower, or entity controlled or affiliated
24 with a principal officer of a craft grower by which he, she, or
25 it is employed, is an agent of, or participates in the
26 management of more than 3 craft grower licenses.

1 (n) It is unlawful for any person having a craft grower
2 license or any officer, associate, member, representative, or
3 agent of the licensee to offer or deliver money, or anything
4 else of value, directly or indirectly, to any person having an
5 Early Approval Adult Use Dispensing Organization License, a
6 Conditional Adult Use Dispensing Organization License, an
7 Adult Use Dispensing Organization License, or a medical
8 cannabis dispensing organization license issued under the
9 Compassionate Use of Medical Cannabis Program Act, or to any
10 person connected with or in any way representing, or to any
11 member of the family of, the person holding an Early Approval
12 Adult Use Dispensing Organization License, a Conditional Adult
13 Use Dispensing Organization License, an Adult Use Dispensing
14 Organization License, or a medical cannabis dispensing
15 organization license issued under the Compassionate Use of
16 Medical Cannabis Program Act, or to any stockholders in any
17 corporation engaged in the retail sale of cannabis, or to any
18 officer, manager, agent, or representative of the Early
19 Approval Adult Use Dispensing Organization License, a
20 Conditional Adult Use Dispensing Organization License, an
21 Adult Use Dispensing Organization License, or a medical
22 cannabis dispensing organization license issued under the
23 Compassionate Use of Medical Cannabis Program Act to obtain
24 preferential placement within the dispensing organization,
25 including, without limitation, on shelves and in display cases
26 where purchasers can view products, or on the dispensing

1 organization's website.

2 (o) A craft grower shall not be located within 1,500 feet
3 of another craft grower or a cultivation center.

4 (p) A craft grower may process cannabis, cannabis
5 concentrates, and cannabis-infused products.

6 (q) A craft grower must comply with any other requirements
7 or prohibitions set by administrative rule of the Department
8 of Agriculture.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (410 ILCS 705/30-35)

11 Sec. 30-35. Craft grower agent identification card.

12 (a) The Department of Agriculture shall:

13 (1) establish by rule the information required in an
14 initial application or renewal application for an agent
15 identification card submitted under this Act and the
16 nonrefundable fee to accompany the initial application or
17 renewal application;

18 (2) verify the information contained in an initial
19 application or renewal application for an agent
20 identification card submitted under this Act and approve
21 or deny an application within 30 days of receiving a
22 completed initial application or renewal application and
23 all supporting documentation required by rule;

24 (3) issue an agent identification card to a qualifying
25 agent within 15 business days of approving the initial

1 application or renewal application;

2 (4) enter the license number of the craft grower where
3 the agent works; and

4 (5) allow for an electronic initial application and
5 renewal application process, and provide a confirmation by
6 electronic or other methods that an application has been
7 submitted. The Department of Agriculture may by rule
8 require prospective agents to file their applications by
9 electronic means and provide notices to the agents by
10 electronic means.

11 (b) An agent must keep his or her identification card
12 visible at all times when on the property of a cannabis
13 business establishment, including the craft grower
14 organization for which he or she is an agent.

15 (c) The agent identification cards shall contain the
16 following:

17 (1) the name of the cardholder;

18 (2) the date of issuance and expiration date of the
19 identification card;

20 (3) a random 10-digit alphanumeric identification
21 number containing at least 4 numbers and at least 4
22 letters that is unique to the holder;

23 (4) a photograph of the cardholder; and

24 (5) the legal name of the craft grower organization
25 employing the agent.

26 (d) An agent identification card shall be immediately

1 returned to the cannabis business establishment of the agent
2 upon termination of his or her employment.

3 (e) Any agent identification card lost by a craft grower
4 agent shall be reported to the Illinois ~~Department of~~ State
5 Police and the Department of Agriculture immediately upon
6 discovery of the loss.

7 (Source: P.A. 101-27, eff. 6-25-19.)

8 (410 ILCS 705/30-40)

9 Sec. 30-40. Craft grower background checks.

10 (a) Through the Illinois ~~Department of~~ State Police, the
11 Department of Agriculture shall conduct a background check of
12 the prospective principal officers, board members, and agents
13 of a craft grower applying for a license or identification
14 card under this Act. The Illinois ~~Department of~~ State Police
15 shall charge a fee set by rule for conducting the criminal
16 history record check, which shall be deposited into the State
17 Police Services Fund and shall not exceed the actual cost of
18 the record check. In order to carry out this Section, each
19 craft grower organization's prospective principal officer,
20 board member, or agent shall submit a full set of fingerprints
21 to the Illinois ~~Department of~~ State Police for the purpose of
22 obtaining a State and federal criminal records check. These
23 fingerprints shall be checked against the fingerprint records
24 now and hereafter, to the extent allowed by law, filed in the
25 Illinois ~~Department of~~ State Police and Federal Bureau of

1 Investigation criminal history records databases. The Illinois
2 ~~Department of~~ State Police shall furnish, following positive
3 identification, all conviction information to the Department
4 of Agriculture.

5 (b) When applying for the initial license or
6 identification card, the background checks for all prospective
7 principal officers, board members, and agents shall be
8 completed before submitting the application to the licensing
9 or issuing agency.

10 (Source: P.A. 101-27, eff. 6-25-19.)

11 (410 ILCS 705/35-10)

12 Sec. 35-10. Application.

13 (a) When applying for a license, the applicant shall
14 electronically submit the following in such form as the
15 Department of Agriculture may direct:

16 (1) the nonrefundable application fee of \$5,000 or,
17 after January 1, 2021, another amount as set by rule by the
18 Department of Agriculture, to be deposited into the
19 Cannabis Regulation Fund;

20 (2) the legal name of the infuser;

21 (3) the proposed physical address of the infuser;

22 (4) the name, address, social security number, and
23 date of birth of each principal officer and board member
24 of the infuser; each principal officer and board member
25 shall be at least 21 years of age;

1 (5) the details of any administrative or judicial
2 proceeding in which any of the principal officers or board
3 members of the infuser (i) pled guilty, were convicted,
4 fined, or had a registration or license suspended or
5 revoked, or (ii) managed or served on the board of a
6 business or non-profit organization that pled guilty, was
7 convicted, fined, or had a registration or license
8 suspended or revoked;

9 (6) proposed operating bylaws that include procedures
10 for the oversight of the infuser, including the
11 development and implementation of a plant monitoring
12 system, accurate recordkeeping, staffing plan, and
13 security plan approved by the Illinois ~~Department of~~ State
14 Police that are in accordance with the rules issued by the
15 Department of Agriculture under this Act; a physical
16 inventory of all cannabis shall be performed on a weekly
17 basis by the infuser;

18 (7) verification from the Illinois ~~Department of~~ State
19 Police that all background checks of the prospective
20 principal officers, board members, and agents of the
21 infuser organization have been conducted;

22 (8) a copy of the current local zoning ordinance and
23 verification that the proposed infuser is in compliance
24 with the local zoning rules and distance limitations
25 established by the local jurisdiction;

26 (9) proposed employment practices, in which the

1 applicant must demonstrate a plan of action to inform,
2 hire, and educate minorities, women, veterans, and persons
3 with disabilities, engage in fair labor practices, and
4 provide worker protections;

5 (10) whether an applicant can demonstrate experience
6 in or business practices that promote economic empowerment
7 in Disproportionately Impacted Areas;

8 (11) experience with infusing products with cannabis
9 concentrate;

10 (12) a description of the enclosed, locked facility
11 where cannabis will be infused, packaged, or otherwise
12 prepared for distribution to a dispensing organization or
13 other infuser;

14 (13) processing, inventory, and packaging plans;

15 (14) a description of the applicant's experience with
16 operating a commercial kitchen or laboratory preparing
17 products for human consumption;

18 (15) a list of any academic degrees, certifications,
19 or relevant experience of all prospective principal
20 officers, board members, and agents of the related
21 business;

22 (16) the identity of every person having a financial
23 or voting interest of 5% or greater in the infuser
24 operation with respect to which the license is sought,
25 whether a trust, corporation, partnership, limited
26 liability company, or sole proprietorship, including the

1 name and address of each person;

2 (17) a plan describing how the infuser will address
3 each of the following:

4 (i) energy needs, including estimates of monthly
5 electricity and gas usage, to what extent it will
6 procure energy from a local utility or from on-site
7 generation, and if it has or will adopt a sustainable
8 energy use and energy conservation policy;

9 (ii) water needs, including estimated water draw,
10 and if it has or will adopt a sustainable water use and
11 water conservation policy; and

12 (iii) waste management, including if it has or
13 will adopt a waste reduction policy;

14 (18) a recycling plan:

15 (A) a commitment that any recyclable waste
16 generated by the infuser shall be recycled per
17 applicable State and local laws, ordinances, and
18 rules; and

19 (B) a commitment to comply with local waste
20 provisions. An infuser commits to remain in compliance
21 with applicable State and federal environmental
22 requirements, including, but not limited to, storing,
23 securing, and managing all recyclables and waste,
24 including organic waste composed of or containing
25 finished cannabis and cannabis products, in accordance
26 with applicable State and local laws, ordinances, and

1 rules; and

2 (19) any other information required by rule.

3 (b) Applicants must submit all required information,
4 including the information required in Section 35-15, to the
5 Department of Agriculture. Failure by an applicant to submit
6 all required information may result in the application being
7 disqualified.

8 (c) If the Department of Agriculture receives an
9 application with missing information, the Department of
10 Agriculture may issue a deficiency notice to the applicant.
11 The applicant shall have 10 calendar days from the date of the
12 deficiency notice to resubmit the incomplete information.
13 Applications that are still incomplete after this opportunity
14 to cure will not be scored and will be disqualified.

15 (Source: P.A. 101-27, eff. 6-25-19.)

16 (410 ILCS 705/35-25)

17 Sec. 35-25. Infuser organization requirements;
18 prohibitions.

19 (a) The operating documents of an infuser shall include
20 procedures for the oversight of the infuser, an inventory
21 monitoring system including a physical inventory recorded
22 weekly, accurate recordkeeping, and a staffing plan.

23 (b) An infuser shall implement a security plan reviewed by
24 the Illinois ~~Department of~~ State Police that includes, but is
25 not limited to: facility access controls, perimeter intrusion

1 detection systems, personnel identification systems, and a
2 24-hour surveillance system to monitor the interior and
3 exterior of the infuser facility and that is accessible to
4 authorized law enforcement, the Department of Public Health,
5 and the Department of Agriculture in real time.

6 (c) All processing of cannabis by an infuser must take
7 place in an enclosed, locked facility at the physical address
8 provided to the Department of Agriculture during the licensing
9 process. The infuser location shall only be accessed by the
10 agents working for the infuser, the Department of Agriculture
11 staff performing inspections, the Department of Public Health
12 staff performing inspections, State and local law enforcement
13 or other emergency personnel, contractors working on jobs
14 unrelated to cannabis, such as installing or maintaining
15 security devices or performing electrical wiring, transporting
16 organization agents as provided in this Act, participants in
17 the incubator program, individuals in a mentoring or
18 educational program approved by the State, local safety or
19 health inspectors, or other individuals as provided by rule.
20 However, if an infuser shares a premises with a craft grower or
21 dispensing organization, agents from these other licensees may
22 access the infuser portion of the premises if that is the
23 location of common bathrooms, lunchrooms, locker rooms, or
24 other areas of the building where processing of cannabis is
25 not performed. At no time may a craft grower or dispensing
26 organization agent perform work at an infuser without being a

1 registered agent of the infuser.

2 (d) An infuser may not sell or distribute any cannabis to
3 any person other than a dispensing organization, or as
4 otherwise authorized by rule.

5 (e) An infuser may not either directly or indirectly
6 discriminate in price between different cannabis business
7 establishments that are purchasing a like grade, strain,
8 brand, and quality of cannabis or cannabis-infused product.
9 Nothing in this subsection (e) prevents an infuser from
10 pricing cannabis differently based on differences in the cost
11 of manufacturing or processing, the quantities sold, such
12 volume discounts, or the way the products are delivered.

13 (f) All cannabis infused by an infuser and intended for
14 distribution to a dispensing organization must be entered into
15 a data collection system, packaged and labeled under Section
16 55-21, and, if distribution is to a dispensing organization
17 that does not share a premises with the infuser, placed into a
18 cannabis container for transport. All cannabis produced by an
19 infuser and intended for distribution to a cultivation center,
20 infuser organization, or craft grower with which it does not
21 share a premises, must be packaged in a labeled cannabis
22 container and entered into a data collection system before
23 transport.

24 (g) Infusers are subject to random inspections by the
25 Department of Agriculture, the Department of Public Health,
26 the Illinois ~~Department of~~ State Police, and local law

1 enforcement.

2 (h) An infuser agent shall notify local law enforcement,
3 the Illinois ~~Department of~~ State Police, and the Department of
4 Agriculture within 24 hours of the discovery of any loss or
5 theft. Notification shall be made by phone, in person, or by
6 written or electronic communication.

7 (i) An infuser organization may not be located in an area
8 zoned for residential use.

9 (j) An infuser or infuser agent shall not transport
10 cannabis or cannabis-infused products to any other cannabis
11 business establishment without a transport organization
12 license unless:

13 (i) If the infuser is located in a county with a
14 population of 3,000,000 or more, the cannabis business
15 establishment receiving the cannabis or cannabis-infused
16 product is within 2,000 feet of the property line of the
17 infuser;

18 (ii) If the infuser is located in a county with a
19 population of more than 700,000 but fewer than 3,000,000,
20 the cannabis business establishment receiving the cannabis
21 or cannabis-infused product is within 2 miles of the
22 infuser; or

23 (iii) If the infuser is located in a county with a
24 population of fewer than 700,000, the cannabis business
25 establishment receiving the cannabis or cannabis-infused
26 product is within 15 miles of the infuser.

1 (k) An infuser may enter into a contract with a
2 transporting organization to transport cannabis to a
3 dispensing organization or a laboratory.

4 (l) An infuser organization may share premises with a
5 craft grower or a dispensing organization, or both, provided
6 each licensee stores currency and cannabis or cannabis-infused
7 products in a separate secured vault to which the other
8 licensee does not have access or all licensees sharing a vault
9 share more than 50% of the same ownership.

10 (m) It is unlawful for any person or entity having an
11 infuser organization license or any officer, associate,
12 member, representative or agent of such licensee to offer or
13 deliver money, or anything else of value, directly or
14 indirectly to any person having an Early Approval Adult Use
15 Dispensing Organization License, a Conditional Adult Use
16 Dispensing Organization License, an Adult Use Dispensing
17 Organization License, or a medical cannabis dispensing
18 organization license issued under the Compassionate Use of
19 Medical Cannabis Program Act, or to any person connected with
20 or in any way representing, or to any member of the family of,
21 such person holding an 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, or to any stockholders in any corporation engaged the

1 retail sales of cannabis, or to any officer, manager, agent,
2 or representative of the Early Approval Adult Use Dispensing
3 Organization License, a Conditional Adult Use Dispensing
4 Organization License, an Adult Use Dispensing Organization
5 License, or a medical cannabis dispensing organization license
6 issued under the Compassionate Use of Medical Cannabis Program
7 Act to obtain preferential placement within the dispensing
8 organization, including, without limitation, on shelves and in
9 display cases where purchasers can view products, or on the
10 dispensing organization's website.

11 (n) At no time shall an infuser organization or an infuser
12 agent perform the extraction of cannabis concentrate from
13 cannabis flower.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/35-30)

16 Sec. 35-30. Infuser agent identification card.

17 (a) The Department of Agriculture shall:

18 (1) establish by rule the information required in an
19 initial application or renewal application for an agent
20 identification card submitted under this Act and the
21 nonrefundable fee to accompany the initial application or
22 renewal application;

23 (2) verify the information contained in an initial
24 application or renewal application for an agent
25 identification card submitted under this Act, and approve

1 or deny an application within 30 days of receiving a
2 completed initial application or renewal application and
3 all supporting documentation required by rule;

4 (3) issue an agent identification card to a qualifying
5 agent within 15 business days of approving the initial
6 application or renewal application;

7 (4) enter the license number of the infuser where the
8 agent works; and

9 (5) allow for an electronic initial application and
10 renewal application process, and provide a confirmation by
11 electronic or other methods that an application has been
12 submitted. The Department of Agriculture may by rule
13 require prospective agents to file their applications by
14 electronic means and provide notices to the agents by
15 electronic means.

16 (b) An agent must keep his or her identification card
17 visible at all times when on the property of a cannabis
18 business establishment including the cannabis business
19 establishment for which he or she is an agent.

20 (c) The agent identification cards shall contain the
21 following:

22 (1) the name of the cardholder;

23 (2) the date of issuance and expiration date of the
24 identification card;

25 (3) a random 10-digit alphanumeric identification
26 number containing at least 4 numbers and at least 4

1 letters that is unique to the holder;

2 (4) a photograph of the cardholder; and

3 (5) the legal name of the infuser organization
4 employing the agent.

5 (d) An agent identification card shall be immediately
6 returned to the infuser organization of the agent upon
7 termination of his or her employment.

8 (e) Any agent identification card lost by a transporting
9 agent shall be reported to the Illinois ~~Department of~~ State
10 Police and the Department of Agriculture immediately upon
11 discovery of the loss.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/40-10)

14 Sec. 40-10. Application.

15 (a) When applying for a transporting organization license,
16 the applicant shall submit the following in such form as the
17 Department of Agriculture may direct:

18 (1) the nonrefundable application fee of \$5,000 or,
19 after January 1, 2021, another amount as set by rule by the
20 Department of Agriculture, to be deposited into the
21 Cannabis Regulation Fund;

22 (2) the legal name of the transporting organization;

23 (3) the proposed physical address of the transporting
24 organization, if one is proposed;

25 (4) the name, address, social security number, and

1 date of birth of each principal officer and board member
2 of the transporting organization; each principal officer
3 and board member shall be at least 21 years of age;

4 (5) the details of any administrative or judicial
5 proceeding in which any of the principal officers or board
6 members of the transporting organization (i) pled guilty,
7 were convicted, fined, or had a registration or license
8 suspended or revoked, or (ii) managed or served on the
9 board of a business or non-profit organization that pled
10 guilty, was convicted, fined, or had a registration or
11 license suspended or revoked;

12 (6) proposed operating bylaws that include procedures
13 for the oversight of the transporting organization,
14 including the development and implementation of an
15 accurate recordkeeping plan, staffing plan, and security
16 plan approved by the Illinois ~~Department of~~ State Police
17 that are in accordance with the rules issued by the
18 Department of Agriculture under this Act; a physical
19 inventory shall be performed of all cannabis on a weekly
20 basis by the transporting organization;

21 (7) verification from the Illinois ~~Department of~~ State
22 Police that all background checks of the prospective
23 principal officers, board members, and agents of the
24 transporting organization have been conducted;

25 (8) a copy of the current local zoning ordinance or
26 permit and verification that the proposed transporting

1 organization is in compliance with the local zoning rules
2 and distance limitations established by the local
3 jurisdiction, if the transporting organization has a
4 business address;

5 (9) proposed employment practices, in which the
6 applicant must demonstrate a plan of action to inform,
7 hire, and educate minorities, women, veterans, and persons
8 with disabilities, engage in fair labor practices, and
9 provide worker protections;

10 (10) whether an applicant can demonstrate experience
11 in or business practices that promote economic empowerment
12 in Disproportionately Impacted Areas;

13 (11) the number and type of equipment the transporting
14 organization will use to transport cannabis and
15 cannabis-infused products;

16 (12) loading, transporting, and unloading plans;

17 (13) a description of the applicant's experience in
18 the distribution or security business;

19 (14) the identity of every person having a financial
20 or voting interest of 5% or more in the transporting
21 organization with respect to which the license is sought,
22 whether a trust, corporation, partnership, limited
23 liability company, or sole proprietorship, including the
24 name and address of each person; and

25 (15) any other information required by rule.

26 (b) Applicants must submit all required information,

1 including the information required in Section 40-35 to the
2 Department. Failure by an applicant to submit all required
3 information may result in the application being disqualified.

4 (c) If the Department receives an application with missing
5 information, the Department of Agriculture may issue a
6 deficiency notice to the applicant. The applicant shall have
7 10 calendar days from the date of the deficiency notice to
8 resubmit the incomplete information. Applications that are
9 still incomplete after this opportunity to cure will not be
10 scored and will be disqualified.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

12 (410 ILCS 705/40-25)

13 Sec. 40-25. Transporting organization requirements;
14 prohibitions.

15 (a) The operating documents of a transporting organization
16 shall include procedures for the oversight of the transporter,
17 an inventory monitoring system including a physical inventory
18 recorded weekly, accurate recordkeeping, and a staffing plan.

19 (b) A transporting organization may not transport cannabis
20 or cannabis-infused products to any person other than a
21 cultivation center, a craft grower, an infuser organization, a
22 dispensing organization, a testing facility, or as otherwise
23 authorized by rule.

24 (c) All cannabis transported by a transporting
25 organization must be entered into a data collection system and

1 placed into a cannabis container for transport.

2 (d) Transporters are subject to random inspections by the
3 Department of Agriculture, the Department of Public Health,
4 and the Illinois ~~Department of~~ State Police.

5 (e) A transporting organization agent shall notify local
6 law enforcement, the Illinois ~~Department of~~ State Police, and
7 the Department of Agriculture within 24 hours of the discovery
8 of any loss or theft. Notification shall be made by phone, in
9 person, or by written or electronic communication.

10 (f) No person under the age of 21 years shall be in a
11 commercial vehicle or trailer transporting cannabis goods.

12 (g) No person or individual who is not a transporting
13 organization agent shall be in a vehicle while transporting
14 cannabis goods.

15 (h) Transporters may not use commercial motor vehicles
16 with a weight rating of over 10,001 pounds.

17 (i) It is unlawful for any person to offer or deliver
18 money, or anything else of value, directly or indirectly, to
19 any of the following persons to obtain preferential placement
20 within the dispensing organization, including, without
21 limitation, on shelves and in display cases where purchasers
22 can view products, or on the dispensing organization's
23 website:

24 (1) a person having a transporting organization
25 license, or any officer, associate, member,
26 representative, or agent of the licensee;

1 (2) a person having an Early Applicant Adult Use
2 Dispensing Organization License, an Adult Use Dispensing
3 Organization License, or a medical cannabis dispensing
4 organization license issued under the Compassionate Use of
5 Medical Cannabis Program Act;

6 (3) a person connected with or in any way
7 representing, or a member of the family of, a person
8 holding an Early Applicant Adult Use Dispensing
9 Organization License, an Adult Use Dispensing Organization
10 License, or a medical cannabis dispensing organization
11 license issued under the Compassionate Use of Medical
12 Cannabis Program Act; or

13 (4) a stockholder, officer, manager, agent, or
14 representative of a corporation engaged in the retail sale
15 of cannabis, an Early Applicant Adult Use Dispensing
16 Organization License, an Adult Use Dispensing Organization
17 License, or a medical cannabis dispensing organization
18 license issued under the Compassionate Use of Medical
19 Cannabis Program Act.

20 (j) A transporting organization agent must keep his or her
21 identification card visible at all times when on the property
22 of a cannabis business establishment and during the
23 transporting of cannabis when acting under his or her duties
24 as a transportation organization agent. During these times,
25 the transporting organization agent must also provide the
26 identification card upon request of any law enforcement

1 officer engaged in his or her official duties.

2 (k) A copy of the transporting organization's registration
3 and a manifest for the delivery shall be present in any vehicle
4 transporting cannabis.

5 (l) Cannabis shall be transported so it is not visible or
6 recognizable from outside the vehicle.

7 (m) A vehicle transporting cannabis must not bear any
8 markings to indicate the vehicle contains cannabis or bear the
9 name or logo of the cannabis business establishment.

10 (n) Cannabis must be transported in an enclosed, locked
11 storage compartment that is secured or affixed to the vehicle.

12 (o) The Department of Agriculture may, by rule, impose any
13 other requirements or prohibitions on the transportation of
14 cannabis.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

16 (410 ILCS 705/40-30)

17 Sec. 40-30. Transporting agent identification card.

18 (a) The Department of Agriculture shall:

19 (1) establish by rule the information required in an
20 initial application or renewal application for an agent
21 identification card submitted under this Act and the
22 nonrefundable fee to accompany the initial application or
23 renewal application;

24 (2) verify the information contained in an initial
25 application or renewal application for an agent

1 identification card submitted under this Act and approve
2 or deny an application within 30 days of receiving a
3 completed initial application or renewal application and
4 all supporting documentation required by rule;

5 (3) issue an agent identification card to a qualifying
6 agent within 15 business days of approving the initial
7 application or renewal application;

8 (4) enter the license number of the transporting
9 organization where the agent works; and

10 (5) allow for an electronic initial application and
11 renewal application process, and provide a confirmation by
12 electronic or other methods that an application has been
13 submitted. The Department of Agriculture may by rule
14 require prospective agents to file their applications by
15 electronic means and provide notices to the agents by
16 electronic means.

17 (b) An agent must keep his or her identification card
18 visible at all times when on the property of a cannabis
19 business establishment, including the cannabis business
20 establishment for which he or she is an agent.

21 (c) The agent identification cards shall contain the
22 following:

23 (1) the name of the cardholder;

24 (2) the date of issuance and expiration date of the
25 identification card;

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;

3 (4) a photograph of the cardholder; and

4 (5) the legal name of the transporting organization
5 employing the agent.

6 (d) An agent identification card shall be immediately
7 returned to the transporting organization of the agent upon
8 termination of his or her employment.

9 (e) Any agent identification card lost by a transporting
10 agent shall be reported to the Illinois ~~Department of~~ State
11 Police and the Department of Agriculture immediately upon
12 discovery of the loss.

13 (f) An application for an agent identification card shall
14 be denied if the applicant is delinquent in filing any
15 required tax returns or paying any amounts owed to the State of
16 Illinois.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/40-35)

19 Sec. 40-35. Transporting organization background checks.

20 (a) Through the Illinois ~~Department of~~ State Police, the
21 Department of Agriculture shall conduct a background check of
22 the prospective principal officers, board members, and agents
23 of a transporter applying for a license or identification card
24 under this Act. The Illinois ~~Department of~~ State Police shall
25 charge a fee set by rule for conducting the criminal history

1 record check, which shall be deposited into the State Police
2 Services Fund and shall not exceed the actual cost of the
3 record check. In order to carry out this provision, each
4 transporting organization's prospective principal officer,
5 board member, or agent shall submit a full set of fingerprints
6 to the Illinois ~~Department of~~ State Police for the purpose of
7 obtaining a State and federal criminal records check. These
8 fingerprints shall be checked against the fingerprint records
9 now and hereafter, to the extent allowed by law, filed in the
10 Illinois ~~Department of~~ State Police and Federal Bureau of
11 Investigation criminal history records databases. The Illinois
12 ~~Department of~~ State Police shall furnish, following positive
13 identification, all conviction information to the Department
14 of Agriculture.

15 (b) When applying for the initial license or
16 identification card, the background checks for all prospective
17 principal officers, board members, and agents shall be
18 completed before submitting the application to the Department
19 of Agriculture.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

21 (410 ILCS 705/55-15)

22 Sec. 55-15. Destruction of cannabis.

23 (a) All cannabis byproduct, scrap, and harvested cannabis
24 not intended for distribution to a dispensing organization
25 must be destroyed and disposed of under rules adopted by the

1 Department of Agriculture under this Act. Documentation of
2 destruction and disposal shall be retained at the cultivation
3 center, craft grower, infuser organization, transporter, or
4 testing facility as applicable for a period of not less than 5
5 years.

6 (b) A cultivation center, craft grower, or infuser
7 organization shall, before destruction, notify the Department
8 of Agriculture and the Illinois ~~Department of~~ State Police. A
9 dispensing organization shall, before destruction, notify the
10 Department of Financial and Professional Regulation and the
11 Illinois ~~Department of~~ State Police. The Department of
12 Agriculture may by rule require that an employee of the
13 Department of Agriculture or the Department of Financial and
14 Professional Regulation be present during the destruction of
15 any cannabis byproduct, scrap, and harvested cannabis, as
16 applicable.

17 (c) The cultivation center, craft grower, infuser
18 organization, or dispensing organization shall keep a record
19 of the date of destruction and how much was destroyed.

20 (d) A dispensing organization shall destroy all cannabis,
21 including cannabis-infused products, not sold to purchasers.
22 Documentation of destruction and disposal shall be retained at
23 the dispensing organization for a period of not less than 5
24 years.

25 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/55-30)

2 Sec. 55-30. Confidentiality.

3 (a) Information provided by the cannabis business
4 establishment licensees or applicants to the Department of
5 Agriculture, the Department of Public Health, the Department
6 of Financial and Professional Regulation, the Department of
7 Commerce and Economic Opportunity, or other agency shall be
8 limited to information necessary for the purposes of
9 administering this Act. The information is subject to the
10 provisions and limitations contained in the Freedom of
11 Information Act and may be disclosed in accordance with
12 Section 55-65.

13 (b) The following information received and records kept by
14 the Department of Agriculture, the Department of Public
15 Health, the Illinois ~~Department of~~ State Police, and the
16 Department of Financial and Professional Regulation for
17 purposes of administering this Article are subject to all
18 applicable federal privacy laws, are confidential and exempt
19 from disclosure under the Freedom of Information Act, except
20 as provided in this Act, and not subject to disclosure to any
21 individual or public or private entity, except to the
22 Department of Financial and Professional Regulation, the
23 Department of Agriculture, the Department of Public Health,
24 and the Illinois ~~Department of~~ State Police as necessary to
25 perform official duties under this Article and to the Attorney
26 General as necessary to enforce the provisions of this Act.

1 The following information received and kept by the Department
2 of Financial and Professional Regulation or the Department of
3 Agriculture may be disclosed to the Department of Public
4 Health, the Department of Agriculture, the Department of
5 Revenue, the Illinois ~~Department of~~ State Police, or the
6 Attorney General upon proper request:

7 (1) Applications and renewals, their contents, and
8 supporting information submitted by or on behalf of
9 dispensing organizations in compliance with this Article,
10 including their physical addresses;

11 (2) Any plans, procedures, policies, or other records
12 relating to dispensing organization security; and

13 (3) Information otherwise exempt from disclosure by
14 State or federal law.

15 Illinois or national criminal history record information,
16 or the nonexistence or lack of such information, may not be
17 disclosed by the Department of Financial and Professional
18 Regulation or the Department of Agriculture, except as
19 necessary to the Attorney General to enforce this Act.

20 (c) The name and address of a dispensing organization
21 licensed under this Act shall be subject to disclosure under
22 the Freedom of Information Act. The name and cannabis business
23 establishment address of the person or entity holding each
24 cannabis business establishment license shall be subject to
25 disclosure.

26 (d) All information collected by the Department of

1 Financial and Professional Regulation in the course of an
2 examination, inspection, or investigation of a licensee or
3 applicant, including, but not limited to, any complaint
4 against a licensee or applicant filed with the Department and
5 information collected to investigate any such complaint, shall
6 be maintained for the confidential use of the Department and
7 shall not be disclosed, except as otherwise provided in this
8 Act. A formal complaint against a licensee by the Department
9 or any disciplinary order issued by the Department against a
10 licensee or applicant shall be a public record, except as
11 otherwise provided by law. Complaints from consumers or
12 members of the general public received regarding a specific,
13 named licensee or complaints regarding conduct by unlicensed
14 entities shall be subject to disclosure under the Freedom of
15 Information Act.

16 (e) The Department of Agriculture, the Illinois Department
17 ~~of~~ State Police, and the Department of Financial and
18 Professional Regulation shall not share or disclose any
19 Illinois or national criminal history record information, or
20 the nonexistence or lack of such information, to any person or
21 entity not expressly authorized by this Act.

22 (f) Each Department responsible for licensure under this
23 Act shall publish on the Department's website a list of the
24 ownership information of cannabis business establishment
25 licensees under the Department's jurisdiction. The list shall
26 include, but is not limited to: the name of the person or

1 entity holding each cannabis business establishment license;
2 and the address at which the entity is operating under this
3 Act. This list shall be published and updated monthly.

4 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

5 (410 ILCS 705/55-35)

6 Sec. 55-35. Administrative rulemaking.

7 (a) No later than 180 days after the effective date of this
8 Act, the Department of Agriculture, the Illinois ~~Department of~~
9 State Police, the Department of Financial and Professional
10 Regulation, the Department of Revenue, the Department of
11 Commerce and Economic Opportunity, and the Treasurer's Office
12 shall adopt permanent rules in accordance with their
13 responsibilities under this Act. The Department of
14 Agriculture, the Illinois ~~Department of~~ State Police, the
15 Department of Financial and Professional Regulation, the
16 Department of Revenue, and the Department of Commerce and
17 Economic Opportunity may adopt rules necessary to regulate
18 personal cannabis use through the use of emergency rulemaking
19 in accordance with subsection (gg) of Section 5-45 of the
20 Illinois Administrative Procedure Act. The General Assembly
21 finds that the adoption of rules to regulate cannabis use is
22 deemed an emergency and necessary for the public interest,
23 safety, and welfare.

24 (b) The Department of Agriculture rules may address, but
25 are not limited to, the following matters related to

1 cultivation centers, craft growers, infuser organizations, and
2 transporting organizations with the goal of protecting against
3 diversion and theft, without imposing an undue burden on the
4 cultivation centers, craft growers, infuser organizations, or
5 transporting organizations:

6 (1) oversight requirements for cultivation centers,
7 craft growers, infuser organizations, and transporting
8 organizations;

9 (2) recordkeeping requirements for cultivation
10 centers, craft growers, infuser organizations, and
11 transporting organizations;

12 (3) security requirements for cultivation centers,
13 craft growers, infuser organizations, and transporting
14 organizations, which shall include that each cultivation
15 center, craft grower, infuser organization, and
16 transporting organization location must be protected by a
17 fully operational security alarm system;

18 (4) standards for enclosed, locked facilities under
19 this Act;

20 (5) procedures for suspending or revoking the
21 identification cards of agents of cultivation centers,
22 craft growers, infuser organizations, and transporting
23 organizations that commit violations of this Act or the
24 rules adopted under this Section;

25 (6) rules concerning the intrastate transportation of
26 cannabis from a cultivation center, craft grower, infuser

1 organization, and transporting organization to a
2 dispensing organization;

3 (7) standards concerning the testing, quality,
4 cultivation, and processing of cannabis; and

5 (8) any other matters under oversight by the
6 Department of Agriculture as are necessary for the fair,
7 impartial, stringent, and comprehensive administration of
8 this Act.

9 (c) The Department of Financial and Professional
10 Regulation rules may address, but are not limited to, the
11 following matters related to dispensing organizations, with
12 the goal of protecting against diversion and theft, without
13 imposing an undue burden on the dispensing organizations:

14 (1) oversight requirements for dispensing
15 organizations;

16 (2) recordkeeping requirements for dispensing
17 organizations;

18 (3) security requirements for dispensing
19 organizations, which shall include that each dispensing
20 organization location must be protected by a fully
21 operational security alarm system;

22 (4) procedures for suspending or revoking the licenses
23 of dispensing organization agents that commit violations
24 of this Act or the rules adopted under this Act;

25 (5) any other matters under oversight by the
26 Department of Financial and Professional Regulation that

1 are necessary for the fair, impartial, stringent, and
2 comprehensive administration of this Act.

3 (d) The Department of Revenue rules may address, but are
4 not limited to, the following matters related to the payment
5 of taxes by cannabis business establishments:

6 (1) recording of sales;

7 (2) documentation of taxable income and expenses;

8 (3) transfer of funds for the payment of taxes; or

9 (4) any other matter under the oversight of the
10 Department of Revenue.

11 (e) The Department of Commerce and Economic Opportunity
12 rules may address, but are not limited to, a loan program or
13 grant program to assist Social Equity Applicants access the
14 capital needed to start a cannabis business establishment. The
15 names of recipients and the amounts of any moneys received
16 through a loan program or grant program shall be a public
17 record.

18 (f) The Illinois ~~Department of~~ State Police rules may
19 address enforcement of its authority under this Act. The
20 Illinois ~~Department of~~ State Police shall not make rules that
21 infringe on the exclusive authority of the Department of
22 Financial and Professional Regulation or the Department of
23 Agriculture over licensees under this Act.

24 (g) The Department of Human Services shall develop and
25 disseminate:

26 (1) educational information about the health risks

1 associated with the use of cannabis; and
2 (2) one or more public education campaigns in
3 coordination with local health departments and community
4 organizations, including one or more prevention campaigns
5 directed at children, adolescents, parents, and pregnant
6 or breastfeeding women, to inform them of the potential
7 health risks associated with intentional or unintentional
8 cannabis use.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (410 ILCS 705/55-40)

11 Sec. 55-40. Enforcement.

12 (a) If the Department of Agriculture, Illinois Department
13 ~~of~~ State Police, Department of Financial and Professional
14 Regulation, Department of Commerce and Economic Opportunity,
15 or Department of Revenue fails to adopt rules to implement
16 this Act within the times provided in this Act, any citizen may
17 commence a mandamus action in the circuit court to compel the
18 agencies to perform the actions mandated under Section 55-35.

19 (b) If the Department of Agriculture or the Department of
20 Financial and Professional Regulation fails to issue a valid
21 agent identification card in response to a valid initial
22 application or renewal application submitted under this Act or
23 fails to issue a verbal or written notice of denial of the
24 application within 30 days of its submission, the agent
25 identification card is deemed granted and a copy of the agent

1 identification initial application or renewal application
2 shall be deemed a valid agent identification card.

3 (c) Authorized employees of State or local law enforcement
4 agencies shall immediately notify the Department of
5 Agriculture and the Department of Financial and Professional
6 Regulation when any person in possession of an agent
7 identification card has been convicted of or pled guilty to
8 violating this Act.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (410 ILCS 705/55-50)

11 Sec. 55-50. Petition for rehearing. Within 20 days after
12 the service of any order or decision of the Department of
13 Public Health, the Department of Agriculture, the Department
14 of Financial and Professional Regulation, or the Illinois
15 ~~Department of~~ State Police upon any party to the proceeding,
16 the party may apply for a rehearing in respect to any matters
17 determined by them under this Act, except for decisions made
18 under the Cannabis Cultivation Privilege Tax Law, the Cannabis
19 Purchaser Excise Tax Law, the County Cannabis Retailers'
20 Occupation Tax Law, and the Municipal Cannabis Retailers'
21 Occupation Tax Law, which shall be governed by the provisions
22 of those Laws. If a rehearing is granted, an agency shall hold
23 the rehearing and render a decision within 30 days from the
24 filing of the application for rehearing with the agency. The
25 time for holding such rehearing and rendering a decision may

1 be extended for a period not to exceed 30 days, for good cause
2 shown, and by notice in writing to all parties of interest. If
3 an agency fails to act on the application for rehearing within
4 30 days, or the date the time for rendering a decision was
5 extended for good cause shown, the order or decision of the
6 agency is final. No action for the judicial review of any order
7 or decision of an agency shall be allowed unless the party
8 commencing such action has first filed an application for a
9 rehearing and the agency has acted or failed to act upon the
10 application. Only one rehearing may be granted by an agency on
11 application of any one party.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/55-55)

14 Sec. 55-55. Review of administrative decisions. All final
15 administrative decisions of the Department of Public Health,
16 the Department of Agriculture, the Department of Financial and
17 Professional Regulation, and the Illinois ~~Department of~~ State
18 Police are subject to judicial review under the Administrative
19 Review Law and the rules adopted under that Law. The term
20 "administrative decision" is defined as in Section 3-101 of
21 the Code of Civil Procedure.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/55-80)

24 Sec. 55-80. Annual reports.

1 (a) The Department of Financial and Professional
2 Regulation shall submit to the General Assembly and Governor a
3 report, by September 30 of each year, that does not disclose
4 any information identifying information about cultivation
5 centers, craft growers, infuser organizations, transporting
6 organizations, or dispensing organizations, but does contain,
7 at a minimum, all of the following information for the
8 previous fiscal year:

9 (1) The number of licenses issued to dispensing
10 organizations by county, or, in counties with greater than
11 3,000,000 residents, by zip code;

12 (2) The total number of dispensing organization owners
13 that are Social Equity Applicants or minority persons,
14 women, or persons with disabilities as those terms are
15 defined in the Business Enterprise for Minorities, Women,
16 and Persons with Disabilities Act;

17 (3) The total number of revenues received from
18 dispensing organizations, segregated from revenues
19 received from dispensing organizations under the
20 Compassionate Use of Medical Cannabis Program Act by
21 county, separated by source of revenue;

22 (4) The total amount of revenue received from
23 dispensing organizations that share a premises or majority
24 ownership with a craft grower;

25 (5) The total amount of revenue received from
26 dispensing organizations that share a premises or majority

1 ownership with an infuser; and

2 (6) An analysis of revenue generated from taxation,
3 licensing, and other fees for the State, including
4 recommendations to change the tax rate applied.

5 (b) The Department of Agriculture shall submit to the
6 General Assembly and Governor a report, by September 30 of
7 each year, that does not disclose any information identifying
8 information about cultivation centers, craft growers, infuser
9 organizations, transporting organizations, or dispensing
10 organizations, but does contain, at a minimum, all of the
11 following information for the previous fiscal year:

12 (1) The number of licenses issued to cultivation
13 centers, craft growers, infusers, and transporters by
14 license type, and, in counties with more than 3,000,000
15 residents, by zip code;

16 (2) The total number of cultivation centers, craft
17 growers, infusers, and transporters by license type that
18 are Social Equity Applicants or minority persons, women,
19 or persons with disabilities as those terms are defined in
20 the Business Enterprise for Minorities, Women, and Persons
21 with Disabilities Act;

22 (3) The total amount of revenue received from
23 cultivation centers, craft growers, infusers, and
24 transporters, separated by license types and source of
25 revenue;

26 (4) The total amount of revenue received from craft

1 growers and infusers that share a premises or majority
2 ownership with a dispensing organization;

3 (5) The total amount of revenue received from craft
4 growers that share a premises or majority ownership with
5 an infuser, but do not share a premises or ownership with a
6 dispensary;

7 (6) The total amount of revenue received from infusers
8 that share a premises or majority ownership with a craft
9 grower, but do not share a premises or ownership with a
10 dispensary;

11 (7) The total amount of revenue received from craft
12 growers that share a premises or majority ownership with a
13 dispensing organization, but do not share a premises or
14 ownership with an infuser;

15 (8) The total amount of revenue received from infusers
16 that share a premises or majority ownership with a
17 dispensing organization, but do not share a premises or
18 ownership with a craft grower;

19 (9) The total amount of revenue received from
20 transporters; and

21 (10) An analysis of revenue generated from taxation,
22 licensing, and other fees for the State, including
23 recommendations to change the tax rate applied.

24 (c) The Illinois ~~Department of~~ State Police shall submit
25 to the General Assembly and Governor a report, by September 30
26 of each year that contains, at a minimum, all of the following

1 information for the previous fiscal year:

2 (1) The effect of regulation and taxation of cannabis
3 on law enforcement resources;

4 (2) The impact of regulation and taxation of cannabis
5 on highway and waterway safety and rates of impaired
6 driving or operating, where impairment was determined
7 based on failure of a field sobriety test;

8 (3) The available and emerging methods for detecting
9 the metabolites for delta-9-tetrahydrocannabinol in bodily
10 fluids, including, without limitation, blood and saliva;

11 (4) The effectiveness of current DUI laws and
12 recommendations for improvements to policy to better
13 ensure safe highways and fair laws.

14 (d) The Adult Use Cannabis Health Advisory Committee shall
15 submit to the General Assembly and Governor a report, by
16 September 30 of each year, that does not disclose any
17 identifying information about any individuals, but does
18 contain, at a minimum:

19 (1) Self-reported youth cannabis use, as published in
20 the most recent Illinois Youth Survey available;

21 (2) Self-reported adult cannabis use, as published in
22 the most recent Behavioral Risk Factor Surveillance Survey
23 available;

24 (3) Hospital room admissions and hospital utilization
25 rates caused by cannabis consumption, including the
26 presence or detection of other drugs;

1 (4) Overdoses of cannabis and poison control data,
2 including the presence of other drugs that may have
3 contributed;

4 (5) Incidents of impaired driving caused by the
5 consumption of cannabis or cannabis products, including
6 the presence of other drugs or alcohol that may have
7 contributed to the impaired driving;

8 (6) Prevalence of infants born testing positive for
9 cannabis or delta-9-tetrahydrocannabinol, including
10 demographic and racial information on which infants are
11 tested;

12 (7) Public perceptions of use and risk of harm;

13 (8) Revenue collected from cannabis taxation and how
14 that revenue was used;

15 (9) Cannabis retail licenses granted and locations;

16 (10) Cannabis-related arrests; and

17 (11) The number of individuals completing required bud
18 tender training.

19 (e) Each agency or committee submitting reports under this
20 Section may consult with one another in the preparation of
21 each report.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

23 Section 850. The Radiation Protection Act of 1990 is
24 amended by changing Section 34 as follows:

1 (420 ILCS 40/34) (from Ch. 111 1/2, par. 210-34)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 34. All intrastate and interstate carriers of
4 irradiated nuclear reactor fuel in the State of Illinois are
5 hereby required to notify the Agency 24 hours prior to any
6 transportation of irradiated nuclear reactor fuel within this
7 State of the proposed route, the place and time of entry into
8 the State, and the amount and the source of the fuel. The
9 Agency shall immediately notify the Illinois State Police,
10 which shall notify the sheriff of those counties along the
11 route of such shipment.

12 For the purpose of this subsection, a "carrier" is any
13 entity charged with transportation of such irradiated reactor
14 fuel from the nuclear steam-generating facility to a storage
15 facility.

16 For the purpose of this subsection, "irradiated reactor
17 fuel" is any nuclear fuel assembly containing fissile-bearing
18 material that has been irradiated in and removed from a
19 nuclear reactor facility.

20 (Source: P.A. 94-104, eff. 7-1-05.)

21 Section 865. The Firearm Owners Identification Card Act is
22 amended by changing Sections 1.1, 2, 3, 3.1, 3.3, 4, 5, 5.1, 6,
23 8, 8.1, 8.2, 8.3, 9.5, 10, 11, 13.1, 13.2, 13.3, 15a, and 15b
24 as follows:

1 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

2 Sec. 1.1. For purposes of this Act:

3 "Addicted to narcotics" means a person who has been:

4 (1) convicted of an offense involving the use or
5 possession of cannabis, a controlled substance, or
6 methamphetamine within the past year; or

7 (2) determined by the Illinois ~~Department of~~ State
8 Police to be addicted to narcotics based upon federal law
9 or federal guidelines.

10 "Addicted to narcotics" does not include possession or use
11 of a prescribed controlled substance under the direction and
12 authority of a physician or other person authorized to
13 prescribe the controlled substance when the controlled
14 substance is used in the prescribed manner.

15 "Adjudicated as a person with a mental disability" means
16 the person is the subject of a determination by a court, board,
17 commission or other lawful authority that the person, as a
18 result of marked subnormal intelligence, or mental illness,
19 mental impairment, incompetency, condition, or disease:

20 (1) presents a clear and present danger to himself,
21 herself, or to others;

22 (2) lacks the mental capacity to manage his or her own
23 affairs or is adjudicated a person with a disability as
24 defined in Section 11a-2 of the Probate Act of 1975;

25 (3) is not guilty in a criminal case by reason of
26 insanity, mental disease or defect;

1 (3.5) is guilty but mentally ill, as provided in
2 Section 5-2-6 of the Unified Code of Corrections;

3 (4) is incompetent to stand trial in a criminal case;

4 (5) is not guilty by reason of lack of mental
5 responsibility under Articles 50a and 72b of the Uniform
6 Code of Military Justice, 10 U.S.C. 850a, 876b;

7 (6) is a sexually violent person under subsection (f)
8 of Section 5 of the Sexually Violent Persons Commitment
9 Act;

10 (7) is a sexually dangerous person under the Sexually
11 Dangerous Persons Act;

12 (8) is unfit to stand trial under the Juvenile Court
13 Act of 1987;

14 (9) is not guilty by reason of insanity under the
15 Juvenile Court Act of 1987;

16 (10) is subject to involuntary admission as an
17 inpatient as defined in Section 1-119 of the Mental Health
18 and Developmental Disabilities Code;

19 (11) is subject to involuntary admission as an
20 outpatient as defined in Section 1-119.1 of the Mental
21 Health and Developmental Disabilities Code;

22 (12) is subject to judicial admission as set forth in
23 Section 4-500 of the Mental Health and Developmental
24 Disabilities Code; or

25 (13) is subject to the provisions of the Interstate
26 Agreements on Sexually Dangerous Persons Act.

1 "Clear and present danger" means a person who:

2 (1) communicates a serious threat of physical violence
3 against a reasonably identifiable victim or poses a clear
4 and imminent risk of serious physical injury to himself,
5 herself, or another person as determined by a physician,
6 clinical psychologist, or qualified examiner; or

7 (2) demonstrates threatening physical or verbal
8 behavior, such as violent, suicidal, or assaultive
9 threats, actions, or other behavior, as determined by a
10 physician, clinical psychologist, qualified examiner,
11 school administrator, or law enforcement official.

12 "Clinical psychologist" has the meaning provided in
13 Section 1-103 of the Mental Health and Developmental
14 Disabilities Code.

15 "Controlled substance" means a controlled substance or
16 controlled substance analog as defined in the Illinois
17 Controlled Substances Act.

18 "Counterfeit" means to copy or imitate, without legal
19 authority, with intent to deceive.

20 "Federally licensed firearm dealer" means a person who is
21 licensed as a federal firearms dealer under Section 923 of the
22 federal Gun Control Act of 1968 (18 U.S.C. 923).

23 "Firearm" means any device, by whatever name known, which
24 is designed to expel a projectile or projectiles by the action
25 of an explosion, expansion of gas or escape of gas; excluding,
26 however:

1 (1) any pneumatic gun, spring gun, paint ball gun, or
2 B-B gun which expels a single globular projectile not
3 exceeding .18 inch in diameter or which has a maximum
4 muzzle velocity of less than 700 feet per second;

5 (1.1) any pneumatic gun, spring gun, paint ball gun,
6 or B-B gun which expels breakable paint balls containing
7 washable marking colors;

8 (2) any device used exclusively for signaling
9 ~~signalling~~ or safety and required or recommended by the
10 United States Coast Guard or the Interstate Commerce
11 Commission;

12 (3) any device used exclusively for the firing of stud
13 cartridges, explosive rivets or similar industrial
14 ammunition; and

15 (4) an antique firearm (other than a machine-gun)
16 which, although designed as a weapon, the Illinois
17 ~~Department of~~ State Police finds by reason of the date of
18 its manufacture, value, design, and other characteristics
19 is primarily a collector's item and is not likely to be
20 used as a weapon.

21 "Firearm ammunition" means any self-contained cartridge or
22 shotgun shell, by whatever name known, which is designed to be
23 used or adaptable to use in a firearm; excluding, however:

24 (1) any ammunition exclusively designed for use with a
25 device used exclusively for signalling or safety and
26 required or recommended by the United States Coast Guard

1 or the Interstate Commerce Commission; and

2 (2) any ammunition designed exclusively for use with a
3 stud or rivet driver or other similar industrial
4 ammunition.

5 "Gun show" means an event or function:

6 (1) at which the sale and transfer of firearms is the
7 regular and normal course of business and where 50 or more
8 firearms are displayed, offered, or exhibited for sale,
9 transfer, or exchange; or

10 (2) at which not less than 10 gun show vendors
11 display, offer, or exhibit for sale, sell, transfer, or
12 exchange firearms.

13 "Gun show" includes the entire premises provided for an
14 event or function, including parking areas for the event or
15 function, that is sponsored to facilitate the purchase, sale,
16 transfer, or exchange of firearms as described in this
17 Section. Nothing in this definition shall be construed to
18 exclude a gun show held in conjunction with competitive
19 shooting events at the World Shooting Complex sanctioned by a
20 national governing body in which the sale or transfer of
21 firearms is authorized under subparagraph (5) of paragraph (g)
22 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

23 Unless otherwise expressly stated, "gun show" does not
24 include training or safety classes, competitive shooting
25 events, such as rifle, shotgun, or handgun matches, trap,
26 skeet, or sporting clays shoots, dinners, banquets, raffles,

1 or any other event where the sale or transfer of firearms is
2 not the primary course of business.

3 "Gun show promoter" means a person who organizes or
4 operates a gun show.

5 "Gun show vendor" means a person who exhibits, sells,
6 offers for sale, transfers, or exchanges any firearms at a gun
7 show, regardless of whether the person arranges with a gun
8 show promoter for a fixed location from which to exhibit,
9 sell, offer for sale, transfer, or exchange any firearm.

10 "Involuntarily admitted" has the meaning as prescribed in
11 Sections 1-119 and 1-119.1 of the Mental Health and
12 Developmental Disabilities Code.

13 "Mental health facility" means any licensed private
14 hospital or hospital affiliate, institution, or facility, or
15 part thereof, and any facility, or part thereof, operated by
16 the State or a political subdivision thereof which provide
17 treatment of persons with mental illness and includes all
18 hospitals, institutions, clinics, evaluation facilities,
19 mental health centers, colleges, universities, long-term care
20 facilities, and nursing homes, or parts thereof, which provide
21 treatment of persons with mental illness whether or not the
22 primary purpose is to provide treatment of persons with mental
23 illness.

24 "National governing body" means a group of persons who
25 adopt rules and formulate policy on behalf of a national
26 firearm sporting organization.

1 "Patient" means:

2 (1) a person who is admitted as an inpatient or
3 resident of a public or private mental health facility for
4 mental health treatment under Chapter III of the Mental
5 Health and Developmental Disabilities Code as an informal
6 admission, a voluntary admission, a minor admission, an
7 emergency admission, or an involuntary admission, unless
8 the treatment was solely for an alcohol abuse disorder; or

9 (2) a person who voluntarily or involuntarily receives
10 mental health treatment as an out-patient or is otherwise
11 provided services by a public or private mental health
12 facility, and who poses a clear and present danger to
13 himself, herself, or to others.

14 "Person with a developmental disability" means a person
15 with a disability which is attributable to any other condition
16 which results in impairment similar to that caused by an
17 intellectual disability and which requires services similar to
18 those required by persons with intellectual disabilities. The
19 disability must originate before the age of 18 years, be
20 expected to continue indefinitely, and constitute a
21 substantial disability. This disability results, in the
22 professional opinion of a physician, clinical psychologist, or
23 qualified examiner, in significant functional limitations in 3
24 or more of the following areas of major life activity:

25 (i) self-care;

26 (ii) receptive and expressive language;

- 1 (iii) learning;
2 (iv) mobility; or
3 (v) self-direction.

4 "Person with an intellectual disability" means a person
5 with a significantly subaverage general intellectual
6 functioning which exists concurrently with impairment in
7 adaptive behavior and which originates before the age of 18
8 years.

9 "Physician" has the meaning as defined in Section 1-120 of
10 the Mental Health and Developmental Disabilities Code.

11 "Qualified examiner" has the meaning provided in Section
12 1-122 of the Mental Health and Developmental Disabilities
13 Code.

14 "Sanctioned competitive shooting event" means a shooting
15 contest officially recognized by a national or state shooting
16 sport association, and includes any sight-in or practice
17 conducted in conjunction with the event.

18 "School administrator" means the person required to report
19 under the School Administrator Reporting of Mental Health
20 Clear and Present Danger Determinations Law.

21 "Stun gun or taser" has the meaning ascribed to it in
22 Section 24-1 of the Criminal Code of 2012.

23 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
24 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

25 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

1 Sec. 2. Firearm Owner's Identification Card required;
2 exceptions.

3 (a) (1) No person may acquire or possess any firearm, stun
4 gun, or taser within this State without having in his or her
5 possession a Firearm Owner's Identification Card previously
6 issued in his or her name by the Illinois ~~Department of~~ State
7 Police under the provisions of this Act.

8 (2) No person may acquire or possess firearm ammunition
9 within this State without having in his or her possession a
10 Firearm Owner's Identification Card previously issued in his
11 or her name by the Illinois ~~Department of~~ State Police under
12 the provisions of this Act.

13 (b) The provisions of this Section regarding the
14 possession of firearms, firearm ammunition, stun guns, and
15 tasers do not apply to:

16 (1) United States Marshals, while engaged in the
17 operation of their official duties;

18 (2) Members of the Armed Forces of the United States
19 or the National Guard, while engaged in the operation of
20 their official duties;

21 (3) Federal officials required to carry firearms,
22 while engaged in the operation of their official duties;

23 (4) Members of bona fide veterans organizations which
24 receive firearms directly from the armed forces of the
25 United States, while using the firearms for ceremonial
26 purposes with blank ammunition;

1 (5) Nonresident hunters during hunting season, with
2 valid nonresident hunting licenses and while in an area
3 where hunting is permitted; however, at all other times
4 and in all other places these persons must have their
5 firearms unloaded and enclosed in a case;

6 (6) Those hunters exempt from obtaining a hunting
7 license who are required to submit their Firearm Owner's
8 Identification Card when hunting on Department of Natural
9 Resources owned or managed sites;

10 (7) Nonresidents while on a firing or shooting range
11 recognized by the Illinois ~~Department of~~ State Police;
12 however, these persons must at all other times and in all
13 other places have their firearms unloaded and enclosed in
14 a case;

15 (8) Nonresidents while at a firearm showing or display
16 recognized by the Illinois ~~Department of~~ State Police;
17 however, at all other times and in all other places these
18 persons must have their firearms unloaded and enclosed in
19 a case;

20 (9) Nonresidents whose firearms are unloaded and
21 enclosed in a case;

22 (10) Nonresidents who are currently licensed or
23 registered to possess a firearm in their resident state;

24 (11) Unemancipated minors while in the custody and
25 immediate control of their parent or legal guardian or
26 other person in loco parentis to the minor if the parent or

1 legal guardian or other person in loco parentis to the
2 minor has a currently valid Firearm Owner's Identification
3 Card;

4 (12) Color guards of bona fide veterans organizations
5 or members of bona fide American Legion bands while using
6 firearms for ceremonial purposes with blank ammunition;

7 (13) Nonresident hunters whose state of residence does
8 not require them to be licensed or registered to possess a
9 firearm and only during hunting season, with valid hunting
10 licenses, while accompanied by, and using a firearm owned
11 by, a person who possesses a valid Firearm Owner's
12 Identification Card and while in an area within a
13 commercial club licensed under the Wildlife Code where
14 hunting is permitted and controlled, but in no instance
15 upon sites owned or managed by the Department of Natural
16 Resources;

17 (14) Resident hunters who are properly authorized to
18 hunt and, while accompanied by a person who possesses a
19 valid Firearm Owner's Identification Card, hunt in an area
20 within a commercial club licensed under the Wildlife Code
21 where hunting is permitted and controlled;

22 (15) A person who is otherwise eligible to obtain a
23 Firearm Owner's Identification Card under this Act and is
24 under the direct supervision of a holder of a Firearm
25 Owner's Identification Card who is 21 years of age or
26 older while the person is on a firing or shooting range or

1 is a participant in a firearms safety and training course
2 recognized by a law enforcement agency or a national,
3 statewide shooting sports organization; and

4 (16) Competitive shooting athletes whose competition
5 firearms are sanctioned by the International Olympic
6 Committee, the International Paralympic Committee, the
7 International Shooting Sport Federation, or USA Shooting
8 in connection with such athletes' training for and
9 participation in shooting competitions at the 2016 Olympic
10 and Paralympic Games and sanctioned test events leading up
11 to the 2016 Olympic and Paralympic Games.

12 (c) The provisions of this Section regarding the
13 acquisition and possession of firearms, firearm ammunition,
14 stun guns, and tasers do not apply to law enforcement
15 officials of this or any other jurisdiction, while engaged in
16 the operation of their official duties.

17 (c-5) The provisions of paragraphs (1) and (2) of
18 subsection (a) of this Section regarding the possession of
19 firearms and firearm ammunition do not apply to the holder of a
20 valid concealed carry license issued under the Firearm
21 Concealed Carry Act who is in physical possession of the
22 concealed carry license.

23 (d) Any person who becomes a resident of this State, who is
24 not otherwise prohibited from obtaining, possessing, or using
25 a firearm or firearm ammunition, shall not be required to have
26 a Firearm Owner's Identification Card to possess firearms or

1 firearms ammunition until 60 calendar days after he or she
2 obtains an Illinois driver's license or Illinois
3 Identification Card.

4 (Source: P.A. 99-29, eff. 7-10-15.)

5 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

6 Sec. 3. (a) Except as provided in Section 3a, no person may
7 knowingly transfer, or cause to be transferred, any firearm,
8 firearm ammunition, stun gun, or taser to any person within
9 this State unless the transferee with whom he deals displays
10 either: (1) a currently valid Firearm Owner's Identification
11 Card which has previously been issued in his or her name by the
12 Illinois Department of State Police under the provisions of
13 this Act; or (2) a currently valid license to carry a concealed
14 firearm which has previously been issued in his or her name by
15 the Illinois Department of State Police under the Firearm
16 Concealed Carry Act. In addition, all firearm, stun gun, and
17 taser transfers by federally licensed firearm dealers are
18 subject to Section 3.1.

19 (a-5) Any person who is not a federally licensed firearm
20 dealer and who desires to transfer or sell a firearm while that
21 person is on the grounds of a gun show must, before selling or
22 transferring the firearm, request the Illinois Department of
23 State Police to conduct a background check on the prospective
24 recipient of the firearm in accordance with Section 3.1.

25 (a-10) Notwithstanding item (2) of subsection (a) of this

1 Section, any person who is not a federally licensed firearm
2 dealer and who desires to transfer or sell a firearm or
3 firearms to any person who is not a federally licensed firearm
4 dealer shall, before selling or transferring the firearms,
5 contact the Illinois ~~Department of~~ State Police with the
6 transferee's or purchaser's Firearm Owner's Identification
7 Card number to determine the validity of the transferee's or
8 purchaser's Firearm Owner's Identification Card. This
9 subsection shall not be effective until January 1, 2014. The
10 Illinois ~~Department of~~ State Police may adopt rules concerning
11 the implementation of this subsection. The Illinois ~~Department~~
12 ~~of~~ State Police shall provide the seller or transferor an
13 approval number if the purchaser's Firearm Owner's
14 Identification Card is valid. Approvals issued by the
15 Department for the purchase of a firearm pursuant to this
16 subsection are valid for 30 days from the date of issue.

17 (a-15) The provisions of subsection (a-10) of this Section
18 do not apply to:

19 (1) transfers that occur at the place of business of a
20 federally licensed firearm dealer, if the federally
21 licensed firearm dealer conducts a background check on the
22 prospective recipient of the firearm in accordance with
23 Section 3.1 of this Act and follows all other applicable
24 federal, State, and local laws as if he or she were the
25 seller or transferor of the firearm, although the dealer
26 is not required to accept the firearm into his or her

1 inventory. The purchaser or transferee may be required by
2 the federally licensed firearm dealer to pay a fee not to
3 exceed \$10 per firearm, which the dealer may retain as
4 compensation for performing the functions required under
5 this paragraph, plus the applicable fees authorized by
6 Section 3.1;

7 (2) transfers as a bona fide gift to the transferor's
8 husband, wife, son, daughter, stepson, stepdaughter,
9 father, mother, stepfather, stepmother, brother, sister,
10 nephew, niece, uncle, aunt, grandfather, grandmother,
11 grandson, granddaughter, father-in-law, mother-in-law,
12 son-in-law, or daughter-in-law;

13 (3) transfers by persons acting pursuant to operation
14 of law or a court order;

15 (4) transfers on the grounds of a gun show under
16 subsection (a-5) of this Section;

17 (5) the delivery of a firearm by its owner to a
18 gunsmith for service or repair, the return of the firearm
19 to its owner by the gunsmith, or the delivery of a firearm
20 by a gunsmith to a federally licensed firearms dealer for
21 service or repair and the return of the firearm to the
22 gunsmith;

23 (6) temporary transfers that occur while in the home
24 of the unlicensed transferee, if the unlicensed transferee
25 is not otherwise prohibited from possessing firearms and
26 the unlicensed transferee reasonably believes that

1 possession of the firearm is necessary to prevent imminent
2 death or great bodily harm to the unlicensed transferee;

3 (7) transfers to a law enforcement or corrections
4 agency or a law enforcement or corrections officer acting
5 within the course and scope of his or her official duties;

6 (8) transfers of firearms that have been rendered
7 permanently inoperable to a nonprofit historical society,
8 museum, or institutional collection; and

9 (9) transfers to a person who is exempt from the
10 requirement of possessing a Firearm Owner's Identification
11 Card under Section 2 of this Act.

12 (a-20) The Illinois ~~Department of~~ State Police shall
13 develop an Internet-based system for individuals to determine
14 the validity of a Firearm Owner's Identification Card prior to
15 the sale or transfer of a firearm. The Department shall have
16 the Internet-based system completed and available for use by
17 July 1, 2015. The Department shall adopt rules not
18 inconsistent with this Section to implement this system.

19 (b) Any person within this State who transfers or causes
20 to be transferred any firearm, stun gun, or taser shall keep a
21 record of such transfer for a period of 10 years from the date
22 of transfer. Such record shall contain the date of the
23 transfer; the description, serial number or other information
24 identifying the firearm, stun gun, or taser if no serial
25 number is available; and, if the transfer was completed within
26 this State, the transferee's Firearm Owner's Identification

1 Card number and any approval number or documentation provided
2 by the Illinois ~~Department of~~ State Police pursuant to
3 subsection (a-10) of this Section; if the transfer was not
4 completed within this State, the record shall contain the name
5 and address of the transferee. On or after January 1, 2006, the
6 record shall contain the date of application for transfer of
7 the firearm. On demand of a peace officer such transferor
8 shall produce for inspection such record of transfer. If the
9 transfer or sale took place at a gun show, the record shall
10 include the unique identification number. Failure to record
11 the unique identification number or approval number is a petty
12 offense. For transfers of a firearm, stun gun, or taser made on
13 or after the effective date of this amendatory Act of the 100th
14 General Assembly, failure by the private seller to maintain
15 the transfer records in accordance with this Section is a
16 Class A misdemeanor for the first offense and a Class 4 felony
17 for a second or subsequent offense. A transferee shall not be
18 criminally liable under this Section provided that he or she
19 provides the Illinois ~~Department of~~ State Police with the
20 transfer records in accordance with procedures established by
21 the Department. The Department shall establish, by rule, a
22 standard form on its website.

23 (b-5) Any resident may purchase ammunition from a person
24 within or outside of Illinois if shipment is by United States
25 mail or by a private express carrier authorized by federal law
26 to ship ammunition. Any resident purchasing ammunition within

1 or outside the State of Illinois must provide the seller with a
2 copy of his or her valid Firearm Owner's Identification Card
3 or valid concealed carry license and either his or her
4 Illinois driver's license or Illinois State Identification
5 Card prior to the shipment of the ammunition. The ammunition
6 may be shipped only to an address on either of those 2
7 documents.

8 (c) The provisions of this Section regarding the transfer
9 of firearm ammunition shall not apply to those persons
10 specified in paragraph (b) of Section 2 of this Act.

11 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

12 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

13 Sec. 3.1. Dial up system.

14 (a) The Illinois ~~Department of~~ State Police shall provide
15 a dial up telephone system or utilize other existing
16 technology which shall be used by any federally licensed
17 firearm dealer, gun show promoter, or gun show vendor who is to
18 transfer a firearm, stun gun, or taser under the provisions of
19 this Act. The Illinois ~~Department of~~ State Police may utilize
20 existing technology which allows the caller to be charged a
21 fee not to exceed \$2. Fees collected by the Illinois
22 ~~Department of~~ State Police shall be deposited in the State
23 Police Services Fund and used to provide the service.

24 (b) Upon receiving a request from a federally licensed
25 firearm dealer, gun show promoter, or gun show vendor, the

1 ~~Illinois Department of~~ State Police shall immediately approve,
2 or within the time period established by Section 24-3 of the
3 Criminal Code of 2012 regarding the delivery of firearms, stun
4 guns, and tasers notify the inquiring dealer, gun show
5 promoter, or gun show vendor of any objection that would
6 disqualify the transferee from acquiring or possessing a
7 firearm, stun gun, or taser. In conducting the inquiry, the
8 ~~Illinois Department of~~ State Police shall initiate and
9 complete an automated search of its criminal history record
10 information files and those of the Federal Bureau of
11 Investigation, including the National Instant Criminal
12 Background Check System, and of the files of the Department of
13 Human Services relating to mental health and developmental
14 disabilities to obtain any felony conviction or patient
15 hospitalization information which would disqualify a person
16 from obtaining or require revocation of a currently valid
17 Firearm Owner's Identification Card.

18 (c) If receipt of a firearm would not violate Section 24-3
19 of the Criminal Code of 2012, federal law, or this Act the
20 ~~Illinois Department of~~ State Police shall:

21 (1) assign a unique identification number to the
22 transfer; and

23 (2) provide the licensee, gun show promoter, or gun
24 show vendor with the number.

25 (d) Approvals issued by the ~~Illinois Department of~~ State
26 Police for the purchase of a firearm are valid for 30 days from

1 the date of issue.

2 (e) (1) The Illinois ~~Department of~~ State Police must act
3 as the Illinois Point of Contact for the National Instant
4 Criminal Background Check System.

5 (2) The Illinois ~~Department of~~ State Police and the
6 Department of Human Services shall, in accordance with State
7 and federal law regarding confidentiality, enter into a
8 memorandum of understanding with the Federal Bureau of
9 Investigation for the purpose of implementing the National
10 Instant Criminal Background Check System in the State. The
11 Illinois ~~Department of~~ State Police shall report the name,
12 date of birth, and physical description of any person
13 prohibited from possessing a firearm pursuant to the Firearm
14 Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to
15 the National Instant Criminal Background Check System Index,
16 Denied Persons Files.

17 (3) The Illinois ~~Department of~~ State Police shall provide
18 notice of the disqualification of a person under subsection
19 (b) of this Section or the revocation of a person's Firearm
20 Owner's Identification Card under Section 8 or Section 8.2 of
21 this Act, and the reason for the disqualification or
22 revocation, to all law enforcement agencies with jurisdiction
23 to assist with the seizure of the person's Firearm Owner's
24 Identification Card.

25 (f) The Illinois ~~Department of~~ State Police shall adopt
26 rules not inconsistent with this Section to implement this

1 system.

2 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

3 (430 ILCS 65/3.3)

4 Sec. 3.3. Report to the local law enforcement agency. The
5 Illinois ~~Department of~~ State Police must report the name and
6 address of a person to the local law enforcement agency where
7 the person resides if the person attempting to purchase a
8 firearm is disqualified from purchasing a firearm because of
9 information obtained under subsection (a-10) of Section 3 or
10 Section 3.1 that would disqualify the person from obtaining a
11 Firearm Owner's Identification Card under any of subsections
12 (c) through (n) of Section 8 of this Act.

13 (Source: P.A. 98-508, eff. 8-19-13.)

14 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

15 Sec. 4. Application for Firearm Owner's Identification
16 Cards.

17 (a) Each applicant for a Firearm Owner's Identification
18 Card must:

19 (1) Make application on blank forms prepared and
20 furnished at convenient locations throughout the State by
21 the Illinois ~~Department of~~ State Police, or by electronic
22 means, if and when made available by the Illinois
23 ~~Department of~~ State Police; and

24 (2) Submit evidence to the Illinois ~~Department of~~

1 State Police that:

2 (i) This subparagraph (i) applies through the
3 180th day following the effective date of this
4 amendatory Act of the 101st General Assembly. He or
5 she is 21 years of age or over, or if he or she is
6 under 21 years of age that he or she has the written
7 consent of his or her parent or legal guardian to
8 possess and acquire firearms and firearm ammunition
9 and that he or she has never been convicted of a
10 misdemeanor other than a traffic offense or adjudged
11 delinquent, provided, however, that such parent or
12 legal guardian is not an individual prohibited from
13 having a Firearm Owner's Identification Card and files
14 an affidavit with the Department as prescribed by the
15 Department stating that he or she is not an individual
16 prohibited from having a Card;

17 (i-5) This subparagraph (i-5) applies on and after
18 the 181st day following the effective date of this
19 amendatory Act of the 101st General Assembly. He or
20 she is 21 years of age or over, or if he or she is
21 under 21 years of age that he or she has never been
22 convicted of a misdemeanor other than a traffic
23 offense or adjudged delinquent and is an active duty
24 member of the United States Armed Forces or has the
25 written consent of his or her parent or legal guardian
26 to possess and acquire firearms and firearm

1 ammunition, provided, however, that such parent or
2 legal guardian is not an individual prohibited from
3 having a Firearm Owner's Identification Card and files
4 an affidavit with the Department as prescribed by the
5 Department stating that he or she is not an individual
6 prohibited from having a Card or the active duty
7 member of the United States Armed Forces under 21
8 years of age annually submits proof to the Illinois
9 ~~Department of~~ State Police, in a manner prescribed by
10 the Department;

11 (ii) He or she has not been convicted of a felony
12 under the laws of this or any other jurisdiction;

13 (iii) He or she is not addicted to narcotics;

14 (iv) He or she has not been a patient in a mental
15 health facility within the past 5 years or, if he or
16 she has been a patient in a mental health facility more
17 than 5 years ago submit the certification required
18 under subsection (u) of Section 8 of this Act;

19 (v) He or she is not a person with an intellectual
20 disability;

21 (vi) He or she is not an alien who is unlawfully
22 present in the United States under the laws of the
23 United States;

24 (vii) He or she is not subject to an existing order
25 of protection prohibiting him or her from possessing a
26 firearm;

1 (viii) He or she has not been convicted within the
2 past 5 years of battery, assault, aggravated assault,
3 violation of an order of protection, or a
4 substantially similar offense in another jurisdiction,
5 in which a firearm was used or possessed;

6 (ix) He or she has not been convicted of domestic
7 battery, aggravated domestic battery, or a
8 substantially similar offense in another jurisdiction
9 committed before, on or after January 1, 2012 (the
10 effective date of Public Act 97-158). If the applicant
11 knowingly and intelligently waives the right to have
12 an offense described in this clause (ix) tried by a
13 jury, and by guilty plea or otherwise, results in a
14 conviction for an offense in which a domestic
15 relationship is not a required element of the offense
16 but in which a determination of the applicability of
17 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
18 the Code of Criminal Procedure of 1963, an entry by the
19 court of a judgment of conviction for that offense
20 shall be grounds for denying the issuance of a Firearm
21 Owner's Identification Card under this Section;

22 (x) (Blank);

23 (xi) He or she is not an alien who has been
24 admitted to the United States under a non-immigrant
25 visa (as that term is defined in Section 101(a) (26) of
26 the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26))), or that he or she is an alien who has
2 been lawfully admitted to the United States under a
3 non-immigrant visa if that alien is:

4 (1) admitted to the United States for lawful
5 hunting or sporting purposes;

6 (2) an official representative of a foreign
7 government who is:

8 (A) accredited to the United States
9 Government or the Government's mission to an
10 international organization having its
11 headquarters in the United States; or

12 (B) en route to or from another country to
13 which that alien is accredited;

14 (3) an official of a foreign government or
15 distinguished foreign visitor who has been so
16 designated by the Department of State;

17 (4) a foreign law enforcement officer of a
18 friendly foreign government entering the United
19 States on official business; or

20 (5) one who has received a waiver from the
21 Attorney General of the United States pursuant to
22 18 U.S.C. 922(y)(3);

23 (xii) He or she is not a minor subject to a
24 petition filed under Section 5-520 of the Juvenile
25 Court Act of 1987 alleging that the minor is a
26 delinquent minor for the commission of an offense that

1 if committed by an adult would be a felony;

2 (xiii) He or she is not an adult who had been
3 adjudicated a delinquent minor under the Juvenile
4 Court Act of 1987 for the commission of an offense that
5 if committed by an adult would be a felony;

6 (xiv) He or she is a resident of the State of
7 Illinois;

8 (xv) He or she has not been adjudicated as a person
9 with a mental disability;

10 (xvi) He or she has not been involuntarily
11 admitted into a mental health facility; and

12 (xvii) He or she is not a person with a
13 developmental disability; and

14 (3) Upon request by the Illinois ~~Department of~~ State
15 Police, sign a release on a form prescribed by the
16 Illinois ~~Department of~~ State Police waiving any right to
17 confidentiality and requesting the disclosure to the
18 Illinois ~~Department of~~ State Police of limited mental
19 health institution admission information from another
20 state, the District of Columbia, any other territory of
21 the United States, or a foreign nation concerning the
22 applicant for the sole purpose of determining whether the
23 applicant is or was a patient in a mental health
24 institution and disqualified because of that status from
25 receiving a Firearm Owner's Identification Card. No mental
26 health care or treatment records may be requested. The

1 information received shall be destroyed within one year of
2 receipt.

3 (a-5) Each applicant for a Firearm Owner's Identification
4 Card who is over the age of 18 shall furnish to the Illinois
5 ~~Department of~~ State Police either his or her Illinois driver's
6 license number or Illinois Identification Card number, except
7 as provided in subsection (a-10).

8 (a-10) Each applicant for a Firearm Owner's Identification
9 Card, who is employed as a law enforcement officer, an armed
10 security officer in Illinois, or by the United States Military
11 permanently assigned in Illinois and who is not an Illinois
12 resident, shall furnish to the Illinois ~~Department of~~ State
13 Police his or her driver's license number or state
14 identification card number from his or her state of residence.
15 The Illinois ~~Department of~~ State Police may adopt rules to
16 enforce the provisions of this subsection (a-10).

17 (a-15) If an applicant applying for a Firearm Owner's
18 Identification Card moves from the residence address named in
19 the application, he or she shall immediately notify in a form
20 and manner prescribed by the Illinois ~~Department of~~ State
21 Police of that change of address.

22 (a-20) Each applicant for a Firearm Owner's Identification
23 Card shall furnish to the Illinois ~~Department of~~ State Police
24 his or her photograph. An applicant who is 21 years of age or
25 older seeking a religious exemption to the photograph
26 requirement must furnish with the application an approved copy

1 of United States Department of the Treasury Internal Revenue
2 Service Form 4029. In lieu of a photograph, an applicant
3 regardless of age seeking a religious exemption to the
4 photograph requirement shall submit fingerprints on a form and
5 manner prescribed by the Department with his or her
6 application.

7 (b) Each application form shall include the following
8 statement printed in bold type: "Warning: Entering false
9 information on an application for a Firearm Owner's
10 Identification Card is punishable as a Class 2 felony in
11 accordance with subsection (d-5) of Section 14 of the Firearm
12 Owners Identification Card Act.".

13 (c) Upon such written consent, pursuant to Section 4,
14 paragraph (a)(2)(i), the parent or legal guardian giving the
15 consent shall be liable for any damages resulting from the
16 applicant's use of firearms or firearm ammunition.

17 (Source: P.A. 101-80, eff. 7-12-19.)

18 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

19 Sec. 5. Application and renewal.

20 (a) The Illinois ~~Department of~~ State Police shall either
21 approve or deny all applications within 30 days from the date
22 they are received, except as provided in subsection (b) of
23 this Section, and every applicant found qualified under
24 Section 8 of this Act by the Department shall be entitled to a
25 Firearm Owner's Identification Card upon the payment of a \$10

1 fee. Any applicant who is an active duty member of the Armed
2 Forces of the United States, a member of the Illinois National
3 Guard, or a member of the Reserve Forces of the United States
4 is exempt from the application fee. \$6 of each fee derived from
5 the issuance of Firearm Owner's Identification Cards, or
6 renewals thereof, shall be deposited in the Wildlife and Fish
7 Fund in the State Treasury; \$1 of the fee shall be deposited in
8 the State Police Services Fund and \$3 of the fee shall be
9 deposited in the State Police Firearm Services Fund.

10 (b) Renewal applications shall be approved or denied
11 within 60 business days, provided the applicant submitted his
12 or her renewal application prior to the expiration of his or
13 her Firearm Owner's Identification Card. If a renewal
14 application has been submitted prior to the expiration date of
15 the applicant's Firearm Owner's Identification Card, the
16 Firearm Owner's Identification Card shall remain valid while
17 the Department processes the application, unless the person is
18 subject to or becomes subject to revocation under this Act.
19 The cost for a renewal application shall be \$10 which shall be
20 deposited into the State Police Firearm Services Fund.

21 (Source: P.A. 100-906, eff. 1-1-19.)

22 (430 ILCS 65/5.1)

23 Sec. 5.1. State Police Firearm Services Fund. All moneys
24 remaining in the Firearm Owner's Notification Fund on the
25 effective date of this amendatory Act of the 98th General

1 Assembly shall be transferred into the State Police Firearm
2 Services Fund, a special fund created in the State treasury,
3 to be expended by the Illinois ~~Department of~~ State Police, for
4 the purposes specified in this Act and Section 2605-595 of the
5 Illinois ~~Department of~~ State Police Law of the Civil
6 Administrative Code of Illinois.

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

8 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

9 Sec. 6. Contents of Firearm Owner's Identification Card.

10 (a) A Firearm Owner's Identification Card, issued by the
11 Illinois ~~Department of~~ State Police at such places as the
12 Director of the Illinois State Police ~~Department~~ shall
13 specify, shall contain the applicant's name, residence, date
14 of birth, sex, physical description, recent photograph, except
15 as provided in subsection (c-5), and signature. Each Firearm
16 Owner's Identification Card must have the expiration date
17 boldly and conspicuously displayed on the face of the card.
18 Each Firearm Owner's Identification Card must have printed on
19 it the following: "CAUTION - This card does not permit bearer
20 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
21 the Department may use a person's digital photograph and
22 signature from his or her Illinois driver's license or
23 Illinois Identification Card, if available. On and after
24 December 1, 2002, the Department shall use a person's digital
25 photograph and signature from his or her Illinois driver's

1 license or Illinois Identification Card, if available. The
2 Department shall decline to use a person's digital photograph
3 or signature if the digital photograph or signature is the
4 result of or associated with fraudulent or erroneous data,
5 unless otherwise provided by law.

6 (b) A person applying for a Firearm Owner's Identification
7 Card shall consent to the Illinois ~~Department of~~ State Police
8 using the applicant's digital driver's license or Illinois
9 Identification Card photograph, if available, and signature on
10 the applicant's Firearm Owner's Identification Card. The
11 Secretary of State shall allow the Illinois ~~Department of~~
12 State Police access to the photograph and signature for the
13 purpose of identifying the applicant and issuing to the
14 applicant a Firearm Owner's Identification Card.

15 (c) The Secretary of State shall conduct a study to
16 determine the cost and feasibility of creating a method of
17 adding an identifiable code, background, or other means on the
18 driver's license or Illinois Identification Card to show that
19 an individual is not disqualified from owning or possessing a
20 firearm under State or federal law. The Secretary shall report
21 the findings of this study 12 months after the effective date
22 of this amendatory Act of the 92nd General Assembly.

23 (c-5) If a person qualifies for a photograph exemption, in
24 lieu of a photograph, the Firearm Owner's Identification Card
25 shall contain a copy of the card holder's fingerprints. Each
26 Firearm Owner's Identification Card described in this

1 subsection (c-5) must have printed on it the following: "This
2 card is only valid for firearm purchases through a federally
3 licensed firearms dealer when presented with photographic
4 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."
5 (Source: P.A. 97-1131, eff. 1-1-13.)

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. Grounds for denial and revocation. The Illinois
8 ~~Department~~ of State Police has authority to deny an
9 application for or to revoke and seize a Firearm Owner's
10 Identification Card previously issued under this Act only if
11 the Department finds that the applicant or the person to whom
12 such card was issued is or was at the time of issuance:

13 (a) A person under 21 years of age who has been
14 convicted of a misdemeanor other than a traffic offense or
15 adjudged delinquent;

16 (b) This subsection (b) applies through the 180th day
17 following the effective date of this amendatory Act of the
18 101st General Assembly. A person under 21 years of age who
19 does not have the written consent of his parent or
20 guardian to acquire and possess firearms and firearm
21 ammunition, or whose parent or guardian has revoked such
22 written consent, or where such parent or guardian does not
23 qualify to have a Firearm Owner's Identification Card;

24 (b-5) This subsection (b-5) applies on and after the
25 181st day following the effective date of this amendatory

1 Act of the 101st General Assembly. A person under 21 years
2 of age who is not an active duty member of the United
3 States Armed Forces and does not have the written consent
4 of his or her parent or guardian to acquire and possess
5 firearms and firearm ammunition, or whose parent or
6 guardian has revoked such written consent, or where such
7 parent or guardian does not qualify to have a Firearm
8 Owner's Identification Card;

9 (c) A person convicted of a felony under the laws of
10 this or any other jurisdiction;

11 (d) A person addicted to narcotics;

12 (e) A person who has been a patient of a mental health
13 facility within the past 5 years or a person who has been a
14 patient in a mental health facility more than 5 years ago
15 who has not received the certification required under
16 subsection (u) of this Section. An active law enforcement
17 officer employed by a unit of government who is denied,
18 revoked, or has his or her Firearm Owner's Identification
19 Card seized under this subsection (e) may obtain relief as
20 described in subsection (c-5) of Section 10 of this Act if
21 the officer did not act in a manner threatening to the
22 officer, another person, or the public as determined by
23 the treating clinical psychologist or physician, and the
24 officer seeks mental health treatment;

25 (f) A person whose mental condition is of such a
26 nature that it poses a clear and present danger to the

1 applicant, any other person or persons or the community;

2 (g) A person who has an intellectual disability;

3 (h) A person who intentionally makes a false statement
4 in the Firearm Owner's Identification Card application;

5 (i) An alien who is unlawfully present in the United
6 States under the laws of the United States;

7 (i-5) An alien who has been admitted to the United
8 States under a non-immigrant visa (as that term is defined
9 in Section 101(a)(26) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(26))), except that this subsection
11 (i-5) does not apply to any alien who has been lawfully
12 admitted to the United States under a non-immigrant visa
13 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 Government
19 or the Government's mission to an international
20 organization having its headquarters in the United
21 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 States
3 on official business; or

4 (5) one who has received a waiver from the
5 Attorney General of the United States pursuant to 18
6 U.S.C. 922(y)(3);

7 (j) (Blank);

8 (k) A person who has been convicted within the past 5
9 years of battery, assault, aggravated assault, violation
10 of an order of protection, or a substantially similar
11 offense in another jurisdiction, in which a firearm was
12 used or possessed;

13 (l) A person who has been convicted of domestic
14 battery, aggravated domestic battery, or a substantially
15 similar offense in another jurisdiction committed before,
16 on or after January 1, 2012 (the effective date of Public
17 Act 97-158). If the applicant or person who has been
18 previously issued a Firearm Owner's Identification Card
19 under this Act knowingly and intelligently waives the
20 right to have an offense described in this paragraph (l)
21 tried by a jury, and by guilty plea or otherwise, results
22 in a conviction for an offense in which a domestic
23 relationship is not a required element of the offense but
24 in which a determination of the applicability of 18 U.S.C.
25 922(g)(9) is made under Section 112A-11.1 of the Code of
26 Criminal Procedure of 1963, an entry by the court of a

1 judgment of conviction for that offense shall be grounds
2 for denying an application for and for revoking and
3 seizing a Firearm Owner's Identification Card previously
4 issued to the person under this Act;

5 (m) (Blank);

6 (n) A person who is prohibited from acquiring or
7 possessing firearms or firearm ammunition by any Illinois
8 State statute or by federal law;

9 (o) A minor subject to a petition filed under Section
10 5-520 of the Juvenile Court Act of 1987 alleging that the
11 minor is a delinquent minor for the commission of an
12 offense that if committed by an adult would be a felony;

13 (p) An adult who had been adjudicated a delinquent
14 minor under the Juvenile Court Act of 1987 for the
15 commission of an offense that if committed by an adult
16 would be a felony;

17 (q) A person who is not a resident of the State of
18 Illinois, except as provided in subsection (a-10) of
19 Section 4;

20 (r) A person who has been adjudicated as a person with
21 a mental disability;

22 (s) A person who has been found to have a
23 developmental disability;

24 (t) A person involuntarily admitted into a mental
25 health facility; or

26 (u) A person who has had his or her Firearm Owner's

1 Identification Card revoked or denied under subsection (e)
2 of this Section or item (iv) of paragraph (2) of
3 subsection (a) of Section 4 of this Act because he or she
4 was a patient in a mental health facility as provided in
5 subsection (e) of this Section, shall not be permitted to
6 obtain a Firearm Owner's Identification Card, after the
7 5-year period has lapsed, unless he or she has received a
8 mental health evaluation by a physician, clinical
9 psychologist, or qualified examiner as those terms are
10 defined in the Mental Health and Developmental
11 Disabilities Code, and has received a certification that
12 he or she is not a clear and present danger to himself,
13 herself, or others. The physician, clinical psychologist,
14 or qualified examiner making the certification and his or
15 her employer shall not be held criminally, civilly, or
16 professionally liable for making or not making the
17 certification required under this subsection, except for
18 willful or wanton misconduct. This subsection does not
19 apply to a person whose firearm possession rights have
20 been restored through administrative or judicial action
21 under Section 10 or 11 of this Act.

22 Upon revocation of a person's Firearm Owner's
23 Identification Card, the Illinois ~~Department of~~ State Police
24 shall provide notice to the person and the person shall comply
25 with Section 9.5 of this Act.

26 (Source: P.A. 101-80, eff. 7-12-19.)

1 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

2 Sec. 8.1. Notifications to the Illinois ~~Department of~~
3 State Police.

4 (a) The Circuit Clerk shall, in the form and manner
5 required by the Supreme Court, notify the Illinois ~~Department~~
6 ~~of~~ State Police of all final dispositions of cases for which
7 the Department has received information reported to it under
8 Sections 2.1 and 2.2 of the Criminal Identification Act.

9 (b) Upon adjudication of any individual as a person with a
10 mental disability as defined in Section 1.1 of this Act or a
11 finding that a person has been involuntarily admitted, the
12 court shall direct the circuit court clerk to immediately
13 notify the Illinois ~~Department of~~ State Police, Firearm
14 Owner's Identification (FOID) department, and shall forward a
15 copy of the court order to the Department.

16 (b-1) Beginning July 1, 2016, and each July 1 and December
17 30 of every year thereafter, the circuit court clerk shall, in
18 the form and manner prescribed by the Illinois ~~Department of~~
19 State Police, notify the Illinois ~~Department of~~ State Police,
20 Firearm Owner's Identification (FOID) department if the court
21 has not directed the circuit court clerk to notify the
22 Illinois ~~Department of~~ State Police, Firearm Owner's
23 Identification (FOID) department under subsection (b) of this
24 Section, within the preceding 6 months, because no person has
25 been adjudicated as a person with a mental disability by the

1 court as defined in Section 1.1 of this Act or if no person has
2 been involuntarily admitted. The Supreme Court may adopt any
3 orders or rules necessary to identify the persons who shall be
4 reported to the Illinois ~~Department of~~ State Police under
5 subsection (b), or any other orders or rules necessary to
6 implement the requirements of this Act.

7 (c) The Department of Human Services shall, in the form
8 and manner prescribed by the Illinois ~~Department of~~ State
9 Police, report all information collected under subsection (b)
10 of Section 12 of the Mental Health and Developmental
11 Disabilities Confidentiality Act for the purpose of
12 determining whether a person who may be or may have been a
13 patient in a mental health facility is disqualified under
14 State or federal law from receiving or retaining a Firearm
15 Owner's Identification Card, or purchasing a weapon.

16 (d) If a person is determined to pose a clear and present
17 danger to himself, herself, or to others:

18 (1) by a physician, clinical psychologist, or
19 qualified examiner, or is determined to have a
20 developmental disability by a physician, clinical
21 psychologist, or qualified examiner, whether employed by
22 the State or privately, then the physician, clinical
23 psychologist, or qualified examiner shall, within 24 hours
24 of making the determination, notify the Department of
25 Human Services that the person poses a clear and present
26 danger or has a developmental disability; or

1 (2) by a law enforcement official or school
2 administrator, then the law enforcement official or school
3 administrator shall, within 24 hours of making the
4 determination, notify the Illinois ~~Department of~~ State
5 Police that the person poses a clear and present danger.

6 The Department of Human Services shall immediately update
7 its records and information relating to mental health and
8 developmental disabilities, and if appropriate, shall notify
9 the Illinois ~~Department of~~ State Police in a form and manner
10 prescribed by the Illinois ~~Department of~~ State Police. The
11 Illinois ~~Department of~~ State Police shall determine whether to
12 revoke the person's Firearm Owner's Identification Card under
13 Section 8 of this Act. Any information disclosed under this
14 subsection shall remain privileged and confidential, and shall
15 not be redisclosed, except as required under subsection (e) of
16 Section 3.1 of this Act, nor used for any other purpose. The
17 method of providing this information shall guarantee that the
18 information is not released beyond what is necessary for the
19 purpose of this Section and shall be provided by rule by the
20 Department of Human Services. The identity of the person
21 reporting under this Section shall not be disclosed to the
22 subject of the report. The physician, clinical psychologist,
23 qualified examiner, law enforcement official, or school
24 administrator making the determination and his or her employer
25 shall not be held criminally, civilly, or professionally
26 liable for making or not making the notification required

1 under this subsection, except for willful or wanton
2 misconduct.

3 (e) The Illinois ~~Department of~~ State Police shall adopt
4 rules to implement this Section.

5 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;
6 99-143, eff. 7-27-15; 99-696, eff. 7-29-16.)

7 (430 ILCS 65/8.2)

8 Sec. 8.2. Firearm Owner's Identification Card denial or
9 revocation. The Illinois ~~Department of~~ State Police shall deny
10 an application or shall revoke and seize a Firearm Owner's
11 Identification Card previously issued under this Act if the
12 Department finds that the applicant or person to whom such
13 card was issued is or was at the time of issuance subject to an
14 existing order of protection or firearms restraining order.

15 (Source: P.A. 100-607, eff. 1-1-19.)

16 (430 ILCS 65/8.3)

17 Sec. 8.3. Suspension of Firearm Owner's Identification
18 Card. The Illinois ~~Department of~~ State Police may, by rule in a
19 manner consistent with the Department's rules concerning
20 revocation, provide for the suspension of the Firearm Owner's
21 Identification Card of a person whose Firearm Owner's
22 Identification Card is subject to revocation and seizure under
23 this Act for the duration of the disqualification if the
24 disqualification is not a permanent grounds for revocation of

1 a Firearm Owner's Identification Card under this Act.

2 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

3 (430 ILCS 65/9.5)

4 Sec. 9.5. Revocation of Firearm Owner's Identification
5 Card.

6 (a) A person who receives a revocation notice under
7 Section 9 of this Act shall, within 48 hours of receiving
8 notice of the revocation:

9 (1) surrender his or her Firearm Owner's
10 Identification Card to the local law enforcement agency
11 where the person resides. The local law enforcement agency
12 shall provide the person a receipt and transmit the
13 Firearm Owner's Identification Card to the Illinois
14 ~~Department of State Police~~; and

15 (2) complete a Firearm Disposition Record on a form
16 prescribed by the Illinois ~~Department of State Police~~ and
17 place his or her firearms in the location or with the
18 person reported in the Firearm Disposition Record. The
19 form shall require the person to disclose:

20 (A) the make, model, and serial number of each
21 firearm owned by or under the custody and control of
22 the revoked person;

23 (B) the location where each firearm will be
24 maintained during the prohibited term; and

25 (C) if any firearm will be transferred to the

1 custody of another person, the name, address and
2 Firearm Owner's Identification Card number of the
3 transferee.

4 (b) The local law enforcement agency shall provide a copy
5 of the Firearm Disposition Record to the person whose Firearm
6 Owner's Identification Card has been revoked and to the
7 Illinois ~~Department of~~ State Police.

8 (c) If the person whose Firearm Owner's Identification
9 Card has been revoked fails to comply with the requirements of
10 this Section, the sheriff or law enforcement agency where the
11 person resides may petition the circuit court to issue a
12 warrant to search for and seize the Firearm Owner's
13 Identification Card and firearms in the possession or under
14 the custody or control of the person whose Firearm Owner's
15 Identification Card has been revoked.

16 (d) A violation of subsection (a) of this Section is a
17 Class A misdemeanor.

18 (e) The observation of a Firearm Owner's Identification
19 Card in the possession of a person whose Firearm Owner's
20 Identification Card has been revoked constitutes a sufficient
21 basis for the arrest of that person for violation of this
22 Section.

23 (f) Within 30 days after the effective date of this
24 amendatory Act of the 98th General Assembly, the Illinois
25 ~~Department of~~ State Police shall provide written notice of the
26 requirements of this Section to persons whose Firearm Owner's

1 Identification Cards have been revoked, suspended, or expired
2 and who have failed to surrender their cards to the
3 Department.

4 (g) A person whose Firearm Owner's Identification Card has
5 been revoked and who received notice under subsection (f)
6 shall comply with the requirements of this Section within 48
7 hours of receiving notice.

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

9 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

10 Sec. 10. Appeal to director; hearing; relief from firearm
11 prohibitions.

12 (a) Whenever an application for a Firearm Owner's
13 Identification Card is denied, whenever the Department fails
14 to act on an application within 30 days of its receipt, or
15 whenever such a Card is revoked or seized as provided for in
16 Section 8 of this Act, the aggrieved party may appeal to the
17 Director of the Illinois State Police for a hearing upon such
18 denial, revocation or seizure, unless the denial, revocation,
19 or seizure was based upon a forcible felony, stalking,
20 aggravated stalking, domestic battery, any violation of the
21 Illinois Controlled Substances Act, the Methamphetamine
22 Control and Community Protection Act, or the Cannabis Control
23 Act that is classified as a Class 2 or greater felony, any
24 felony violation of Article 24 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, or any adjudication as a delinquent

1 minor for the commission of an offense that if committed by an
2 adult would be a felony, in which case the aggrieved party may
3 petition the circuit court in writing in the county of his or
4 her residence for a hearing upon such denial, revocation, or
5 seizure.

6 (b) At least 30 days before any hearing in the circuit
7 court, the petitioner shall serve the relevant State's
8 Attorney with a copy of the petition. The State's Attorney may
9 object to the petition and present evidence. At the hearing
10 the court shall determine whether substantial justice has been
11 done. Should the court determine that substantial justice has
12 not been done, the court shall issue an order directing the
13 Illinois Department of State Police to issue a Card. However,
14 the court shall not issue the order if the petitioner is
15 otherwise prohibited from obtaining, possessing, or using a
16 firearm under federal law.

17 (c) Any person prohibited from possessing a firearm under
18 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
19 acquiring a Firearm Owner's Identification Card under Section
20 8 of this Act may apply to the Director of the Illinois State
21 Police or petition the circuit court in the county where the
22 petitioner resides, whichever is applicable in accordance with
23 subsection (a) of this Section, requesting relief from such
24 prohibition and the Director or court may grant such relief if
25 it is established by the applicant to the court's or
26 Director's satisfaction that:

1 (0.05) when in the circuit court, the State's Attorney
2 has been served with a written copy of the petition at
3 least 30 days before any such hearing in the circuit court
4 and at the hearing the State's Attorney was afforded an
5 opportunity to present evidence and object to the
6 petition;

7 (1) the applicant has not been convicted of a forcible
8 felony under the laws of this State or any other
9 jurisdiction within 20 years of the applicant's
10 application for a Firearm Owner's Identification Card, or
11 at least 20 years have passed since the end of any period
12 of imprisonment imposed in relation to that conviction;

13 (2) the circumstances regarding a criminal conviction,
14 where applicable, the applicant's criminal history and his
15 reputation are such that the applicant will not be likely
16 to act in a manner dangerous to public safety;

17 (3) granting relief would not be contrary to the
18 public interest; and

19 (4) granting relief would not be contrary to federal
20 law.

21 (c-5) (1) An active law enforcement officer employed by a
22 unit of government, who is denied, revoked, or has his or her
23 Firearm Owner's Identification Card seized under subsection
24 (e) of Section 8 of this Act may apply to the Director of the
25 Illinois State Police requesting relief if the officer did not
26 act in a manner threatening to the officer, another person, or

1 the public as determined by the treating clinical psychologist
2 or physician, and as a result of his or her work is referred by
3 the employer for or voluntarily seeks mental health evaluation
4 or treatment by a licensed clinical psychologist,
5 psychiatrist, or qualified examiner, and:

6 (A) the officer has not received treatment
7 involuntarily at a mental health facility, regardless of
8 the length of admission; or has not been voluntarily
9 admitted to a mental health facility for more than 30 days
10 and not for more than one incident within the past 5 years;
11 and

12 (B) the officer has not left the mental institution
13 against medical advice.

14 (2) The Director of the Illinois State Police shall grant
15 expedited relief to active law enforcement officers described
16 in paragraph (1) of this subsection (c-5) upon a determination
17 by the Director that the officer's possession of a firearm
18 does not present a threat to themselves, others, or public
19 safety. The Director shall act on the request for relief
20 within 30 business days of receipt of:

21 (A) a notarized statement from the officer in the form
22 prescribed by the Director detailing the circumstances
23 that led to the hospitalization;

24 (B) all documentation regarding the admission,
25 evaluation, treatment and discharge from the treating
26 licensed clinical psychologist or psychiatrist of the

1 officer;

2 (C) a psychological fitness for duty evaluation of the
3 person completed after the time of discharge; and

4 (D) written confirmation in the form prescribed by the
5 Director from the treating licensed clinical psychologist
6 or psychiatrist that the provisions set forth in paragraph
7 (1) of this subsection (c-5) have been met, the person
8 successfully completed treatment, and their professional
9 opinion regarding the person's ability to possess
10 firearms.

11 (3) Officers eligible for the expedited relief in
12 paragraph (2) of this subsection (c-5) have the burden of
13 proof on eligibility and must provide all information
14 required. The Director may not consider granting expedited
15 relief until the proof and information is received.

16 (4) "Clinical psychologist", "psychiatrist", and
17 "qualified examiner" shall have the same meaning as provided
18 in Chapter I of the Mental Health and Developmental
19 Disabilities Code.

20 (c-10) (1) An applicant, who is denied, revoked, or has
21 his or her Firearm Owner's Identification Card seized under
22 subsection (e) of Section 8 of this Act based upon a
23 determination of a developmental disability or an intellectual
24 disability may apply to the Director of the Illinois State
25 Police requesting relief.

26 (2) The Director shall act on the request for relief

1 within 60 business days of receipt of written certification,
2 in the form prescribed by the Director, from a physician or
3 clinical psychologist, or qualified examiner, that the
4 aggrieved party's developmental disability or intellectual
5 disability condition is determined by a physician, clinical
6 psychologist, or qualified to be mild. If a fact-finding
7 conference is scheduled to obtain additional information
8 concerning the circumstances of the denial or revocation, the
9 60 business days the Director has to act shall be tolled until
10 the completion of the fact-finding conference.

11 (3) The Director may grant relief if the aggrieved party's
12 developmental disability or intellectual disability is mild as
13 determined by a physician, clinical psychologist, or qualified
14 examiner and it is established by the applicant to the
15 Director's satisfaction that:

16 (A) granting relief would not be contrary to the
17 public interest; and

18 (B) granting relief would not be contrary to federal
19 law.

20 (4) The Director may not grant relief if the condition is
21 determined by a physician, clinical psychologist, or qualified
22 examiner to be moderate, severe, or profound.

23 (5) The changes made to this Section by this amendatory
24 Act of the 99th General Assembly apply to requests for relief
25 pending on or before the effective date of this amendatory
26 Act, except that the 60-day period for the Director to act on

1 requests pending before the effective date shall begin on the
2 effective date of this amendatory Act.

3 (d) When a minor is adjudicated delinquent for an offense
4 which if committed by an adult would be a felony, the court
5 shall notify the Illinois ~~Department of~~ State Police.

6 (e) The court shall review the denial of an application or
7 the revocation of a Firearm Owner's Identification Card of a
8 person who has been adjudicated delinquent for an offense that
9 if committed by an adult would be a felony if an application
10 for relief has been filed at least 10 years after the
11 adjudication of delinquency and the court determines that the
12 applicant should be granted relief from disability to obtain a
13 Firearm Owner's Identification Card. If the court grants
14 relief, the court shall notify the Illinois ~~Department of~~
15 State Police that the disability has been removed and that the
16 applicant is eligible to obtain a Firearm Owner's
17 Identification Card.

18 (f) Any person who is subject to the disabilities of 18
19 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
20 of 1968 because of an adjudication or commitment that occurred
21 under the laws of this State or who was determined to be
22 subject to the provisions of subsections (e), (f), or (g) of
23 Section 8 of this Act may apply to the Illinois ~~Department of~~
24 State Police requesting relief from that prohibition. The
25 Director shall grant the relief if it is established by a
26 preponderance of the evidence that the person will not be

1 likely to act in a manner dangerous to public safety and that
2 granting relief would not be contrary to the public interest.
3 In making this determination, the Director shall receive
4 evidence concerning (i) the circumstances regarding the
5 firearms disabilities from which relief is sought; (ii) the
6 petitioner's mental health and criminal history records, if
7 any; (iii) the petitioner's reputation, developed at a minimum
8 through character witness statements, testimony, or other
9 character evidence; and (iv) changes in the petitioner's
10 condition or circumstances since the disqualifying events
11 relevant to the relief sought. If relief is granted under this
12 subsection or by order of a court under this Section, the
13 Director shall as soon as practicable but in no case later than
14 15 business days, update, correct, modify, or remove the
15 person's record in any database that the Illinois Department
16 ~~of~~ State Police makes available to the National Instant
17 Criminal Background Check System and notify the United States
18 Attorney General that the basis for the record being made
19 available no longer applies. The Illinois Department ~~of~~ State
20 Police shall adopt rules for the administration of this
21 Section.

22 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
23 eff. 7-20-15.)

24 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

25 Sec. 11. Judicial review of final administrative

1 decisions.

2 (a) All final administrative decisions of the Department
3 under this Act, except final administrative decisions of the
4 Director of the Illinois State Police to deny a person's
5 application for relief under subsection (f) of Section 10 of
6 this Act, shall be subject to judicial review under the
7 provisions of the Administrative Review Law, and all
8 amendments and modifications thereof, and the rules adopted
9 pursuant thereto. The term "administrative decision" is
10 defined as in Section 3-101 of the Code of Civil Procedure.

11 (b) Any final administrative decision by the Director of
12 the Illinois State Police to deny a person's application for
13 relief under subsection (f) of Section 10 of this Act is
14 subject to de novo judicial review by the circuit court, and
15 any party may offer evidence that is otherwise proper and
16 admissible without regard to whether that evidence is part of
17 the administrative record.

18 (c) The Director of the Illinois State Police shall submit
19 a report to the General Assembly on March 1 of each year,
20 beginning March 1, 1991, listing all final decisions by a
21 court of this State upholding, reversing, or reversing in part
22 any administrative decision made by the Illinois ~~Department of~~
23 State Police.

24 (Source: P.A. 97-1131, eff. 1-1-13.)

25 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

1 Sec. 13.1. Preemption.

2 (a) Except as otherwise provided in the Firearm Concealed
3 Carry Act and subsections (b) and (c) of this Section, the
4 provisions of any ordinance enacted by any municipality which
5 requires registration or imposes greater restrictions or
6 limitations on the acquisition, possession and transfer of
7 firearms than are imposed by this Act, are not invalidated or
8 affected by this Act.

9 (b) Notwithstanding subsection (a) of this Section, the
10 regulation, licensing, possession, and registration of
11 handguns and ammunition for a handgun, and the transportation
12 of any firearm and ammunition by a holder of a valid Firearm
13 Owner's Identification Card issued by the Illinois Department
14 ~~of~~ State Police under this Act are exclusive powers and
15 functions of this State. Any ordinance or regulation, or
16 portion of that ordinance or regulation, enacted on or before
17 the effective date of this amendatory Act of the 98th General
18 Assembly that purports to impose regulations or restrictions
19 on a holder of a valid Firearm Owner's Identification Card
20 issued by the Illinois Department~~of~~ State Police under this
21 Act in a manner that is inconsistent with this Act, on the
22 effective date of this amendatory Act of the 98th General
23 Assembly, shall be invalid in its application to a holder of a
24 valid Firearm Owner's Identification Card issued by the
25 Illinois Department~~of~~ State Police under this Act.

26 (c) Notwithstanding subsection (a) of this Section, the

1 regulation of the possession or ownership of assault weapons
2 are exclusive powers and functions of this State. Any
3 ordinance or regulation, or portion of that ordinance or
4 regulation, that purports to regulate the possession or
5 ownership of assault weapons in a manner that is inconsistent
6 with this Act, shall be invalid unless the ordinance or
7 regulation is enacted on, before, or within 10 days after the
8 effective date of this amendatory Act of the 98th General
9 Assembly. Any ordinance or regulation described in this
10 subsection (c) enacted more than 10 days after the effective
11 date of this amendatory Act of the 98th General Assembly is
12 invalid. An ordinance enacted on, before, or within 10 days
13 after the effective date of this amendatory Act of the 98th
14 General Assembly may be amended. The enactment or amendment of
15 ordinances under this subsection (c) are subject to the
16 submission requirements of Section 13.3. For the purposes of
17 this subsection, "assault weapons" means firearms designated
18 by either make or model or by a test or list of cosmetic
19 features that cumulatively would place the firearm into a
20 definition of "assault weapon" under the ordinance.

21 (d) For the purposes of this Section, "handgun" has the
22 meaning ascribed to it in Section 5 of the Firearm Concealed
23 Carry Act.

24 (e) This Section is a denial and limitation of home rule
25 powers and functions under subsection (h) of Section 6 of
26 Article VII of the Illinois Constitution.

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

2 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

3 Sec. 13.2. Renewal; name or address change; replacement
4 card. The Illinois ~~Department of~~ State Police shall, 60 days
5 prior to the expiration of a Firearm Owner's Identification
6 Card, forward by first class mail to each person whose card is
7 to expire a notification of the expiration of the card and
8 instructions for renewal. It is the obligation of the holder
9 of a Firearm Owner's Identification Card to notify the
10 Illinois ~~Department of~~ State Police of any address change
11 since the issuance of the Firearm Owner's Identification Card.
12 Whenever any person moves from the residence address named on
13 his or her card, the person shall within 21 calendar days
14 thereafter notify in a form and manner prescribed by the
15 Department of his or her old and new residence addresses and
16 the card number held by him or her. Any person whose legal name
17 has changed from the name on the card that he or she has been
18 previously issued must apply for a corrected card within 30
19 calendar days after the change. The cost for a corrected card
20 shall be \$5. The cost for replacement of a card which has been
21 lost, destroyed, or stolen shall be \$5 if the loss,
22 destruction, or theft of the card is reported to the Illinois
23 ~~Department of~~ State Police. The fees collected under this
24 Section shall be deposited into the State Police Firearm
25 Services Fund.

1 (Source: P.A. 100-906, eff. 1-1-19.)

2 (430 ILCS 65/13.3)

3 Sec. 13.3. Municipal ordinance submission. Within 6 months
4 after the effective date of this amendatory Act of the 92nd
5 General Assembly, every municipality must submit to the
6 Illinois ~~Department of~~ State Police a copy of every ordinance
7 adopted by the municipality that regulates the acquisition,
8 possession, sale, or transfer of firearms within the
9 municipality and must submit, 30 days after adoption, every
10 such ordinance adopted after its initial submission of
11 ordinances under this Section. The Illinois ~~Department of~~
12 State Police shall compile these ordinances and publish them
13 in a form available to the public free of charge and shall
14 periodically update this compilation of ordinances in a manner
15 prescribed by the Director of the Illinois State Police.

16 (Source: P.A. 92-238, eff. 8-3-01.)

17 (430 ILCS 65/15a) (from Ch. 38, par. 83-15a)

18 Sec. 15a. When this amendatory Act enacted by the
19 Seventy-Sixth General Assembly takes effect the records of the
20 Department of Public Safety relating to the administration of
21 the Act amended shall be transferred to the Illinois
22 ~~Department of~~ State Police. All Firearm Owner's Identification
23 Cards issued by the Department of Public Safety shall be valid
24 for the period for which they were issued unless revoked or

1 seized in the manner provided in the Act amended. The Illinois
2 ~~Department of~~ State Police as the successor to the Department
3 of Public Safety shall have the rights, powers and duties
4 provided in, and be subject to the provisions of Sections
5 5-95, 5-700, and 5-705 of the Departments of State Government
6 Law ~~(20 ILCS 5/5-95, 5/5-700, and 5/5-705)~~.

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

8 (430 ILCS 65/15b)

9 Sec. 15b. Certified abstracts. Any certified abstract
10 issued by the Director of the Illinois State Police or
11 transmitted electronically by the Director of the Illinois
12 State Police under this Section to a court or on request of a
13 law enforcement agency for the record of a named person as to
14 the status of the person's Firearm Owner's Identification Card
15 is prima facie evidence of the facts stated in the certified
16 abstract and if the name appearing in the abstract is the same
17 as that of a person named in an information or warrant, the
18 abstract is prima facie evidence that the person named in the
19 information or warrant is the same person as the person named
20 in the abstract and is admissible for any prosecution under
21 this Act or any other applicable violation of law and may be
22 admitted as proof of any prior conviction or proof of records,
23 notices, or orders recorded on individual Firearm Owner's
24 Identification Card records maintained by the Illinois
25 ~~Department of~~ State Police.

1 (Source: P.A. 92-839, eff. 8-22-02.)

2 Section 870. The Firearm Concealed Carry Act is amended by
3 changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55,
4 65, 70, 75, 80, 87, 95, and 105 as follows:

5 (430 ILCS 66/5)

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

7 "Applicant" means a person who is applying for a license
8 to carry a concealed firearm under this Act.

9 "Board" means the Concealed Carry Licensing Review Board.

10 "Concealed firearm" means a loaded or unloaded handgun
11 carried on or about a person completely or mostly concealed
12 from view of the public or on or about a person within a
13 vehicle.

14 ~~"Department" means the Department of State Police.~~

15 "Director" means the Director of the Illinois State
16 Police.

17 "Handgun" means any device which is designed to expel a
18 projectile or projectiles by the action of an explosion,
19 expansion of gas, or escape of gas that is designed to be held
20 and fired by the use of a single hand. "Handgun" does not
21 include:

22 (1) a stun gun or taser;

23 (2) a machine gun as defined in item (i) of paragraph

24 (7) of subsection (a) of Section 24-1 of the Criminal Code

1 of 2012;

2 (3) a short-barreled rifle or shotgun as defined in
3 item (ii) of paragraph (7) of subsection (a) of Section
4 24-1 of the Criminal Code of 2012; or

5 (4) any pneumatic gun, spring gun, paint ball gun, or
6 B-B gun which expels a single globular projectile not
7 exceeding .18 inch in diameter, or which has a maximum
8 muzzle velocity of less than 700 feet per second, or which
9 expels breakable paint balls containing washable marking
10 colors.

11 "Law enforcement agency" means any federal, State, or
12 local law enforcement agency, including offices of State's
13 Attorneys and the Office of the Attorney General.

14 "License" means a license issued by the Illinois
15 ~~Department of~~ State Police to carry a concealed handgun.

16 "Licensee" means a person issued a license to carry a
17 concealed handgun.

18 "Municipality" has the meaning ascribed to it in Section 1
19 of Article VII of the Illinois Constitution.

20 "Unit of local government" has the meaning ascribed to it
21 in Section 1 of Article VII of the Illinois Constitution.

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

23 (430 ILCS 66/10)

24 Sec. 10. Issuance of licenses to carry a concealed
25 firearm.

1 (a) The Illinois State Police ~~Department~~ shall issue a
2 license to carry a concealed firearm under this Act to an
3 applicant who:

4 (1) meets the qualifications of Section 25 of this
5 Act;

6 (2) has provided the application and documentation
7 required in Section 30 of this Act;

8 (3) has submitted the requisite fees; and

9 (4) does not pose a danger to himself, herself, or
10 others, or a threat to public safety as determined by the
11 Concealed Carry Licensing Review Board in accordance with
12 Section 20.

13 (b) The Illinois State Police ~~Department~~ shall issue a
14 renewal, corrected, or duplicate license as provided in this
15 Act.

16 (c) A license shall be valid throughout the State for a
17 period of 5 years from the date of issuance. A license shall
18 permit the licensee to:

19 (1) carry a loaded or unloaded concealed firearm,
20 fully concealed or partially concealed, on or about his or
21 her person; and

22 (2) keep or carry a loaded or unloaded concealed
23 firearm on or about his or her person within a vehicle.

24 (d) The Illinois State Police ~~Department~~ shall make
25 applications for a license available no later than 180 days
26 after the effective date of this Act. The Illinois State

1 ~~Police Department~~ shall establish rules for the availability
2 and submission of applications in accordance with this Act.

3 (e) An application for a license submitted to the Illinois
4 State Police Department that contains all the information and
5 materials required by this Act, including the requisite fee,
6 shall be deemed completed. Except as otherwise provided in
7 this Act, no later than 90 days after receipt of a completed
8 application, the Illinois State Police Department shall issue
9 or deny the applicant a license.

10 (f) The Illinois State Police Department shall deny the
11 applicant a license if the applicant fails to meet the
12 requirements under this Act or the Illinois State Police
13 Department receives a determination from the Board that the
14 applicant is ineligible for a license. The Illinois State
15 Police Department must notify the applicant stating the
16 grounds for the denial. The notice of denial must inform the
17 applicant of his or her right to an appeal through
18 administrative and judicial review.

19 (g) A licensee shall possess a license at all times the
20 licensee carries a concealed firearm except:

21 (1) when the licensee is carrying or possessing a
22 concealed firearm on his or her land or in his or her
23 abode, legal dwelling, or fixed place of business, or on
24 the land or in the legal dwelling of another person as an
25 invitee with that person's permission;

26 (2) when the person is authorized to carry a firearm

1 under Section 24-2 of the Criminal Code of 2012, except
2 subsection (a-5) of that Section; or

3 (3) when the handgun is broken down in a
4 non-functioning state, is not immediately accessible, or
5 is unloaded and enclosed in a case.

6 (h) If an officer of a law enforcement agency initiates an
7 investigative stop, including but not limited to a traffic
8 stop, of a licensee or a non-resident carrying a concealed
9 firearm under subsection (e) of Section 40 of this Act, upon
10 the request of the officer the licensee or non-resident shall
11 disclose to the officer that he or she is in possession of a
12 concealed firearm under this Act, or present the license upon
13 the request of the officer if he or she is a licensee or
14 present upon the request of the officer evidence under
15 paragraph (2) of subsection (e) of Section 40 of this Act that
16 he or she is a non-resident qualified to carry under that
17 subsection. The disclosure requirement under this subsection
18 (h) is satisfied if the licensee presents his or her license to
19 the officer or the non-resident presents to the officer
20 evidence under paragraph (2) of subsection (e) of Section 40
21 of this Act that he or she is qualified to carry under that
22 subsection. Upon the request of the officer, the licensee or
23 non-resident shall also identify the location of the concealed
24 firearm and permit the officer to safely secure the firearm
25 for the duration of the investigative stop. During a traffic
26 stop, any passenger within the vehicle who is a licensee or a

1 non-resident carrying under subsection (e) of Section 40 of
2 this Act must comply with the requirements of this subsection
3 (h).

4 (h-1) If a licensee carrying a firearm or a non-resident
5 carrying a firearm in a vehicle under subsection (e) of
6 Section 40 of this Act is contacted by a law enforcement
7 officer or emergency services personnel, the law enforcement
8 officer or emergency services personnel may secure the firearm
9 or direct that it be secured during the duration of the contact
10 if the law enforcement officer or emergency services personnel
11 determines that it is necessary for the safety of any person
12 present, including the law enforcement officer or emergency
13 services personnel. The licensee or nonresident shall submit
14 to the order to secure the firearm. When the law enforcement
15 officer or emergency services personnel have determined that
16 the licensee or non-resident is not a threat to the safety of
17 any person present, including the law enforcement officer or
18 emergency services personnel, and if the licensee or
19 non-resident is physically and mentally capable of possessing
20 the firearm, the law enforcement officer or emergency services
21 personnel shall return the firearm to the licensee or
22 non-resident before releasing him or her from the scene and
23 breaking contact. If the licensee or non-resident is
24 transported for treatment to another location, the firearm
25 shall be turned over to any peace officer. The peace officer
26 shall provide a receipt which includes the make, model,

1 caliber, and serial number of the firearm.

2 (i) The Illinois State Police ~~Department~~ shall maintain a
3 database of license applicants and licensees. The database
4 shall be available to all federal, State, and local law
5 enforcement agencies, State's Attorneys, the Attorney General,
6 and authorized court personnel. Within 180 days after the
7 effective date of this Act, the database shall be searchable
8 and provide all information included in the application,
9 including the applicant's previous addresses within the 10
10 years prior to the license application and any information
11 related to violations of this Act. No law enforcement agency,
12 State's Attorney, Attorney General, or member or staff of the
13 judiciary shall provide any information to a requester who is
14 not entitled to it by law.

15 (j) No later than 10 days after receipt of a completed
16 application, the Illinois State Police ~~Department~~ shall enter
17 the relevant information about the applicant into the database
18 under subsection (i) of this Section which is accessible by
19 law enforcement agencies.

20 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,
21 eff. 7-10-15.)

22 (430 ILCS 66/15)

23 Sec. 15. Objections by law enforcement agencies.

24 (a) Any law enforcement agency may submit an objection to
25 a license applicant based upon a reasonable suspicion that the

1 applicant is a danger to himself or herself or others, or a
2 threat to public safety. The objection shall be made by the
3 chief law enforcement officer of the law enforcement agency,
4 or his or her designee, and must include any information
5 relevant to the objection. If a law enforcement agency submits
6 an objection within 30 days after the entry of an applicant
7 into the database, the Illinois State Police ~~Department~~ shall
8 submit the objection and all information available to the
9 Board under State and federal law related to the application
10 to the Board within 10 days of completing all necessary
11 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
20 to 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
24 Judicial District and one commissioner residing within each of
25 the 4 remaining Judicial Districts. No more than 4

1 commissioners shall be members of the same political party.
2 The Governor shall designate one commissioner as the
3 Chairperson. The Board 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
7 experience serving as an attorney with the United States
8 Department of Justice;

9 (3) 3 commissioners with at least 5 years of
10 experience as a federal agent or employee with
11 investigative experience or duties related to criminal
12 justice under the United States Department of Justice,
13 Drug Enforcement Administration, Department of Homeland
14 Security, or 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
7 a 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
16 considered in making its decisions. All Board decisions and
17 voting records shall be kept confidential and all materials
18 considered by the Board shall be exempt from inspection except
19 upon order of a court.

20 (e) In considering an objection of a law enforcement
21 agency or the Illinois State Police Department, the Board
22 shall review the materials received with the objection from
23 the law enforcement agency or the Illinois State Police
24 ~~Department~~. By a vote of at least 4 commissioners, the Board
25 may request additional information from the law enforcement
26 agency, Illinois State Police Department, or the applicant, or

1 the testimony of the law enforcement agency, Illinois State
2 Police Department, or the applicant. The Board may require
3 that the applicant submit electronic fingerprints to the
4 Illinois State Police Department for an updated background
5 check where the Board determines it lacks sufficient
6 information to determine eligibility. The Board may only
7 consider information submitted by the Illinois State Police
8 Department, a law enforcement agency, or the applicant. The
9 Board shall review each objection and determine by a majority
10 of commissioners whether an applicant is eligible for a
11 license.

12 (f) The Board shall issue a decision within 30 days of
13 receipt of the objection from the Illinois State Police
14 Department. However, the Board need not issue a decision
15 within 30 days if:

16 (1) the Board requests information from the applicant,
17 including but not limited to electronic fingerprints to be
18 submitted to the Illinois State Police Department, in
19 accordance with subsection (e) of this Section, in which
20 case the Board shall make a decision within 30 days of
21 receipt of the required information from the applicant;

22 (2) the applicant agrees, in writing, to allow the
23 Board additional time to consider an objection; or

24 (3) the Board notifies the applicant and the Illinois
25 State Police Department that the Board needs an additional
26 30 days to issue a decision.

1 (g) If the Board determines by a preponderance of the
2 evidence that the applicant poses a danger to himself or
3 herself or others, or is a threat to public safety, then the
4 Board shall affirm the objection of the law enforcement agency
5 or the Illinois State Police ~~Department~~ and shall notify the
6 Illinois State Police ~~Department~~ that the applicant is
7 ineligible for a license. If the Board does not determine by a
8 preponderance of the evidence that the applicant poses a
9 danger to himself or herself or others, or is a threat to
10 public safety, then the Board shall notify the Illinois State
11 Police ~~Department~~ that the applicant is eligible for a
12 license.

13 (h) Meetings of the Board shall not be subject to the Open
14 Meetings Act and records of the Board shall not be subject to
15 the Freedom of Information Act.

16 (i) The Board shall report monthly to the Governor and the
17 General Assembly on the number of objections received and
18 provide details of the circumstances in which the Board has
19 determined to deny licensure based on law enforcement or
20 Illinois State Police ~~Department~~ objections under Section 15
21 of this Act. The report shall not contain any identifying
22 information about the applicants.

23 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

24 (430 ILCS 66/25)

25 Sec. 25. Qualifications for a license.

1 The Illinois State Police ~~Department~~ shall issue a license
2 to an applicant completing an application in accordance with
3 Section 30 of this Act if the person:

4 (1) is at least 21 years of age;

5 (2) has a currently valid Firearm Owner's
6 Identification Card and at the time of application meets
7 the requirements for the issuance of a Firearm Owner's
8 Identification Card and is not prohibited under the
9 Firearm Owners Identification Card Act or federal law from
10 possessing or receiving a firearm;

11 (3) has not been convicted or found guilty in this
12 State or in any other state of:

13 (A) a misdemeanor involving the use or threat of
14 physical force or violence to any person within the 5
15 years preceding the date of the license application;
16 or

17 (B) 2 or more violations related to driving while
18 under the influence of alcohol, other drug or drugs,
19 intoxicating compound or compounds, or any combination
20 thereof, within the 5 years preceding the date of the
21 license application;

22 (4) is not the subject of a pending arrest warrant,
23 prosecution, or proceeding for an offense or action that
24 could lead to disqualification to own or possess a
25 firearm;

26 (5) has not been in residential or court-ordered

1 treatment for alcoholism, alcohol detoxification, or drug
2 treatment within the 5 years immediately preceding the
3 date of the license application; and

4 (6) has completed firearms training and any education
5 component required under Section 75 of this Act.

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

7 (430 ILCS 66/30)

8 Sec. 30. Contents of license application.

9 (a) The license application shall be in writing, under
10 penalty of perjury, on a standard form adopted by the Illinois
11 State Police Department and shall be accompanied by the
12 documentation required in this Section and the applicable fee.
13 Each application form shall include the following statement
14 printed in bold type: "Warning: Entering false information on
15 this form is punishable as perjury under Section 32-2 of the
16 Criminal Code of 2012."

17 (b) The application shall contain the following:

18 (1) the applicant's name, current address, date and
19 year of birth, place of birth, height, weight, hair color,
20 eye color, maiden name or any other name the applicant has
21 used or identified with, and any address where the
22 applicant resided for more than 30 days within the 10
23 years preceding the date of the license application;

24 (2) the applicant's valid driver's license number or
25 valid state identification card number;

1 (3) a waiver of the applicant's privacy and
2 confidentiality rights and privileges under all federal
3 and state laws, including those limiting access to
4 juvenile court, criminal justice, psychological, or
5 psychiatric records or records relating to any
6 institutionalization of the applicant, and an affirmative
7 request that a person having custody of any of these
8 records provide it or information concerning it to the
9 Illinois State Police Department. The waiver only applies
10 to records sought in connection with determining whether
11 the applicant qualifies for a license to carry a concealed
12 firearm under this Act, or whether the applicant remains
13 in compliance with the Firearm Owners Identification Card
14 Act;

15 (4) an affirmation that the applicant possesses a
16 currently valid Firearm Owner's Identification Card and
17 card number if possessed or notice the applicant is
18 applying for a Firearm Owner's Identification Card in
19 conjunction with the license application;

20 (5) an affirmation that the applicant has not been
21 convicted or found guilty of:

22 (A) a felony;

23 (B) a misdemeanor involving the use or threat of
24 physical force or violence to any person within the 5
25 years preceding the date of the application; or

26 (C) 2 or more violations related to driving while

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or any combination
3 thereof, within the 5 years preceding the date of the
4 license application; and

5 (6) whether the applicant has failed a drug test for a
6 drug for which the applicant did not have a prescription,
7 within the previous year, and if so, the provider of the
8 test, the specific substance involved, and the date of the
9 test;

10 (7) written consent for the Illinois State Police
11 ~~Department~~ to review and use the applicant's Illinois
12 digital driver's license or Illinois identification card
13 photograph and signature;

14 (8) a full set of fingerprints submitted to the
15 Illinois State Police ~~Department~~ in electronic format,
16 provided the Illinois State Police ~~Department~~ may accept
17 an application submitted without a set of fingerprints in
18 which case the Illinois State Police ~~Department~~ shall be
19 granted 30 days in addition to the 90 days provided under
20 subsection (e) of Section 10 of this Act to issue or deny a
21 license;

22 (9) a head and shoulder color photograph in a size
23 specified by the Illinois State Police ~~Department~~ taken
24 within the 30 days preceding the date of the license
25 application; and

26 (10) a photocopy of any certificates or other evidence

1 of compliance with the training requirements under this
2 Act.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

4 (430 ILCS 66/35)

5 Sec. 35. Investigation of the applicant.

6 The Illinois State Police ~~Department~~ shall conduct a
7 background check of the applicant to ensure compliance with
8 the requirements of this Act and all federal, State, and local
9 laws. The background check shall include a search of the
10 following:

11 (1) the National Instant Criminal Background Check
12 System of the Federal Bureau of Investigation;

13 (2) all available state and local criminal history
14 record information files, including records of juvenile
15 adjudications;

16 (3) all available federal, state, and local records
17 regarding wanted persons;

18 (4) all available federal, state, and local records of
19 domestic violence restraining and protective orders;

20 (5) the files of the Department of Human Services
21 relating to mental health and developmental disabilities;
22 and

23 (6) all other available records of a federal, state,
24 or local agency or other public entity in any jurisdiction
25 likely to contain information relevant to whether the

1 applicant is prohibited from purchasing, possessing, or
2 carrying a firearm under federal, state, or local law.

3 Fingerprints collected under Section 30 shall be checked
4 against the Illinois ~~Department of~~ State Police and Federal
5 Bureau of Investigation criminal history record databases now
6 and hereafter filed. The Illinois State Police ~~Department~~
7 shall charge applicants a fee for conducting the criminal
8 history records check, which shall be deposited in the State
9 Police Services Fund and shall not exceed the actual cost of
10 the records check.

11 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

12 (430 ILCS 66/40)

13 Sec. 40. Non-resident license applications.

14 (a) For the purposes of this Section, "non-resident" means
15 a person who has not resided within this State for more than 30
16 days and resides in another state or territory.

17 (b) The Illinois State Police ~~Department~~ shall by rule
18 allow for non-resident license applications from any state or
19 territory of the United States with laws related to firearm
20 ownership, possession, and carrying, that are substantially
21 similar to the requirements to obtain a license under this
22 Act.

23 (c) A resident of a state or territory approved by the
24 Illinois State Police ~~Department~~ under subsection (b) of this
25 Section may apply for a non-resident license. The applicant

1 shall apply to the Illinois State Police ~~Department~~ and must
2 meet all of the qualifications established in Section 25 of
3 this Act, except for the Illinois residency requirement in
4 item (xiv) of paragraph (2) of subsection (a) of Section 4 of
5 the Firearm Owners Identification Card Act. The applicant
6 shall submit:

7 (1) the application and documentation required under
8 Section 30 of this Act and the applicable fee;

9 (2) a notarized document stating that the applicant:

10 (A) is eligible under federal law and the laws of
11 his or her state or territory of residence to own or
12 possess a firearm;

13 (B) if applicable, has a license or permit to
14 carry a firearm or concealed firearm issued by his or
15 her state or territory of residence and attach a copy
16 of the license or permit to the application;

17 (C) understands Illinois laws pertaining to the
18 possession and transport of firearms; and

19 (D) acknowledges that the applicant is subject to
20 the jurisdiction of the Illinois State Police
21 ~~Department~~ and Illinois courts for any violation of
22 this Act;

23 (3) a photocopy of any certificates or other evidence
24 of compliance with the training requirements under Section
25 75 of this Act; and

26 (4) a head and shoulder color photograph in a size

1 specified by the Illinois State Police ~~Department~~ taken
2 within the 30 days preceding the date of the application.

3 (d) In lieu of an Illinois driver's license or Illinois
4 identification card, a non-resident applicant shall provide
5 similar documentation from his or her state or territory of
6 residence. In lieu of a valid Firearm Owner's Identification
7 Card, the applicant shall submit documentation and information
8 required by the Illinois State Police ~~Department~~ to obtain a
9 Firearm Owner's Identification Card, including an affidavit
10 that the non-resident meets the mental health standards to
11 obtain a firearm under Illinois law, and the Illinois State
12 Police ~~Department~~ shall ensure that the applicant would meet
13 the eligibility criteria to obtain a Firearm Owner's
14 Identification card if he or she was a resident of this State.

15 (e) Nothing in this Act shall prohibit a non-resident from
16 transporting a concealed firearm within his or her vehicle in
17 Illinois, if the concealed firearm remains within his or her
18 vehicle and the non-resident:

19 (1) is not prohibited from owning or possessing a
20 firearm under federal law;

21 (2) is eligible to carry a firearm in public under the
22 laws of his or her state or territory of residence, as
23 evidenced by the possession of a concealed carry license
24 or permit issued by his or her state of residence, if
25 applicable; and

26 (3) is not in possession of a license under this Act.

1 If the non-resident leaves his or her vehicle unattended,
2 he or she shall store the firearm within a locked vehicle or
3 locked container within the vehicle in accordance with
4 subsection (b) of Section 65 of this Act.

5 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,
6 eff. 7-20-15.)

7 (430 ILCS 66/45)

8 Sec. 45. Civil immunity; Board, employees, and agents. The
9 Board, Illinois State Police Department, local law enforcement
10 agency, or the employees and agents of the Board, Illinois
11 State Police Department, or local law enforcement agency
12 participating in the licensing process under this Act shall
13 not be held liable for damages in any civil action arising from
14 alleged wrongful or improper granting, denying, renewing,
15 revoking, suspending, or failing to grant, deny, renew,
16 revoke, or suspend a license under this Act, except for
17 willful or wanton misconduct.

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

19 (430 ILCS 66/50)

20 Sec. 50. License renewal.

21 (a) This subsection (a) applies through the 180th day
22 following the effective date of this amendatory Act of the
23 101st General Assembly. Applications for renewal of a license
24 shall be made to the Illinois State Police Department. A

1 license shall be renewed for a period of 5 years upon receipt
2 of a completed renewal application, completion of 3 hours of
3 training required under Section 75 of this Act, payment of the
4 applicable renewal fee, and completion of an investigation
5 under Section 35 of this Act. The renewal application shall
6 contain the information required in Section 30 of this Act,
7 except that the applicant need not resubmit a full set of
8 fingerprints.

9 (b) This subsection (b) applies on and after the 181st day
10 following the effective date of this amendatory Act of the
11 101st General Assembly. Applications for renewal of a license
12 shall be made to the Illinois State Police ~~Department~~. A
13 license shall be renewed for a period of 5 years from the date
14 of expiration on the applicant's current license upon the
15 receipt of a completed renewal application, completion of 3
16 hours of training required under Section 75 of this Act,
17 payment of the applicable renewal fee, and completion of an
18 investigation under Section 35 of this Act. The renewal
19 application shall contain the information required in Section
20 30 of this Act, except that the applicant need not resubmit a
21 full set of fingerprints.

22 (Source: P.A. 101-80, eff. 7-12-19.)

23 (430 ILCS 66/55)

24 Sec. 55. Change of address or name; lost, destroyed, or
25 stolen licenses.

1 (a) A licensee shall notify the Illinois State Police
2 ~~Department~~ within 30 days of moving or changing residence or
3 any change of name. The licensee shall submit the requisite
4 fee and the Illinois State Police ~~Department~~ may require a
5 notarized statement that the licensee has changed his or her
6 residence or his or her name, including the prior and current
7 address or name and the date the applicant moved or changed his
8 or her name.

9 (b) A licensee shall notify the Illinois State Police
10 ~~Department~~ within 10 days of discovering that a license has
11 been lost, destroyed, or stolen. A lost, destroyed, or stolen
12 license is invalid. To request a replacement license, the
13 licensee shall submit:

14 (1) a notarized statement that the licensee no longer
15 possesses the license, and that it was lost, destroyed, or
16 stolen;

17 (2) if applicable, a copy of a police report stating
18 that the license was stolen; and

19 (3) the requisite fee.

20 (c) A violation of this Section is a petty offense with a
21 fine of \$150 which shall be deposited into the Mental Health
22 Reporting Fund.

23 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

24 (430 ILCS 66/65)

25 Sec. 65. Prohibited areas.

1 (a) A licensee under this Act shall not knowingly carry a
2 firearm on or into:

3 (1) Any building, real property, and parking area
4 under the control of a public or private elementary or
5 secondary school.

6 (2) Any building, real property, and parking area
7 under the control of a pre-school or child care facility,
8 including any room or portion of a building under the
9 control of a pre-school or child care facility. Nothing in
10 this paragraph shall prevent the operator of a child care
11 facility in a family home from owning or possessing a
12 firearm in the home or license under this Act, if no child
13 under child care at the home is present in the home or the
14 firearm in the home is stored in a locked container when a
15 child under child care at the home is present in the home.

16 (3) Any building, parking area, or portion of a
17 building under the control of an officer of the executive
18 or legislative branch of government, provided that nothing
19 in this paragraph shall prohibit a licensee from carrying
20 a concealed firearm onto the real property, bikeway, or
21 trail in a park regulated by the Department of Natural
22 Resources or any other designated public hunting area or
23 building where firearm possession is permitted as
24 established by the Department of Natural Resources under
25 Section 1.8 of the Wildlife Code.

26 (4) Any building designated for matters before a

1 circuit court, appellate court, or the Supreme Court, or
2 any building or portion of a building under the control of
3 the Supreme Court.

4 (5) Any building or portion of a building under the
5 control of a unit of local government.

6 (6) Any building, real property, and parking area
7 under the control of an adult or juvenile detention or
8 correctional institution, prison, or jail.

9 (7) Any building, real property, and parking area
10 under the control of a public or private hospital or
11 hospital affiliate, mental health facility, or nursing
12 home.

13 (8) Any bus, train, or form of transportation paid for
14 in whole or in part with public funds, and any building,
15 real property, and parking area under the control of a
16 public transportation facility paid for in whole or in
17 part with public funds.

18 (9) Any building, real property, and parking area
19 under the control of an establishment that serves alcohol
20 on its premises, if more than 50% of the establishment's
21 gross receipts within the prior 3 months is from the sale
22 of alcohol. The owner of an establishment who knowingly
23 fails to prohibit concealed firearms on its premises as
24 provided in this paragraph or who knowingly makes a false
25 statement or record to avoid the prohibition on concealed
26 firearms under this paragraph is subject to the penalty

1 under subsection (c-5) of Section 10-1 of the Liquor
2 Control Act of 1934.

3 (10) Any public gathering or special event conducted
4 on property open to the public that requires the issuance
5 of a permit from the unit of local government, provided
6 this prohibition shall not apply to a licensee who must
7 walk through a public gathering in order to access his or
8 her residence, place of business, or vehicle.

9 (11) Any building or real property that has been
10 issued a Special Event Retailer's license as defined in
11 Section 1-3.17.1 of the Liquor Control Act during the time
12 designated for the sale of alcohol by the Special Event
13 Retailer's license, or a Special use permit license as
14 defined in subsection (q) of Section 5-1 of the Liquor
15 Control Act during the time designated for the sale of
16 alcohol by the Special use permit license.

17 (12) Any public playground.

18 (13) Any public park, athletic area, or athletic
19 facility under the control of a municipality or park
20 district, provided nothing in this Section shall prohibit
21 a licensee from carrying a concealed firearm while on a
22 trail or bikeway if only a portion of the trail or bikeway
23 includes a public park.

24 (14) Any real property under the control of the Cook
25 County Forest Preserve District.

26 (15) Any building, classroom, laboratory, medical

1 clinic, hospital, artistic venue, athletic venue,
2 entertainment venue, officially recognized
3 university-related organization property, whether owned or
4 leased, and any real property, including parking areas,
5 sidewalks, and common areas under the control of a public
6 or private community college, college, or university.

7 (16) Any building, real property, or parking area
8 under the control of a gaming facility licensed under the
9 Illinois Gambling Act or the Illinois Horse Racing Act of
10 1975, including an inter-track wagering location licensee.

11 (17) Any stadium, arena, or the real property or
12 parking area under the control of a stadium, arena, or any
13 collegiate or professional sporting event.

14 (18) Any building, real property, or parking area
15 under the control of a public library.

16 (19) Any building, real property, or parking area
17 under the control of an airport.

18 (20) Any building, real property, or parking area
19 under the control of an amusement park.

20 (21) Any building, real property, or parking area
21 under the control of a zoo or museum.

22 (22) Any street, driveway, parking area, property,
23 building, or facility, owned, leased, controlled, or used
24 by a nuclear energy, storage, weapons, or development site
25 or facility regulated by the federal Nuclear Regulatory
26 Commission. The licensee shall not under any circumstance

1 store a firearm or ammunition in his or her vehicle or in a
2 compartment or container within a vehicle located anywhere
3 in or on the street, driveway, parking area, property,
4 building, or facility described in this paragraph.

5 (23) Any area where firearms are prohibited under
6 federal law.

7 (a-5) Nothing in this Act shall prohibit a public or
8 private community college, college, or university from:

9 (1) prohibiting persons from carrying a firearm within
10 a vehicle owned, leased, or controlled by the college or
11 university;

12 (2) developing resolutions, regulations, or policies
13 regarding student, employee, or visitor misconduct and
14 discipline, including suspension and expulsion;

15 (3) developing resolutions, regulations, or policies
16 regarding the storage or maintenance of firearms, which
17 must include designated areas where persons can park
18 vehicles that carry firearms; and

19 (4) permitting the carrying or use of firearms for the
20 purpose of instruction and curriculum of officially
21 recognized programs, including but not limited to military
22 science and law enforcement training programs, or in any
23 designated area used for hunting purposes or target
24 shooting.

25 (a-10) The owner of private real property of any type may
26 prohibit the carrying of concealed firearms on the property

1 under his or her control. The owner must post a sign in
2 accordance with subsection (d) of this Section indicating that
3 firearms are prohibited on the property, unless the property
4 is a private residence.

5 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
6 this Section except under paragraph (22) or (23) of subsection
7 (a), any licensee prohibited from carrying a concealed firearm
8 into the parking area of a prohibited location specified in
9 subsection (a), (a-5), or (a-10) of this Section shall be
10 permitted to carry a concealed firearm on or about his or her
11 person within a vehicle into the parking area and may store a
12 firearm or ammunition concealed in a case within a locked
13 vehicle or locked container out of plain view within the
14 vehicle in the parking area. A licensee may carry a concealed
15 firearm in the immediate area surrounding his or her vehicle
16 within a prohibited parking lot area only for the limited
17 purpose of storing or retrieving a firearm within the
18 vehicle's trunk. For purposes of this subsection, "case"
19 includes a glove compartment or console that completely
20 encloses the concealed firearm or ammunition, the trunk of the
21 vehicle, or a firearm carrying box, shipping box, or other
22 container.

23 (c) A licensee shall not be in violation of this Section
24 while he or she is traveling along a public right of way that
25 touches or crosses any of the premises under subsection (a),
26 (a-5), or (a-10) of this Section if the concealed firearm is

1 carried on his or her person in accordance with the provisions
2 of this Act or is being transported in a vehicle by the
3 licensee in accordance with all other applicable provisions of
4 law.

5 (d) Signs stating that the carrying of firearms is
6 prohibited shall be clearly and conspicuously posted at the
7 entrance of a building, premises, or real property specified
8 in this Section as a prohibited area, unless the building or
9 premises is a private residence. Signs shall be of a uniform
10 design as established by the Illinois State Police ~~Department~~
11 and shall be 4 inches by 6 inches in size. The Illinois State
12 Police ~~Department~~ shall adopt rules for standardized signs to
13 be used under this subsection.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (430 ILCS 66/70)

16 Sec. 70. Violations.

17 (a) A license issued or renewed under this Act shall be
18 revoked if, at any time, the licensee is found to be ineligible
19 for a license under this Act or the licensee no longer meets
20 the eligibility requirements of the Firearm Owners
21 Identification Card Act.

22 (b) A license shall be suspended if an order of
23 protection, including an emergency order of protection,
24 plenary order of protection, or interim order of protection
25 under Article 112A of the Code of Criminal Procedure of 1963 or

1 under the Illinois Domestic Violence Act of 1986, or if a
2 firearms restraining order, including an emergency firearms
3 restraining order, under the Firearms Restraining Order Act,
4 is issued against a licensee for the duration of the order, or
5 if the Illinois State Police ~~Department~~ is made aware of a
6 similar order issued against the licensee in any other
7 jurisdiction. If an order of protection is issued against a
8 licensee, the licensee shall surrender the license, as
9 applicable, to the court at the time the order is entered or to
10 the law enforcement agency or entity serving process at the
11 time the licensee is served the order. The court, law
12 enforcement agency, or entity responsible for serving the
13 order of protection shall notify the Illinois State Police
14 ~~Department~~ within 7 days and transmit the license to the
15 Illinois State Police ~~Department~~.

16 (c) A license is invalid upon expiration of the license,
17 unless the licensee has submitted an application to renew the
18 license, and the applicant is otherwise eligible to possess a
19 license under this Act.

20 (d) A licensee shall not carry a concealed firearm while
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or combination of compounds, or any
23 combination thereof, under the standards set forth in
24 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

25 A licensee in violation of this subsection (d) shall be
26 guilty of a Class A misdemeanor for a first or second violation

1 and a Class 4 felony for a third violation. The Illinois State
2 Police Department may suspend a license for up to 6 months for
3 a second violation and shall permanently revoke a license for
4 a third violation.

5 (e) Except as otherwise provided, a licensee in violation
6 of this Act shall be guilty of a Class B misdemeanor. A second
7 or subsequent violation is a Class A misdemeanor. The Illinois
8 State Police Department may suspend a license for up to 6
9 months for a second violation and shall permanently revoke a
10 license for 3 or more violations of Section 65 of this Act. Any
11 person convicted of a violation under this Section shall pay a
12 \$150 fee to be deposited into the Mental Health Reporting
13 Fund, plus any applicable court costs or fees.

14 (f) A licensee convicted or found guilty of a violation of
15 this Act who has a valid license and is otherwise eligible to
16 carry a concealed firearm shall only be subject to the
17 penalties under this Section and shall not be subject to the
18 penalties under Section 21-6, paragraph (4), (8), or (10) of
19 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
20 of paragraph (3) of subsection (a) of Section 24-1.6 of the
21 Criminal Code of 2012. Except as otherwise provided in this
22 subsection, nothing in this subsection prohibits the licensee
23 from being subjected to penalties for violations other than
24 those specified in this Act.

25 (g) A licensee whose license is revoked, suspended, or
26 denied shall, within 48 hours of receiving notice of the

1 revocation, suspension, or denial, surrender his or her
2 concealed carry license to the local law enforcement agency
3 where the person resides. The local law enforcement agency
4 shall provide the licensee a receipt and transmit the
5 concealed carry license to the Illinois ~~Department of~~ State
6 Police. If the licensee whose concealed carry license has been
7 revoked, suspended, or denied fails to comply with the
8 requirements of this subsection, the law enforcement agency
9 where the person resides may petition the circuit court to
10 issue a warrant to search for and seize the concealed carry
11 license in the possession and under the custody or control of
12 the licensee whose concealed carry license has been revoked,
13 suspended, or denied. The observation of a concealed carry
14 license in the possession of a person whose license has been
15 revoked, suspended, or denied constitutes a sufficient basis
16 for the arrest of that person for violation of this
17 subsection. A violation of this subsection is a Class A
18 misdemeanor.

19 (h) A license issued or renewed under this Act shall be
20 revoked if, at any time, the licensee is found ineligible for a
21 Firearm Owner's Identification Card, or the licensee no longer
22 possesses a valid Firearm Owner's Identification Card. A
23 licensee whose license is revoked under this subsection (h)
24 shall surrender his or her concealed carry license as provided
25 for in subsection (g) of this Section.

26 This subsection shall not apply to a person who has filed

1 an application with the Illinois State Police for renewal of a
2 Firearm Owner's Identification Card and who is not otherwise
3 ineligible to obtain a Firearm Owner's Identification Card.

4 (i) A certified firearms instructor who knowingly provides
5 or offers to provide a false certification that an applicant
6 has completed firearms training as required under this Act is
7 guilty of a Class A misdemeanor. A person guilty of a violation
8 of this subsection (i) is not eligible for court supervision.
9 The Illinois State Police ~~Department~~ shall permanently revoke
10 the firearms instructor certification of a person convicted
11 under this subsection (i).

12 (Source: P.A. 100-607, eff. 1-1-19.)

13 (430 ILCS 66/75)

14 Sec. 75. Applicant firearm training.

15 (a) Within 60 days of the effective date of this Act, the
16 Illinois State Police ~~Department~~ shall begin approval of
17 firearm training courses and shall make a list of approved
18 courses available on the Illinois State Police's ~~Department's~~
19 website.

20 (b) An applicant for a new license shall provide proof of
21 completion of a firearms training course or combination of
22 courses approved by the Illinois State Police ~~Department~~ of at
23 least 16 hours, which includes range qualification time under
24 subsection (c) of this Section, that covers the following:

25 (1) firearm safety;

1 (2) the basic principles of marksmanship;

2 (3) care, cleaning, loading, and unloading of a
3 concealable firearm;

4 (4) all applicable State and federal laws relating to
5 the ownership, storage, carry, and transportation of a
6 firearm; and

7 (5) instruction on the appropriate and lawful
8 interaction with law enforcement while transporting or
9 carrying a concealed firearm.

10 (c) An applicant for a new license shall provide proof of
11 certification by a certified instructor that the applicant
12 passed a live fire exercise with a concealable firearm
13 consisting of:

14 (1) a minimum of 30 rounds; and

15 (2) 10 rounds from a distance of 5 yards; 10 rounds
16 from a distance of 7 yards; and 10 rounds from a distance
17 of 10 yards at a B-27 silhouette target approved by the
18 Illinois State Police ~~Department~~.

19 (d) An applicant for renewal of a license shall provide
20 proof of completion of a firearms training course or
21 combination of courses approved by the Illinois State Police
22 ~~Department~~ of at least 3 hours.

23 (e) A certificate of completion for an applicant's firearm
24 training course shall not be issued to a student who:

25 (1) does not follow the orders of the certified
26 firearms instructor;

1 (2) in the judgment of the certified instructor,
2 handles a firearm in a manner that poses a danger to the
3 student or to others; or

4 (3) during the range firing portion of testing fails
5 to hit the target with 70% of the rounds fired.

6 (f) An instructor shall maintain a record of each
7 student's performance for at least 5 years, and shall make all
8 records available upon demand of authorized personnel of the
9 Illinois State Police ~~Department~~.

10 (g) The Illinois State Police ~~Department~~ and certified
11 firearms instructors shall recognize up to 8 hours of training
12 already completed toward the 16 hour training requirement
13 under this Section if the training course is submitted to and
14 approved by the Illinois State Police ~~Department~~. Any
15 remaining hours that the applicant completes must at least
16 cover the classroom subject matter of paragraph (4) of
17 subsection (b) of this Section, and the range qualification in
18 subsection (c) of this Section.

19 (h) A person who has qualified to carry a firearm as an
20 active law enforcement or corrections officer, who has
21 successfully completed firearms training as required by his or
22 her law enforcement agency and is authorized by his or her
23 agency to carry a firearm; a person currently certified as a
24 firearms instructor by this Act or by the Illinois Law
25 Enforcement Training Standards Board; or a person who has
26 completed the required training and has been issued a firearm

1 control card by the Department of Financial and Professional
2 Regulation shall be exempt from the requirements of this
3 Section.

4 (i) The Illinois State Police ~~Department~~ and certified
5 firearms instructors shall recognize 8 hours of training as
6 completed toward the 16 hour training requirement under this
7 Section, if the applicant is an active, retired, or honorably
8 discharged member of the United States Armed Forces. Any
9 remaining hours that the applicant completes must at least
10 cover the classroom subject matter of paragraph (4) of
11 subsection (b) of this Section, and the range qualification in
12 subsection (c) of this Section.

13 (j) The Illinois State Police ~~Department~~ and certified
14 firearms instructors shall recognize up to 8 hours of training
15 already completed toward the 16 hour training requirement
16 under this Section if the training course is approved by the
17 Illinois State Police ~~Department~~ and was completed in
18 connection with the applicant's previous employment as a law
19 enforcement or corrections officer. Any remaining hours that
20 the applicant completes must at least cover the classroom
21 subject matter of paragraph (4) of subsection (b) of this
22 Section, and the range qualification in subsection (c) of this
23 Section. A former law enforcement or corrections officer
24 seeking credit under this subsection (j) shall provide
25 evidence that he or she separated from employment in good
26 standing from each law enforcement agency where he or she was

1 employed. An applicant who was discharged from a law
2 enforcement agency for misconduct or disciplinary reasons is
3 not eligible for credit under this subsection (j).

4 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

5 (430 ILCS 66/80)

6 Sec. 80. Certified firearms instructors.

7 (a) Within 60 days of the effective date of this Act, the
8 Illinois State Police Department shall begin approval of
9 certified firearms instructors and enter certified firearms
10 instructors into an online registry on the Illinois State
11 Police's Department's website.

12 (b) A person who is not a certified firearms instructor
13 shall not teach applicant training courses or advertise or
14 otherwise represent courses they teach as qualifying their
15 students to meet the requirements to receive a license under
16 this Act. Each violation of this subsection is a business
17 offense with a fine of at least \$1,000 per violation.

18 (c) A person seeking to become a certified firearms
19 instructor shall:

20 (1) be at least 21 years of age;

21 (2) be a legal resident of the United States; and

22 (3) meet the requirements of Section 25 of this Act,
23 except for the Illinois residency requirement in item
24 (xiv) of paragraph (2) of subsection (a) of Section 4 of
25 the Firearm Owners Identification Card Act; and any

1 additional uniformly applied requirements established by
2 the Illinois State Police ~~Department~~.

3 (d) A person seeking to become a certified firearms
4 instructor, in addition to the requirements of subsection (c)
5 of this Section, shall:

6 (1) possess a high school diploma or high school
7 equivalency certificate; and

8 (2) have at least one of the following valid firearms
9 instructor certifications:

10 (A) certification from a law enforcement agency;

11 (B) certification from a firearm instructor course
12 offered by a State or federal governmental agency;

13 (C) certification from a firearm instructor
14 qualification course offered by the Illinois Law
15 Enforcement Training Standards Board; or

16 (D) certification from an entity approved by the
17 Illinois State Police ~~Department~~ that offers firearm
18 instructor education and training in the use and
19 safety of firearms.

20 (e) A person may have his or her firearms instructor
21 certification denied or revoked if he or she does not meet the
22 requirements to obtain a license under this Act, provides
23 false or misleading information to the Illinois State Police
24 ~~Department~~, or has had a prior instructor certification
25 revoked or denied by the Illinois State Police ~~Department~~.

26 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;

1 98-718, eff. 1-1-15.)

2 (430 ILCS 66/87)

3 Sec. 87. Administrative and judicial review.

4 (a) Whenever an application for a concealed carry license
5 is denied, whenever the Illinois State Police ~~Department~~ fails
6 to act on an application within 90 days of its receipt, or
7 whenever a license is revoked or suspended as provided in this
8 Act, the aggrieved party may appeal to the Director for a
9 hearing upon the denial, revocation, suspension, or failure to
10 act on the application, unless the denial was made by the
11 Concealed Carry Licensing Review Board, in which case the
12 aggrieved party may petition the circuit court in writing in
13 the county of his or her residence for a hearing upon the
14 denial.

15 (b) All final administrative decisions of the Illinois
16 State Police ~~Department~~ or the Concealed Carry Licensing
17 Review Board under this Act shall be subject to judicial
18 review under the provisions of the Administrative Review Law.
19 The term "administrative decision" is defined as in Section
20 3-101 of the Code of Civil Procedure.

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

22 (430 ILCS 66/95)

23 Sec. 95. Procurement; rulemaking.

24 (a) The Illinois ~~Department~~ of State Police, in

1 consultation with and subject to the approval of the Chief
2 Procurement Officer, may procure a single contract or multiple
3 contracts to implement the provisions of this Act. A contract
4 or contracts under this paragraph are not subject to the
5 provisions of the Illinois Procurement Code, except for
6 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
7 that Code, provided that the Chief Procurement Officer may, in
8 writing with justification, waive any certification required
9 under Article 50. This exemption shall be repealed one year
10 from the effective date of this Act.

11 (b) The Illinois State Police ~~Department~~ shall adopt rules
12 to implement the provisions of this Act. The Illinois State
13 Police ~~Department~~ may adopt rules necessary to implement the
14 provisions of this Act through the use of emergency rulemaking
15 in accordance with Section 5-45 of the Illinois Administrative
16 Procedure Act for a period not to exceed 180 days after the
17 effective date of this Act.

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

19 (430 ILCS 66/105)

20 Sec. 105. Duty of school administrator. It is the duty of
21 the principal of a public elementary or secondary school, or
22 his or her designee, and the chief administrative officer of a
23 private elementary or secondary school or a public or private
24 community college, college, or university, or his or her
25 designee, to report to the Illinois ~~Department of~~ State Police

1 when a student is determined to pose a clear and present danger
2 to himself, herself, or to others, within 24 hours of the
3 determination as provided in Section 6-103.3 of the Mental
4 Health and Developmental Disabilities Code. "Clear and present
5 danger" has the meaning as provided in paragraph (2) of the
6 definition of "clear and present danger" in Section 1.1 of the
7 Firearm Owners Identification Card Act.

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

9 Section 875. The Firearms Restraining Order Act is amended
10 by changing Sections 35, 40, 50, 55, and 60 as follows:

11 (430 ILCS 67/35)

12 Sec. 35. Ex parte orders and emergency hearings.

13 (a) A petitioner may request an emergency firearms
14 restraining order by filing an affidavit or verified pleading
15 alleging that the respondent poses an immediate and present
16 danger of causing personal injury to himself, herself, or
17 another by having in his or her custody or control,
18 purchasing, possessing, or receiving a firearm. The petition
19 shall also describe the type and location of any firearm or
20 firearms presently believed by the petitioner to be possessed
21 or controlled by the respondent.

22 (b) If the respondent is alleged to pose an immediate and
23 present danger of causing personal injury to an intimate
24 partner, or an intimate partner is alleged to have been the

1 target of a threat or act of violence by the respondent, the
2 petitioner shall make a good faith effort to provide notice to
3 any and all intimate partners of the respondent. The notice
4 must include that the petitioner intends to petition the court
5 for an emergency firearms restraining order, and, if the
6 petitioner is a law enforcement officer, referral to relevant
7 domestic violence or stalking advocacy or counseling
8 resources, if appropriate. The petitioner shall attest to
9 having provided the notice in the filed affidavit or verified
10 pleading. If, after making a good faith effort, the petitioner
11 is unable to provide notice to any or all intimate partners,
12 the affidavit or verified pleading should describe what
13 efforts were made.

14 (c) Every person who files a petition for an emergency
15 firearms restraining order, knowing the information provided
16 to the court at any hearing or in the affidavit or verified
17 pleading to be false, is guilty of perjury under Section 32-2
18 of the Criminal Code of 2012.

19 (d) An emergency firearms restraining order shall be
20 issued on an ex parte basis, that is, without notice to the
21 respondent.

22 (e) An emergency hearing held on an ex parte basis shall be
23 held the same day that the petition is filed or the next day
24 that the court is in session.

25 (f) If a circuit or associate judge finds probable cause
26 to believe that the respondent poses an immediate and present

1 danger of causing personal injury to himself, herself, or
2 another by having in his or her custody or control,
3 purchasing, possessing, or receiving a firearm, the circuit or
4 associate judge shall issue an emergency order.

5 (f-5) If the court issues an emergency firearms
6 restraining order, it shall, upon a finding of probable cause
7 that the respondent possesses firearms, issue a search warrant
8 directing a law enforcement agency to seize the respondent's
9 firearms. The court may, as part of that warrant, direct the
10 law enforcement agency to search the respondent's residence
11 and other places where the court finds there is probable cause
12 to believe he or she is likely to possess the firearms.

13 (g) An emergency firearms restraining order shall require:

14 (1) the respondent to refrain from having in his or
15 her custody or control, purchasing, possessing, or
16 receiving additional firearms for the duration of the
17 order; and

18 (2) the respondent to turn over to the local law
19 enforcement agency any Firearm Owner's Identification Card
20 and concealed carry license in his or her possession. The
21 local law enforcement agency shall immediately mail the
22 card and concealed carry license to the Illinois
23 ~~Department of~~ State Police Firearm Services Bureau for
24 safekeeping. The firearm or firearms and Firearm Owner's
25 Identification Card and concealed carry license, if
26 unexpired, shall be returned to the respondent after the

1 firearms restraining order is terminated or expired.

2 (h) Except as otherwise provided in subsection (h-5) of
3 this Section, upon expiration of the period of safekeeping, if
4 the firearms or Firearm Owner's Identification Card and
5 concealed carry license cannot be returned to the respondent
6 because the respondent cannot be located, fails to respond to
7 requests to retrieve the firearms, or is not lawfully eligible
8 to possess a firearm, upon petition from the local law
9 enforcement agency, the court may order the local law
10 enforcement agency to destroy the firearms, use the firearms
11 for training purposes, or use the firearms for any other
12 application as deemed appropriate by the local law enforcement
13 agency.

14 (h-5) A respondent whose Firearm Owner's Identification
15 Card has been revoked or suspended may petition the court, if
16 the petitioner is present in court or has notice of the
17 respondent's petition, to transfer the respondent's firearm to
18 a person who is lawfully able to possess the firearm if the
19 person does not reside at the same address as the respondent.
20 Notice of the petition shall be served upon the person
21 protected by the emergency firearms restraining order. While
22 the order is in effect, the transferee who receives the
23 respondent's firearms must swear or affirm by affidavit that
24 he or she shall not transfer the firearm to the respondent or
25 to anyone residing in the same residence as the respondent.

26 (h-6) If a person other than the respondent claims title

1 to any firearms surrendered under this Section, he or she may
2 petition the court, if the petitioner is present in court or
3 has notice of the petition, to have the firearm returned to him
4 or her. If the court determines that person to be the lawful
5 owner of the firearm, the firearm shall be returned to him or
6 her, provided that:

7 (1) the firearm is removed from the respondent's
8 custody, control, or possession and the lawful owner
9 agrees to store the firearm in a manner such that the
10 respondent does not have access to or control of the
11 firearm; and

12 (2) the firearm is not otherwise unlawfully possessed
13 by the owner.

14 The person petitioning for the return of his or her
15 firearm must swear or affirm by affidavit that he or she: (i)
16 is the lawful owner of the firearm; (ii) shall not transfer the
17 firearm to the respondent; and (iii) will store the firearm in
18 a manner that the respondent does not have access to or control
19 of the firearm.

20 (i) In accordance with subsection (e) of this Section, the
21 court shall schedule a full hearing as soon as possible, but no
22 longer than 14 days from the issuance of an ex parte firearms
23 restraining order, to determine if a 6-month firearms
24 restraining order shall be issued. The court may extend an ex
25 parte order as needed, but not to exceed 14 days, to effectuate
26 service of the order or if necessary to continue protection.

1 The court may extend the order for a greater length of time by
2 mutual agreement of the parties.

3 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

4 (430 ILCS 67/40)

5 Sec. 40. Six-month orders.

6 (a) A petitioner may request a 6-month firearms
7 restraining order by filing an affidavit or verified pleading
8 alleging that the respondent poses a significant danger of
9 causing personal injury to himself, herself, or another in the
10 near future by having in his or her custody or control,
11 purchasing, possessing, or receiving a firearm. The petition
12 shall also describe the number, types, and locations of any
13 firearms presently believed by the petitioner to be possessed
14 or controlled by the respondent.

15 (b) If the respondent is alleged to pose a significant
16 danger of causing personal injury to an intimate partner, or
17 an intimate partner is alleged to have been the target of a
18 threat or act of violence by the respondent, the petitioner
19 shall make a good faith effort to provide notice to any and all
20 intimate partners of the respondent. The notice must include
21 that the petitioner intends to petition the court for a
22 6-month firearms restraining order, and, if the petitioner is
23 a law enforcement officer, referral to relevant domestic
24 violence or stalking advocacy or counseling resources, if
25 appropriate. The petitioner shall attest to having provided

1 the notice in the filed affidavit or verified pleading. If,
2 after making a good faith effort, the petitioner is unable to
3 provide notice to any or all intimate partners, the affidavit
4 or verified pleading should describe what efforts were made.

5 (c) Every person who files a petition for a 6-month
6 firearms restraining order, knowing the information provided
7 to the court at any hearing or in the affidavit or verified
8 pleading to be false, is guilty of perjury under Section 32-2
9 of the Criminal Code of 2012.

10 (d) Upon receipt of a petition for a 6-month firearms
11 restraining order, the court shall order a hearing within 30
12 days.

13 (e) In determining whether to issue a firearms restraining
14 order under this Section, the court shall consider evidence
15 including, but not limited to, the following:

16 (1) The unlawful and reckless use, display, or
17 brandishing of a firearm by the respondent.

18 (2) The history of use, attempted use, or threatened
19 use of physical force by the respondent against another
20 person.

21 (3) Any prior arrest of the respondent for a felony
22 offense.

23 (4) Evidence of the abuse of controlled substances or
24 alcohol by the respondent.

25 (5) A recent threat of violence or act of violence by
26 the respondent directed toward himself, herself, or

1 another.

2 (6) A violation of an emergency order of protection
3 issued under Section 217 of the Illinois Domestic Violence
4 Act of 1986 or Section 112A-17 of the Code of Criminal
5 Procedure of 1963 or of an order of protection issued
6 under Section 214 of the Illinois Domestic Violence Act of
7 1986 or Section 112A-14 of the Code of Criminal Procedure
8 of 1963.

9 (7) A pattern of violent acts or violent threats,
10 including, but not limited to, threats of violence or acts
11 of violence by the respondent directed toward himself,
12 herself, or another.

13 (f) At the hearing, the petitioner shall have the burden
14 of proving, by clear and convincing evidence, that the
15 respondent poses a significant danger of personal injury to
16 himself, herself, or another by having in his or her custody or
17 control, purchasing, possessing, or receiving a firearm.

18 (g) If the court finds that there is clear and convincing
19 evidence to issue a firearms restraining order, the court
20 shall issue a firearms restraining order that shall be in
21 effect for 6 months subject to renewal under Section 45 of this
22 Act or termination under that Section.

23 (g-5) If the court issues a 6-month firearms restraining
24 order, it shall, upon a finding of probable cause that the
25 respondent possesses firearms, issue a search warrant
26 directing a law enforcement agency to seize the respondent's

1 firearms. The court may, as part of that warrant, direct the
2 law enforcement agency to search the respondent's residence
3 and other places where the court finds there is probable cause
4 to believe he or she is likely to possess the firearms.

5 (h) A 6-month firearms restraining order shall require:

6 (1) the respondent to refrain from having in his or
7 her custody or control, purchasing, possessing, or
8 receiving additional firearms for the duration of the
9 order; and

10 (2) the respondent to turn over to the local law
11 enforcement agency any firearm or Firearm Owner's
12 Identification Card and concealed carry license in his or
13 her possession. The local law enforcement agency shall
14 immediately mail the card and concealed carry license to
15 the Illinois Department of State Police Firearm Services
16 Bureau for safekeeping. The firearm or firearms and
17 Firearm Owner's Identification Card and concealed carry
18 license, if unexpired, shall be returned to the respondent
19 after the firearms restraining order is terminated or
20 expired.

21 (i) Except as otherwise provided in subsection (i-5) of
22 this Section, upon expiration of the period of safekeeping, if
23 the firearms or Firearm Owner's Identification Card cannot be
24 returned to the respondent because the respondent cannot be
25 located, fails to respond to requests to retrieve the
26 firearms, or is not lawfully eligible to possess a firearm,

1 upon petition from the local law enforcement agency, the court
2 may order the local law enforcement agency to destroy the
3 firearms, use the firearms for training purposes, or use the
4 firearms for any other application as deemed appropriate by
5 the local law enforcement agency.

6 (i-5) A respondent whose Firearm Owner's Identification
7 Card has been revoked or suspended may petition the court, if
8 the petitioner is present in court or has notice of the
9 respondent's petition, to transfer the respondent's firearm to
10 a person who is lawfully able to possess the firearm if the
11 person does not reside at the same address as the respondent.
12 Notice of the petition shall be served upon the person
13 protected by the emergency firearms restraining order. While
14 the order is in effect, the transferee who receives the
15 respondent's firearms must swear or affirm by affidavit that
16 he or she shall not transfer the firearm to the respondent or
17 to anyone residing in the same residence as the respondent.

18 (i-6) If a person other than the respondent claims title
19 to any firearms surrendered under this Section, he or she may
20 petition the court, if the petitioner is present in court or
21 has notice of the petition, to have the firearm returned to him
22 or her. If the court determines that person to be the lawful
23 owner of the firearm, the firearm shall be returned to him or
24 her, provided that:

25 (1) the firearm is removed from the respondent's
26 custody, control, or possession and the lawful owner

1 agrees to store the firearm in a manner such that the
2 respondent does not have access to or control of the
3 firearm; and

4 (2) the firearm is not otherwise unlawfully possessed
5 by the owner.

6 The person petitioning for the return of his or her
7 firearm must swear or affirm by affidavit that he or she: (i)
8 is the lawful owner of the firearm; (ii) shall not transfer the
9 firearm to the respondent; and (iii) will store the firearm in
10 a manner that the respondent does not have access to or control
11 of the firearm.

12 (j) If the court does not issue a firearms restraining
13 order at the hearing, the court shall dissolve any emergency
14 firearms restraining order then in effect.

15 (k) When the court issues a firearms restraining order
16 under this Section, the court shall inform the respondent that
17 he or she is entitled to one hearing during the period of the
18 order to request a termination of the order, under Section 45
19 of this Act, and shall provide the respondent with a form to
20 request a hearing.

21 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

22 (430 ILCS 67/50)

23 Sec. 50. Notice of orders.

24 (a) Entry and issuance. Upon issuance of any firearms
25 restraining order, the clerk shall immediately, or on the next

1 court day if an emergency firearms restraining order is issued
2 in accordance with Section 35 of this Act (emergency firearms
3 restraining order): (i) enter the order on the record and file
4 it in accordance with the circuit court procedures and (ii)
5 provide a file stamped copy of the order to the respondent, if
6 present, and to the petitioner.

7 (b) Filing with sheriff. The clerk of the issuing judge
8 shall, or the petitioner may, on the same day that a firearms
9 restraining order is issued, file a certified copy of that
10 order with the sheriff or other law enforcement officials
11 charged with maintaining Illinois ~~Department of~~ State Police
12 records or charged with serving the order upon the respondent.
13 If the order was issued in accordance with Section 35 of this
14 Act (emergency firearms restraining order), the clerk shall,
15 on the next court day, file a certified copy of the order with
16 the sheriff or other law enforcement officials charged with
17 maintaining Illinois ~~Department of~~ State Police records.

18 (c) Service by sheriff. Unless the respondent was present
19 in court when the order was issued, the sheriff or other law
20 enforcement official shall promptly serve that order upon the
21 respondent and file proof of the service, in the manner
22 provided for service of process in civil proceedings. Instead
23 of serving the order upon the respondent, however, the
24 sheriff, other law enforcement official, or other persons
25 defined in Section 112A-22.10 of the Code of Criminal
26 Procedure of 1963 may serve the respondent with a short form

1 notification as provided in that Section. If process has not
2 yet been served upon the respondent, it shall be served with
3 the order or short form notification if the service is made by
4 the sheriff, or other law enforcement official.

5 (d) Any order renewing or terminating any firearms
6 restraining order shall be promptly recorded, issued, and
7 served as provided in this Section.

8 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

9 (430 ILCS 67/55)

10 Sec. 55. Data maintenance by law enforcement 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 firearms restraining orders
14 issued by the court, and any foreign orders of protection
15 filed by the clerk of the court, and transmitted to the sheriff
16 by the clerk of the court under Section 50. Each firearms
17 restraining order shall be entered in the Law Enforcement
18 Agencies Data System (LEADS) on the same day it is issued by
19 the court. If an emergency firearms restraining order was
20 issued in accordance with Section 35 of this Act, the order
21 shall be entered in the Law Enforcement Agencies Data System
22 (LEADS) as soon as possible after receipt from the clerk.

23 (b) The Illinois Department ~~of~~ State Police shall maintain
24 a complete and systematic record and index of all valid and
25 recorded firearms restraining orders issued or filed under

1 this Act. The data shall be used to inform all dispatchers and
2 law enforcement officers at the scene of a violation of a
3 firearms restraining order of the effective dates and terms of
4 any recorded order of protection.

5 (c) The data, records, and transmittals required under
6 this Section shall pertain to any valid emergency or 6-month
7 firearms restraining order, whether issued in a civil or
8 criminal proceeding or authorized under the laws of another
9 state, tribe, or United States territory.

10 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 (430 ILCS 67/60)

12 Sec. 60. Filing of a firearms restraining order issued by
13 another state.

14 (a) A person who has sought a firearms restraining order
15 or similar order issued by the court of another state, tribe,
16 or United States territory may file a certified copy of the
17 firearms restraining order with the clerk of the court in a
18 judicial circuit in which the person believes that enforcement
19 may be necessary.

20 (b) The clerk shall:

21 (1) treat the foreign firearms restraining order in
22 the same manner as a judgment of the circuit court for any
23 county of this State in accordance with the provisions of
24 the Uniform Enforcement of Foreign Judgments Act, except
25 that the clerk shall not mail notice of the filing of the

1 foreign order to the respondent named in the order; and
2 (2) on the same day that a foreign firearms
3 restraining order is filed, file a certified copy of that
4 order with the sheriff or other law enforcement officials
5 charged with maintaining Illinois ~~Department of~~ State
6 Police records as set forth in Section 55 of this Act.

7 (c) Neither residence in this State nor filing of a
8 foreign firearms restraining order shall be required for
9 enforcement of the order by this State. Failure to file the
10 foreign order shall not be an impediment to its treatment in
11 all respects as an Illinois firearms restraining order.

12 (d) The clerk shall not charge a fee to file a foreign
13 order of protection under this Section.

14 (Source: P.A. 100-607, eff. 1-1-19.)

15 Section 880. The Firearm Dealer License Certification Act
16 is amended by changing Sections 5-5, 5-10, 5-15, 5-20, 5-30,
17 5-35, 5-40, 5-45, 5-50, 5-55, 5-60, 5-70, 5-75, 5-85, 5-95,
18 5-100, 5-105, 5-110, 5-115, and 5-120 as follows:

19 (430 ILCS 68/5-5)

20 Sec. 5-5. Definitions. In this Act:

21 "Certified licensee" means a licensee that has previously
22 certified its license with the Illinois State Police
23 ~~Department~~ under this Act.

24 ~~"Department" means the Department of State Police.~~

1 "Director" means the Director of the Illinois State
2 Police.

3 "Entity" means any person, firm, corporation, group of
4 individuals, or other legal entity.

5 "Inventory" means firearms in the possession of an
6 individual or entity for the purpose of sale or transfer.

7 "License" means a Federal Firearms License authorizing a
8 person or entity to engage in the business of dealing
9 firearms.

10 "Licensee" means a person, firm, corporation, or other
11 entity who has been given, and is currently in possession of, a
12 valid Federal Firearms License.

13 "Retail location" means a store open to the public from
14 which a certified licensee engages in the business of selling,
15 transferring, or facilitating a sale or transfer of a firearm.
16 For purposes of this Act, the World Shooting and Recreational
17 Complex, a gun show, or a similar event at which a certified
18 licensee engages in business from time to time is not a retail
19 location.

20 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19;
21 revised 9-12-19.)

22 (430 ILCS 68/5-10)

23 Sec. 5-10. Copy of Federal Firearms License filed with the
24 Illinois State Police ~~Department~~. Each licensee shall file
25 with the Illinois State Police ~~Department~~ a copy of its

1 license, together with a sworn affidavit indicating that the
2 license presented is in fact its license and that the license
3 is valid. The Illinois State Police ~~Department~~ may by rule
4 create a process for checking the validity of the license, in
5 lieu of requiring an affidavit. Upon receipt and review by the
6 Illinois State Police ~~Department~~, the Illinois State Police
7 ~~Department~~ shall issue a certificate of license to the
8 licensee, allowing the licensee to conduct business within
9 this State. The Illinois State Police ~~Department~~ shall issue
10 an initial certificate of license within 30 days of receipt of
11 the copy of license and sworn affidavit. If the Illinois State
12 Police ~~Department~~ does not issue the certificate within 30
13 days, the licensee shall operate as if a certificate has been
14 granted unless and until a denial is issued by the Illinois
15 State Police ~~Department~~.

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

17 (430 ILCS 68/5-15)

18 Sec. 5-15. Certification requirement.

19 (a) Beginning 180 days after the effective date of this
20 Act, it is unlawful for a person or entity to engage in the
21 business of selling, leasing, or otherwise transferring
22 firearms without a valid certificate of license issued under
23 this Act. In the event that a person or entity maintains
24 multiple licenses to engage in different lines of business
25 requiring different licenses at one location, then the

1 licenses shall be deemed one license for purposes of
2 certification. In the event that a person or entity maintains
3 multiple licenses to engage in business at multiple locations,
4 under the same business name on the license or a different
5 business name on the license, then each license and location
6 must receive its own certification.

7 (b) It is unlawful for a person or entity without first
8 being a certified licensee under this Act to act as if he or
9 she is certified under this Act, to advertise, to assume to act
10 as a certified licensee or to use a title implying that the
11 person or entity is engaged in business as a certified
12 licensee without a license certified under this Act.

13 (c) It is unlawful to obtain or attempt to obtain any
14 certificate of license under this Act by material misstatement
15 or fraudulent misrepresentation. Notwithstanding the
16 provisions of Section 5-85, in addition to any penalty imposed
17 under this Section, any certificate of license obtained under
18 this Act due to material misstatement or fraudulent
19 misrepresentation shall automatically be revoked.

20 (d) A person who violates any provision of this Section is
21 guilty of a Class A misdemeanor for a first violation, and a
22 Class 4 felony for a second or subsequent violation.

23 (e) In addition to any other penalty provided by law, any
24 person or entity who violates any provision of this Section
25 shall pay a civil penalty to the Illinois State Police
26 ~~Department~~ in an amount not to exceed \$10,000 for each

1 offense, as determined by the Illinois State Police
2 ~~Department~~. The civil penalty shall be assessed by the
3 Illinois State Police ~~Department~~ after a hearing is held in
4 accordance with Sections 5-95 and 5-100.

5 (f) The Illinois State Police ~~Department~~ has the authority
6 and power to investigate any and all unlicensed activity
7 requiring a license certified under this Act.

8 (g) The civil penalty shall be paid within 90 days after
9 the effective date of the order imposing the civil penalty.
10 The order shall constitute a judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

13 (h) In the event the certification of a certified licensee
14 is revoked, it shall be a violation of this Act for the revoked
15 licensee to seek certification of a license held under a
16 different business name, or to re-open as a certified licensee
17 under another business name using the same license or as the
18 same person or entity doing business under a different
19 business name.

20 (i) The Illinois State Police ~~Department~~ shall require all
21 of the following information from each applicant for
22 certification under this Act:

23 (1) The name, full business address, and telephone
24 number of the entity. The business address for the entity
25 shall be the complete street address where firearms in the
26 inventory of the entity are regularly stored, shall be

1 located within the State, and may not be a Post Office Box.

2 (2) All trade, business, or assumed names used by the
3 certified licensee by and under which the certified
4 licensee sells, transfers, or facilitates transfers of
5 firearms.

6 (3) The type of ownership or operation, such as a
7 partnership, corporation, or sole proprietorship.

8 (4) The name of the owner or operator of the
9 dealership, including:

10 (A) if a person, then the name and address of
11 record of the person;

12 (B) if a partnership, then the name and address of
13 record of each partner and the name of the
14 partnership;

15 (C) if a corporation, then the name, address of
16 record, and title of each corporate officer and each
17 owner of more than 5% of the corporation, the
18 corporate names by and which the certified licensee
19 sells, transfers, or facilitates transfers of
20 firearms, and the name of the state of incorporation;
21 and

22 (D) if a sole proprietorship, then the full name
23 and address of record of the sole proprietor and the
24 name of the business entity.

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

1 (430 ILCS 68/5-20)

2 Sec. 5-20. Additional licensee requirements.

3 (a) A certified licensee shall make a photo copy of a
4 buyer's or transferee's valid photo identification card
5 whenever a firearm sale transaction takes place. The photo
6 copy shall be attached to the documentation detailing the
7 record of sale.

8 (b) A certified licensee shall post in a conspicuous
9 position on the premises where the licensee conducts business
10 a sign that contains the following warning in block letters
11 not less than one inch in height:

12 "With few exceptions enumerated in the Firearm Owners
13 Identification Card Act, it is unlawful for you to:

14 (A) store or leave an unsecured firearm in a place
15 where a child can obtain access to it;

16 (B) sell or transfer your firearm to someone else
17 without receiving approval for the transfer from the
18 Illinois Department of State Police, or

19 (C) fail to report the loss or theft of your
20 firearm to local law enforcement within 72 hours."

21 This sign shall be created by the Illinois State Police
22 ~~Department~~ and made available for printing or downloading from
23 the Illinois State Police's Department's website.

24 (c) No retail location established after the effective
25 date of this Act shall be located within 500 feet of any
26 school, pre-school, or day care facility in existence at its

1 location before the retail location is established as measured
2 from the nearest corner of the building holding the retail
3 location to the corner of the school, pre-school, or day care
4 facility building nearest the retail location at the time the
5 retail location seeks licensure.

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

7 (430 ILCS 68/5-30)

8 Sec. 5-30. Training of certified licensees. Any certified
9 licensee and any employee of a certified licensee who sells or
10 transfers firearms shall receive at least 2 hours of training
11 annually regarding legal requirements and responsible business
12 practices as applicable to the sale or transfer of firearms.
13 The Illinois State Police ~~Department~~ may adopt rules regarding
14 continuing education for certified licensees related to legal
15 requirements and responsible business practices regarding the
16 sale or transfer of firearms.

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

18 (430 ILCS 68/5-35)

19 Sec. 5-35. Inspection of licensees' places of business.
20 Licensees shall have their places of business open for
21 inspection by the Illinois State Police ~~Department~~ and law
22 enforcement during all hours of operation involving the
23 selling, leasing, or otherwise transferring of firearms,
24 provided that the Illinois State Police ~~Department~~ or law

1 enforcement may conduct no more than one unannounced
2 inspection per business per year without good cause. During an
3 inspection, licensees shall make all records, documents, and
4 firearms accessible for inspection upon the request of the
5 Illinois State Police ~~Department~~ or law enforcement agency.

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

7 (430 ILCS 68/5-40)

8 Sec. 5-40. Qualifications for operation.

9 (a) Each certified licensee shall submit with each
10 application for certification or renewal an affidavit to the
11 Illinois State Police ~~Department~~ stating that each owner,
12 employee, or other agent of the certified licensee who sells
13 or conducts transfers of firearms for the certified licensee
14 is at least 21 years of age, has a currently valid Firearm
15 Owner's Identification Card and, for a renewal, has completed
16 the training required under Section 5-30. The affidavit must
17 also contain the name and Firearm Owner's Identification Card
18 number of each owner, employee, or other agent who sells or
19 conducts transfers of firearms for the certified licensee. If
20 an owner, employee, or other agent of the certified licensee
21 is not otherwise a resident of this State, the certified
22 licensee shall submit an affidavit stating that the owner,
23 employee, or other agent has undergone a background check and
24 is not prohibited from owning or possessing firearms.

25 (b) In addition to the affidavit required under subsection

1 (a), within 30 days of a new owner, employee, or other agent
2 beginning selling or conducting transfers of firearms for the
3 certified licensee, the certified licensee shall submit an
4 affidavit to the Illinois State Police ~~Department~~ stating the
5 date that the new owner, employee, or other agent began
6 selling or conducting transfers of firearms for the certified
7 licensee, and providing the information required in subsection
8 (a) for that new owner, employee, or other agent.

9 (c) If a certified licensee has a license, certificate, or
10 permit to sell, lease, transfer, purchase, or possess firearms
11 issued by the federal government or the government of any
12 state revoked or suspended for good cause within the preceding
13 4 years, the Illinois State Police ~~Department~~ may consider
14 revoking or suspending the certified licenses in this State.
15 In making a determination of whether or not to revoke or
16 suspend a certified license in this State, the Illinois State
17 Police ~~Department~~ shall consider the number of retail
18 locations the certified licensee or any related person or
19 entity operates in this State or in other states under the same
20 or different business names, and the severity of the
21 infraction in the state in which a license was revoked or
22 suspended.

23 (d) Applications and affidavits required under this
24 Section are not subject to disclosure by the Illinois State
25 Police ~~Department~~ under the Freedom of Information Act.

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

1 (430 ILCS 68/5-45)

2 Sec. 5-45. Issuance of subpoenas. The Illinois State
3 Police Department may subpoena and bring before it any person
4 or entity to take oral or written testimony or may compel the
5 production of any books, papers, records, or any other
6 documents that the Illinois State Police Department deems
7 directly relevant or material to an investigation or hearing
8 conducted by the Illinois State Police Department in the
9 enforcement of this Act, with the same fees and in the same
10 manner prescribed in civil cases in the courts of this State.
11 The licensee may file an emergency motion with the Director or
12 a hearing officer authorized by the Illinois State Police
13 Department to quash a subpoena issued by the Illinois State
14 Police Department. If the Director or hearing officer
15 determines that the subpoena was issued without good cause,
16 the Director or hearing officer may quash the subpoena.

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

18 (430 ILCS 68/5-50)

19 Sec. 5-50. Security system.

20 (a) On or before January 2, 2021, each certified licensee
21 operating a retail location in this State must maintain a
22 video security system and shall maintain video surveillance of
23 critical areas of the business premises, including, but not
24 limited to, all places where firearms in inventory are stored,

1 handled, sold, or transferred, and each entrance and exit. A
2 video surveillance system of the certified licensee's retail
3 location may not be installed in a bathroom and may not monitor
4 inside the bathrooms located in the retail location. If a
5 video security system is deemed inadequate by the Illinois
6 State Police Department, the licensee shall have 30 days to
7 correct the inadequacy. The Illinois State Police Department
8 shall submit to the licensee a written statement describing
9 the specific inadequacies.

10 (b) Each certified licensee operating a retail
11 establishment in this State must post a sign in a conspicuous
12 place at each entrance to the retail location that states in
13 block letters not less than one inch in height: "THESE
14 PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE
15 RECORDED.". This sign shall be created by the Illinois State
16 Police Department and available for printing or downloading
17 from the Illinois State Police's Department's website.

18 (c) On or before January 2, 2020, each certified licensee
19 maintaining an inventory of firearms for sale or transfer must
20 be connected to an alarm monitoring system or service that
21 will notify its local law enforcement agency of an
22 unauthorized intrusion into the premises of the licensee where
23 the firearm inventory is maintained.

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

1 Sec. 5-55. Safe storage by certified licensees. In
2 addition to adequate locks, exterior lighting, surveillance
3 cameras, alarm systems, and other anti-theft measures and
4 practices, a certified licensee maintaining a retail location
5 shall develop a plan that addresses the safe storage of
6 firearms and ammunition during retail hours and after closing.
7 The certified licensee shall submit its safe storage plan to
8 the Illinois State Police ~~Department~~ and the plan shall be
9 deemed approved unless it is rejected by the Illinois State
10 Police ~~Department~~. The Illinois State Police ~~Department~~ may
11 reject the plan if it is inadequate, along with a written
12 statement describing the specific inadequacies. The certified
13 licensee shall submit a corrected plan to the Illinois State
14 Police ~~Department~~ within 60 days of notice of an inadequate
15 plan. In the event there are still problems with the corrected
16 plan, the Illinois State Police ~~Department~~ shall note the
17 specific inadequacies in writing and the certified licensee
18 shall have 60 days from each notice of an inadequate plan to
19 submit a corrected plan. The Illinois State Police ~~Department~~
20 may reject the corrected plan if it is inadequate. A certified
21 licensee may operate at all times that a plan is on file with
22 the Illinois State Police ~~Department~~, and during times
23 permitted by this Section to prepare and submit corrected
24 plans. That any certified licensee has operated without an
25 approved safe storage plan for more than 60 days shall be
26 grounds for revocation of a certificate of license. The

1 Illinois State Police ~~Department~~ shall adopt rules regarding
2 the adequacy of a safe storage plan. The rules shall take into
3 account the various types and sizes of the entities involved,
4 and shall comply with all relevant State and federal laws.
5 Safe storage plans required under this Section are not subject
6 to disclosure by the Illinois State Police ~~Department~~ under
7 the Freedom of Information Act.

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

9 (430 ILCS 68/5-60)

10 Sec. 5-60. Statewide compliance standards. The Illinois
11 State Police ~~Department~~ shall develop and implement by rule
12 statewide training standards for assisting certified licensees
13 in recognizing indicators that would lead a reasonable dealer
14 to refuse sale of a firearm, including, but not limited to,
15 indicators of a straw purchase.

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

17 (430 ILCS 68/5-70)

18 Sec. 5-70. Fees and fines deposited in the Firearm Dealer
19 License Certification Fund. The Illinois State Police
20 ~~Department~~ shall set and collect a fee for each licensee
21 certifying under this Act. The fee may not exceed \$300 for a
22 certified licensee operating without a retail location. The
23 fee may not exceed \$1,500 for any certified licensee operating
24 with a retail location. The Illinois State Police ~~Department~~

1 may not charge a certified licensee in this State, operating
2 under the same or different business name, fees exceeding
3 \$40,000 for the certification of multiple licenses. All fees
4 and fines collected under this Act shall be deposited in the
5 Firearm Dealer License Certification Fund which is created in
6 the State treasury. Moneys in the Fund shall be used for
7 implementation and administration of this Act.

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

9 (430 ILCS 68/5-75)

10 Sec. 5-75. Term of license. Each certification shall be
11 valid for the term of the license being certified. A licensee
12 shall certify each new or renewed license. However, the
13 Illinois State Police Department ~~Department~~ is not required to renew a
14 certification if a prior certification has been revoked or
15 suspended.

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

17 (430 ILCS 68/5-85)

18 Sec. 5-85. Disciplinary sanctions.

19 (a) For violations of this Act not penalized under Section
20 5-15, the Illinois State Police Department ~~Department~~ may refuse to renew
21 or restore, or may reprimand, place on probation, suspend,
22 revoke, or take other disciplinary or non-disciplinary action
23 against any licensee, and may impose a fine commensurate with
24 the severity of the violation not to exceed \$10,000 for each

1 violation for any of the following, consistent with the
2 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
3 through 7903:

4 (1) Violations of this Act, or any law applicable to
5 the sale or transfer of firearms.

6 (2) A pattern of practice or other behavior which
7 demonstrates incapacity or incompetency to practice under
8 this Act.

9 (3) Aiding or assisting another person in violating
10 any provision of this Act or rules adopted under this Act.

11 (4) Failing, within 60 days, to provide information in
12 response to a written request made by the Illinois State
13 Police Department.

14 (5) Conviction of, plea of guilty to, or plea of nolo
15 contendere to any crime that disqualifies the person from
16 obtaining a valid Firearm Owner's Identification Card.

17 (6) Continued practice, although the person has become
18 unfit to practice due to any of the following:

19 (A) Any circumstance that disqualifies the person
20 from obtaining a valid Firearm Owner's Identification
21 Card or concealed carry license.

22 (B) Habitual or excessive use or abuse of drugs
23 defined in law as controlled substances, alcohol, or
24 any other substance that results in the inability to
25 practice with reasonable judgment, skill, or safety.

26 (7) Receiving, directly or indirectly, compensation

1 for any firearms sold or transferred illegally.

2 (8) Discipline by another United States jurisdiction,
3 foreign nation, or governmental agency, if at least one of
4 the grounds for the discipline is the same or
5 substantially equivalent to those set forth in this Act.

6 (9) Violation of any disciplinary order imposed on a
7 licensee by the Illinois State Police ~~Department~~.

8 (10) A finding by the Illinois State Police ~~Department~~
9 that the licensee, after having his or her certified
10 license placed on probationary status, has violated the
11 terms of probation.

12 (11) A fraudulent or material misstatement in the
13 completion of an affirmative obligation or inquiry by law
14 enforcement.

15 (b) All fines imposed under this Section shall be paid
16 within 90 days after the effective date of the final order
17 imposing the fine.

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

19 (430 ILCS 68/5-95)

20 Sec. 5-95. Complaints; investigations; hearings.

21 (a) The Illinois State Police ~~Department~~ may investigate
22 the actions of any applicant or of any person or persons
23 holding or claiming to hold a license or registration under
24 this Act.

25 (b) The Illinois State Police ~~Department~~ shall, before

1 disciplining a licensee under Section 5-85 or refusing to
2 issue a certificate of license, at least 30 days before the
3 date set for the hearing, (i) notify the accused in writing of
4 the charges made and the time and place for the hearing on the
5 charges, (ii) direct him or her to file a written answer to the
6 charges under oath within 20 days after service, and (iii)
7 inform the licensee that failure to answer will result in a
8 default being entered against the licensee.

9 (c) At the time and place fixed in the notice, the Director
10 or the hearing officer appointed by the Director shall proceed
11 to hear the charges, and the parties or their counsel shall be
12 accorded ample opportunity to present any pertinent
13 statements, testimony, evidence, and arguments. The Director
14 or hearing officer may continue the hearing from time to time.
15 In case the person, after receiving the notice, fails to file
16 an answer, his, her, or its license may, in the discretion of
17 the Director, having first received the recommendation of the
18 Director, be suspended, revoked, or placed on probationary
19 status, or be subject to whatever disciplinary action the
20 Director considers proper, including limiting the scope,
21 nature, or extent of the person's business, or the imposition
22 of a fine, without hearing, if the act or acts charged
23 constitute sufficient grounds for that action under this Act.

24 (d) The written notice and any notice in the subsequent
25 proceeding may be served by certified mail to the licensee's
26 address of record.

1 (e) The Director has the authority to appoint any attorney
2 licensed to practice law in this State to serve as the hearing
3 officer in any action for refusal to issue, restore, or renew a
4 license, or to discipline a licensee. The hearing officer has
5 full authority to conduct the hearing.

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

7 (430 ILCS 68/5-100)

8 Sec. 5-100. Hearing; rehearing.

9 (a) The Director or the hearing officer authorized by the
10 Illinois State Police ~~Department~~ shall hear evidence in
11 support of the formal charges and evidence produced by the
12 licensee. At the conclusion of the hearing, the Director shall
13 prepare a written report of his or her findings of fact,
14 conclusions of law, and recommendations. The report shall
15 contain a finding of whether the accused person violated this
16 Act or failed to comply with the conditions required in this
17 Act.

18 (b) At the conclusion of the hearing, a copy of the
19 Director's or hearing officer's report shall be served upon
20 the licensee by the Illinois State Police ~~Department~~, either
21 personally or as provided in this Act, for the service of a
22 notice of hearing. Within 20 calendar days after service, the
23 licensee may present to the Illinois State Police ~~Department~~ a
24 motion in writing for a rehearing, which shall specify the
25 particular grounds for rehearing. The Illinois State Police

1 ~~Department~~ may respond to the motion for rehearing within 20
2 calendar days after its service on the Illinois State Police
3 ~~Department~~. If no motion for rehearing is filed, then upon the
4 expiration of the time specified for filing such a motion, or
5 upon denial of a motion for rehearing, the Director may enter
6 an order in accordance with his or her recommendations or the
7 recommendations of the hearing officer. If the licensee orders
8 from the reporting service and pays for a transcript of the
9 record within the time for filing a motion for rehearing, the
10 20-day period within which a motion may be filed shall
11 commence upon the delivery of the transcript to the licensee.

12 (c) All proceedings under this Section are matters of
13 public record and shall be preserved.

14 (d) The licensee may continue to operate during the course
15 of an investigation or hearing, unless the Director finds that
16 the public interest, safety, or welfare requires an emergency
17 action.

18 (e) Upon the suspension or revocation of a certificate of
19 license, the licensee shall surrender the certificate to the
20 Illinois State Police ~~Department~~ and, upon failure to do so,
21 the Illinois State Police ~~Department~~ shall seize the same.
22 However, when the certification of a certified licensee is
23 suspended, the certified licensee shall not operate as a
24 certified licensee during the period in which the certificate
25 is suspended and, if operating during that period, shall be
26 operating in violation of subsection (a) of Section 5-15 of

1 this Act. A person who violates this Section is guilty of a
2 Class A misdemeanor for a first violation, and a Class 4 felony
3 for a second or subsequent violation. In addition to any other
4 penalty provided by law, any person or entity who violates
5 this Section shall pay a civil penalty to the Illinois State
6 Police Department in an amount not to exceed \$2,500 for the
7 first violation, and a fine not to exceed \$5,000 for a second
8 or subsequent violation.

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

10 (430 ILCS 68/5-105)

11 Sec. 5-105. Restoration of certificate of license after
12 disciplinary proceedings. At any time after the successful
13 completion of a term of probation, suspension, or revocation
14 of a certificate of license, the Illinois State Police
15 ~~Department~~ may restore it to the licensee, unless, after an
16 investigation and a hearing, the Director determines that
17 restoration is not in the public interest. No person or entity
18 whose certificate of license, card, or authority has been
19 revoked as authorized in this Act may apply for restoration of
20 that certificate of license, card, or authority until such
21 time as provided for in the Civil Administrative Code of
22 Illinois.

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

24 (430 ILCS 68/5-110)

1 Sec. 5-110. Administrative review. All final
2 administrative decisions of the Illinois State Police
3 ~~Department~~ are subject to judicial review under Article III of
4 the Code of Civil Procedure. The term "administrative
5 decision" is defined as in Section 3-101 of the Code of Civil
6 Procedure. The proceedings for judicial review shall be
7 commenced in the circuit court of the county in which the party
8 applying for review resides, but if the party is not a resident
9 of this State, the venue shall be in Sangamon County. The
10 Illinois State Police ~~Department~~ shall not be required to
11 certify any record to the court, or file any answer in court,
12 or otherwise appear in any court in a judicial review
13 proceeding, unless, and until, the Illinois State Police
14 ~~Department~~ has received from the plaintiff payment of the
15 costs of furnishing and certifying the record, which costs
16 shall be determined by the Illinois State Police ~~Department~~.
17 Exhibits shall be certified without cost. Failure on the part
18 of the applicant or licensee to file a receipt in court is
19 grounds for dismissal of the action.

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

21 (430 ILCS 68/5-115)

22 Sec. 5-115. Prima facie proof.

23 (a) An order or a certified copy thereof, over the seal of
24 the Illinois State Police ~~Department~~ and purporting to be
25 signed by the Director, is prima facie proof that the

1 signature is that of the Director, and the Director is
2 qualified to act.

3 (b) A certified copy of a record of the Illinois State
4 Police Department shall, without further proof, be admitted
5 into evidence in any legal proceeding, and shall be prima
6 facie correct and prima facie evidence of the information
7 contained therein.

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

9 (430 ILCS 68/5-120)

10 Sec. 5-120. Federal agencies and investigations. Nothing
11 in this Act shall be construed to interfere with any federal
12 agency or any federal agency investigation. All Illinois State
13 Police Department rules adopted under this Act shall comply
14 with federal law. The Illinois State Police Department may as
15 necessary coordinate efforts with relevant State and federal
16 law enforcement agencies to enforce this Act.

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

18 Section 895. The Humane Euthanasia in Animal Shelters Act
19 is amended by changing Sections 35 and 55 as follows:

20 (510 ILCS 72/35)

21 Sec. 35. Technician certification; duties.

22 (a) An applicant for certification as a euthanasia
23 technician shall file an application with the Department and

1 shall:

2 (1) Be 18 years of age.

3 (2) Be of good moral character. In determining moral
4 character under this Section, the Department may take into
5 consideration whether the applicant has engaged in conduct
6 or activities that would constitute grounds for discipline
7 under this Act.

8 (3) Each applicant for certification as a euthanasia
9 technician shall have his or her fingerprints submitted to
10 the Illinois ~~Department of~~ State Police in an electronic
11 format that complies with the form and manner for
12 requesting and furnishing criminal history record
13 information as prescribed by the Illinois ~~Department of~~
14 State Police. These fingerprints shall be checked against
15 the Illinois ~~Department of~~ State Police and Federal Bureau
16 of Investigation criminal history record databases now and
17 hereafter filed. The Illinois ~~Department of~~ State Police
18 shall charge applicants a fee for conducting the criminal
19 history records check, which shall be deposited in the
20 State Police Services Fund and shall not exceed the actual
21 cost of the records check. The Illinois ~~Department of~~
22 State Police shall furnish, pursuant to positive
23 identification, records of Illinois convictions to the
24 Department.

25 (4) Hold a license or certification from the American
26 Humane Association, the National Animal Control

1 Association, the Illinois Federation of Humane Societies,
2 or the Humane Society of the United States issued within 3
3 years preceding the date of application. Every 5 years a
4 certified euthanasia technician must renew his or her
5 certification with the Department. At the time of renewal,
6 the technician must present proof that he or she attended
7 a class or seminar, administered by the American Humane
8 Association, the National Animal Control Association, the
9 Illinois Federation of Humane Societies, or the Humane
10 Society of the United States, that teaches techniques or
11 guidelines, or both, for humane animal euthanasia.

12 (5) Pay the required fee.

13 (b) The duties of a euthanasia technician shall include
14 but are not limited to:

15 (1) preparing animals for euthanasia and scanning each
16 animal, prior to euthanasia, for microchips;

17 (2) accurately recording the dosages administered and
18 the amount of drugs wasted;

19 (3) ordering supplies;

20 (4) maintaining the security of all controlled
21 substances and drugs;

22 (5) humanely euthanizing animals via intravenous
23 injection by hypodermic needle, intraperitoneal injection
24 by hypodermic needle, or intracardiac injection only on
25 comatose animals by hypodermic needle; and

26 (6) properly disposing of euthanized animals after

1 verification of death.

2 (c) A euthanasia technician employed by a euthanasia
3 agency may perform euthanasia by the administration of a
4 Schedule II or Schedule III nonnarcotic controlled substance.
5 A euthanasia technician may not personally possess, order, or
6 administer a controlled substance except as an agent of the
7 euthanasia agency.

8 (d) Upon termination from a euthanasia agency, a
9 euthanasia technician shall not perform animal euthanasia
10 until he or she is employed by another certified euthanasia
11 agency.

12 (e) A certified euthanasia technician or an instructor in
13 an approved course does not engage in the practice of
14 veterinary medicine when performing duties set forth in this
15 Act.

16 (Source: P.A. 96-780, eff. 8-28-09.)

17 (510 ILCS 72/55)

18 Sec. 55. Endorsement. An applicant, who is a euthanasia
19 technician registered or licensed under the laws of another
20 state or territory of the United States that has requirements
21 that are substantially similar to the requirements of this
22 Act, may be granted certification as a euthanasia technician
23 in this State without examination, upon presenting
24 satisfactory proof to the Department that the applicant has
25 been engaged in the practice of euthanasia for a period of not

1 less than one year and upon payment of the required fee. In
2 addition, an applicant shall have his or her fingerprints
3 submitted to the Illinois ~~Department of~~ State Police for
4 purposes of a criminal history records check pursuant to
5 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
14 subsection (b) of this Section and subsection (a) of Section
15 2.36a.

16 (b) Whenever any person who has not previously been
17 convicted of, or placed on probation or court supervision for,
18 any offense under Section 1.22, 2.36, or 2.36a or subsection
19 (i) or (cc) of Section 2.33, the court may, without entering a
20 judgment and with the person's consent, sentence the person to
21 probation for a violation of Section 2.36a.

22 (1) When a person is placed on probation, the court
23 shall enter an order specifying a period of probation of
24 24 months and shall defer further proceedings in the case

1 until the conclusion of the period or until the filing of a
2 petition alleging violation of a term or condition of
3 probation.

4 (2) The conditions of probation shall be that the
5 person:

6 (A) Not violate any criminal statute of any
7 jurisdiction.

8 (B) Perform no less than 30 hours of community
9 service, provided community service is available in
10 the jurisdiction and is funded and approved by the
11 county board.

12 (3) The court may, in addition to other conditions:

13 (A) Require that the person make a report to and
14 appear in person before or participate with the court
15 or courts, person, or social service agency as
16 directed by the court in the order of probation.

17 (B) Require that the person pay a fine and costs.

18 (C) Require that the person refrain from
19 possessing a firearm or other dangerous weapon.

20 (D) Prohibit the person from associating with any
21 person who is actively engaged in any of the
22 activities regulated by the permits issued or
23 privileges granted by the Department of Natural
24 Resources.

25 (4) Upon violation of a term or condition of
26 probation, the court may enter a judgment on its original

1 finding of guilt and proceed as otherwise provided.

2 (5) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge the person and
4 dismiss the proceedings against the person.

5 (6) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation, for appeal, and for administrative revocation
8 and suspension of licenses and privileges; however,
9 discharge and dismissal under this Section is not a
10 conviction for purposes of disqualification or
11 disabilities imposed by law upon conviction of a crime.

12 (7) Discharge and dismissal under this Section may
13 occur only once with respect to any person.

14 (8) If a person is convicted of an offense under this
15 Act within 5 years subsequent to a discharge and dismissal
16 under this Section, the discharge and dismissal under this
17 Section shall be admissible in the sentencing proceeding
18 for that conviction as a factor in aggravation.

19 (9) The Circuit Clerk shall notify the Illinois
20 ~~Department of~~ State Police of all persons convicted of or
21 placed under probation for violations of Section 2.36a.

22 (c) Any person who violates any of the provisions of
23 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
24 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
25 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
26 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),

1 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
2 (f)), including administrative rules, shall be guilty of a
3 Class B misdemeanor.

4 A person who violates Section 2.33b by using any computer
5 software or service to remotely control a weapon that takes
6 wildlife by remote operation is guilty of a Class B
7 misdemeanor. A person who violates Section 2.33b by
8 facilitating a violation of Section 2.33b, including an owner
9 of land in which remote control hunting occurs, a computer
10 programmer who designs a program or software to facilitate
11 remote control hunting, or a person who provides weapons or
12 equipment to facilitate remote control hunting, is guilty of a
13 Class A misdemeanor.

14 Any person who violates any of the provisions of Sections
15 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
16 rules, shall be guilty of a Class A misdemeanor. Any second or
17 subsequent violations of Sections 2.4 and 2.36 shall be a
18 Class 4 felony.

19 Any person who violates any of the provisions of this Act,
20 including administrative rules, during such period when his
21 license, privileges, or permit is revoked or denied by virtue
22 of Section 3.36, shall be guilty of a Class A misdemeanor.

23 Any person who violates subsection (g), (i), (o), (p),
24 (y), or (cc) of Section 2.33 shall be guilty of a Class A
25 misdemeanor and subject to a fine of no less than \$500 and no
26 more than \$5,000 in addition to other statutory penalties. In

1 addition, the Department shall suspend the privileges, under
2 this Act, of any person found guilty of violating Section
3 2.33(cc) for a period of not less than one year.

4 Any person who violates any other of the provisions of
5 this Act including administrative rules, unless otherwise
6 stated, shall be guilty of a petty offense. Offenses committed
7 by minors under the direct control or with the consent of a
8 parent or guardian may subject the parent or guardian to the
9 penalties prescribed in this Section.

10 In addition to any fines imposed pursuant to the
11 provisions of this Section or as otherwise provided in this
12 Act, any person found guilty of unlawfully taking or
13 possessing any species protected by this Act, shall be
14 assessed a civil penalty for such species in accordance with
15 the values prescribed in Section 2.36a of this Act. This civil
16 penalty shall be imposed by the Circuit Court for the county
17 within which the offense was committed at the time of the
18 conviction. All penalties provided for in this Section shall
19 be remitted to the Department in accordance with the same
20 provisions provided for in Section 1.18 of this Act.

21 (Source: P.A. 97-431, eff. 8-16-11.)

22 Section 910. The Public Private Agreements for the Illiana
23 Expressway Act is amended by changing Section 115 as follows:

24 (605 ILCS 130/115)

1 Sec. 115. Additional powers of the Department with respect
2 to the Illiana Expressway.

3 (a) The Department may exercise any powers provided under
4 this Act in participation or cooperation with any governmental
5 entity and enter into any contracts to facilitate that
6 participation or cooperation. The Department shall cooperate
7 with other governmental entities under this Act.

8 (b) The Department may make and enter into all contracts
9 and agreements necessary or incidental to the performance of
10 the Department's duties and the execution of the Department's
11 powers under this Act. Except as otherwise required by law,
12 these contracts or agreements are not subject to any approvals
13 other than the approval of the Department, Governor, or
14 federal agencies.

15 (c) The Department may pay the costs incurred under the
16 public private agreement entered into under this Act from any
17 funds available to the Department for the purpose of the
18 Illiana Expressway under this Act or any other statute.

19 (d) The Department or other State agency may not take any
20 action that would impair the public private agreement entered
21 into under this Act, except as provided by law.

22 (e) The Department may enter into an agreement between and
23 among the contractor, the Department, and the Illinois
24 ~~Department of~~ State Police concerning the provision of law
25 enforcement assistance with respect to the Illiana Expressway
26 under this Act.

1 (f) The Department is authorized to enter into
2 arrangements with the Illinois State Police related to costs
3 incurred in providing law enforcement assistance under this
4 Act.

5 (Source: P.A. 96-913, eff. 6-9-10.)

6 Section 915. The Railroad Police Act is amended by
7 changing Section 2 as follows:

8 (610 ILCS 80/2) (from Ch. 114, par. 98)

9 Sec. 2. Conductors of all railroad trains, and the captain
10 or master of any boat carrying passengers within the
11 jurisdiction of this State, are vested with police powers
12 while on duty on their respective trains and boats, and may
13 wear an appropriate badge indicative of this authority.

14 In the policing of its properties any registered rail
15 carrier, as defined in Section 18c-7201 of the Illinois
16 Vehicle Code, may provide for the appointment and maintenance
17 of a police force to aid and supplement the police forces of
18 any municipality in the protection of its property and the
19 protection of the persons and property of its passengers and
20 employees, or in furtherance of the purposes for which the
21 railroad was organized. While engaged in the conduct of their
22 employment, the members of the railroad police force have and
23 may exercise the same police powers conferred upon any peace
24 officer employed by a law enforcement agency of this State,

1 including the authority to issue administrative citations in
2 accordance with the provisions of county or municipal
3 ordinances.

4 Any registered rail carrier that appoints and maintains a
5 police force shall comply with the following requirements:

6 (1) Establish an internal policy that includes
7 procedures to ensure objective oversight in addressing
8 allegations of abuse of authority or other misconduct on
9 the part of its police officers.

10 (2) Adopt appropriate policies and guidelines for
11 employee investigations by police officers. These policies
12 and guidelines shall provide for initiating employee
13 investigations only under the following conditions:

14 (A) There is reason to believe criminal misconduct
15 has occurred.

16 (B) In response to an employee accident.

17 (C) There is reason to believe that the interview
18 of an employee could result in workplace violence.

19 (D) There is a legitimate concern for the personal
20 safety of one or more employees.

21 These policies and guidelines shall provide for the
22 right of an employee to request a representative to be
23 present during any interview concerning a non-criminal
24 matter.

25 (3) File copies of the policies and guidelines adopted
26 under paragraphs (1) and (2) with the Illinois Law

1 Enforcement Training Standards Board, which shall make
2 them available for public inspection. The Board shall
3 review the policies and guidelines, and approve them if
4 they comply with the Act.

5 (4) Appeal of a rail carrier's decision. A person
6 adversely affected or aggrieved by a decision of a rail
7 carrier's internal investigation under this Act may appeal
8 the decision to the Illinois State Police. The appeal
9 shall be filed no later than 90 days after the issuance of
10 the decision. The Illinois State Police shall review the
11 depth, completeness, and objectivity of the rail carrier's
12 investigation, and may conduct its own investigation of
13 the complaint. The Illinois State Police may uphold,
14 overturn, or modify the rail carrier's decision by filing
15 a report of its findings and recommendations with the
16 Illinois Commerce Commission. Consistent with authority
17 under Chapter 18C of the Illinois Vehicle Code and the
18 Commission rules of practice, the Commission shall have
19 the power to conduct evidentiary hearings, make findings,
20 and issue and enforce orders, including sanctions under
21 Section 18c-1704 of the Illinois Vehicle Code.

22 Rulemaking authority to implement this amendatory Act of
23 the 95th General Assembly, if any, is conditioned on the rules
24 being adopted in accordance with all provisions of the
25 Illinois Administrative Procedure Act and all rules and
26 procedures of the Joint Committee on Administrative Rules; any

1 purported rule not so adopted, for whatever reason, is
2 unauthorized.

3 (Source: P.A. 98-791, eff. 7-25-14; 99-78, eff. 7-20-15.)

4 Section 920. The Military Emergency Aircraft Restriction
5 Act is amended by changing Section 5 as follows:

6 (620 ILCS 10/5) (from Ch. 15 1/2, par. 183)

7 Sec. 5. Notice of the existence of a state of military
8 emergency and of currently prevailing air traffic control
9 requirements issued to the Department and to civil and
10 military aviation facilities of this State over the Federal
11 Interstate Airways Communications System and the State
12 emergency fan-out system components of the Civil Air Defense
13 Warning Net is sufficient to authorize the Department to
14 control non-scheduled civil aircraft movement as provided in
15 this Act.

16 The Department may utilize, to the extent of capacity, the
17 radio network system of the Illinois State Police, county
18 sheriffs' offices and municipal police departments in order to
19 assure a reliable and adequate State fan-out communications
20 system required for rapid dissemination of notices to airmen
21 and civil aviation authorities respecting such aircraft
22 movement control as may be required on the part of the
23 Department and airport operators and managers during the
24 existence of a state of military emergency.

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

2 Section 930. The Public-Private Agreements for the South
3 Suburban Airport Act is amended by changing Section 2-135 as
4 follows:

5 (620 ILCS 75/2-135)

6 Sec. 2-135. Additional powers of the Department with
7 respect to the South Suburban Airport.

8 (a) The Department may exercise any powers provided under
9 this Act in participation or cooperation with any governmental
10 entity and enter into any contracts to facilitate that
11 participation or cooperation. The Department shall cooperate
12 with other governmental entities under this Act.

13 (b) The Department may make and enter into all contracts
14 and agreements necessary or incidental to the performance of
15 the Department's duties and the execution of the Department's
16 powers under this Act. Except as otherwise required by law,
17 these contracts or agreements are not subject to any approvals
18 other than the approval of the Department, Governor, or
19 federal agencies and may contain any terms that are considered
20 reasonable by the Department and not in conflict with any
21 provisions of this Act or other statutes, rules, or laws.

22 (c) The Department may pay the costs incurred under the
23 public-private agreement entered into under this Act from any
24 funds available to the Department for the purpose of the South

1 Suburban Airport under this Act or any other statute.

2 (d) The Department and other State agencies shall not take
3 any action that would impair the public-private agreement
4 entered into under this Act, except as provided by law.

5 (e) The Department may enter into an agreement between and
6 among the contractor, the Department, and the Illinois
7 ~~Department of~~ State Police concerning the provision of law
8 enforcement assistance with respect to the South Suburban
9 Airport under this Act.

10 (f) The Department is authorized to enter into
11 arrangements with the Illinois State Police related to costs
12 incurred in providing law enforcement assistance under this
13 Act.

14 (Source: P.A. 98-109, eff. 7-25-13.)

15 Section 935. The Illinois Vehicle Code is amended by
16 changing Sections 1-129, 2-116, 2-119, 3-117.1, 3-405, 3-416,
17 4-107, 4-109, 4-202, 4-203.5, 4-205, 4-206, 4-209, 4-302,
18 5-102, 5-105, 5-401.2, 5-402.1, 6-106.1, 6-106.1a, 6-107.5,
19 6-112, 6-402, 6-411, 6-508, 8-115, 11-212, 11-416, 11-501.01,
20 11-501.2, 11-501.4-1, 11-501.5, 11-501.6, 11-501.8, 11-501.10,
21 11-605.1, 11-907.1, 12-612, 13-109.1, 15-102, 15-112, 15-201,
22 15-202, 15-203, 15-305, 16-102, 16-105, 18a-200, 18b-112,
23 18c-1702, and 18c-4601 as follows:

24 (625 ILCS 5/1-129) (from Ch. 95 1/2, par. 1-129)

1 Sec. 1-129. Identification Number. The numbers and
2 letters, if any, on a vehicle or essential part, affixed by its
3 manufacturer, the Illinois Secretary of State or the Illinois
4 ~~Department of~~ State Police for the purpose of identifying the
5 vehicle or essential part, or which is required to be affixed
6 to the vehicle or part by federal or state law.

7 (Source: P.A. 84-1302; 84-1304.)

8 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

9 Sec. 2-116. Secretary of State Department of Police.

10 (a) The Secretary of State and the officers, inspectors,
11 and investigators appointed by him shall cooperate with the
12 Illinois State Police and the sheriffs and police in enforcing
13 the laws regulating the operation of vehicles and the use of
14 the highways.

15 (b) The Secretary of State may provide training and
16 education for members of his office in traffic regulation, the
17 promotion of traffic safety and the enforcement of laws vested
18 in the Secretary of State for administration and enforcement
19 regulating the operation of vehicles and the use of the
20 highways.

21 (c) The Secretary of State may provide distinctive
22 uniforms and badges for officers, inspectors and investigators
23 employed in the administration of laws relating to the
24 operation of vehicles and the use of the highways and vesting
25 the administration and enforcement of such laws in the

1 Secretary of State.

2 (c-5) The Director of the Secretary of State Department of
3 Police shall establish a program to allow a Secretary of State
4 Police officer, inspector, or investigator who is honorably
5 retiring in good standing to purchase either one or both of the
6 following: (1) any Secretary of State Department of Police
7 badge previously issued to that officer, inspector, or
8 investigator; or (2) if the officer, inspector, or
9 investigator has a currently valid Firearm Owner's
10 Identification Card, the service firearm issued or previously
11 issued to the officer, inspector, or investigator by the
12 Secretary of State Department of Police. The cost of the
13 firearm shall be the replacement value of the firearm and not
14 the firearm's fair market value.

15 (d) The Secretary of State Department of Police is
16 authorized to:

17 (1) investigate the origins, activities, persons, and
18 incidents of crime and the ways and means, if any, to
19 redress the victims of crimes, and study the impact, if
20 any, of legislation relative to the criminal laws of this
21 State related thereto and conduct any other investigations
22 as may be provided by law;

23 (2) employ skilled experts, technicians,
24 investigators, special agents, or otherwise specially
25 qualified persons to aid in preventing or detecting crime,
26 apprehending criminals, or preparing and presenting

1 evidence of violations of the criminal laws of the State;

2 (3) 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;

6 (4) provide, as may be required by law, assistance to
7 local law enforcement agencies through training,
8 management, and consultant services for local law
9 enforcement agencies, pertaining to law enforcement
10 activities;

11 (5) exercise the rights, powers, and duties which have
12 been vested in it by the Secretary of State Act and this
13 Code; and

14 (6) enforce and administer any other laws in relation
15 to law enforcement as may be vested in the Secretary of
16 State Department of Police.

17 Persons within the Secretary of State Department of Police
18 who exercise these powers are conservators of the peace and
19 have all the powers possessed by policemen in municipalities
20 and sheriffs, and may exercise these powers anywhere in the
21 State in cooperation with local law enforcement officials.
22 These persons may use false or fictitious names in the
23 performance of their duties under this Section, upon approval
24 of the Director of Police-Secretary of State, and shall not be
25 subject to prosecution under the criminal laws for that use.

26 (e) The Secretary of State Department of Police may

1 charge, collect, and receive fees or moneys equivalent to the
2 cost of providing its personnel, equipment, and services to
3 governmental agencies when explicitly requested by a
4 governmental agency and according to an intergovernmental
5 agreement or memorandums of understanding as provided by this
6 Section, including but not limited to fees or moneys
7 equivalent to the cost of providing training to other
8 governmental agencies on terms and conditions that in the
9 judgment of the Director of Police-Secretary of State are in
10 the best interest of the Secretary of State. All fees received
11 by the Secretary of State Police Department under this Act
12 shall be deposited in a special fund in the State Treasury to
13 be known as the Secretary of State Police Services Fund. The
14 money deposited in the Secretary of State Police Services Fund
15 shall be appropriated to the Secretary of State Department of
16 Police as provided for in subsection (g).

17 (f) The Secretary of State Department of Police may apply
18 for grants or contracts and receive, expend, allocate, or
19 disburse moneys made available by public or private entities,
20 including, but not limited to, contracts, bequests, grants, or
21 receiving equipment from corporations, foundations, or public
22 or private institutions of higher learning.

23 (g) The Secretary of State Police Services Fund is hereby
24 created as a special fund in the State Treasury. All moneys
25 received under this Section by the Secretary of State
26 Department of Police shall be deposited into the Secretary of

1 State Police Services Fund to be appropriated to the Secretary
2 of State Department of Police for purposes as indicated by the
3 grantor or contractor or, in the case of moneys bequeathed or
4 granted for no specific purpose, for any purpose as deemed
5 appropriate by the Director of Police-Secretary of State in
6 administering the responsibilities of the Secretary of State
7 Department of Police.

8 (Source: P.A. 100-931, eff. 8-17-18.)

9 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

10 Sec. 2-119. Disposition of fees and taxes.

11 (a) All moneys received from Salvage Certificates shall be
12 deposited in the Common School Fund in the State Treasury.

13 (b) Of the money collected for each certificate of title,
14 duplicate certificate of title, and corrected certificate of
15 title:

16 (1) \$2.60 shall be deposited in the Park and
17 Conservation Fund;

18 (2) \$0.65 shall be deposited in the Illinois Fisheries
19 Management Fund;

20 (3) \$48 shall be disbursed under subsection (g) of
21 this Section;

22 (4) \$4 shall be deposited into the Motor Vehicle
23 License Plate Fund; and

24 (5) \$30 shall be deposited into the Capital Projects
25 Fund.

1 All remaining moneys collected for certificates of title,
2 and all moneys collected for filing of security interests,
3 shall be deposited in the General Revenue Fund.

4 The \$20 collected for each delinquent vehicle registration
5 renewal fee shall be deposited into the General Revenue Fund.

6 The moneys deposited in the Park and Conservation Fund
7 under this Section shall be used for the acquisition and
8 development of bike paths as provided for in Section 805-420
9 of the Department of Natural Resources (Conservation) Law of
10 the Civil Administrative Code of Illinois. The moneys
11 deposited into the Park and Conservation Fund under this
12 subsection shall not be subject to administrative charges or
13 chargebacks, unless otherwise authorized by this Code.

14 If the balance in the Motor Vehicle License Plate Fund
15 exceeds \$40,000,000 on the last day of a calendar month, then
16 during the next calendar month, the \$4 that otherwise would be
17 deposited in that fund shall instead be deposited into the
18 Road Fund.

19 (c) All moneys collected for that portion of a driver's
20 license fee designated for driver education under Section
21 6-118 shall be placed in the Drivers Education Fund in the
22 State Treasury.

23 (d) Of the moneys collected as a registration fee for each
24 motorcycle, motor driven cycle, and moped, 27% shall be
25 deposited in the Cycle Rider Safety Training Fund.

26 (e) (Blank).

1 (f) Of the total money collected for a commercial
2 learner's permit (CLP) or original or renewal issuance of a
3 commercial driver's license (CDL) pursuant to the Uniform
4 Commercial Driver's License Act (UCDLA): (i) \$6 of the total
5 fee for an original or renewal CDL, and \$6 of the total CLP fee
6 when such permit is issued to any person holding a valid
7 Illinois driver's license, shall be paid into the
8 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License
9 Information System/American Association of Motor Vehicle
10 Administrators network/National Motor Vehicle Title
11 Information Service Trust Fund) and shall be used for the
12 purposes provided in Section 6z-23 of the State Finance Act
13 and (ii) \$20 of the total fee for an original or renewal CDL or
14 CLP shall be paid into the Motor Carrier Safety Inspection
15 Fund, which is hereby created as a special fund in the State
16 Treasury, to be used by the Illinois ~~Department of~~ State
17 Police, subject to appropriation, to hire additional officers
18 to conduct motor carrier safety inspections pursuant to
19 Chapter 18b of this Code.

20 (g) Of the moneys received by the Secretary of State as
21 registration fees or taxes, certificates of title, duplicate
22 certificates of title, corrected certificates of title, or as
23 payment of any other fee under this Code, when those moneys are
24 not otherwise distributed by this Code, 37% shall be deposited
25 into the State Construction Account Fund, and 63% shall be
26 deposited in the Road Fund. Moneys in the Road Fund shall be

1 used for the purposes provided in Section 8.3 of the State
2 Finance Act.

3 (h) (Blank).

4 (i) (Blank).

5 (j) (Blank).

6 (k) There is created in the State Treasury a special fund
7 to be known as the Secretary of State Special License Plate
8 Fund. Money deposited into the Fund shall, subject to
9 appropriation, be used by the Office of the Secretary of State
10 (i) to help defray plate manufacturing and plate processing
11 costs for the issuance and, when applicable, renewal of any
12 new or existing registration plates authorized under this Code
13 and (ii) for grants made by the Secretary of State to benefit
14 Illinois Veterans Home libraries.

15 (l) The Motor Vehicle Review Board Fund is created as a
16 special fund in the State Treasury. Moneys deposited into the
17 Fund under paragraph (7) of subsection (b) of Section 5-101
18 and Section 5-109 shall, subject to appropriation, be used by
19 the Office of the Secretary of State to administer the Motor
20 Vehicle Review Board, including without limitation payment of
21 compensation and all necessary expenses incurred in
22 administering the Motor Vehicle Review Board under the Motor
23 Vehicle Franchise Act.

24 (m) Effective July 1, 1996, there is created in the State
25 Treasury a special fund to be known as the Family
26 Responsibility Fund. Moneys deposited into the Fund shall,

1 subject to appropriation, be used by the Office of the
2 Secretary of State for the purpose of enforcing the Family
3 Financial Responsibility Law.

4 (n) The Illinois Fire Fighters' Memorial Fund is created
5 as a special fund in the State Treasury. Moneys deposited into
6 the Fund shall, subject to appropriation, be used by the
7 Office of the State Fire Marshal for construction of the
8 Illinois Fire Fighters' Memorial to be located at the State
9 Capitol grounds in Springfield, Illinois. Upon the completion
10 of the Memorial, moneys in the Fund shall be used in accordance
11 with Section 3-634.

12 (o) Of the money collected for each certificate of title
13 for all-terrain vehicles and off-highway motorcycles, \$17
14 shall be deposited into the Off-Highway Vehicle Trails Fund.

15 (p) For audits conducted on or after July 1, 2003 pursuant
16 to Section 2-124(d) of this Code, 50% of the money collected as
17 audit fees shall be deposited into the General Revenue Fund.

18 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and
19 Section 10 of P.A. 99-414 for the effective date of changes
20 made by P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff.
21 7-16-14; 99-127, eff. 1-1-16; 99-933, eff. 1-27-17.)

22 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

23 Sec. 3-117.1. When junking certificates or salvage
24 certificates must be obtained.

25 (a) Except as provided in Chapter 4 and Section 3-117.3 of

1 this Code, a person who possesses a junk vehicle shall within
2 15 days cause the certificate of title, salvage certificate,
3 certificate of purchase, or a similarly acceptable
4 out-of-state document of ownership to be surrendered to the
5 Secretary of State along with an application for a junking
6 certificate, except as provided in Section 3-117.2, whereupon
7 the Secretary of State shall issue to such a person a junking
8 certificate, which shall authorize the holder thereof to
9 possess, transport, or, by an endorsement, transfer ownership
10 in such junked vehicle, and a certificate of title shall not
11 again be issued for such vehicle. The owner of a junk vehicle
12 is not required to surrender the certificate of title under
13 this subsection if (i) there is no lienholder on the
14 certificate of title or (ii) the owner of the junk vehicle has
15 a valid lien release from the lienholder releasing all
16 interest in the vehicle and the owner applying for the junk
17 certificate matches the current record on the certificate of
18 title file for the vehicle.

19 A licensee who possesses a junk vehicle and a Certificate
20 of Title, Salvage Certificate, Certificate of Purchase, or a
21 similarly acceptable out-of-state document of ownership for
22 such junk vehicle, may transport the junk vehicle to another
23 licensee prior to applying for or obtaining a junking
24 certificate, by executing a uniform invoice. The licensee
25 transferor shall furnish a copy of the uniform invoice to the
26 licensee transferee at the time of transfer. In any case, the

1 licensee transferor shall apply for a junking certificate in
2 conformance with Section 3-117.1 of this Chapter. The
3 following information shall be contained on a uniform invoice:

4 (1) The business name, address and dealer license
5 number of the person disposing of the vehicle, junk
6 vehicle or vehicle cowl;

7 (2) The name and address of the person acquiring the
8 vehicle, junk vehicle or vehicle cowl, and if that person
9 is a dealer, the Illinois or out-of-state dealer license
10 number of that dealer;

11 (3) The date of the disposition of the vehicle, junk
12 vehicle or vehicle cowl;

13 (4) The year, make, model, color and description of
14 each vehicle, junk vehicle or vehicle cowl disposed of by
15 such person;

16 (5) The manufacturer's vehicle identification number,
17 Secretary of State identification number or Illinois
18 ~~Department of State Police~~ number, for each vehicle, junk
19 vehicle or vehicle cowl part disposed of by such person;

20 (6) The printed name and legible signature of the
21 person or agent disposing of the vehicle, junk vehicle or
22 vehicle cowl; and

23 (7) The printed name and legible signature of the
24 person accepting delivery of the vehicle, junk vehicle or
25 vehicle cowl.

26 The Secretary of State may certify a junking manifest in a

1 form prescribed by the Secretary of State that reflects those
2 vehicles for which junking certificates have been applied or
3 issued. A junking manifest may be issued to any person and it
4 shall constitute evidence of ownership for the vehicle listed
5 upon it. A junking manifest may be transferred only to a person
6 licensed under Section 5-301 of this Code as a scrap
7 processor. A junking manifest will allow the transportation of
8 those vehicles to a scrap processor prior to receiving the
9 junk certificate from the Secretary of State.

10 (b) An application for a salvage certificate shall be
11 submitted to the Secretary of State in any of the following
12 situations:

13 (1) When an insurance company makes a payment of
14 damages on a total loss claim for a vehicle, the insurance
15 company shall be deemed to be the owner of such vehicle and
16 the vehicle shall be considered to be salvage except that
17 ownership of (i) a vehicle that has incurred only hail
18 damage that does not affect the operational safety of the
19 vehicle or (ii) any vehicle 9 model years of age or older
20 may, by agreement between the registered owner and the
21 insurance company, be retained by the registered owner of
22 such vehicle. The insurance company shall promptly deliver
23 or mail within 20 days the certificate of title along with
24 proper application and fee to the Secretary of State, and
25 a salvage certificate shall be issued in the name of the
26 insurance company. Notwithstanding the foregoing, an

1 insurer making payment of damages on a total loss claim
2 for the theft of a vehicle shall not be required to apply
3 for a salvage certificate unless the vehicle is recovered
4 and has incurred damage that initially would have caused
5 the vehicle to be declared a total loss by the insurer.

6 (1.1) When a vehicle of a self-insured company is to
7 be sold in the State of Illinois and has sustained damaged
8 by collision, fire, theft, rust corrosion, or other means
9 so that the self-insured company determines the vehicle to
10 be a total loss, or if the cost of repairing the damage,
11 including labor, would be greater than 70% of its fair
12 market value without that damage, the vehicle shall be
13 considered salvage. The self-insured company shall
14 promptly deliver the certificate of title along with
15 proper application and fee to the Secretary of State, and
16 a salvage certificate shall be issued in the name of the
17 self-insured company. A self-insured company making
18 payment of damages on a total loss claim for the theft of a
19 vehicle may exchange the salvage certificate for a
20 certificate of title if the vehicle is recovered without
21 damage. In such a situation, the self-insured shall fill
22 out and sign a form prescribed by the Secretary of State
23 which contains an affirmation under penalty of perjury
24 that the vehicle was recovered without damage and the
25 Secretary of State may, by rule, require photographs to be
26 submitted.

1 (2) When a vehicle the ownership of which has been
2 transferred to any person through a certificate of
3 purchase from acquisition of the vehicle at an auction,
4 other dispositions as set forth in Sections 4-208 and
5 4-209 of this Code, or a lien arising under Section
6 18a-501 of this Code shall be deemed salvage or junk at the
7 option of the purchaser. The person acquiring such vehicle
8 in such manner shall promptly deliver or mail, within 20
9 days after the acquisition of the vehicle, the certificate
10 of purchase, the proper application and fee, and, if the
11 vehicle is an abandoned mobile home under the Abandoned
12 Mobile Home Act, a certification from a local law
13 enforcement agency that the vehicle was purchased or
14 acquired at a public sale under the Abandoned Mobile Home
15 Act to the Secretary of State and a salvage certificate or
16 junking certificate shall be issued in the name of that
17 person. The salvage certificate or junking certificate
18 issued by the Secretary of State under this Section shall
19 be free of any lien that existed against the vehicle prior
20 to the time the vehicle was acquired by the applicant
21 under this Code.

22 (3) A vehicle which has been repossessed by a
23 lienholder shall be considered to be salvage only when the
24 repossessed vehicle, on the date of repossession by the
25 lienholder, has sustained damage by collision, fire,
26 theft, rust corrosion, or other means so that the cost of

1 repairing such damage, including labor, would be greater
2 than 33 1/3% of its fair market value without such damage.
3 If the lienholder determines that such vehicle is damaged
4 in excess of 33 1/3% of such fair market value, the
5 lienholder shall, before sale, transfer or assignment of
6 the vehicle, make application for a salvage certificate,
7 and shall submit with such application the proper fee and
8 evidence of possession. If the facts required to be shown
9 in subsection (f) of Section 3-114 are satisfied, the
10 Secretary of State shall issue a salvage certificate in
11 the name of the lienholder making the application. In any
12 case wherein the vehicle repossessed is not damaged in
13 excess of 33 1/3% of its fair market value, the lienholder
14 shall comply with the requirements of subsections (f),
15 (f-5), and (f-10) of Section 3-114, except that the
16 affidavit of repossession made by or on behalf of the
17 lienholder shall also contain an affirmation under penalty
18 of perjury that the vehicle on the date of sale is not
19 damaged in excess of 33 1/3% of its fair market value. If
20 the facts required to be shown in subsection (f) of
21 Section 3-114 are satisfied, the Secretary of State shall
22 issue a certificate of title as set forth in Section 3-116
23 of this Code. The Secretary of State may by rule or
24 regulation require photographs to be submitted.

25 (4) A vehicle which is a part of a fleet of more than 5
26 commercial vehicles registered in this State or any other

1 state or registered proportionately among several states
2 shall be considered to be salvage when such vehicle has
3 sustained damage by collision, fire, theft, rust,
4 corrosion or similar means so that the cost of repairing
5 such damage, including labor, would be greater than 33
6 1/3% of the fair market value of the vehicle without such
7 damage. If the owner of a fleet vehicle desires to sell,
8 transfer, or assign his interest in such vehicle to a
9 person within this State other than an insurance company
10 licensed to do business within this State, and the owner
11 determines that such vehicle, at the time of the proposed
12 sale, transfer or assignment is damaged in excess of 33
13 1/3% of its fair market value, the owner shall, before
14 such sale, transfer or assignment, make application for a
15 salvage certificate. The application shall contain with it
16 evidence of possession of the vehicle. If the fleet
17 vehicle at the time of its sale, transfer, or assignment
18 is not damaged in excess of 33 1/3% of its fair market
19 value, the owner shall so state in a written affirmation
20 on a form prescribed by the Secretary of State by rule or
21 regulation. The Secretary of State may by rule or
22 regulation require photographs to be submitted. Upon sale,
23 transfer or assignment of the fleet vehicle the owner
24 shall mail the affirmation to the Secretary of State.

25 (5) A vehicle that has been submerged in water to the
26 point that rising water has reached over the door sill and

1 has entered the passenger or trunk compartment is a "flood
2 vehicle". A flood vehicle shall be considered to be
3 salvage only if the vehicle has sustained damage so that
4 the cost of repairing the damage, including labor, would
5 be greater than 33 1/3% of the fair market value of the
6 vehicle without that damage. The salvage certificate
7 issued under this Section shall indicate the word "flood",
8 and the word "flood" shall be conspicuously entered on
9 subsequent titles for the vehicle. A person who possesses
10 or acquires a flood vehicle that is not damaged in excess
11 of 33 1/3% of its fair market value shall make application
12 for title in accordance with Section 3-116 of this Code,
13 designating the vehicle as "flood" in a manner prescribed
14 by the Secretary of State. The certificate of title issued
15 shall indicate the word "flood", and the word "flood"
16 shall be conspicuously entered on subsequent titles for
17 the vehicle.

18 (6) When any licensed rebuilder, repairer, new or used
19 vehicle dealer, or remittance agent has submitted an
20 application for title to a vehicle (other than an
21 application for title to a rebuilt vehicle) that he or she
22 knows or reasonably should have known to have sustained
23 damages in excess of 33 1/3% of the vehicle's fair market
24 value without that damage; provided, however, that any
25 application for a salvage certificate for a vehicle
26 recovered from theft and acquired from an insurance

1 company shall be made as required by paragraph (1) of this
2 subsection (b).

3 (c) Any person who without authority acquires, sells,
4 exchanges, gives away, transfers or destroys or offers to
5 acquire, sell, exchange, give away, transfer or destroy the
6 certificate of title to any vehicle which is a junk or salvage
7 vehicle shall be guilty of a Class 3 felony.

8 (d) Except as provided under subsection (a), any person
9 who knowingly fails to surrender to the Secretary of State a
10 certificate of title, salvage certificate, certificate of
11 purchase or a similarly acceptable out-of-state document of
12 ownership as required under the provisions of this Section is
13 guilty of a Class A misdemeanor for a first offense and a Class
14 4 felony for a subsequent offense; except that a person
15 licensed under this Code who violates paragraph (5) of
16 subsection (b) of this Section is guilty of a business offense
17 and shall be fined not less than \$1,000 nor more than \$5,000
18 for a first offense and is guilty of a Class 4 felony for a
19 second or subsequent violation.

20 (e) Any vehicle which is salvage or junk may not be driven
21 or operated on roads and highways within this State. A
22 violation of this subsection is a Class A misdemeanor. A
23 salvage vehicle displaying valid special plates issued under
24 Section 3-601(b) of this Code, which is being driven to or from
25 an inspection conducted under Section 3-308 of this Code, is
26 exempt from the provisions of this subsection. A salvage

1 vehicle for which a short term permit has been issued under
2 Section 3-307 of this Code is exempt from the provisions of
3 this subsection for the duration of the permit.

4 (Source: P.A. 100-104, eff. 11-9-17; 100-956, eff. 1-1-19;
5 100-1083, eff. 1-1-19; 101-81, eff. 7-12-19.)

6 (625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

7 Sec. 3-405. Application for registration.

8 (a) Every owner of a vehicle subject to registration under
9 this Code shall make application to the Secretary of State for
10 the registration of such vehicle upon the appropriate form or
11 forms furnished by the Secretary. Every such application shall
12 bear the signature of the owner written with pen and ink and
13 contain:

14 1. The name, domicile address, as defined in Section
15 1-115.5 of this Code, (except as otherwise provided in
16 this paragraph 1), mail address of the owner or business
17 address of the owner if a firm, association, or
18 corporation, and, if available, email address of the
19 owner. If the mailing address is a post office box number,
20 the address listed on the driver license record may be
21 used to verify residence. A police officer, a deputy
22 sheriff, an elected sheriff, a law enforcement officer for
23 the Illinois ~~Department~~ of State Police, a fire
24 investigator, a state's attorney, an assistant state's
25 attorney, a state's attorney special investigator, or a

1 judicial officer may elect to furnish the address of the
2 headquarters of the governmental entity, police district,
3 or business address where he or she works instead of his or
4 her domicile address, in which case that address shall be
5 deemed to be his or her domicile address for all purposes
6 under this Chapter 3. The spouse and children of a person
7 who may elect under this paragraph 1 to furnish the
8 address of the headquarters of the government entity,
9 police district, or business address where the person
10 works instead of the person's domicile address may, if
11 they reside with that person, also elect to furnish the
12 address of the headquarters of the government entity,
13 police district, or business address where the person
14 works as their domicile address, in which case that
15 address shall be deemed to be their domicile address for
16 all purposes under this Chapter 3. In this paragraph 1:
17 (A) "police officer" has the meaning ascribed to
18 "policeman" in Section 10-3-1 of the Illinois Municipal
19 Code; (B) "deputy sheriff" means a deputy sheriff
20 appointed under Section 3-6008 of the Counties Code; (C)
21 "elected sheriff" means a sheriff commissioned pursuant to
22 Section 3-6001 of the Counties Code; (D) "fire
23 investigator" means a person classified as a peace officer
24 under the Peace Officer Fire Investigation Act; (E)
25 "state's attorney", "assistant state's attorney", and
26 "state's attorney special investigator" mean a state's

1 attorney, assistant state's attorney, and state's attorney
2 special investigator commissioned or appointed under
3 Division 3-9 of the Counties Code; and (F) "judicial
4 officer" has the meaning ascribed to it in Section 1-10 of
5 the Judicial Privacy Act.

6 2. A description of the vehicle, including such
7 information as is required in an application for a
8 certificate of title, determined under such standard
9 rating as may be prescribed by the Secretary.

10 3. (Blank).

11 4. Such further information as may reasonably be
12 required by the Secretary to enable him to determine
13 whether the vehicle is lawfully entitled to registration
14 and the owner entitled to a certificate of title.

15 5. An affirmation by the applicant that all
16 information set forth is true and correct. If the
17 application is for the registration of a motor vehicle,
18 the applicant also shall affirm that the motor vehicle is
19 insured as required by this Code, that such insurance will
20 be maintained throughout the period for which the motor
21 vehicle shall be registered, and that neither the owner,
22 nor any person operating the motor vehicle with the
23 owner's permission, shall operate the motor vehicle unless
24 the required insurance is in effect. If the person signing
25 the affirmation is not the sole owner of the vehicle, such
26 person shall be deemed to have affirmed on behalf of all

1 the owners of the vehicle. If the person signing the
2 affirmation is not an owner of the vehicle, such person
3 shall be deemed to have affirmed on behalf of the owner or
4 owners of the vehicle. The lack of signature on the
5 application shall not in any manner exempt the owner or
6 owners from any provisions, requirements or penalties of
7 this Code.

8 (b) When such application refers to a new vehicle
9 purchased from a dealer the application shall be accompanied
10 by a Manufacturer's Statement of Origin from the dealer, and a
11 statement showing any lien retained by the dealer.

12 (Source: P.A. 100-145, eff. 1-1-18.)

13 (625 ILCS 5/3-416) (from Ch. 95 1/2, par. 3-416)

14 Sec. 3-416. Notice of change of address or name.

15 (a) Whenever any person after making application for or
16 obtaining the registration of a vehicle shall move from the
17 address named in the application or shown upon a registration
18 card such person shall within 10 days thereafter notify the
19 Secretary of State of his or her old and new address.

20 (a-5) A police officer, a deputy sheriff, an elected
21 sheriff, a law enforcement officer for the Illinois Department
22 ~~of~~ State Police, or a fire investigator who, in accordance
23 with Section 3-405, has furnished the address of the office of
24 the headquarters of the governmental entity or police district
25 where he or she works instead of his or her domicile address

1 shall, within 10 days after he or she is no longer employed by
2 that governmental entity or police district as a police
3 officer, a deputy sheriff, an elected sheriff, a law
4 enforcement officer for the Illinois ~~Department of~~ State
5 Police or a fire investigator, notify the Secretary of State
6 of the old address and his or her new address. If, in
7 accordance with Section 3-405, the spouse and children of a
8 police officer, deputy sheriff, elected sheriff, law
9 enforcement officer for the Illinois ~~Department of~~ State
10 Police, or fire investigator have furnished the address of the
11 office of the headquarters of the governmental entity or
12 police district where the police officer, deputy sheriff,
13 elected sheriff, law enforcement officer for the Illinois
14 ~~Department of~~ State Police, or fire investigator works instead
15 of their domicile address, the spouse and children shall
16 notify the Secretary of State of their old address and new
17 address within 10 days after the police officer, deputy
18 sheriff, elected sheriff, law enforcement officer for the
19 Illinois ~~Department of~~ State Police, or fire investigator is
20 no longer employed by that governmental entity or police
21 district as a police officer, deputy sheriff, elected sheriff,
22 law enforcement officer for the Illinois ~~Department of~~ State
23 Police, or fire investigator.

24 (b) Whenever the name of any person who has made
25 application for or obtained the registration of a vehicle is
26 thereafter changed by marriage or otherwise such person shall

1 within 10 days notify the Secretary of State of such former and
2 new name.

3 (c) In either event, any such person may obtain a
4 corrected registration card or certificate of title upon
5 application and payment of the statutory fee.

6 (Source: P.A. 94-239, eff. 1-1-06; 95-207, eff. 1-1-08.)

7 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

8 Sec. 4-107. Stolen, converted, recovered and unclaimed
9 vehicles.

10 (a) Every Sheriff, Superintendent of police, Chief of
11 police or other police officer in command of any Police
12 department in any City, Village or Town of the State, shall, by
13 the fastest means of communications available to his law
14 enforcement agency, immediately report to the Illinois State
15 Police, in Springfield, Illinois, the theft or recovery of any
16 stolen or converted vehicle within his district or
17 jurisdiction. The report shall give the date of theft,
18 description of the vehicle including color, year of
19 manufacture, manufacturer's trade name, manufacturer's series
20 name, body style, vehicle identification number and license
21 registration number, including the state in which the license
22 was issued and the year of issuance, together with the name,
23 residence address, business address, and telephone number of
24 the owner. The report shall be routed by the originating law
25 enforcement agency through the Illinois State Police District

1 in which such agency is located.

2 (b) A registered owner or a lienholder may report the
3 theft by conversion of a vehicle, to the Illinois State
4 Police, or any other police department or Sheriff's office.
5 Such report will be accepted as a report of theft and processed
6 only if a formal complaint is on file and a warrant issued.

7 (c) An operator of a place of business for garaging,
8 repairing, parking or storing vehicles for the public, in
9 which a vehicle remains unclaimed, after being left for the
10 purpose of garaging, repairing, parking or storage, for a
11 period of 15 days, shall, within 5 days after the expiration of
12 that period, report the vehicle as unclaimed to the municipal
13 police when the vehicle is within the corporate limits of any
14 City, Village or incorporated Town, or the County Sheriff, or
15 State Police when the vehicle is outside the corporate limits
16 of a City, Village or incorporated Town. This Section does not
17 apply to any vehicle:

18 (1) removed to a place of storage by a law enforcement
19 agency having jurisdiction, in accordance with Sections
20 4-201 and 4-203 of this Act; or

21 (2) left under a garaging, repairing, parking, or
22 storage order signed by the owner, lessor, or other
23 legally entitled person.

24 Failure to comply with this Section will result in the
25 forfeiture of storage fees for that vehicle involved.

26 (d) The Illinois State Police shall keep a complete record

1 of all reports filed under this Section of the Act. Upon
2 receipt of such report, a careful search shall be made of the
3 records of the office of the Illinois State Police, and where
4 it is found that a vehicle reported recovered was stolen in a
5 County, City, Village or Town other than the County, City,
6 Village or Town in which it is recovered, the Illinois State
7 Police shall immediately notify the Sheriff, Superintendent of
8 police, Chief of police, or other police officer in command of
9 the Sheriff's office or Police department of the County, City,
10 Village or Town in which the vehicle was originally reported
11 stolen, giving complete data as to the time and place of
12 recovery.

13 (e) Notification of the theft or conversion of a vehicle
14 will be furnished to the Secretary of State by the Illinois
15 State Police. The Secretary of State shall place the proper
16 information in the license registration and title registration
17 files to indicate the theft or conversion of a motor vehicle or
18 other vehicle. Notification of the recovery of a vehicle
19 previously reported as a theft or a conversion will be
20 furnished to the Secretary of State by the Illinois State
21 Police. The Secretary of State shall remove the proper
22 information from the license registration and title
23 registration files that has previously indicated the theft or
24 conversion of a vehicle. The Secretary of State shall suspend
25 the registration of a vehicle upon receipt of a report from the
26 Illinois State Police that such vehicle was stolen or

1 converted.

2 (f) When the Secretary of State receives an application
3 for a certificate of title or an application for registration
4 of a vehicle and it is determined from the records of the
5 office of the Secretary of State that such vehicle has been
6 reported stolen or converted, the Secretary of State shall
7 immediately notify the Illinois State Police or the Secretary
8 of State Department of Police and shall give the Illinois
9 State Police or the Secretary of State Department of Police
10 the name and address of the person or firm titling or
11 registering the vehicle, together with all other information
12 contained in the application submitted by such person or firm.
13 If the Secretary of State Department of Police receives
14 notification under this subsection (f), it shall conduct an
15 investigation concerning the identity of the registered owner
16 of the stolen or converted vehicle.

17 (g) During the usual course of business the manufacturer
18 of any vehicle shall place an original manufacturer's vehicle
19 identification number on all such vehicles manufactured and on
20 any part of such vehicles requiring an identification number.

21 (h) Except provided in subsection (h-1), if a
22 manufacturer's vehicle identification number is missing or has
23 been removed, changed or mutilated on any vehicle, or any part
24 of such vehicle requiring an identification number, the
25 Illinois State Police or the Secretary of State Department of
26 Police shall restore, restamp or reaffix the vehicle

1 identification number plate, or affix a new plate bearing the
2 original manufacturer's vehicle identification number on each
3 such vehicle and on all necessary parts of the vehicles. A
4 vehicle identification number so affixed, restored, restamped,
5 reaffixed or replaced is not falsified, altered or forged
6 within the meaning of this Act.

7 (h-1) A person engaged in the repair or servicing of
8 vehicles may reaffix a manufacturer's identification number
9 plate on the same damaged vehicle from which it was originally
10 removed, if the person reaffixes the original manufacturer's
11 identification number plate in place of the identification
12 number plate affixed on a new dashboard that has been
13 installed in the vehicle. The person must notify the Secretary
14 of State each time the original manufacturer's identification
15 number plate is reaffixed on a vehicle. The person must keep a
16 record indicating that the identification number plate affixed
17 on the new dashboard has been removed and has been replaced by
18 the manufacturer's identification number plate originally
19 affixed on the vehicle. The person also must keep a record
20 regarding the status and location of the identification number
21 plate removed from the replacement dashboard. The Secretary
22 shall adopt rules for implementing this subsection (h-1).

23 (h-2) The owner of a vehicle repaired under subsection
24 (h-1) must, within 90 days of the date of the repairs, contact
25 an officer of the Illinois State Police Vehicle Inspection
26 Bureau and arrange for an inspection of the vehicle, by the

1 officer or the officer's designee, at a mutually agreed upon
2 date and location.

3 (i) If a vehicle or part of any vehicle is found to have
4 the manufacturer's identification number removed, altered,
5 defaced or destroyed, the vehicle or part shall be seized by
6 any law enforcement agency having jurisdiction and held for
7 the purpose of identification. In the event that the
8 manufacturer's identification number of a vehicle or part
9 cannot be identified, the vehicle or part shall be considered
10 contraband, and no right of property shall exist in any person
11 owning, leasing or possessing such property, unless the person
12 owning, leasing or possessing the vehicle or part acquired
13 such without knowledge that the manufacturer's vehicle
14 identification number has been removed, altered, defaced,
15 falsified or destroyed.

16 Either the seizing law enforcement agency or the State's
17 Attorney of the county where the seizure occurred may make an
18 application for an order of forfeiture to the circuit court in
19 the county of seizure. The application for forfeiture shall be
20 independent from any prosecution arising out of the seizure
21 and is not subject to any final determination of such
22 prosecution. The circuit court shall issue an order forfeiting
23 the property to the seizing law enforcement agency if the
24 court finds that the property did not at the time of seizure
25 possess a valid manufacturer's identification number and that
26 the original manufacturer's identification number cannot be

1 ascertained. The seizing law enforcement agency may:

2 (1) retain the forfeited property for official use; or

3 (2) sell the forfeited property and distribute the
4 proceeds in accordance with Section 4-211 of this Code, or
5 dispose of the forfeited property in such manner as the
6 law enforcement agency deems appropriate.

7 (i-1) If a motorcycle is seized under subsection (i), the
8 motorcycle must be returned within 45 days of the date of
9 seizure to the person from whom it was seized, unless (i)
10 criminal charges are pending against that person or (ii) an
11 application for an order of forfeiture has been submitted to
12 the circuit in the county of seizure or (iii) the circuit court
13 in the county of seizure has received from the seizing law
14 enforcement agency and has granted a petition to extend, for a
15 single 30 day period, the 45 days allowed for return of the
16 motorcycle. Except as provided in subsection (i-2), a
17 motorcycle returned to the person from whom it was seized must
18 be returned in essentially the same condition it was in at the
19 time of seizure.

20 (i-2) If any part or parts of a motorcycle seized under
21 subsection (i) are found to be stolen and are removed, the
22 seizing law enforcement agency is not required to replace the
23 part or parts before returning the motorcycle to the person
24 from whom it was seized.

25 (j) The Illinois State Police or the Secretary of State
26 Department of Police shall notify the Secretary of State each

1 time a manufacturer's vehicle identification number is
2 affixed, reattached, restored or restamped on any vehicle. The
3 Secretary of State shall make the necessary changes or
4 corrections in his records, after the proper applications and
5 fees have been submitted, if applicable.

6 (k) Any vessel, vehicle or aircraft used with knowledge
7 and consent of the owner in the commission of, or in the
8 attempt to commit as defined in Section 8-4 of the Criminal
9 Code of 2012, an offense prohibited by Section 4-103 of this
10 Chapter, including transporting of a stolen vehicle or stolen
11 vehicle parts, shall be seized by any law enforcement agency.
12 The seizing law enforcement agency may:

13 (1) return the vehicle to its owner if such vehicle is
14 stolen; or

15 (2) confiscate the vehicle and retain it for any
16 purpose which the law enforcement agency deems
17 appropriate; or

18 (3) sell the vehicle at a public sale or dispose of the
19 vehicle in such other manner as the law enforcement agency
20 deems appropriate.

21 If the vehicle is sold at public sale, the proceeds of the
22 sale shall be paid to the law enforcement agency.

23 The law enforcement agency shall not retain, sell or
24 dispose of a vehicle under paragraphs (2) or (3) of this
25 subsection (k) except upon an order of forfeiture issued by
26 the circuit court. The circuit court may issue such order of

1 forfeiture upon application of the law enforcement agency or
2 State's Attorney of the county where the law enforcement
3 agency has jurisdiction, or in the case of the Illinois
4 ~~Department of~~ State Police or the Secretary of State, upon
5 application of the Attorney General.

6 The court shall issue the order if the owner of the vehicle
7 has been convicted of transporting stolen vehicles or stolen
8 vehicle parts and the evidence establishes that the owner's
9 vehicle has been used in the commission of such offense.

10 The provisions of subsection (k) of this Section shall not
11 apply to any vessel, vehicle or aircraft, which has been
12 leased, rented or loaned by its owner, if the owner did not
13 have knowledge of and consent to the use of the vessel, vehicle
14 or aircraft in the commission of, or in an attempt to commit,
15 an offense prohibited by Section 4-103 of this Chapter.

16 (Source: P.A. 100-956, eff. 1-1-19.)

17 (625 ILCS 5/4-109)

18 Sec. 4-109. Motor Vehicle Theft Prevention Program. The
19 Secretary of State, in conjunction with the Motor Vehicle
20 Theft Prevention and Insurance Verification Council, is hereby
21 authorized to establish and operate a Motor Vehicle Theft
22 Prevention Program as follows:

23 (a) Voluntary program participation.

24 (b) The registered owner of a motor vehicle interested in
25 participating in the program shall sign an informed consent

1 agreement designed by the Secretary of State under subsection
2 (e) of this Section indicating that the motor vehicle
3 registered to him is not normally operated between the hours
4 of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be
5 submitted to the Secretary of State for processing.

6 (c) Upon processing the form, the Secretary of State shall
7 issue to the registered owner a decal. The registered owner
8 shall affix the decal in a conspicuous place on his motor
9 vehicle as prescribed by the Secretary of State.

10 (d) Whenever any law enforcement officer shall see a motor
11 vehicle displaying a decal issued under the provisions of
12 subsection (c) of this Section being operated upon the public
13 highways of this State between the hours of 1:00 a.m. and 5:00
14 a.m., the officer is authorized to stop that motor vehicle and
15 to request the driver to produce a valid driver's license and
16 motor vehicle registration card if required to be carried in
17 the vehicle. Whenever the operator of a motor vehicle
18 displaying a decal is unable to produce the documentation set
19 forth in this Section, the police officer shall investigate
20 further to determine if the person operating the motor vehicle
21 is the registered owner or has the authorization of the owner
22 to operate the vehicle.

23 (e) The Secretary of State, in consultation with the
24 Director of the Illinois ~~Department of~~ State Police and Motor
25 Vehicle Theft Prevention and Insurance Verification Council,
26 shall design the manner and form of the informed consent

1 agreement required under subsection (b) of this Section and
2 the decal required under subsection (c) of this Section.

3 (f) The Secretary of State shall provide for the recording
4 of registered owners of motor vehicles who participate in the
5 program. The records shall be available to all law enforcement
6 departments, agencies, and forces. The Secretary of State
7 shall cooperate with and assist all law enforcement officers
8 and other agencies in tracing or examining any questionable
9 motor vehicles in order to determine the ownership of the
10 motor vehicles.

11 (g) A fee not to exceed \$10 may be charged for the informed
12 consent form and decal provided under this Section. The fee,
13 if any, shall be set by the Motor Vehicle Theft Prevention and
14 Insurance Verification Council and shall be collected by the
15 Secretary of State and deposited into the Motor Vehicle Theft
16 Prevention and Insurance Verification Trust Fund.

17 (h) The Secretary of State, in consultation with the
18 Director of the Illinois ~~Department of~~ State Police and the
19 Motor Vehicle Theft Prevention and Insurance Verification
20 Council shall promulgate rules and regulations to effectuate
21 the purposes of this Section.

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

23 (625 ILCS 5/4-202) (from Ch. 95 1/2, par. 4-202)

24 Sec. 4-202. Abandoned, lost, stolen or unclaimed vehicle
25 notification to law enforcement agencies.

1 When an abandoned, lost, stolen or unclaimed vehicle comes
2 into the temporary possession or custody of a person in this
3 State, not the owner of the vehicle, such person shall
4 immediately notify the municipal police when the vehicle is
5 within the corporate limits of any city, village or town
6 having a duly authorized police department, or the State
7 Police or the county sheriff when the vehicle is outside the
8 corporate limits of a city, village or town. Upon receipt of
9 such notification, the municipal police, Illinois State Police
10 or county sheriff will authorize a towing service to remove
11 and take possession of the abandoned, lost, stolen or
12 unclaimed vehicle. The towing service will safely keep the
13 towed vehicle and its contents, maintain a record of the tow as
14 set forth in Section 4-204 for law enforcement agencies, until
15 the vehicle is claimed by the owner or any other person legally
16 entitled to possession thereof or until it is disposed of as
17 provided in this Chapter.

18 (Source: P.A. 78-858.)

19 (625 ILCS 5/4-203.5)

20 Sec. 4-203.5. Tow rotation list.

21 (a) Each law enforcement agency whose duties include the
22 patrol of highways in this State shall maintain a tow rotation
23 list which shall be used by law enforcement officers
24 authorizing the tow of a vehicle within the jurisdiction of
25 the law enforcement agency. To ensure adequate response time,

1 a law enforcement agency may maintain multiple tow rotation
2 lists, with each tow rotation list covering tows authorized in
3 different geographic locations within the jurisdiction of the
4 law enforcement agency. A towing service may be included on
5 more than one tow rotation list.

6 (b) Any towing service operating within the jurisdiction
7 of a law enforcement agency may submit an application in a form
8 and manner prescribed by the law enforcement agency for
9 inclusion on the law enforcement agency's tow rotation list.
10 The towing service does not need to be located within the
11 jurisdiction of the law enforcement agency. To be included on
12 a tow rotation list the towing service must meet the following
13 requirements:

14 (1) possess a license permitting the towing service to
15 operate in every unit of local government in the law
16 enforcement agency's jurisdiction that requires a license
17 for the operation of a towing service;

18 (2) if required by the law enforcement agency for
19 inclusion on that law enforcement agency's tow rotation
20 list, each owner of the towing service and each person
21 operating a vehicle on behalf of the towing service shall
22 submit his or her fingerprints to the Illinois Department
23 ~~of~~ State Police in the form and manner prescribed by the
24 Illinois Department ~~of~~ State Police. These fingerprints
25 should be transmitted through a live scan fingerprint
26 vendor licensed by the Department of Financial and

1 Professional Regulation. These fingerprints shall be
2 checked against the fingerprint records now and hereafter
3 filed in the Illinois ~~Department of~~ State Police and
4 Federal Bureau of Investigation criminal history records
5 databases. The Illinois ~~Department of~~ State Police shall
6 charge a fee for conducting the criminal history record
7 check, which shall be deposited in the State Police
8 Services Fund and shall not exceed the actual cost of the
9 State and national criminal history record check. The
10 Illinois ~~Department of~~ State Police shall furnish,
11 pursuant to positive identification, all Illinois
12 conviction information to the law enforcement agency
13 maintaining the tow rotation list and shall forward the
14 national criminal history record information to the law
15 enforcement agency maintaining the tow rotation list. A
16 person may not own a towing service or operate a vehicle on
17 behalf of a towing service included on a tow rotation list
18 if that person has been convicted during the 5 years
19 preceding the application of a criminal offense involving
20 one or more of the following:

21 (A) bodily injury or attempt to inflict bodily
22 injury to another person;

23 (B) theft of property or attempted theft of
24 property; or

25 (C) sexual assault or attempted sexual assault of
26 any kind;

1 (3) each person operating a vehicle on behalf of the
2 towing service must be classified for the type of towing
3 operation he or she shall be performing and the vehicle he
4 or she shall be operating;

5 (4) possess and maintain the following insurance in
6 addition to any other insurance required by law:

7 (A) comprehensive automobile liability insurance
8 with a minimum combined single limit coverage of
9 \$1,000,000;

10 (B) commercial general liability insurance with
11 limits of not less than \$1,000,000 per occurrence,
12 \$100,000 minimum garage keepers legal liability
13 insurance, and \$100,000 minimum on-hook coverage or
14 cargo insurance; and

15 (C) a worker's compensation policy covering every
16 person operating a tow truck on behalf of the towing
17 service, if required under current law;

18 (5) possess a secure parking lot used for short-term
19 vehicle storage after a vehicle is towed that is open
20 during business hours and is equipped with security
21 features as required by the law enforcement agency;

22 (6) utilize only vehicles that possess a valid vehicle
23 registration, display a valid Illinois license plate in
24 accordance with Section 5-202 of this Code, and comply
25 with the weight requirements of this Code;

26 (7) every person operating a towing or recovery

1 vehicle on behalf of the towing service must have
2 completed a Traffic Incident Management Training Program
3 approved by the Department of Transportation;

4 (8) hold a valid authority issued to it by the
5 Illinois Commerce Commission;

6 (9) comply with all other applicable federal, State,
7 and local laws; and

8 (10) comply with any additional requirements the
9 applicable law enforcement agency deems necessary.

10 The law enforcement agency may select which towing
11 services meeting the requirements of this subsection (b) shall
12 be included on a tow rotation list. The law enforcement agency
13 may choose to have only one towing service on its tow rotation
14 list. Complaints regarding the process for inclusion on a tow
15 rotation list or the use of a tow rotation list may be referred
16 in writing to the head of the law enforcement agency
17 administering that tow rotation list. The head of the law
18 enforcement agency shall make the final determination as to
19 which qualified towing services shall be included on a tow
20 rotation list, and shall not be held liable for the exclusion
21 of any towing service from a tow rotation list.

22 (c) Whenever a law enforcement officer initiates a tow of
23 a vehicle, the officer shall contact his or her law
24 enforcement agency and inform the agency that a tow has been
25 authorized. The law enforcement agency shall then select a
26 towing service from the law enforcement agency's tow rotation

1 list corresponding to the geographical area where the tow was
2 authorized, and shall contact that towing service directly by
3 phone, computer, or similar means. Towing services shall be
4 contacted in the order listed on the appropriate tow rotation
5 list, at which point the towing service shall be placed at the
6 end of that tow rotation list. In the event a listed towing
7 service is not available, the next listed towing service on
8 that tow rotation list shall be contacted.

9 (d) A law enforcement agency may deviate from the order
10 listed on a tow rotation list if the towing service next on
11 that tow rotation list is, in the judgment of the authorizing
12 officer or the law enforcement agency making the selection,
13 incapable of or not properly equipped for handling a specific
14 task related to the tow that requires special skills or
15 equipment. A deviation from the order listed on the tow
16 rotation list for this reason shall not cause a loss of
17 rotation turn by the towing service determined to be incapable
18 or not properly equipped for handling the request.

19 (e) In the event of an emergency a law enforcement officer
20 or agency, taking into account the safety and location of the
21 situation, may deviate from the order of the tow rotation list
22 and obtain towing service from any source deemed appropriate.

23 (f) If the owner or operator of a disabled vehicle is
24 present at the scene of the disabled vehicle, is not under
25 arrest, and does not abandon his or her vehicle, and in the law
26 enforcement officer's opinion the disabled vehicle is not

1 impeding or obstructing traffic, illegally parked, or posing a
2 security or safety risk, the law enforcement officer shall
3 allow the owner of the vehicle to specify a towing service to
4 relocate the disabled vehicle. If the owner chooses not to
5 specify a towing service, the law enforcement agency shall
6 select a towing service for the vehicle as provided in
7 subsection (c) of this Section.

8 (g) If a tow operator is present or arrives where a tow is
9 needed and it has not been requested by the law enforcement
10 agency or the owner or operator, the law enforcement officer,
11 unless acting under Section 11-1431 of this Code, shall advise
12 the tow operator to leave the scene.

13 (h) Nothing contained in this Section shall apply to a law
14 enforcement agency having jurisdiction solely over a
15 municipality with a population over 1,000,000.

16 (Source: P.A. 99-438, eff. 1-1-16.)

17 (625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

18 Sec. 4-205. Record searches.

19 (a) When a law enforcement agency authorizing the
20 impounding of a vehicle does not know the identity of the
21 registered owner, lienholder or other legally entitled person,
22 that law enforcement agency will cause the vehicle
23 registration records of the State of Illinois to be searched
24 by the Secretary of State for the purpose of obtaining the
25 required ownership information.

1 (b) The law enforcement agency authorizing the impounding
2 of a vehicle will cause the stolen motor vehicle files of the
3 Illinois State Police to be searched by a directed
4 communication to the Illinois State Police for stolen or
5 wanted information on the vehicle. When the Illinois State
6 Police files are searched with negative results, the
7 information contained in the National Crime Information Center
8 (NCIC) files will be searched by the Illinois State Police.
9 The information determined from these record searches will be
10 returned to the requesting law enforcement agency for that
11 agency's use in sending a notification by certified mail to
12 the registered owner, lienholder and other legally entitled
13 persons advising where the vehicle is held, requesting a
14 disposition be made and setting forth public sale information.
15 Notification shall be sent no later than 10 business days
16 after the date the law enforcement agency impounds or
17 authorizes the impounding of a vehicle, provided that if the
18 law enforcement agency is unable to determine the identity of
19 the registered owner, lienholder or other person legally
20 entitled to ownership of the impounded vehicle within a 10
21 business day period after impoundment, then notification shall
22 be sent no later than 2 days after the date the identity of the
23 registered owner, lienholder or other person legally entitled
24 to ownership of the impounded vehicle is determined.
25 Exceptions to a notification by certified mail to the
26 registered owner, lienholder and other legally entitled

1 persons are set forth in Section 4-209 of this Code.

2 (c) When ownership information is needed for a towing
3 service to give notification as required under this Code, the
4 towing service may cause the vehicle registration records of
5 the State of Illinois to be searched by the Secretary of State,
6 and in such case, the towing service also shall give notice to
7 all lienholders of record within the time period required for
8 such other notices.

9 The written request of a towing service, in the form and
10 containing the information prescribed by the Secretary of
11 State by rule, may be transmitted to the Secretary of State in
12 person, by U.S. mail or other delivery service, by facsimile
13 transmission, or by other means the Secretary of State deems
14 acceptable.

15 The Secretary of State shall provide the required
16 information, or a statement that the information was not found
17 in the vehicle registration records of the State, by U.S. mail
18 or other delivery service, facsimile transmission, as
19 requested by the towing service, or by other means acceptable
20 to the Secretary of State.

21 (d) The Secretary of State may prescribe standards and
22 procedures for submission of requests for record searches and
23 replies via computer link.

24 (e) Fees for services provided under this Section shall be
25 in amounts prescribed by the Secretary of State under Section
26 3-821.1 of this Code. Payment may be made by the towing service

1 using cash, any commonly accepted credit card, or any other
2 means of payment deemed acceptable by the Secretary of State.

3 (Source: P.A. 95-838, eff. 8-15-08.)

4 (625 ILCS 5/4-206) (from Ch. 95 1/2, par. 4-206)

5 Sec. 4-206. Identifying and tracing of vehicle ownership
6 by Illinois State Police. When the registered owner,
7 lienholder or other person legally entitled to the possession
8 of a vehicle cannot be identified from the registration files
9 of this State or from the registration files of a foreign
10 state, if applicable, the law enforcement agency having
11 custody of the vehicle shall notify the Illinois State Police,
12 for the purpose of identifying the vehicle owner or other
13 person legally entitled to the possession of the vehicle. The
14 information obtained by the Illinois State Police will be
15 immediately forwarded to the law enforcement agency having
16 custody of the vehicle for notification purposes as set forth
17 in Section 4-205 of this Code.

18 (Source: P.A. 82-363.)

19 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

20 Sec. 4-209. Disposal of unclaimed vehicles more than 7
21 years of age; disposal of abandoned or unclaimed vehicles
22 without notice.

23 (a) When the identity of the registered owner, lienholder,
24 or other legally entitled persons of an abandoned, lost, or

1 unclaimed vehicle of 7 years of age or newer cannot be
2 determined by any means provided for in this Chapter, the
3 vehicle may be sold as provided in Section 4-208 without
4 notice to any person whose identity cannot be determined.

5 (b) When an abandoned vehicle of more than 7 years of age
6 is impounded as specified by this Chapter, or when any such
7 vehicle is towed at the request or with the consent of the
8 owner or operator and is subsequently abandoned, it will be
9 kept in custody or storage for a minimum of 10 days for the
10 purpose of determining the identity of the registered owner,
11 lienholder, or other legally entitled persons and contacting
12 the registered owner, lienholder, or other legally entitled
13 persons by the U. S. Mail, public service or in person for a
14 determination of disposition; and, an examination of the
15 Illinois State Police stolen vehicle files for theft and
16 wanted information. At the expiration of the 10 day period,
17 without the benefit of disposition information being received
18 from the registered owner, lienholder, or other legally
19 entitled persons, the vehicle may be disposed of in either of
20 the following ways:

21 (1) The law enforcement agency having jurisdiction
22 will authorize the disposal of the vehicle as junk or
23 salvage.

24 (2) The towing service may sell the vehicle in the
25 manner provided in Section 4-208 of this Code, provided
26 that this paragraph (2) shall not apply to vehicles towed

1 by order or authorization of a law enforcement agency.

2 (c) A vehicle classified as an antique vehicle,
3 expanded-use antique vehicle, custom vehicle, or street rod
4 may however be sold to a person desiring to restore it.

5 (Source: P.A. 97-412, eff. 1-1-12.)

6 (625 ILCS 5/4-302) (from Ch. 95 1/2, par. 4-302)

7 Sec. 4-302. Vehicle Recycling Board. There is hereby
8 created the Vehicle Recycling Board of the State of Illinois
9 composed of the Secretary of Transportation, the Director of
10 the Illinois State Police, the Director of Public Health, the
11 Director of the Environmental Protection Agency, ~~the~~
12 ~~Superintendent of State Troopers~~ or their designated
13 representatives. The Governor shall designate the Chairman and
14 Secretary of the Board.

15 The Board shall appoint an advisory committee, of no less
16 than 10 members, to include an official representative of the
17 Office of the Secretary of State as designated by the
18 Secretary; and other appropriate representatives from such
19 sources as: statewide associations of city, county and
20 township governing bodies; knowledgeable successful leaders
21 from the auto recycling private sector; the State associations
22 of chiefs of police, county sheriffs, police officers; and
23 State agencies having a direct or indirect relationship with
24 vehicle recycling.

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

1 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

2 Sec. 5-102. Used vehicle dealers must be licensed.

3 (a) No person, other than a licensed new vehicle dealer,
4 shall engage in the business of selling or dealing in, on
5 consignment or otherwise, 5 or more used vehicles of any make
6 during the year (except house trailers as authorized by
7 paragraph (j) of this Section and rebuilt salvage vehicles
8 sold by their rebuilders to persons licensed under this
9 Chapter), or act as an intermediary, agent or broker for any
10 licensed dealer or vehicle purchaser (other than as a
11 salesperson) or represent or advertise that he is so engaged
12 or intends to so engage in such business unless licensed to do
13 so by the Secretary of State under the provisions of this
14 Section.

15 (b) An application for a used vehicle dealer's license
16 shall be filed with the Secretary of State, duly verified by
17 oath, in such form as the Secretary of State may by rule or
18 regulation prescribe and shall contain:

19 1. The name and type of business organization
20 established and additional places of business, if any, in
21 this State.

22 2. If the applicant is a corporation, a list of its
23 officers, directors, and shareholders having a ten percent
24 or greater ownership interest in the corporation, setting
25 forth the residence address of each; if the applicant is a

1 sole proprietorship, a partnership, an unincorporated
2 association, a trust, or any similar form of business
3 organization, the names and residence address of the
4 proprietor or of each partner, member, officer, director,
5 trustee or manager.

6 3. A statement that the applicant has been approved
7 for registration under the Retailers' Occupation Tax Act
8 by the Department of Revenue. However, this requirement
9 does not apply to a dealer who is already licensed
10 hereunder with the Secretary of State, and who is merely
11 applying for a renewal of his license. As evidence of this
12 fact, the application shall be accompanied by a
13 certification from the Department of Revenue showing that
14 the Department has approved the applicant for registration
15 under the Retailers' Occupation Tax Act.

16 4. A statement that the applicant has complied with
17 the appropriate liability insurance requirement. A
18 Certificate of Insurance in a solvent company authorized
19 to do business in the State of Illinois shall be included
20 with each application covering each location at which he
21 proposes to act as a used vehicle dealer. The policy must
22 provide liability coverage in the minimum amounts of
23 \$100,000 for bodily injury to, or death of, any person,
24 \$300,000 for bodily injury to, or death of, two or more
25 persons in any one accident, and \$50,000 for damage to
26 property. Such policy shall expire not sooner than

1 December 31 of the year for which the license was issued or
2 renewed. The expiration of the insurance policy shall not
3 terminate the liability under the policy arising during
4 the period for which the policy was filed. Trailer and
5 mobile home dealers are exempt from this requirement.

6 If the permitted user has a liability insurance policy
7 that provides automobile liability insurance coverage of
8 at least \$100,000 for bodily injury to or the death of any
9 person, \$300,000 for bodily injury to or the death of any 2
10 or more persons in any one accident, and \$50,000 for
11 damage to property, then the permitted user's insurer
12 shall be the primary insurer and the dealer's insurer
13 shall be the secondary insurer. If the permitted user does
14 not have a liability insurance policy that provides
15 automobile liability insurance coverage of at least
16 \$100,000 for bodily injury to or the death of any person,
17 \$300,000 for bodily injury to or the death of any 2 or more
18 persons in any one accident, and \$50,000 for damage to
19 property, or does not have any insurance at all, then the
20 dealer's insurer shall be the primary insurer and the
21 permitted user's insurer shall be the secondary insurer.

22 When a permitted user is "test driving" a used vehicle
23 dealer's automobile, the used vehicle dealer's insurance
24 shall be primary and the permitted user's insurance shall
25 be secondary.

26 As used in this paragraph 4, a "permitted user" is a

1 person who, with the permission of the used vehicle dealer
2 or an employee of the used vehicle dealer, drives a
3 vehicle owned and held for sale or lease by the used
4 vehicle dealer which the person is considering to purchase
5 or lease, in order to evaluate the performance,
6 reliability, or condition of the vehicle. The term
7 "permitted user" also includes a person who, with the
8 permission of the used vehicle dealer, drives a vehicle
9 owned or held for sale or lease by the used vehicle dealer
10 for loaner purposes while the user's vehicle is being
11 repaired or evaluated.

12 As used in this paragraph 4, "test driving" occurs
13 when a permitted user who, with the permission of the used
14 vehicle dealer or an employee of the used vehicle dealer,
15 drives a vehicle owned and held for sale or lease by a used
16 vehicle dealer that the person is considering to purchase
17 or lease, in order to evaluate the performance,
18 reliability, or condition of the vehicle.

19 As used in this paragraph 4, "loaner purposes" means
20 when a person who, with the permission of the used vehicle
21 dealer, drives a vehicle owned or held for sale or lease by
22 the used vehicle dealer while the user's vehicle is being
23 repaired or evaluated.

24 5. An application for a used vehicle dealer's license
25 shall be accompanied by the following license fees:

26 (A) \$1,000 for applicant's established place of

1 business, and \$50 for each additional place of
2 business, if any, to which the application pertains;
3 however, if the application is made after June 15 of
4 any year, the license fee shall be \$500 for
5 applicant's established place of business plus \$25 for
6 each additional place of business, if any, to which
7 the application pertains. License fees shall be
8 returnable only in the event that the application is
9 denied by the Secretary of State. Of the money
10 received by the Secretary of State as license fees
11 under this subparagraph (A) for the 2004 licensing
12 year and thereafter, 95% shall be deposited into the
13 General Revenue Fund.

14 (B) Except for dealers selling 25 or fewer
15 automobiles or as provided in subsection (h) of
16 Section 5-102.7 of this Code, an Annual Dealer
17 Recovery Fund Fee in the amount of \$500 for the
18 applicant's established place of business, and \$50 for
19 each additional place of business, if any, to which
20 the application pertains; but if the application is
21 made after June 15 of any year, the fee shall be \$250
22 for the applicant's established place of business plus
23 \$25 for each additional place of business, if any, to
24 which the application pertains. For a license renewal
25 application, the fee shall be based on the amount of
26 automobiles sold in the past year according to the

1 following formula:

2 (1) \$0 for dealers selling 25 or less
3 automobiles;

4 (2) \$150 for dealers selling more than 25 but
5 less than 200 automobiles;

6 (3) \$300 for dealers selling 200 or more
7 automobiles but less than 300 automobiles; and

8 (4) \$500 for dealers selling 300 or more
9 automobiles.

10 License fees shall be returnable only in the event
11 that the application is denied by the Secretary of
12 State. Moneys received under this subparagraph (B)
13 shall be deposited into the Dealer Recovery Trust
14 Fund.

15 6. A statement that the applicant's officers,
16 directors, shareholders having a 10% or greater ownership
17 interest therein, proprietor, partner, member, officer,
18 director, trustee, manager or other principals in the
19 business have not committed in the past 3 years any one
20 violation as determined in any civil, criminal or
21 administrative proceedings of any one of the following
22 Acts:

23 (A) The Anti-Theft Laws of the Illinois Vehicle
24 Code;

25 (B) The Certificate of Title Laws of the Illinois
26 Vehicle Code;

1 (C) The Offenses against Registration and
2 Certificates of Title Laws of the Illinois Vehicle
3 Code;

4 (D) The Dealers, Transporters, Wreckers and
5 Rebuilders Laws of the Illinois Vehicle Code;

6 (E) Section 21-2 of the Illinois Criminal Code of
7 1961 or the Criminal Code of 2012, Criminal Trespass
8 to Vehicles; or

9 (F) The Retailers' Occupation Tax Act.

10 7. A statement that the applicant's officers,
11 directors, shareholders having a 10% or greater ownership
12 interest therein, proprietor, partner, member, officer,
13 director, trustee, manager or other principals in the
14 business have not committed in any calendar year 3 or more
15 violations, as determined in any civil or criminal or
16 administrative proceedings, of any one or more of the
17 following Acts:

18 (A) The Consumer Finance Act;

19 (B) The Consumer Installment Loan Act;

20 (C) The Retail Installment Sales Act;

21 (D) The Motor Vehicle Retail Installment Sales
22 Act;

23 (E) The Interest Act;

24 (F) The Illinois Wage Assignment Act;

25 (G) Part 8 of Article XII of the Code of Civil
26 Procedure; or

1 (H) The Consumer Fraud and Deceptive Business
2 Practices Act.

3 7.5. A statement that, within 10 years of application,
4 each officer, director, shareholder having a 10% or
5 greater ownership interest therein, proprietor, partner,
6 member, officer, director, trustee, manager, or other
7 principal in the business of the applicant has not
8 committed, as determined in any civil, criminal, or
9 administrative proceeding, in any calendar year one or
10 more forcible felonies under the Criminal Code of 1961 or
11 the Criminal Code of 2012, or a violation of either or both
12 Article 16 or 17 of the Criminal Code of 1961 or a
13 violation of either or both Article 16 or 17 of the
14 Criminal Code of 2012, Article 29B of the Criminal Code of
15 1961 or the Criminal Code of 2012, or a similar
16 out-of-state offense. For the purposes of this paragraph,
17 "forcible felony" has the meaning provided in Section 2-8
18 of the Criminal Code of 2012.

19 8. A bond or Certificate of Deposit in the amount of
20 \$50,000 for each location at which the applicant intends
21 to act as a used vehicle dealer. The bond shall be for the
22 term of the license, or its renewal, for which application
23 is made, and shall expire not sooner than December 31 of
24 the year for which the license was issued or renewed. The
25 bond shall run to the People of the State of Illinois, with
26 surety by a bonding or insurance company authorized to do

1 business in this State. It shall be conditioned upon the
2 proper transmittal of all title and registration fees and
3 taxes (excluding taxes under the Retailers' Occupation Tax
4 Act) accepted by the applicant as a used vehicle dealer.

5 9. Such other information concerning the business of
6 the applicant as the Secretary of State may by rule or
7 regulation prescribe.

8 10. A statement that the applicant understands Chapter
9 1 through Chapter 5 of this Code.

10 11. A copy of the certification from the prelicensing
11 education program.

12 (c) Any change which renders no longer accurate any
13 information contained in any application for a used vehicle
14 dealer's license shall be amended within 30 days after the
15 occurrence of each change on such form as the Secretary of
16 State may prescribe by rule or regulation, accompanied by an
17 amendatory fee of \$2.

18 (d) Anything in this Chapter to the contrary
19 notwithstanding, no person shall be licensed as a used vehicle
20 dealer unless such person maintains an established place of
21 business as defined in this Chapter.

22 (e) The Secretary of State shall, within a reasonable time
23 after receipt, examine an application submitted to him under
24 this Section. Unless the Secretary makes a determination that
25 the application submitted to him does not conform to this
26 Section or that grounds exist for a denial of the application

1 under Section 5-501 of this Chapter, he must grant the
2 applicant an original used vehicle dealer's license in writing
3 for his established place of business and a supplemental
4 license in writing for each additional place of business in
5 such form as he may prescribe by rule or regulation which shall
6 include the following:

7 1. The name of the person licensed;

8 2. If a corporation, the name and address of its
9 officers or if a sole proprietorship, a partnership, an
10 unincorporated association or any similar form of business
11 organization, the name and address of the proprietor or of
12 each partner, member, officer, director, trustee or
13 manager;

14 3. In case of an original license, the established
15 place of business of the licensee;

16 4. In the case of a supplemental license, the
17 established place of business of the licensee and the
18 additional place of business to which such supplemental
19 license pertains.

20 (f) The appropriate instrument evidencing the license or a
21 certified copy thereof, provided by the Secretary of State
22 shall be kept posted, conspicuously, in the established place
23 of business of the licensee and in each additional place of
24 business, if any, maintained by such licensee.

25 (g) Except as provided in subsection (h) of this Section,
26 all used vehicle dealer's licenses granted under this Section

1 expire by operation of law on December 31 of the calendar year
2 for which they are granted unless sooner revoked or cancelled
3 under Section 5-501 of this Chapter.

4 (h) A used vehicle dealer's license may be renewed upon
5 application and payment of the fee required herein, and
6 submission of proof of coverage by an approved bond under the
7 "Retailers' Occupation Tax Act" or proof that applicant is not
8 subject to such bonding requirements, as in the case of an
9 original license, but in case an application for the renewal
10 of an effective license is made during the month of December,
11 the effective license shall remain in force until the
12 application for renewal is granted or denied by the Secretary
13 of State.

14 (i) All persons licensed as a used vehicle dealer are
15 required to furnish each purchaser of a motor vehicle:

16 1. A certificate of title properly assigned to the
17 purchaser;

18 2. A statement verified under oath that all
19 identifying numbers on the vehicle agree with those on the
20 certificate of title;

21 3. A bill of sale properly executed on behalf of such
22 person;

23 4. A copy of the Uniform Invoice-transaction reporting
24 return referred to in Section 5-402 of this Chapter;

25 5. In the case of a rebuilt vehicle, a copy of the
26 Disclosure of Rebuilt Vehicle Status; and

1 6. In the case of a vehicle for which the warranty has
2 been reinstated, a copy of the warranty.

3 (j) A real estate broker holding a valid certificate of
4 registration issued pursuant to "The Real Estate Brokers and
5 Salesmen License Act" may engage in the business of selling or
6 dealing in house trailers not his own without being licensed
7 as a used vehicle dealer under this Section; however such
8 broker shall maintain a record of the transaction including
9 the following:

- 10 (1) the name and address of the buyer and seller,
11 (2) the date of sale,
12 (3) a description of the mobile home, including the
13 vehicle identification number, make, model, and year, and
14 (4) the Illinois certificate of title number.

15 The foregoing records shall be available for inspection by
16 any officer of the Secretary of State's Office at any
17 reasonable hour.

18 (k) Except at the time of sale or repossession of the
19 vehicle, no person licensed as a used vehicle dealer may issue
20 any other person a newly created key to a vehicle unless the
21 used vehicle dealer makes a color photocopy or electronic scan
22 of the driver's license or State identification card of the
23 person requesting or obtaining the newly created key. The used
24 vehicle dealer must retain the photocopy or scan for 30 days.

25 A used vehicle dealer who violates this subsection (k) is
26 guilty of a petty offense. Violation of this subsection (k) is

1 not cause to suspend, revoke, cancel, or deny renewal of the
2 used vehicle dealer's license.

3 (1) Used vehicle dealers licensed under this Section shall
4 provide the Secretary of State a register for the sale at
5 auction of each salvage or junk certificate vehicle. Each
6 register shall include the following information:

7 1. The year, make, model, style and color of the
8 vehicle;

9 2. The vehicle's manufacturer's identification number
10 or, if applicable, the Secretary of State or Illinois
11 ~~Department of State Police~~ identification number;

12 3. The date of acquisition of the vehicle;

13 4. The name and address of the person from whom the
14 vehicle was acquired;

15 5. The name and address of the person to whom any
16 vehicle was disposed, the person's Illinois license number
17 or if the person is an out-of-state salvage vehicle buyer,
18 the license number from the state or jurisdiction where
19 the buyer is licensed; and

20 6. The purchase price of the vehicle.

21 The register shall be submitted to the Secretary of State
22 via written or electronic means within 10 calendar days from
23 the date of the auction.

24 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
25 101-505, eff. 1-1-20.)

1 (625 ILCS 5/5-105) (from Ch. 95 1/2, par. 5-105)

2 Sec. 5-105. Investigation of licensee required. Every
3 person seeking a license under Chapter 5 of this Act, as part
4 of the application process, authorizes an investigation to
5 determine if the applicant has ever been convicted of a crime
6 and if so, the disposition of those convictions. This
7 authorization shall indicate the scope of the inquiry and the
8 agencies which may be contacted. Upon this authorization the
9 Secretary of State may request and receive information and
10 assistance from any Federal, State or local governmental
11 agency as part of the authorized investigation. The Illinois
12 ~~Department of~~ State Police shall provide information
13 concerning any criminal convictions and their disposition
14 brought against the applicant upon request of the Secretary of
15 State when the request is made in the form and manner required
16 by the Illinois ~~Department of~~ State Police. The information
17 derived from this investigation, including the source of this
18 information, and any conclusions or recommendations derived
19 from this information by the Secretary of State shall be
20 provided to the applicant or his designee. Upon request to the
21 Secretary of State prior to any final action by the Secretary
22 of State on the application, no information obtained from such
23 investigation may be placed in any automated information
24 system. Any criminal convictions and their disposition
25 information obtained by the Secretary of State shall be
26 confidential and may not be transmitted outside the Office of

1 the Secretary of State, except as required herein, and may not
2 be transmitted to anyone within the Office of the Secretary of
3 State except as needed for the purpose of evaluating the
4 application. All criminal convictions and their disposition
5 and information obtained by the Division of Investigation
6 shall be destroyed no later than 60 days after the Division of
7 Investigation has made a final ruling on the application, and
8 all rights of appeal have expired and pending appeals have
9 been completed. The only physical identity materials which the
10 applicant can be required to provide the Secretary of State
11 are photographs or fingerprints. Only information and
12 standards which bear a reasonable and rational relation to the
13 performance of a licensee shall be used by the Secretary of
14 State. The Secretary of State shall adopt rules and
15 regulations for the administration of this Section. Any
16 employee of the Secretary of State who gives or causes to be
17 given away any confidential information concerning any
18 criminal convictions and their disposition of an applicant
19 shall be guilty of a Class A misdemeanor.

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

21 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

22 Sec. 5-401.2. Licensees required to keep records and make
23 inspections.

24 (a) Every person licensed or required to be licensed under
25 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, 5-301, or

1 5-302 of this Code, shall, with the exception of scrap
2 processors, maintain for 3 years, in a form as the Secretary of
3 State may by rule or regulation prescribe, at his established
4 place of business, additional place of business, or principal
5 place of business if licensed under Section 5-302, the
6 following records relating to the acquisition or disposition
7 of vehicles and their essential parts possessed in this State,
8 brought into this State from another state, territory or
9 country, or sold or transferred to another person in this
10 State or in another state, territory, or country.

11 (1) The following records pertaining to new or used
12 vehicles shall be kept:

13 (A) the year, make, model, style and color of the
14 vehicle;

15 (B) the vehicle's manufacturer's identification
16 number or, if applicable, the Secretary of State or
17 Illinois ~~Department of~~ State Police identification
18 number;

19 (C) the date of acquisition of the vehicle;

20 (D) the name and address of the person from whom
21 the vehicle was acquired and, if that person is a
22 dealer, the Illinois or out-of-state dealer license
23 number of such person;

24 (E) the signature of the person making the
25 inspection of a used vehicle as required under
26 subsection (d) of this Section, if applicable;

1 (F) the purchase price of the vehicle, if
2 applicable;

3 (G) the date of the disposition of the vehicle;

4 (H) the name and address of the person to whom any
5 vehicle was disposed, and if that person is a dealer,
6 the Illinois or out-of-State dealer's license number
7 of that dealer;

8 (I) the uniform invoice number reflecting the
9 disposition of the vehicle, if applicable; and

10 (J) The sale price of the vehicle, if applicable.

11 (2) (A) The following records pertaining to used
12 essential parts other than quarter panels and
13 transmissions of vehicles of the first division shall be
14 kept:

15 (i) the year, make, model, color and type of such
16 part;

17 (ii) the vehicle's manufacturer's identification
18 number, derivative number, or, if applicable, the
19 Secretary of State or Illinois ~~Department of State~~
20 Police identification number of such part;

21 (iii) the date of the acquisition of each part;

22 (iv) the name and address of the person from whom
23 the part was acquired and, if that person is a dealer,
24 the Illinois or out-of-state dealer license number of
25 such person; if the essential part being acquired is
26 from a person other than a dealer, the licensee shall

1 verify and record that person's identity by recording
2 the identification numbers from at least two sources
3 of identification, one of which shall be a drivers
4 license or State identification card;

5 (v) the uniform invoice number or out-of-state
6 bill of sale number reflecting the acquisition of such
7 part;

8 (vi) the stock number assigned to the essential
9 part by the licensee, if applicable;

10 (vii) the date of the disposition of such part;

11 (viii) the name and address of the person to whom
12 such part was disposed of and, if that person is a
13 dealer, the Illinois or out-of-state dealer license
14 number of that person;

15 (ix) the uniform invoice number reflecting the
16 disposition of such part.

17 (B) Inspections of all essential parts shall be
18 conducted in accordance with Section 5-402.1.

19 (C) A separate entry containing all of the information
20 required to be recorded in subparagraph (A) of paragraph
21 (2) of subsection (a) of this Section shall be made for
22 each separate essential part. Separate entries shall be
23 made regardless of whether the part was a large purchase
24 acquisition. In addition, a separate entry shall be made
25 for each part acquired for immediate sale or transfer, or
26 for placement into the overall inventory or stock to be

1 disposed of at a later time, or for use on a vehicle to be
2 materially altered by the licensee, or acquired for any
3 other purpose or reason. Failure to make a separate entry
4 for each essential part acquired or disposed of, or a
5 failure to record any of the specific information required
6 to be recorded concerning the acquisition or disposition
7 of each essential part as set forth in subparagraph (A) of
8 paragraph (2) of subsection (a) shall constitute a failure
9 to keep records.

10 (D) The vehicle's manufacturer's identification number
11 or Secretary of State or Illinois ~~Department of~~ State
12 Police identification number for the essential part shall
13 be ascertained and recorded even if such part is acquired
14 from a person or dealer located in a State, territory, or
15 country which does not require that such information be
16 recorded. If the vehicle's manufacturer's identification
17 number or Secretary of State or Illinois ~~Department of~~
18 State Police identification number for an essential part
19 cannot be obtained, that part shall not be acquired by the
20 licensee or any of his agents or employees. If such part or
21 parts were physically acquired by the licensee or any of
22 his agents or employees while the licensee or agent or
23 employee was outside this State, that licensee or agent or
24 employee was outside the State, that licensee, agent or
25 employee shall not bring such essential part into this
26 State or cause it to be brought into this State. The

1 acquisition or disposition of an essential part by a
2 licensee without the recording of the vehicle
3 identification number or Secretary of State identification
4 number for such part or the transportation into the State
5 by the licensee or his agent or employee of such part or
6 parts shall constitute a failure to keep records.

7 (E) The records of essential parts required to be kept
8 by this Section shall apply to all hulks, chassis, frames
9 or cowls, regardless of the age of those essential parts.
10 The records required to be kept by this Section for
11 essential parts other than hulks, chassis, frames or
12 cowls, shall apply only to those essential parts which are
13 6 model years of age or newer. In determining the model
14 year of such an essential part it may be presumed that the
15 identification number of the vehicle from which the
16 essential part came or the identification number affixed
17 to the essential part itself acquired by the licensee
18 denotes the model year of that essential part. This
19 presumption, however, shall not apply if the gross
20 appearance of the essential part does not correspond to
21 the year, make or model of either the identification
22 number of the vehicle from which the essential part is
23 alleged to have come or the identification number which is
24 affixed to the essential part itself. To determine whether
25 an essential part is 6 years of age or newer within this
26 paragraph, the model year of the essential part shall be

1 subtracted from the calendar year in which the essential
2 part is acquired or disposed of by the licensee. If the
3 remainder is 6 or less, the record of the acquisition or
4 disposition of that essential part shall be kept as
5 required by this Section.

6 (F) The requirements of paragraph (2) of subsection
7 (a) of this Section shall not apply to the disposition of
8 an essential part other than a cowl which has been damaged
9 or altered to a state in which it can no longer be returned
10 to a usable condition and which is being sold or
11 transferred to a scrap processor or for delivery to a
12 scrap processor.

13 (3) the following records for vehicles on which junking
14 certificates are obtained shall be kept:

15 (A) the year, make, model, style and color of the
16 vehicle;

17 (B) the vehicle's manufacturer's identification number
18 or, if applicable, the Secretary of State or Illinois
19 ~~Department of State Police~~ identification number;

20 (C) the date the vehicle was acquired;

21 (D) the name and address of the person from whom the
22 vehicle was acquired and, if that person is a dealer, the
23 Illinois or out-of-state dealer license number of that
24 person;

25 (E) the certificate of title number or salvage
26 certificate number for the vehicle, if applicable;

1 (F) the junking certificate number obtained by the
2 licensee; this entry shall be recorded at the close of
3 business of the fifth business day after receiving the
4 junking certificate;

5 (G) the name and address of the person to whom the
6 junking certificate has been assigned, if applicable, and
7 if that person is a dealer, the Illinois or out-of-state
8 dealer license number of that dealer;

9 (H) if the vehicle or any part of the vehicle is
10 dismantled for its parts to be disposed of in any way, or
11 if such parts are to be used by the licensee to materially
12 alter a vehicle, those essential parts shall be recorded
13 and the entries required by paragraph (2) of subsection
14 (a) shall be made.

15 (4) The following records for rebuilt vehicles shall be
16 kept:

17 (A) the year, make, model, style and color of the
18 vehicle;

19 (B) the vehicle's manufacturer's identification number
20 of the vehicle or, if applicable, the Secretary of State
21 or Illinois ~~Department of~~ State Police identification
22 number;

23 (C) the date the vehicle was acquired;

24 (D) the name and address of the person from whom the
25 vehicle was acquired, and if that person is a dealer, the
26 Illinois or out-of-state dealer license number of that

1 person;

2 (E) the salvage certificate number for the vehicle;

3 (F) the newly issued certificate of title number for
4 the vehicle;

5 (G) the date of disposition of the vehicle;

6 (H) the name and address of the person to whom the
7 vehicle was disposed, and if a dealer, the Illinois or
8 out-of-state dealer license number of that dealer;

9 (I) The sale price of the vehicle.

10 (a-1) A person licensed or required to be licensed under
11 Section 5-101 or Section 5-102 of this Code who issues
12 temporary registration permits as permitted by this Code and
13 by rule must electronically file the registration with the
14 Secretary and must maintain records of the registration in the
15 manner prescribed by the Secretary.

16 (b) A failure to make separate entries for each vehicle
17 acquired, disposed of, or assigned, or a failure to record any
18 of the specific information required to be recorded concerning
19 the acquisition or disposition of each vehicle as set forth in
20 paragraphs (1), (3) and (4) of subsection (a) shall constitute
21 a failure to keep records.

22 (c) All entries relating to the acquisition of a vehicle
23 or essential part required by subsection (a) of this Section
24 shall be recorded no later than the close of business on the
25 seventh calendar day following such acquisition. All entries
26 relating to the disposition of a vehicle or an essential part

1 shall be made at the time of such disposition. If the vehicle
2 or essential part was disposed of on the same day as its
3 acquisition or the day thereafter, the entries relating to the
4 acquisition of the vehicle or essential part shall be made at
5 the time of the disposition of the vehicle or essential part.
6 Failure to make the entries required in or at the times
7 prescribed by this subsection following the acquisition or
8 disposition of such vehicle or essential part shall constitute
9 a failure to keep records.

10 (d) Every person licensed or required to be licensed
11 shall, before accepting delivery of a used vehicle, inspect
12 the vehicle to determine whether the manufacturer's public
13 vehicle identification number has been defaced, destroyed,
14 falsified, removed, altered, or tampered with in any way. If
15 the person making the inspection determines that the
16 manufacturer's public vehicle identification number has been
17 altered, removed, defaced, destroyed, falsified or tampered
18 with he shall not acquire that vehicle but instead shall
19 promptly notify law enforcement authorities of his finding.

20 (e) The information required to be kept in subsection (a)
21 of this Section shall be kept in a manner prescribed by rule or
22 regulation of the Secretary of State.

23 (f) Every person licensed or required to be licensed shall
24 have in his possession a separate certificate of title,
25 salvage certificate, junking certificate, certificate of
26 purchase, uniform invoice, out-of-state bill of sale or other

1 acceptable documentary evidence of his right to the possession
2 of every vehicle or essential part.

3 (g) Every person licensed or required to be licensed as a
4 transporter under Section 5-201 shall maintain for 3 years, in
5 such form as the Secretary of State may by rule or regulation
6 prescribe, at his principal place of business a record of
7 every vehicle transported by him, including numbers of or
8 other marks of identification thereof, the names and addresses
9 of persons from whom and to whom the vehicle was delivered and
10 the dates of delivery.

11 (h) No later than 15 days prior to going out of business,
12 selling the business, or transferring the ownership of the
13 business, the licensee shall notify the Secretary of State
14 that he is going out of business or that he is transferring the
15 ownership of the business. Failure to notify under this
16 paragraph shall constitute a failure to keep records.

17 (i) (Blank).

18 (j) A person who knowingly fails to comply with the
19 provisions of this Section or knowingly fails to obey,
20 observe, or comply with any order of the Secretary or any law
21 enforcement agency issued in accordance with this Section is
22 guilty of a Class B misdemeanor for the first violation and a
23 Class A misdemeanor for the second and subsequent violations.
24 Each violation constitutes a separate and distinct offense and
25 a separate count may be brought in the same indictment or
26 information for each vehicle or each essential part of a

1 vehicle for which a record was not kept as required by this
2 Section.

3 (k) Any person convicted of failing to keep the records
4 required by this Section with intent to conceal the identity
5 or origin of a vehicle or its essential parts or with intent to
6 defraud the public in the transfer or sale of vehicles or their
7 essential parts is guilty of a Class 2 felony. Each violation
8 constitutes a separate and distinct offense and a separate
9 count may be brought in the same indictment or information for
10 each vehicle or essential part of a vehicle for which a record
11 was not kept as required by this Section.

12 (l) A person may not be criminally charged with or
13 convicted of both a knowing failure to comply with this
14 Section and a knowing failure to comply with any order, if both
15 offenses involve the same record keeping violation.

16 (m) The Secretary shall adopt rules necessary for
17 implementation of this Section, which may include the
18 imposition of administrative fines.

19 (Source: P.A. 101-505, eff. 1-1-20.)

20 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

21 Sec. 5-402.1. Use of Secretary of State Uniform Invoice
22 for Essential Parts.

23 (a) Except for scrap processors, every person licensed or
24 required to be licensed under Section 5-101, 5-101.1, 5-102,
25 5-102.8, or 5-301 of this Code shall issue, in a form the

1 Secretary of State may by rule or regulation prescribe, a
2 Uniform Invoice, which may also act as a bill of sale, made out
3 in triplicate with respect to each transaction in which he
4 disposes of an essential part other than quarter panels and
5 transmissions of vehicles of the first division. Such Invoice
6 shall be made out at the time of the disposition of the
7 essential part. If the licensee disposes of several essential
8 parts in the same transaction, the licensee may issue one
9 Uniform Invoice covering all essential parts disposed of in
10 that transaction.

11 (b) The following information shall be contained on the
12 Uniform Invoice:

13 (1) the business name, address and dealer license
14 number of the person disposing of the essential part;

15 (2) the name and address of the person acquiring the
16 essential part, and if that person is a dealer, the
17 Illinois or out-of-state dealer license number of that
18 dealer;

19 (3) the date of the disposition of the essential part;

20 (4) the year, make, model, color and description of
21 each essential part disposed of by the person;

22 (5) the manufacturer's vehicle identification number,
23 Secretary of State identification number or Illinois
24 ~~Department of State Police~~ identification number, for each
25 essential part disposed of by the person;

26 (6) the printed name and legible signature of the

1 person or agent disposing of the essential part; and

2 (7) if the person is a dealer the printed name and
3 legible signature of the dealer or his agent or employee
4 accepting delivery of the essential part.

5 (c) Except for scrap processors, and except as set forth
6 in subsection (d) of this Section, whenever a person licensed
7 or required to be licensed by Section 5-101, 5-101.1, 5-102,
8 or 5-301 accepts delivery of an essential part, other than
9 quarter panels and transmissions of vehicles of the first
10 division, that person shall, at the time of the acceptance or
11 delivery, comply with the following procedures:

12 (1) Before acquiring or accepting delivery of any
13 essential part, the licensee or his authorized agent or
14 employee shall inspect the part to determine whether the
15 vehicle identification number, Secretary of State
16 identification number, Illinois ~~Department of~~ State Police
17 identification number, or identification plate or sticker
18 attached to or stamped on any part being acquired or
19 delivered has been removed, falsified, altered, defaced,
20 destroyed, or tampered with. If the licensee or his agent
21 or employee determines that the vehicle identification
22 number, Secretary of State identification number, Illinois
23 ~~Department of~~ State Police identification number,
24 identification plate or identification sticker containing
25 an identification number, or Federal Certificate label of
26 an essential part has been removed, falsified, altered,

1 defaced, destroyed or tampered with, the licensee or agent
2 shall not accept or receive that part.

3 If that part was physically acquired by or delivered
4 to a licensee or his agent or employee while that
5 licensee, agent or employee was outside this State, that
6 licensee or agent or employee shall not bring that
7 essential part into this State or cause it to be brought
8 into this State.

9 (2) If the person disposing of or delivering the
10 essential part to the licensee is a licensed in-state or
11 out-of-state dealer, the licensee or his agent or
12 employee, after inspecting the essential part as required
13 by paragraph (1) of this subsection (c), shall examine the
14 Uniform Invoice, or bill of sale, as the case may be, to
15 ensure that it contains all the information required to be
16 provided by persons disposing of essential parts as set
17 forth in subsection (b) of this Section. If the Uniform
18 Invoice or bill of sale does not contain all the
19 information required to be listed by subsection (b) of
20 this Section, the dealer disposing of or delivering such
21 part or his agent or employee shall record such additional
22 information or other needed modifications on the Uniform
23 Invoice or bill of sale or, if needed, an attachment
24 thereto. The dealer or his agent or employee delivering
25 the essential part shall initial all additions or
26 modifications to the Uniform Invoice or bill of sale and

1 legibly print his name at the bottom of each document
2 containing his initials. If the transaction involves a
3 bill of sale rather than a Uniform Invoice, the licensee
4 or his agent or employee accepting delivery of or
5 acquiring the essential part shall affix his printed name
6 and legible signature on the space on the bill of sale
7 provided for his signature or, if no space is provided, on
8 the back of the bill of sale. If the dealer or his agent or
9 employee disposing of or delivering the essential part
10 cannot or does not provide all the information required by
11 subsection (b) of this Section, the licensee or his agent
12 or employee shall not accept or receive any essential part
13 for which that required information is not provided. If
14 such essential part for which the information required is
15 not fully provided was physically acquired while the
16 licensee or his agent or employee was outside this State,
17 the licensee or his agent or employee shall not bring that
18 essential part into this State or cause it to be brought
19 into this State.

20 (3) If the person disposing of the essential part is
21 not a licensed dealer, the licensee or his agent or
22 employee shall, after inspecting the essential part as
23 required by paragraph (1) of subsection (c) of this
24 Section verify the identity of the person disposing of the
25 essential part by examining 2 sources of identification,
26 one of which shall be either a driver's license or state

1 identification card. The licensee or his agent or employee
2 shall then prepare a Uniform Invoice listing all the
3 information required to be provided by subsection (b) of
4 this Section. In the space on the Uniform Invoice provided
5 for the dealer license number of the person disposing of
6 the part, the licensee or his agent or employee shall list
7 the numbers taken from the documents of identification
8 provided by the person disposing of the part. The person
9 disposing of the part shall affix his printed name and
10 legible signature on the space on the Uniform Invoice
11 provided for the person disposing of the essential part
12 and the licensee or his agent or employee acquiring the
13 part shall affix his printed name and legible signature on
14 the space provided on the Uniform Invoice for the person
15 acquiring the essential part. If the person disposing of
16 the essential part cannot or does not provide all the
17 information required to be provided by this paragraph, or
18 does not present 2 satisfactory forms of identification,
19 the licensee or his agent or employee shall not acquire
20 that essential part.

21 (d) If an essential part other than quarter panels and
22 transmissions of vehicles of the first division was delivered
23 by a licensed commercial delivery service delivering such part
24 on behalf of a licensed dealer, the person required to comply
25 with subsection (c) of this Section may conduct the inspection
26 of that part required by paragraph (1) of subsection (c) and

1 examination of the Uniform Invoice or bill of sale required by
2 paragraph (2) of subsection (c) of this Section immediately
3 after the acceptance of the part.

4 (1) If the inspection of the essential part pursuant
5 to paragraph (1) of subsection (c) reveals that the
6 vehicle identification number, Secretary of State
7 identification number, Illinois ~~Department of~~ State Police
8 identification number, identification plate or sticker
9 containing an identification number, or Federal
10 Certificate label of an essential part has been removed,
11 falsified, altered, defaced, destroyed or tampered with,
12 the licensee or his agent shall immediately record such
13 fact on the Uniform Invoice or bill of sale, assign the
14 part an inventory or stock number, place such inventory or
15 stock number on both the essential part and the Uniform
16 Invoice or bill of sale, and record the date of the
17 inspection of the part on the Uniform Invoice or bill of
18 sale. The licensee shall, within 7 days of such
19 inspection, return such part to the dealer from whom it
20 was acquired.

21 (2) If the examination of the Uniform Invoice or bill
22 of sale pursuant to paragraph (2) of subsection (c)
23 reveals that any of the information required to be listed
24 by subsection (b) of this Section is missing, the licensee
25 or person required to be licensed shall immediately assign
26 a stock or inventory number to such part, place such stock

1 or inventory number on both the essential part and the
2 Uniform Invoice or bill of sale, and record the date of
3 examination on the Uniform Invoice or bill of sale. The
4 licensee or person required to be licensed shall acquire
5 the information missing from the Uniform Invoice or bill
6 of sale within 7 days of the examination of such Uniform
7 Invoice or bill of sale. Such information may be received
8 by telephone conversation with the dealer from whom the
9 part was acquired. If the dealer provides the missing
10 information the licensee shall record such information on
11 the Uniform Invoice or bill of sale along with the name of
12 the person providing the information. If the dealer does
13 not provide the required information within the
14 aforementioned 7 day period, the licensee shall return the
15 part to that dealer.

16 (e) Except for scrap processors, all persons licensed or
17 required to be licensed who acquire or dispose of essential
18 parts other than quarter panels and transmissions of vehicles
19 of the first division shall retain a copy of the Uniform
20 Invoice required to be made by subsections (a), (b) and (c) of
21 this Section for a period of 3 years.

22 (f) Except for scrap processors, any person licensed or
23 required to be licensed under Sections 5-101, 5-102 or 5-301
24 who knowingly fails to record on a Uniform Invoice any of the
25 information or entries required to be recorded by subsections
26 (a), (b) and (c) of this Section, or who knowingly places false

1 entries or other misleading information on such Uniform
2 Invoice, or who knowingly fails to retain for 3 years a copy of
3 a Uniform Invoice reflecting transactions required to be
4 recorded by subsections (a), (b) and (c) of this Section, or
5 who knowingly acquires or disposes of essential parts without
6 receiving, issuing, or executing a Uniform Invoice reflecting
7 that transaction as required by subsections (a), (b) and (c)
8 of this Section, or who brings or causes to be brought into
9 this State essential parts for which the information required
10 to be recorded on a Uniform Invoice is not recorded as
11 prohibited by subsection (c) of this Section, or who knowingly
12 fails to comply with the provisions of this Section in any
13 other manner shall be guilty of a Class 2 felony. Each
14 violation shall constitute a separate and distinct offense and
15 a separate count may be brought in the same indictment or
16 information for each essential part for which a record was not
17 kept as required by this Section or for which the person failed
18 to comply with other provisions of this Section.

19 (g) The records required to be kept by this Section may be
20 examined by a person or persons making a lawful inspection of
21 the licensee's premises pursuant to Section 5-403.

22 (h) The records required to be kept by this Section shall
23 be retained by the licensee at his principal place of business
24 for a period of 7 years.

25 (i) The requirements of this Section shall not apply to
26 the disposition of an essential part other than a cowl which

1 has been damaged or altered to a state in which it can no
2 longer be returned to a usable condition and which is being
3 sold or transferred to a scrap processor or for delivery to a
4 scrap processor.

5 (Source: P.A. 101-505, eff. 1-1-20.)

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver
9 permit to those applicants who have met all the requirements
10 of the application and screening process under this Section to
11 insure the welfare and safety of children who are transported
12 on school buses throughout the State of Illinois. Applicants
13 shall obtain the proper application required by the Secretary
14 of State from their prospective or current employer and submit
15 the completed application to the prospective or current
16 employer along with the necessary fingerprint submission as
17 required by the Illinois ~~Department of~~ State Police to conduct
18 fingerprint based criminal background checks on current and
19 future information available in the state system and current
20 information available through the Federal Bureau of
21 Investigation's system. Applicants who have completed the
22 fingerprinting requirements shall not be subjected to the
23 fingerprinting process when applying for subsequent permits or
24 submitting proof of successful completion of the annual
25 refresher course. Individuals who on July 1, 1995 (the

1 effective date of Public Act 88-612) possess a valid school
2 bus driver permit that has been previously issued by the
3 appropriate Regional School Superintendent are not subject to
4 the fingerprinting provisions of this Section as long as the
5 permit remains valid and does not lapse. The applicant shall
6 be required to pay all related application and fingerprinting
7 fees as established by rule including, but not limited to, the
8 amounts established by the Illinois ~~Department of~~ State Police
9 and the Federal Bureau of Investigation to process fingerprint
10 based criminal background investigations. All fees paid for
11 fingerprint processing services under this Section shall be
12 deposited into the State Police Services Fund for the cost
13 incurred in processing the fingerprint based criminal
14 background investigations. All other fees paid under this
15 Section shall be deposited into the Road Fund for the purpose
16 of defraying the costs of the Secretary of State in
17 administering this Section. All applicants must:

- 18 1. be 21 years of age or older;
- 19 2. possess a valid and properly classified driver's
20 license issued by the Secretary of State;
- 21 3. possess a valid driver's license, which has not
22 been revoked, suspended, or canceled for 3 years
23 immediately prior to the date of application, or have not
24 had his or her commercial motor vehicle driving privileges
25 disqualified within the 3 years immediately prior to the
26 date of application;

1 4. successfully pass a written test, administered by
2 the Secretary of State, on school bus operation, school
3 bus safety, and special traffic laws relating to school
4 buses and submit to a review of the applicant's driving
5 habits by the Secretary of State at the time the written
6 test is given;

7 5. demonstrate ability to exercise reasonable care in
8 the operation of school buses in accordance with rules
9 promulgated by the Secretary of State;

10 6. demonstrate physical fitness to operate school
11 buses by submitting the results of a medical examination,
12 including tests for drug use for each applicant not
13 subject to such testing pursuant to federal law, conducted
14 by a licensed physician, a licensed advanced practice
15 registered nurse, or a licensed physician assistant within
16 90 days of the date of application according to standards
17 promulgated by the Secretary of State;

18 7. affirm under penalties of perjury that he or she
19 has not made a false statement or knowingly concealed a
20 material fact in any application for permit;

21 8. have completed an initial classroom course,
22 including first aid procedures, in school bus driver
23 safety as promulgated by the Secretary of State; and after
24 satisfactory completion of said initial course an annual
25 refresher course; such courses and the agency or
26 organization conducting such courses shall be approved by

1 the Secretary of State; failure to complete the annual
2 refresher course, shall result in cancellation of the
3 permit until such course is completed;

4 9. not have been under an order of court supervision
5 for or convicted of 2 or more serious traffic offenses, as
6 defined by rule, within one year prior to the date of
7 application that may endanger the life or safety of any of
8 the driver's passengers within the duration of the permit
9 period;

10 10. not have been under an order of court supervision
11 for or convicted of reckless driving, aggravated reckless
12 driving, driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or
14 any combination thereof, or reckless homicide resulting
15 from the operation of a motor vehicle within 3 years of the
16 date of application;

17 11. not have been convicted of committing or
18 attempting to commit any one or more of the following
19 offenses: (i) those offenses defined in Sections 8-1,
20 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
21 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
23 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
24 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
25 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
26 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,

1 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4,
2 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
3 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1,
4 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,
5 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5,
6 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
7 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
8 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
9 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
10 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
11 of Section 24-3, and those offenses contained in Article
12 29D of the Criminal Code of 1961 or the Criminal Code of
13 2012; (ii) those offenses defined in the Cannabis Control
14 Act except those offenses defined in subsections (a) and
15 (b) of Section 4, and subsection (a) of Section 5 of the
16 Cannabis Control Act; (iii) those offenses defined in the
17 Illinois Controlled Substances Act; (iv) those offenses
18 defined in the Methamphetamine Control and Community
19 Protection Act; and (v) any offense committed or attempted
20 in any other state or against the laws of the United
21 States, which if committed or attempted in this State
22 would be punishable as one or more of the foregoing
23 offenses; (vi) the offenses defined in Section 4.1 and 5.1
24 of the Wrongs to Children Act or Section 11-9.1A of the
25 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
26 those offenses defined in Section 6-16 of the Liquor

1 Control Act of 1934; and (viii) those offenses defined in
2 the Methamphetamine Precursor Control Act;

3 12. not have been repeatedly involved as a driver in
4 motor vehicle collisions or been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree which indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 13. not have, through the unlawful operation of a
12 motor vehicle, caused an accident resulting in the death
13 of any person;

14 14. not have, within the last 5 years, been adjudged
15 to be afflicted with or suffering from any mental
16 disability or disease;

17 15. consent, in writing, to the release of results of
18 reasonable suspicion drug and alcohol testing under
19 Section 6-106.1c of this Code by the employer of the
20 applicant to the Secretary of State; and

21 16. not have been convicted of committing or
22 attempting to commit within the last 20 years: (i) an
23 offense defined in subsection (c) of Section 4, subsection
24 (b) of Section 5, and subsection (a) of Section 8 of the
25 Cannabis Control Act; or (ii) any offenses in any other
26 state or against the laws of the United States that, if

1 committed or attempted in this State, would be punishable
2 as one or more of the foregoing offenses.

3 (b) A school bus driver permit shall be valid for a period
4 specified by the Secretary of State as set forth by rule. It
5 shall be renewable upon compliance with subsection (a) of this
6 Section.

7 (c) A school bus driver permit shall contain the holder's
8 driver's license number, legal name, residence address, zip
9 code, and date of birth, a brief description of the holder and
10 a space for signature. The Secretary of State may require a
11 suitable photograph of the holder.

12 (d) The employer shall be responsible for conducting a
13 pre-employment interview with prospective school bus driver
14 candidates, distributing school bus driver applications and
15 medical forms to be completed by the applicant, and submitting
16 the applicant's fingerprint cards to the Illinois Department
17 ~~of~~ State Police that are required for the criminal background
18 investigations. The employer shall certify in writing to the
19 Secretary of State that all pre-employment conditions have
20 been successfully completed including the successful
21 completion of an Illinois specific criminal background
22 investigation through the Illinois Department ~~of~~ State Police
23 and the submission of necessary fingerprints to the Federal
24 Bureau of Investigation for criminal history information
25 available through the Federal Bureau of Investigation system.
26 The applicant shall present the certification to the Secretary

1 of State at the time of submitting the school bus driver permit
2 application.

3 (e) Permits shall initially be provisional upon receiving
4 certification from the employer that all pre-employment
5 conditions have been successfully completed, and upon
6 successful completion of all training and examination
7 requirements for the classification of the vehicle to be
8 operated, the Secretary of State shall provisionally issue a
9 School Bus Driver Permit. The permit shall remain in a
10 provisional status pending the completion of the Federal
11 Bureau of Investigation's criminal background investigation
12 based upon fingerprinting specimens submitted to the Federal
13 Bureau of Investigation by the Illinois ~~Department of~~ State
14 Police. The Federal Bureau of Investigation shall report the
15 findings directly to the Secretary of State. The Secretary of
16 State shall remove the bus driver permit from provisional
17 status upon the applicant's successful completion of the
18 Federal Bureau of Investigation's criminal background
19 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
23 of an offense that would make him or her ineligible for a
24 permit under subsection (a) of this Section. The written
25 notification shall be made within 5 days of the entry of the
26 order of court supervision or conviction. Failure of the

1 permit holder to provide the notification is punishable as a
2 petty offense for a first violation and a Class B misdemeanor
3 for a second or 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
8 compliance with the provisions of subsection (a) of this
9 Section.

10 (2) The Secretary of State shall cancel a school bus
11 driver permit when he or she receives notice that the
12 permit holder fails to comply with any provision of this
13 Section or any rule promulgated for the administration of
14 this Section.

15 (3) The Secretary of State shall cancel a school bus
16 driver permit if the permit holder's restricted commercial
17 or commercial driving privileges are withdrawn or
18 otherwise invalidated.

19 (4) The Secretary of State may not issue a school bus
20 driver permit for a period of 3 years to an applicant who
21 fails to obtain a negative result on a drug test as
22 required in item 6 of subsection (a) of this Section or
23 under federal law.

24 (5) The Secretary of State shall forthwith suspend a
25 school bus driver permit for a period of 3 years upon
26 receiving notice that the holder has failed to obtain a

1 negative result on a drug test as required in item 6 of
2 subsection (a) of this Section or under federal law.

3 (6) The Secretary of State shall suspend a school bus
4 driver permit for a period of 3 years upon receiving
5 notice from the employer that the holder failed to perform
6 the inspection procedure set forth in subsection (a) or
7 (b) of Section 12-816 of this Code.

8 (7) The Secretary of State shall suspend a school bus
9 driver permit for a period of 3 years upon receiving
10 notice from the employer that the holder refused to submit
11 to an alcohol or drug test as required by Section 6-106.1c
12 or has submitted to a test required by that Section which
13 disclosed an alcohol concentration of more than 0.00 or
14 disclosed a positive result on a National Institute on
15 Drug Abuse five-drug panel, utilizing federal standards
16 set forth in 49 CFR 40.87.

17 The Secretary of State shall notify the State
18 Superintendent of Education and the permit holder's
19 prospective or current employer that the applicant has (1) has
20 failed a criminal background investigation or (2) is no longer
21 eligible for a school bus driver permit; and of the related
22 cancellation of the applicant's provisional school bus driver
23 permit. The cancellation shall remain in effect pending the
24 outcome of a hearing pursuant to Section 2-118 of this Code.
25 The scope of the hearing shall be limited to the issuance
26 criteria contained in subsection (a) of this Section. A

1 petition requesting a hearing shall be submitted to the
2 Secretary of State and shall contain the reason the individual
3 feels he or she is entitled to a school bus driver permit. The
4 permit holder's employer shall notify in writing to the
5 Secretary of State that the employer has certified the removal
6 of the offending school bus driver from service prior to the
7 start of that school bus driver's next workshift. An employing
8 school board that fails to remove the offending school bus
9 driver from service is subject to the penalties defined in
10 Section 3-14.23 of the School Code. A school bus contractor
11 who violates a provision of this Section is subject to the
12 penalties defined in Section 6-106.11.

13 All valid school bus driver permits issued under this
14 Section prior to January 1, 1995, shall remain effective until
15 their expiration date unless otherwise invalidated.

16 (h) When a school bus driver permit holder who is a service
17 member is called to active duty, the employer of the permit
18 holder shall notify the Secretary of State, within 30 days of
19 notification from the permit holder, that the permit holder
20 has been called to active duty. Upon notification pursuant to
21 this subsection, (i) the Secretary of State shall characterize
22 the permit as inactive until a permit holder renews the permit
23 as provided in subsection (i) of this Section, and (ii) if a
24 permit holder fails to comply with the requirements of this
25 Section while called to active duty, the Secretary of State
26 shall not characterize the permit as invalid.

1 (i) A school bus driver permit holder who is a service
2 member returning from active duty must, within 90 days, renew
3 a permit characterized as inactive pursuant to subsection (h)
4 of this Section by complying with the renewal requirements of
5 subsection (b) of this Section.

6 (j) For purposes of subsections (h) and (i) of this
7 Section:

8 "Active duty" means active duty pursuant to an executive
9 order of the President of the United States, an act of the
10 Congress of the United States, or an order of the Governor.

11 "Service member" means a member of the Armed Services or
12 reserve forces of the United States or a member of the Illinois
13 National Guard.

14 (k) A private carrier employer of a school bus driver
15 permit holder, having satisfied the employer requirements of
16 this Section, shall be held to a standard of ordinary care for
17 intentional acts committed in the course of employment by the
18 bus driver permit holder. This subsection (k) shall in no way
19 limit the liability of the private carrier employer for
20 violation of any provision of this Section or for the
21 negligent hiring or retention of a school bus driver permit
22 holder.

23 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

24 (625 ILCS 5/6-106.1a)

25 Sec. 6-106.1a. Cancellation of school bus driver permit;

1 trace of alcohol.

2 (a) A person who has been issued a school bus driver permit
3 by the Secretary of State in accordance with Section 6-106.1
4 of this Code and who drives or is in actual physical control of
5 a school bus or any other vehicle owned or operated by or for a
6 public or private school, or a school operated by a religious
7 institution, when the vehicle is being used over a regularly
8 scheduled route for the transportation of persons enrolled as
9 students in grade 12 or below, in connection with any activity
10 of the entities listed, upon the public highways of this State
11 shall be deemed to have given consent to a chemical test or
12 tests of blood, breath, other bodily substance, or urine for
13 the purpose of determining the alcohol content of the person's
14 blood if arrested, as evidenced by the issuance of a Uniform
15 Traffic Ticket for any violation of this Code or a similar
16 provision of a local ordinance, if a police officer has
17 probable cause to believe that the driver has consumed any
18 amount of an alcoholic beverage based upon evidence of the
19 driver's physical condition or other first hand knowledge of
20 the police officer. The test or tests shall be administered at
21 the direction of the arresting officer. The law enforcement
22 agency employing the officer shall designate which of the
23 aforesaid tests shall be administered. A urine or other bodily
24 substance test may be administered even after a blood or
25 breath test or both has been administered.

26 (b) A person who is dead, unconscious, or who is otherwise

1 in a condition rendering that person incapable of refusal,
2 shall be deemed not to have withdrawn the consent provided by
3 paragraph (a) of this Section and the test or tests may be
4 administered subject to the following provisions:

5 (1) Chemical analysis of the person's blood, urine,
6 breath, or other bodily substance, to be considered valid
7 under the provisions of this Section, shall have been
8 performed according to standards promulgated by the
9 Illinois ~~Department of~~ State Police by an individual
10 possessing a valid permit issued by the Illinois
11 ~~Department of~~ State Police for this purpose. The Director
12 of the Illinois State Police is authorized to approve
13 satisfactory techniques or methods, to ascertain the
14 qualifications and competence of individuals to conduct
15 analyses, to issue permits that shall be subject to
16 termination or revocation at the direction of the Illinois
17 ~~Department of~~ State Police, and to certify the accuracy of
18 breath testing equipment. The Illinois ~~Department of~~ State
19 Police shall prescribe rules as necessary.

20 (2) When a person submits to a blood test at the
21 request of a law enforcement officer under the provisions
22 of this Section, only a physician authorized to practice
23 medicine, a licensed physician assistant, a licensed
24 advanced practice registered nurse, a registered nurse, or
25 other qualified person trained in venipuncture and acting
26 under the direction of a licensed physician may withdraw

1 blood for the purpose of determining the alcohol content.
2 This limitation does not apply to the taking of breath,
3 other bodily substance, or urine specimens.

4 (3) The person tested may have a physician, qualified
5 technician, chemist, registered nurse, or other qualified
6 person of his or her own choosing administer a chemical
7 test or tests in addition to any test or tests
8 administered at the direction of a law enforcement
9 officer. The test administered at the request of the
10 person may be admissible into evidence at a hearing
11 conducted in accordance with Section 2-118 of this Code.
12 The failure or inability to obtain an additional test by a
13 person shall not preclude the consideration of the
14 previously performed chemical test.

15 (4) Upon a request of the person who submits to a
16 chemical test or tests at the request of a law enforcement
17 officer, full information concerning the test or tests
18 shall be made available to the person or that person's
19 attorney by the requesting law enforcement agency within
20 72 hours of receipt of the test result.

21 (5) Alcohol concentration means either grams of
22 alcohol per 100 milliliters of blood or grams of alcohol
23 per 210 liters of breath.

24 (6) If a driver is receiving medical treatment as a
25 result of a motor vehicle accident, a physician licensed
26 to practice medicine, licensed physician assistant,

1 licensed advanced practice registered nurse, registered
2 nurse, or other qualified person trained in venipuncture
3 and acting under the direction of a licensed physician
4 shall withdraw blood for testing purposes to ascertain the
5 presence of alcohol upon the specific request of a law
6 enforcement officer. However, that testing shall not be
7 performed until, in the opinion of the medical personnel
8 on scene, the withdrawal can be made without interfering
9 with or endangering the well-being of the patient.

10 (c) A person requested to submit to a test as provided in
11 this Section shall be warned by the law enforcement officer
12 requesting the test that a refusal to submit to the test, or
13 submission to the test resulting in an alcohol concentration
14 of more than 0.00, may result in the loss of that person's
15 privilege to possess a school bus driver permit. The loss of
16 the individual's privilege to possess a school bus driver
17 permit shall be imposed in accordance with Section 6-106.1b of
18 this Code. A person requested to submit to a test under this
19 Section shall also acknowledge, in writing, receipt of the
20 warning required under this subsection (c). If the person
21 refuses to acknowledge receipt of the warning, the law
22 enforcement officer shall make a written notation on the
23 warning that the person refused to sign the warning. A
24 person's refusal to sign the warning shall not be evidence
25 that the person was not read the warning.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of more than 0.00, the law
2 enforcement officer shall immediately submit a sworn report to
3 the Secretary of State on a form prescribed by the Secretary of
4 State certifying that the test or tests were requested under
5 subsection (a) and the person refused to submit to a test or
6 tests or submitted to testing which disclosed an alcohol
7 concentration of more than 0.00. The law enforcement officer
8 shall submit the same sworn report when a person who has been
9 issued a school bus driver permit and who was operating a
10 school bus or any other vehicle owned or operated by or for a
11 public or private school, or a school operated by a religious
12 institution, when the vehicle is being used over a regularly
13 scheduled route for the transportation of persons enrolled as
14 students in grade 12 or below, in connection with any activity
15 of the entities listed, submits to testing under Section
16 11-501.1 of this Code and the testing discloses an alcohol
17 concentration of more than 0.00 and less than the alcohol
18 concentration at which driving or being in actual physical
19 control of a motor vehicle is prohibited under paragraph (1)
20 of subsection (a) of Section 11-501.

21 Upon receipt of the sworn report of a law enforcement
22 officer, the Secretary of State shall enter the school bus
23 driver permit sanction on the individual's driving record and
24 the sanction shall be effective on the 46th day following the
25 date notice of the sanction was given to the person.

26 The law enforcement officer submitting the sworn report

1 shall serve immediate notice of this school bus driver permit
2 sanction on the person and the sanction shall be effective on
3 the 46th day following the date notice was given.

4 In cases where the blood alcohol concentration of more
5 than 0.00 is established by a subsequent analysis of blood,
6 other bodily substance, or urine, the police officer or
7 arresting agency shall give notice as provided in this Section
8 or by deposit in the United States mail of that notice in an
9 envelope with postage prepaid and addressed to that person at
10 his or her last known address and the loss of the school bus
11 driver permit shall be effective on the 46th day following the
12 date notice was given.

13 Upon receipt of the sworn report of a law enforcement
14 officer, the Secretary of State shall also give notice of the
15 school bus driver permit sanction to the driver and the
16 driver's current employer by mailing a notice of the effective
17 date of the sanction to the individual. However, shall the
18 sworn report be defective by not containing sufficient
19 information or be completed in error, the notice of the school
20 bus driver permit sanction may not be mailed to the person or
21 his current employer or entered to the driving record, but
22 rather the sworn report shall be returned to the issuing law
23 enforcement agency.

24 (e) A driver may contest this school bus driver permit
25 sanction by requesting an administrative hearing with the
26 Secretary of State in accordance with Section 2-118 of this

1 Code. An individual whose blood alcohol concentration is shown
2 to be more than 0.00 is not subject to this Section if he or
3 she consumed alcohol in the performance of a religious service
4 or ceremony. An individual whose blood alcohol concentration
5 is shown to be more than 0.00 shall not be subject to this
6 Section if the individual's blood alcohol concentration
7 resulted only from ingestion of the prescribed or recommended
8 dosage of medicine that contained alcohol. The petition for
9 that hearing shall not stay or delay the effective date of the
10 impending suspension. The scope of this hearing shall be
11 limited to the issues of:

12 (1) whether the police officer had probable cause to
13 believe that the person was driving or in actual physical
14 control of a school bus or any other vehicle owned or
15 operated by or for a public or private school, or a school
16 operated by a religious institution, when the vehicle is
17 being used over a regularly scheduled route for the
18 transportation of persons enrolled as students in grade 12
19 or below, in connection with any activity of the entities
20 listed, upon the public highways of the State and the
21 police officer had reason to believe that the person was
22 in violation of any provision of this Code or a similar
23 provision of a local ordinance; and

24 (2) whether the person was issued a Uniform Traffic
25 Ticket for any violation of this Code or a similar
26 provision of a local ordinance; and

1 (3) whether the police officer had probable cause to
2 believe that the driver had consumed any amount of an
3 alcoholic beverage based upon the driver's physical
4 actions or other first-hand knowledge of the police
5 officer; and

6 (4) whether the person, after being advised by the
7 officer that the privilege to possess a school bus driver
8 permit would be canceled if the person refused to submit
9 to and complete the test or tests, did refuse to submit to
10 or complete the test or tests to determine the person's
11 alcohol concentration; and

12 (5) whether the person, after being advised by the
13 officer that the privileges to possess a school bus driver
14 permit would be canceled if the person submits to a
15 chemical test or tests and the test or tests disclose an
16 alcohol concentration of more than 0.00 and the person did
17 submit to and complete the test or tests that determined
18 an alcohol concentration of more than 0.00; and

19 (6) whether the test result of an alcohol
20 concentration of more than 0.00 was based upon the
21 person's consumption of alcohol in the performance of a
22 religious service or ceremony; and

23 (7) whether the test result of an alcohol
24 concentration of more than 0.00 was based upon the
25 person's consumption of alcohol through ingestion of the
26 prescribed or recommended dosage of medicine.

1 The Secretary of State may adopt administrative rules
2 setting forth circumstances under which the holder of a school
3 bus driver permit is not required to appear in person at the
4 hearing.

5 Provided that the petitioner may subpoena the officer, the
6 hearing may be conducted upon a review of the law enforcement
7 officer's own official reports. Failure of the officer to
8 answer the subpoena shall be grounds for a continuance if, in
9 the hearing officer's discretion, the continuance is
10 appropriate. At the conclusion of the hearing held under
11 Section 2-118 of this Code, the Secretary of State may
12 rescind, continue, or modify the school bus driver permit
13 sanction.

14 (f) The results of any chemical testing performed in
15 accordance with subsection (a) of this Section are not
16 admissible in any civil or criminal proceeding, except that
17 the results of the testing may be considered at a hearing held
18 under Section 2-118 of this Code. However, the results of the
19 testing may not be used to impose driver's license sanctions
20 under Section 11-501.1 of this Code. A law enforcement officer
21 may, however, pursue a statutory summary suspension or
22 revocation of driving privileges under Section 11-501.1 of
23 this Code if other physical evidence or first hand knowledge
24 forms the basis of that suspension or revocation.

25 (g) This Section applies only to drivers who have been
26 issued a school bus driver permit in accordance with Section

1 6-106.1 of this Code at the time of the issuance of the Uniform
2 Traffic Ticket for a violation of this Code or a similar
3 provision of a local ordinance, and a chemical test request is
4 made under this Section.

5 (h) The action of the Secretary of State in suspending,
6 revoking, canceling, or denying any license, permit,
7 registration, or certificate of title shall be subject to
8 judicial review in the Circuit Court of Sangamon County or in
9 the Circuit Court of Cook County, and the provisions of the
10 Administrative Review Law and its rules are hereby adopted and
11 shall apply to and govern every action for the judicial review
12 of final acts or decisions of the Secretary of State under this
13 Section.

14 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
15 100-513, eff. 1-1-18.)

16 (625 ILCS 5/6-107.5)

17 Sec. 6-107.5. Adult Driver Education Course.

18 (a) The Secretary shall establish by rule the curriculum
19 and designate the materials to be used in an adult driver
20 education course. The course shall be at least 6 hours in
21 length and shall include instruction on traffic laws; highway
22 signs, signals, and markings that regulate, warn, or direct
23 traffic; and issues commonly associated with motor vehicle
24 accidents including poor decision-making, risk taking,
25 impaired driving, distraction, speed, failure to use a safety

1 belt, driving at night, failure to yield the right-of-way,
2 texting while driving, using wireless communication devices,
3 and alcohol and drug awareness. The curriculum shall not
4 require the operation of a motor vehicle.

5 (b) The Secretary shall certify course providers. The
6 requirements to be a certified course provider, the process
7 for applying for certification, and the procedure for
8 decertifying a course provider shall be established by rule.

9 (b-5) In order to qualify for certification as an adult
10 driver education course provider, each applicant must
11 authorize an investigation that includes a fingerprint-based
12 background check to determine if the applicant has ever been
13 convicted of a criminal offense and, if so, the disposition of
14 any conviction. This authorization shall indicate the scope of
15 the inquiry and the agencies that may be contacted. Upon
16 receiving this authorization, the Secretary of State may
17 request and receive information and assistance from any
18 federal, State, or local governmental agency as part of the
19 authorized investigation. Each applicant shall submit his or
20 her fingerprints to the Illinois ~~Department of~~ State Police in
21 the form and manner prescribed by the Illinois ~~Department of~~
22 State Police. These fingerprints shall be checked against
23 fingerprint records now and hereafter filed in the Illinois
24 ~~Department of~~ State Police and Federal Bureau of Investigation
25 criminal history record databases. The Illinois ~~Department of~~
26 State Police shall charge applicants a fee for conducting the

1 criminal history record check, which shall be deposited into
2 the State Police Services Fund and shall not exceed the actual
3 cost of the State and national criminal history record check.
4 The Illinois ~~Department~~ of State Police shall furnish,
5 pursuant to positive identification, records of Illinois
6 criminal convictions to the Secretary and shall forward the
7 national criminal history record information to the Secretary.
8 Applicants shall pay any other fingerprint-related fees.
9 Unless otherwise prohibited by law, the information derived
10 from the investigation, including the source of the
11 information and any conclusions or recommendations derived
12 from the information by the Secretary of State, shall be
13 provided to the applicant upon request to the Secretary of
14 State prior to any final action by the Secretary of State on
15 the application. Any criminal conviction information obtained
16 by the Secretary of State shall be confidential and may not be
17 transmitted outside the Office of the Secretary of State,
18 except as required by this subsection (b-5), and may not be
19 transmitted to anyone within the Office of the Secretary of
20 State except as needed for the purpose of evaluating the
21 applicant. At any administrative hearing held under Section
22 2-118 of this Code relating to the denial, cancellation,
23 suspension, or revocation of certification of an adult driver
24 education course provider, the Secretary of State may utilize
25 at that hearing any criminal history, criminal conviction, and
26 disposition information obtained under this subsection (b-5).

1 The information obtained from the investigation may be
2 maintained by the Secretary of State or any agency to which the
3 information was transmitted. Only information and standards
4 which bear a reasonable and rational relation to the
5 performance of providing adult driver education shall be used
6 by the Secretary of State. Any employee of the Secretary of
7 State who gives or causes to be given away any confidential
8 information concerning any criminal convictions or disposition
9 of criminal convictions of an applicant shall be guilty of a
10 Class A misdemeanor unless release of the information is
11 authorized by this Section.

12 (c) The Secretary may permit a course provider to offer
13 the course online, if the Secretary is satisfied the course
14 provider has established adequate procedures for verifying:

15 (1) the identity of the person taking the course
16 online; and

17 (2) the person completes the entire course.

18 (d) The Secretary shall establish a method of electronic
19 verification of a student's successful completion of the
20 course.

21 (e) The fee charged by the course provider must bear a
22 reasonable relationship to the cost of the course. The
23 Secretary shall post on the Secretary of State's website a
24 list of approved course providers, the fees charged by the
25 providers, and contact information for each provider.

26 (f) In addition to any other fee charged by the course

1 provider, the course provider shall collect a fee of \$5 from
2 each student to offset the costs incurred by the Secretary in
3 administering this program. The \$5 shall be submitted to the
4 Secretary within 14 days of the day on which it was collected.
5 All such fees received by the Secretary shall be deposited in
6 the Secretary of State Driver Services Administration Fund.

7 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)

8 (625 ILCS 5/6-112) (from Ch. 95 1/2, par. 6-112)

9 Sec. 6-112. License and Permits to be carried and
10 exhibited on demand. Every licensee or permittee shall have
11 his drivers license or permit in his immediate possession at
12 all times when operating a motor vehicle and, for the purpose
13 of indicating compliance with this requirement, shall display
14 such license or permit if it is in his possession upon demand
15 made, when in uniform or displaying a badge or other sign of
16 authority, by a member of the Illinois State Police, a sheriff
17 or other police officer or designated agent of the Secretary
18 of State. However, no person charged with violating this
19 Section shall be convicted if he produces in court
20 satisfactory evidence that a drivers license was theretofore
21 ~~theretofor~~ issued to him and was valid at the time of his
22 arrest.

23 For the purposes of this Section, "display" means the
24 manual surrender of his license certificate into the hands of
25 the demanding officer for his inspection thereof.

1 (Source: P.A. 76-1749.)

2 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

3 Sec. 6-402. Qualifications of driver training schools. In
4 order to qualify for a license to operate a driver training
5 school, each applicant must:

6 (a) be of good moral character;

7 (b) be at least 21 years of age;

8 (c) maintain an established place of business open to
9 the public which meets the requirements of Section 6-403
10 through 6-407;

11 (d) maintain bodily injury and property damage
12 liability insurance on motor vehicles while used in
13 driving instruction, insuring the liability of the driving
14 school, the driving instructors and any person taking
15 instruction in at least the following amounts: \$50,000 for
16 bodily injury to or death of one person in any one accident
17 and, subject to said limit for one person, \$100,000 for
18 bodily injury to or death of 2 or more persons in any one
19 accident and the amount of \$10,000 for damage to property
20 of others in any one accident. Evidence of such insurance
21 coverage in the form of a certificate from the insurance
22 carrier shall be filed with the Secretary of State, and
23 such certificate shall stipulate that the insurance shall
24 not be cancelled except upon 10 days prior written notice
25 to the Secretary of State. The decal showing evidence of

1 insurance shall be affixed to the windshield of the
2 vehicle;

3 (e) provide a continuous surety company bond in the
4 principal sum of \$10,000 for a non-accredited school,
5 \$40,000 for a CDL or teenage accredited school, \$60,000
6 for a CDL accredited and teenage accredited school,
7 \$50,000 for a CDL or teenage accredited school with 3 or
8 more licensed branches, \$70,000 for a CDL accredited and
9 teenage accredited school with 3 or more licensed branches
10 for the protection of the contractual rights of students
11 in such form as will meet with the approval of the
12 Secretary of State and written by a company authorized to
13 do business in this State. However, the aggregate
14 liability of the surety for all breaches of the condition
15 of the bond in no event shall exceed the principal sum of
16 \$10,000 for a non-accredited school, \$40,000 for a CDL or
17 teenage accredited school, \$60,000 for a CDL accredited
18 and teenage accredited school, \$50,000 for a CDL or
19 teenage accredited school with 3 or more licensed
20 branches, \$70,000 for a CDL accredited and teenage
21 accredited school with 3 or more licensed branches. The
22 surety on any such bond may cancel such bond on giving 30
23 days notice thereof in writing to the Secretary of State
24 and shall be relieved of liability for any breach of any
25 conditions of the bond which occurs after the effective
26 date of cancellation;

1 (f) have the equipment necessary to the giving of
2 proper instruction in the operation of motor vehicles;

3 (g) have and use a business telephone listing for all
4 business purposes;

5 (h) pay to the Secretary of State an application fee
6 of \$500 and \$50 for each branch application; and

7 (i) authorize an investigation to include a
8 fingerprint based background check to determine if the
9 applicant has ever been convicted of a crime and if so, the
10 disposition of those convictions. The authorization shall
11 indicate the scope of the inquiry and the agencies that
12 may be contacted. Upon this authorization, the Secretary
13 of State may request and receive information and
14 assistance from any federal, State, or local governmental
15 agency as part of the authorized investigation. Each
16 applicant shall have his or her fingerprints submitted to
17 the Illinois ~~Department of~~ State Police in the form and
18 manner prescribed by the Illinois ~~Department of~~ State
19 Police. The fingerprints shall be checked against the
20 Illinois ~~Department of~~ State Police and Federal Bureau of
21 Investigation criminal history record information
22 databases. The Illinois ~~Department of~~ State Police shall
23 charge a fee for conducting the criminal history records
24 check, which shall be deposited in the State Police
25 Services Fund and shall not exceed the actual cost of the
26 records check. The applicant shall be required to pay all

1 related fingerprint fees including, but not limited to,
2 the amounts established by the Illinois ~~Department of~~
3 State Police and the Federal Bureau of Investigation to
4 process fingerprint based criminal background
5 investigations. The Illinois ~~Department of~~ State Police
6 shall provide information concerning any criminal
7 convictions and disposition of criminal convictions
8 brought against the applicant upon request of the
9 Secretary of State provided that the request is made in
10 the form and manner required by the Illinois ~~Department of~~
11 ~~the~~ State Police. Unless otherwise prohibited by law, the
12 information derived from the investigation including the
13 source of the information and any conclusions or
14 recommendations derived from the information by the
15 Secretary of State shall be provided to the applicant, or
16 his designee, upon request to the Secretary of State,
17 prior to any final action by the Secretary of State on the
18 application. Any criminal convictions and disposition
19 information obtained by the Secretary of State shall be
20 confidential and may not be transmitted outside the Office
21 of the Secretary of State, except as required herein, and
22 may not be transmitted to anyone within the Office of the
23 Secretary of State except as needed for the purpose of
24 evaluating the applicant. At any administrative hearing
25 held under Section 2-118 of this Code relating to the
26 denial, cancellation, suspension, or revocation of a

1 driver training school license, the Secretary of State is
2 authorized to utilize at that hearing any criminal
3 histories, criminal convictions, and disposition
4 information obtained under this Section. The information
5 obtained from the investigation may be maintained by the
6 Secretary of State or any agency to which the information
7 was transmitted. Only information and standards, which
8 bear a reasonable and rational relation to the performance
9 of a driver training school owner, shall be used by the
10 Secretary of State. Any employee of the Secretary of State
11 who gives or causes to be given away any confidential
12 information concerning any criminal charges or disposition
13 of criminal charges of an applicant shall be guilty of a
14 Class A misdemeanor, unless release of the information is
15 authorized by this Section.

16 No license shall be issued under this Section to a person
17 who is a spouse, offspring, sibling, parent, grandparent,
18 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
19 of the person whose license to do business at that location has
20 been revoked or denied or to a person who was an officer or
21 employee of a business firm that has had its license revoked or
22 denied, unless the Secretary of State is satisfied the
23 application was submitted in good faith and not for the
24 purpose or effect of defeating the intent of this Code.

25 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
26 96-1062, eff. 7-14-10; 97-333, eff. 8-12-11; 97-835, eff.

1 7-20-12.)

2 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

3 Sec. 6-411. Qualifications of Driver Training Instructors.

4 In order to qualify for a license as an instructor for a
5 driving school, an applicant must:

6 (a) Be of good moral character;

7 (b) Authorize an investigation to include a
8 fingerprint based background check to determine if the
9 applicant has ever been convicted of a crime and if so, the
10 disposition of those convictions; this authorization shall
11 indicate the scope of the inquiry and the agencies which
12 may be contacted. Upon this authorization the Secretary of
13 State may request and receive information and assistance
14 from any federal, state or local governmental agency as
15 part of the authorized investigation. Each applicant shall
16 submit his or her fingerprints to the Illinois Department
17 ~~of~~ State Police in the form and manner prescribed by the
18 Illinois Department ~~of~~ State Police. These fingerprints
19 shall be checked against the fingerprint records now and
20 hereafter filed in the Illinois Department ~~of~~ State Police
21 and Federal Bureau of Investigation criminal history
22 records databases. The Illinois Department ~~of~~ State Police
23 shall charge a fee for conducting the criminal history
24 records check, which shall be deposited in the State
25 Police Services Fund and shall not exceed the actual cost

1 of the records check. The applicant shall be required to
2 pay all related fingerprint fees including, but not
3 limited to, the amounts established by the Illinois
4 ~~Department of~~ State Police and the Federal Bureau of
5 Investigation to process fingerprint based criminal
6 background investigations. The Illinois ~~Department of~~
7 State Police shall provide information concerning any
8 criminal convictions, and their disposition, brought
9 against the applicant upon request of the Secretary of
10 State when the request is made in the form and manner
11 required by the Illinois ~~Department of~~ State Police.
12 Unless otherwise prohibited by law, the information
13 derived from this investigation including the source of
14 this information, and any conclusions or recommendations
15 derived from this information by the Secretary of State
16 shall be provided to the applicant, or his designee, upon
17 request to the Secretary of State, prior to any final
18 action by the Secretary of State on the application. At
19 any administrative hearing held under Section 2-118 of
20 this Code relating to the denial, cancellation,
21 suspension, or revocation of a driver training school
22 license, the Secretary of State is authorized to utilize
23 at that hearing any criminal histories, criminal
24 convictions, and disposition information obtained under
25 this Section. Any criminal convictions and their
26 disposition information obtained by the Secretary of State

1 shall be confidential and may not be transmitted outside
2 the Office of the Secretary of State, except as required
3 herein, and may not be transmitted to anyone within the
4 Office of the Secretary of State except as needed for the
5 purpose of evaluating the applicant. The information
6 obtained from this investigation may be maintained by the
7 Secretary of State or any agency to which such information
8 was transmitted. Only information and standards which bear
9 a reasonable and rational relation to the performance of a
10 driver training instructor shall be used by the Secretary
11 of State. Any employee of the Secretary of State who gives
12 or causes to be given away any confidential information
13 concerning any criminal charges and their disposition of
14 an applicant shall be guilty of a Class A misdemeanor
15 unless release of such information is authorized by this
16 Section;

17 (c) Pass such examination as the Secretary of State
18 shall require on (1) traffic laws, (2) safe driving
19 practices, (3) operation of motor vehicles, and (4)
20 qualifications of teacher;

21 (d) Be physically able to operate safely a motor
22 vehicle and to train others in the operation of motor
23 vehicles. An instructors license application must be
24 accompanied by a medical examination report completed by a
25 competent physician licensed to practice in the State of
26 Illinois;

1 (e) Hold a valid Illinois drivers license;

2 (f) Have graduated from an accredited high school
3 after at least 4 years of high school education or the
4 equivalent; and

5 (g) Pay to the Secretary of State an application and
6 license fee of \$70.

7 If a driver training school class room instructor teaches
8 an approved driver education course, as defined in Section
9 1-103 of this Code, to students under 18 years of age, he or
10 she shall furnish to the Secretary of State a certificate
11 issued by the State Board of Education that the said
12 instructor is qualified and meets the minimum educational
13 standards for teaching driver education courses in the local
14 public or parochial school systems, except that no State Board
15 of Education certification shall be required of any instructor
16 who teaches exclusively in a commercial driving school. On and
17 after July 1, 1986, the existing rules and regulations of the
18 State Board of Education concerning commercial driving schools
19 shall continue to remain in effect but shall be administered
20 by the Secretary of State until such time as the Secretary of
21 State shall amend or repeal the rules in accordance with the
22 Illinois Administrative Procedure Act. Upon request, the
23 Secretary of State shall issue a certificate of completion to
24 a student under 18 years of age who has completed an approved
25 driver education course at a commercial driving school.

26 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;

1 97-835, eff. 7-20-12.)

2 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

3 Sec. 6-508. Commercial Driver's License (CDL) -
4 qualification standards.

5 (a) Testing.

6 (1) General. No person shall be issued an original or
7 renewal CDL unless that person is domiciled in this State
8 or is applying for a non-domiciled CDL under Sections
9 6-509 and 6-510 of this Code. The Secretary shall cause to
10 be administered such tests as the Secretary deems
11 necessary to meet the requirements of 49 C.F.R. Part 383,
12 subparts F, G, H, and J.

13 (1.5) Effective July 1, 2014, no person shall be
14 issued an original CDL or an upgraded CDL that requires a
15 skills test unless that person has held a CLP, for a
16 minimum of 14 calendar days, for the classification of
17 vehicle and endorsement, if any, for which the person is
18 seeking a CDL.

19 (2) Third party testing. The Secretary of State may
20 authorize a "third party tester", pursuant to 49 C.F.R.
21 383.75 and 49 C.F.R. 384.228 and 384.229, to administer
22 the skills test or tests specified by the Federal Motor
23 Carrier Safety Administration pursuant to the Commercial
24 Motor Vehicle Safety Act of 1986 and any appropriate
25 federal rule.

1 (3) (i) Effective February 7, 2020, unless the person
2 is exempted by 49 CFR 380.603, no person shall be issued an
3 original (first time issuance) CDL, an upgraded CDL or a
4 school bus (S), passenger (P), or hazardous Materials (H)
5 endorsement unless the person has successfully completed
6 entry-level driver training (ELDT) taught by a training
7 provider listed on the federal Training Provider Registry.

8 (ii) Persons who obtain a CLP before February 7, 2020
9 are not required to complete ELDT if the person obtains a
10 CDL before the CLP or renewed CLP expires.

11 (iii) Except for persons seeking the H endorsement,
12 persons must complete the theory and behind-the-wheel
13 (range and public road) portions of ELDT within one year
14 of completing the first portion.

15 (iv) The Secretary shall adopt rules to implement this
16 subsection.

17 (b) Waiver of Skills Test. The Secretary of State may
18 waive the skills test specified in this Section for a driver
19 applicant for a commercial driver license who meets the
20 requirements of 49 C.F.R. 383.77. The Secretary of State shall
21 waive the skills tests specified in this Section for a driver
22 applicant who has military commercial motor vehicle
23 experience, subject to the requirements of 49 C.F.R. 383.77.

24 (b-1) No person shall be issued a CDL unless the person
25 certifies to the Secretary one of the following types of
26 driving operations in which he or she will be engaged:

- 1 (1) non-excepted interstate;
- 2 (2) non-excepted intrastate;
- 3 (3) excepted interstate; or
- 4 (4) excepted intrastate.

5 (b-2) (Blank).

6 (c) Limitations on issuance of a CDL. A CDL shall not be
7 issued to a person while the person is subject to a
8 disqualification from driving a commercial motor vehicle, or
9 unless otherwise permitted by this Code, while the person's
10 driver's license is suspended, revoked or cancelled in any
11 state, or any territory or province of Canada; nor may a CLP or
12 CDL be issued to a person who has a CLP or CDL issued by any
13 other state, or foreign jurisdiction, nor may a CDL be issued
14 to a person who has an Illinois CLP unless the person first
15 surrenders all of these licenses or permits. However, a person
16 may hold an Illinois CLP and an Illinois CDL providing the CLP
17 is necessary to train or practice for an endorsement or
18 vehicle classification not present on the current CDL. No CDL
19 shall be issued to or renewed for a person who does not meet
20 the requirement of 49 CFR 391.41(b)(11). The requirement may
21 be met with the aid of a hearing aid.

22 (c-1) The Secretary may issue a CDL with a school bus
23 driver endorsement to allow a person to drive the type of bus
24 described in subsection (d-5) of Section 6-104 of this Code.
25 The CDL with a school bus driver endorsement may be issued only
26 to a person meeting the following requirements:

1 (1) the person has submitted his or her fingerprints
2 to the Illinois ~~Department of~~ State Police in the form and
3 manner prescribed by the Illinois ~~Department of~~ State
4 Police. These fingerprints shall be checked against the
5 fingerprint records now and hereafter filed in the
6 Illinois ~~Department of~~ State Police and Federal Bureau of
7 Investigation criminal history records databases;

8 (2) the person has passed a written test, administered
9 by the Secretary of State, on charter bus operation,
10 charter bus safety, and certain special traffic laws
11 relating to school buses determined by the Secretary of
12 State to be relevant to charter buses, and submitted to a
13 review of the driver applicant's driving habits by the
14 Secretary of State at the time the written test is given;

15 (3) the person has demonstrated physical fitness to
16 operate school buses by submitting the results of a
17 medical examination, including tests for drug use; and

18 (4) the person has not been convicted of committing or
19 attempting to commit any one or more of the following
20 offenses: (i) those offenses defined in Sections 8-1.2,
21 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
22 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
23 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
24 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
25 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
26 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
2 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
3 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
4 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
6 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
7 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5,
8 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
9 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
10 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
11 subsection (b) of Section 8-1, and in subdivisions (a)(1),
12 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)
13 of Section 12-3.05, and in subsection (a) and subsection
14 (b), clause (1), of Section 12-4, and in subsection (A),
15 clauses (a) and (b), of Section 24-3, and those offenses
16 contained in Article 29D of the Criminal Code of 1961 or
17 the Criminal Code of 2012; (ii) those offenses defined in
18 the Cannabis Control Act except those offenses defined in
19 subsections (a) and (b) of Section 4, and subsection (a)
20 of Section 5 of the Cannabis Control Act; (iii) those
21 offenses defined in the Illinois Controlled Substances
22 Act; (iv) those offenses defined in the Methamphetamine
23 Control and Community Protection Act; (v) any offense
24 committed or attempted in any other state or against the
25 laws of the United States, which if committed or attempted
26 in this State would be punishable as one or more of the

1 foregoing offenses; (vi) the offenses defined in Sections
2 4.1 and 5.1 of the Wrongs to Children Act or Section
3 11-9.1A of the Criminal Code of 1961 or the Criminal Code
4 of 2012; (vii) those offenses defined in Section 6-16 of
5 the Liquor Control Act of 1934; and (viii) those offenses
6 defined in the Methamphetamine Precursor Control Act.

7 The Illinois ~~Department of~~ State Police shall charge a fee
8 for conducting the criminal history records check, which shall
9 be deposited into the State Police Services Fund and may not
10 exceed the actual cost of the records check.

11 (c-2) The Secretary shall issue a CDL with a school bus
12 endorsement to allow a person to drive a school bus as defined
13 in this Section. The CDL shall be issued according to the
14 requirements outlined in 49 C.F.R. 383. A person may not
15 operate a school bus as defined in this Section without a
16 school bus endorsement. The Secretary of State may adopt rules
17 consistent with Federal guidelines to implement this
18 subsection (c-2).

19 (d) (Blank).

20 (Source: P.A. 101-185, eff. 1-1-20.)

21 (625 ILCS 5/8-115) (from Ch. 95 1/2, par. 8-115)

22 Sec. 8-115. Display of certificate-Enforcement. The
23 certificate issued pursuant to Section 8-114 shall be
24 displayed upon a window of the motor vehicle for which it was
25 issued, in such manner as to be visible to the passengers

1 carried therein. This Section and Section 8-114 shall be
2 enforced by the Illinois State Police, the Secretary of State,
3 and other police officers.

4 (Source: P.A. 82-433.)

5 (625 ILCS 5/11-212)

6 Sec. 11-212. Traffic and pedestrian stop statistical
7 study.

8 (a) Whenever a State or local law enforcement officer
9 issues a uniform traffic citation or warning citation for an
10 alleged violation of the Illinois Vehicle Code, he or she
11 shall record at least the following:

12 (1) the name, address, gender, and the officer's
13 subjective determination of the race of the person
14 stopped; the person's race shall be selected from the
15 following list: American Indian or Alaska Native, Asian,
16 Black or African American, Hispanic or Latino, Native
17 Hawaiian or Other Pacific Islander, or White;

18 (2) the alleged traffic violation that led to the stop
19 of the motorist;

20 (3) the make and year of the vehicle stopped;

21 (4) the date and time of the stop, beginning when the
22 vehicle was stopped and ending when the driver is free to
23 leave or taken into physical custody;

24 (5) the location of the traffic stop;

25 (5.5) whether or not a consent search contemporaneous

1 to the stop was requested of the vehicle, driver,
2 passenger, or passengers; and, if so, whether consent was
3 given or denied;

4 (6) whether or not a search contemporaneous to the
5 stop was conducted of the vehicle, driver, passenger, or
6 passengers; and, if so, whether it was with consent or by
7 other means;

8 (6.2) whether or not a police dog performed a sniff of
9 the vehicle; and, if so, whether or not the dog alerted to
10 the presence of contraband; and, if so, whether or not an
11 officer searched the vehicle; and, if so, whether or not
12 contraband was discovered; and, if so, the type and amount
13 of contraband;

14 (6.5) whether or not contraband was found during a
15 search; and, if so, the type and amount of contraband
16 seized; and

17 (7) the name and badge number of the issuing officer.

18 (b) Whenever a State or local law enforcement officer
19 stops a motorist for an alleged violation of the Illinois
20 Vehicle Code and does not issue a uniform traffic citation or
21 warning citation for an alleged violation of the Illinois
22 Vehicle Code, he or she shall complete a uniform stop card,
23 which includes field contact cards, or any other existing form
24 currently used by law enforcement containing information
25 required pursuant to this Act, that records at least the
26 following:

1 (1) the name, address, gender, and the officer's
2 subjective determination of the race of the person
3 stopped; the person's race shall be selected from the
4 following list: American Indian or Alaska Native, Asian,
5 Black or African American, Hispanic or Latino, Native
6 Hawaiian or Other Pacific Islander, or White;

7 (2) the reason that led to the stop of the motorist;

8 (3) the make and year of the vehicle stopped;

9 (4) the date and time of the stop, beginning when the
10 vehicle was stopped and ending when the driver is free to
11 leave or taken into physical custody;

12 (5) the location of the traffic stop;

13 (5.5) whether or not a consent search contemporaneous
14 to the stop was requested of the vehicle, driver,
15 passenger, or passengers; and, if so, whether consent was
16 given or denied;

17 (6) whether or not a search contemporaneous to the
18 stop was conducted of the vehicle, driver, passenger, or
19 passengers; and, if so, whether it was with consent or by
20 other means;

21 (6.2) whether or not a police dog performed a sniff of
22 the vehicle; and, if so, whether or not the dog alerted to
23 the presence of contraband; and, if so, whether or not an
24 officer searched the vehicle; and, if so, whether or not
25 contraband was discovered; and, if so, the type and amount
26 of contraband;

1 (6.5) whether or not contraband was found during a
2 search; and, if so, the type and amount of contraband
3 seized; and

4 (7) the name and badge number of the issuing officer.

5 (b-5) For purposes of this subsection (b-5), "detention"
6 means all frisks, searches, summons, and arrests. Whenever a
7 law enforcement officer subjects a pedestrian to detention in
8 a public place, he or she shall complete a uniform pedestrian
9 stop card, which includes any existing form currently used by
10 law enforcement containing all the information required under
11 this Section, that records at least the following:

12 (1) the gender, and the officer's subjective
13 determination of the race of the person stopped; the
14 person's race shall be selected from the following list:
15 American Indian or Alaska Native, Asian, Black or African
16 American, Hispanic or Latino, Native Hawaiian or Other
17 Pacific Islander, or White;

18 (2) all the alleged reasons that led to the stop of the
19 person;

20 (3) the date and time of the stop;

21 (4) the location of the stop;

22 (5) whether or not a protective pat down or frisk was
23 conducted of the person; and, if so, all the alleged
24 reasons that led to the protective pat down or frisk, and
25 whether it was with consent or by other means;

26 (6) whether or not contraband was found during the

1 protective pat down or frisk; and, if so, the type and
2 amount of contraband seized;

3 (7) whether or not a search beyond a protective pat
4 down or frisk was conducted of the person or his or her
5 effects; and, if so, all the alleged reasons that led to
6 the search, and whether it was with consent or by other
7 means;

8 (8) whether or not contraband was found during the
9 search beyond a protective pat down or frisk; and, if so,
10 the type and amount of contraband seized;

11 (9) the disposition of the stop, such as a warning, a
12 ticket, a summons, or an arrest;

13 (10) if a summons or ticket was issued, or an arrest
14 made, a record of the violations, offenses, or crimes
15 alleged or charged; and

16 (11) the name and badge number of the officer who
17 conducted the detention.

18 This subsection (b-5) does not apply to searches or
19 inspections for compliance authorized under the Fish and
20 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
21 or searches or inspections during routine security screenings
22 at facilities or events.

23 (c) The Illinois Department of Transportation shall
24 provide a standardized law enforcement data compilation form
25 on its website.

26 (d) Every law enforcement agency shall, by March 1 with

1 regard to data collected during July through December of the
2 previous calendar year and by August 1 with regard to data
3 collected during January through June of the current calendar
4 year, compile the data described in subsections (a), (b), and
5 (b-5) on the standardized law enforcement data compilation
6 form provided by the Illinois Department of Transportation and
7 transmit the data to the Department.

8 (e) The Illinois Department of Transportation shall
9 analyze the data provided by law enforcement agencies required
10 by this Section and submit a report of the previous year's
11 findings to the Governor, the General Assembly, the Racial
12 Profiling Prevention and Data Oversight Board, and each law
13 enforcement agency no later than July 1 of each year. The
14 Illinois Department of Transportation may contract with an
15 outside entity for the analysis of the data provided. In
16 analyzing the data collected under this Section, the analyzing
17 entity shall scrutinize the data for evidence of statistically
18 significant aberrations. The following list, which is
19 illustrative, and not exclusive, contains examples of areas in
20 which statistically significant aberrations may be found:

21 (1) The percentage of minority drivers, passengers, or
22 pedestrians being stopped in a given area is substantially
23 higher than the proportion of the overall population in or
24 traveling through the area that the minority constitutes.

25 (2) A substantial number of false stops including
26 stops not resulting in the issuance of a traffic ticket or

1 the making of an arrest.

2 (3) A disparity between the proportion of citations
3 issued to minorities and proportion of minorities in the
4 population.

5 (4) A disparity among the officers of the same law
6 enforcement agency with regard to the number of minority
7 drivers, passengers, or pedestrians being stopped in a
8 given area.

9 (5) A disparity between the frequency of searches
10 performed on minority drivers or pedestrians and the
11 frequency of searches performed on non-minority drivers or
12 pedestrians.

13 (f) Any law enforcement officer identification information
14 and driver or pedestrian identification information that is
15 compiled by any law enforcement agency or the Illinois
16 Department of Transportation pursuant to this Act for the
17 purposes of fulfilling the requirements of this Section shall
18 be confidential and exempt from public inspection and copying,
19 as provided under Section 7 of the Freedom of Information Act,
20 and the information shall not be transmitted to anyone except
21 as needed to comply with this Section. This Section shall not
22 exempt those materials that, prior to the effective date of
23 this amendatory Act of the 93rd General Assembly, were
24 available under the Freedom of Information Act. This
25 subsection (f) shall not preclude law enforcement agencies
26 from reviewing data to perform internal reviews.

1 (g) Funding to implement this Section shall come from
2 federal highway safety funds available to Illinois, as
3 directed by the Governor.

4 (h) The Illinois Criminal Justice Information Authority,
5 in consultation with law enforcement agencies, officials, and
6 organizations, including Illinois chiefs of police, the
7 Illinois Department of State Police, the Illinois Sheriffs
8 Association, and the Chicago Police Department, and community
9 groups and other experts, shall undertake a study to determine
10 the best use of technology to collect, compile, and analyze
11 the traffic stop statistical study data required by this
12 Section. The Department shall report its findings and
13 recommendations to the Governor and the General Assembly by
14 March 1, 2022.

15 (h-1) The Traffic and Pedestrian Stop Data Use and
16 Collection Task Force is hereby created.

17 (1) The Task Force shall undertake a study to
18 determine the best use of technology to collect, compile,
19 and analyze the traffic stop statistical study data
20 required by this Section.

21 (2) The Task Force shall be an independent Task Force
22 under the Illinois Criminal Justice Information Authority
23 for administrative purposes, and shall consist of the
24 following members:

25 (A) 2 academics or researchers who have studied
26 issues related to traffic or pedestrian stop data

1 collection and have education or expertise in
2 statistics;

3 (B) one professor from an Illinois university who
4 specializes in policing and racial equity;

5 (C) one representative from the Illinois State
6 Police;

7 (D) one representative from the Chicago Police
8 Department;

9 (E) one representative from the Illinois Chiefs of
10 Police;

11 (F) one representative from the Illinois Sheriffs
12 Association;

13 (G) one representative from the Chicago Fraternal
14 Order of Police;

15 (H) one representative from the Illinois Fraternal
16 Order of Police;

17 (I) the Executive Director of the American Civil
18 Liberties Union of Illinois, or his or her designee;
19 and

20 (J) 5 representatives from different community
21 organizations who specialize in civil or human rights,
22 policing, or criminal justice reform work, and that
23 represent a range of minority interests or different
24 parts of the State.

25 (3) The Illinois Criminal Justice Information
26 Authority may consult, contract, work in conjunction with,

1 and obtain any information from any individual, agency,
2 association, or research institution deemed appropriate by
3 the Authority.

4 (4) The Task Force shall report its findings and
5 recommendations to the Governor and the General Assembly
6 by March 1, 2022 and every 3 years after.

7 (h-5) For purposes of this Section:

8 (1) "American Indian or Alaska Native" means a person
9 having origins in any of the original peoples of North and
10 South America, including Central America, and who
11 maintains tribal affiliation or community attachment.

12 (2) "Asian" means a person having origins in any of
13 the original peoples of the Far East, Southeast Asia, or
14 the Indian subcontinent, including, but not limited to,
15 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
16 the Philippine Islands, Thailand, and Vietnam.

17 (2.5) "Badge" means an officer's department issued
18 identification number associated with his or her position
19 as a police officer with that department.

20 (3) "Black or African American" means a person having
21 origins in any of the black racial groups of Africa. Terms
22 such as "Haitian" or "Negro" can be used in addition to
23 "Black or African American".

24 (4) "Hispanic or Latino" means a person of Cuban,
25 Mexican, Puerto Rican, South or Central American, or other
26 Spanish culture or origin, regardless of race.

1 (5) "Native Hawaiian or Other Pacific Islander" means
2 a person having origins in any of the original peoples of
3 Hawaii, Guam, Samoa, or other Pacific Islands.

4 (6) "White" means a person having origins in any of
5 the original peoples of Europe, the Middle East, or North
6 Africa.

7 (i) (Blank).

8 (Source: P.A. 101-24, eff. 6-21-19.)

9 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

10 Sec. 11-416. Furnishing copies - Fees. The Illinois
11 ~~Department of~~ State Police may furnish copies of an Illinois
12 State Police Traffic Accident Report that has been
13 investigated by the Illinois State Police and shall be paid a
14 fee of \$5 for each such copy, or in the case of an accident
15 which was investigated by an accident reconstruction officer
16 or accident reconstruction team, a fee of \$20 shall be paid.
17 These fees shall be deposited into the State Police Services
18 Fund.

19 Other State law enforcement agencies or law enforcement
20 agencies of local authorities may furnish copies of traffic
21 accident reports prepared by such agencies and may receive a
22 fee not to exceed \$5 for each copy or in the case of an
23 accident which was investigated by an accident reconstruction
24 officer or accident reconstruction team, the State or local
25 law enforcement agency may receive a fee not to exceed \$20.

1 Any written accident report required or requested to be
2 furnished the Administrator shall be provided without cost or
3 fee charges authorized under this Section or any other
4 provision of law.

5 (Source: P.A. 101-571, eff. 8-23-19.)

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final
9 sentencing or an order for supervision, for an offense based
10 upon an arrest for a violation of Section 11-501 or a similar
11 provision of a local ordinance, individuals shall be required
12 to undergo a professional evaluation to determine if an
13 alcohol, drug, or intoxicating compound abuse problem exists
14 and the extent of the problem, and undergo the imposition of
15 treatment as appropriate. Programs conducting these
16 evaluations shall be licensed by the Department of Human
17 Services. The cost of any professional evaluation shall be
18 paid for by the individual required to undergo the
19 professional evaluation.

20 (b) Any person who is found guilty of or pleads guilty to
21 violating Section 11-501, including any person receiving a
22 disposition of court supervision for violating that Section,
23 may be required by the Court to attend a victim impact panel
24 offered by, or under contract with, a county State's
25 Attorney's office, a probation and court services department,

1 Mothers Against Drunk Driving, or the Alliance Against
2 Intoxicated Motorists. All costs generated by the victim
3 impact panel shall be paid from fees collected from the
4 offender or as may be determined by the court.

5 (c) (Blank).

6 (d) The Secretary of State shall revoke the driving
7 privileges of any person convicted under Section 11-501 or a
8 similar provision of a local ordinance.

9 (e) The Secretary of State shall require the use of
10 ignition interlock devices for a period not less than 5 years
11 on all vehicles owned by a person who has been convicted of a
12 second or subsequent offense of Section 11-501 or a similar
13 provision of a local ordinance. The person must pay to the
14 Secretary of State DUI Administration Fund an amount not to
15 exceed \$30 for each month that he or she uses the device. The
16 Secretary shall establish by rule and regulation the
17 procedures for certification and use of the interlock system,
18 the amount of the fee, and the procedures, terms, and
19 conditions relating to these fees. During the time period in
20 which a person is required to install an ignition interlock
21 device under this subsection (e), that person shall only
22 operate vehicles in which ignition interlock devices have been
23 installed, except as allowed by subdivision (c)(5) or (d)(5)
24 of Section 6-205 of this Code.

25 (f) (Blank).

26 (g) The Secretary of State Police DUI Fund is created as a

1 special fund in the State treasury and, subject to
2 appropriation, shall be used for enforcement and prevention of
3 driving while under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds or any combination
5 thereof, as defined by Section 11-501 of this Code, including,
6 but not limited to, the purchase of law enforcement equipment
7 and commodities to assist in the prevention of alcohol-related
8 criminal violence throughout the State; police officer
9 training and education in areas related to alcohol-related
10 crime, including, but not limited to, DUI training; and police
11 officer salaries, including, but not limited to, salaries for
12 hire back funding for safety checkpoints, saturation patrols,
13 and liquor store sting operations.

14 (h) Whenever an individual is sentenced for an offense
15 based upon an arrest for a violation of Section 11-501 or a
16 similar provision of a local ordinance, and the professional
17 evaluation recommends remedial or rehabilitative treatment or
18 education, neither the treatment nor the education shall be
19 the sole disposition and either or both may be imposed only in
20 conjunction with another disposition. The court shall monitor
21 compliance with any remedial education or treatment
22 recommendations contained in the professional evaluation.
23 Programs conducting alcohol or other drug evaluation or
24 remedial education must be licensed by the Department of Human
25 Services. If the individual is not a resident of Illinois,
26 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

5 (i) (Blank).

6 (j) A person that is subject to a chemical test or tests of
7 blood under subsection (a) of Section 11-501.1 or subdivision
8 (c)(2) of Section 11-501.2 of this Code, whether or not that
9 person consents to testing, shall be liable for the expense up
10 to \$500 for blood withdrawal by a physician authorized to
11 practice medicine, a licensed physician assistant, a licensed
12 advanced practice registered nurse, a registered nurse, a
13 trained phlebotomist, a licensed paramedic, or a qualified
14 person other than a police officer approved by the Illinois
15 ~~Department of~~ State Police to withdraw blood, who responds,
16 whether at a law enforcement facility or a health care
17 facility, to a police department request for the drawing of
18 blood based upon refusal of the person to submit to a lawfully
19 requested breath test or probable cause exists to believe the
20 test would disclose the ingestion, consumption, or use of
21 drugs or intoxicating compounds if:

22 (1) the person is found guilty of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance; or

25 (2) the person pleads guilty to or stipulates to facts
26 supporting a violation of Section 11-503 of this Code or a

1 similar provision of a local ordinance when the plea or
2 stipulation was the result of a plea agreement in which
3 the person was originally charged with violating Section
4 11-501 of this Code or a similar local ordinance.

5 (Source: P.A. 100-513, eff. 1-1-18; 100-987, eff. 7-1-19;
6 101-81, eff. 7-12-19.)

7 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

8 Sec. 11-501.2. Chemical and other tests.

9 (a) Upon the trial of any civil or criminal action or
10 proceeding arising out of an arrest for an offense as defined
11 in Section 11-501 or a similar local ordinance or proceedings
12 pursuant to Section 2-118.1, evidence of the concentration of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof in a person's blood or
15 breath at the time alleged, as determined by analysis of the
16 person's blood, urine, breath, or other bodily substance,
17 shall be admissible. Where such test is made the following
18 provisions shall apply:

19 1. Chemical analyses of the person's blood, urine,
20 breath, or other bodily substance to be considered valid
21 under the provisions of this Section shall have been
22 performed according to standards promulgated by the
23 Illinois ~~Department of~~ State Police by a licensed
24 physician, registered nurse, trained phlebotomist,
25 licensed paramedic, or other individual possessing a valid

1 permit issued by that Department for this purpose. The
2 Director of the Illinois State Police is authorized to
3 approve satisfactory techniques or methods, to ascertain
4 the qualifications and competence of individuals to
5 conduct such analyses, to issue permits which shall be
6 subject to termination or revocation at the discretion of
7 that Department and to certify the accuracy of breath
8 testing equipment. The Illinois ~~Department of~~ State Police
9 shall prescribe regulations as necessary to implement this
10 Section.

11 2. When a person in this State shall submit to a blood
12 test at the request of a law enforcement officer under the
13 provisions of Section 11-501.1, only a physician
14 authorized to practice medicine, a licensed physician
15 assistant, a licensed advanced practice registered nurse,
16 a registered nurse, trained phlebotomist, or licensed
17 paramedic, or other qualified person approved by the
18 Illinois ~~Department of~~ State Police may withdraw blood for
19 the purpose of determining the alcohol, drug, or alcohol
20 and drug content therein. This limitation shall not apply
21 to the taking of breath, other bodily substance, or urine
22 specimens.

23 When a blood test of a person who has been taken to an
24 adjoining state for medical treatment is requested by an
25 Illinois law enforcement officer, the blood may be
26 withdrawn only by a physician authorized to practice

1 medicine in the adjoining state, a licensed physician
2 assistant, a licensed advanced practice registered nurse,
3 a registered nurse, a trained phlebotomist acting under
4 the direction of the physician, or licensed paramedic. The
5 law enforcement officer requesting the test shall take
6 custody of the blood sample, and the blood sample shall be
7 analyzed by a laboratory certified by the Illinois
8 ~~Department of~~ State Police for that purpose.

9 3. The person tested may have a physician, or a
10 qualified technician, chemist, registered nurse, or other
11 qualified person of their own choosing administer a
12 chemical test or tests in addition to any administered at
13 the direction of a law enforcement officer. The failure or
14 inability to obtain an additional test by a person shall
15 not preclude the admission of evidence relating to the
16 test or tests taken at the direction of a law enforcement
17 officer.

18 4. Upon the request of the person who shall submit to a
19 chemical test or tests at the request of a law enforcement
20 officer, full information concerning the test or tests
21 shall be made available to the person or such person's
22 attorney.

23 5. Alcohol concentration shall mean either grams of
24 alcohol per 100 milliliters of blood or grams of alcohol
25 per 210 liters of breath.

26 6. Tetrahydrocannabinol concentration means either 5

1 nanograms or more of delta-9-tetrahydrocannabinol per
2 milliliter of whole blood or 10 nanograms or more of
3 delta-9-tetrahydrocannabinol per milliliter of other
4 bodily substance.

5 (a-5) Law enforcement officials may use validated roadside
6 chemical tests or standardized field sobriety tests approved
7 by the National Highway Traffic Safety Administration when
8 conducting investigations of a violation of Section 11-501 or
9 similar local ordinance by drivers suspected of driving under
10 the influence of cannabis. The General Assembly finds that (i)
11 validated roadside chemical tests are effective means to
12 determine if a person is under the influence of cannabis and
13 (ii) standardized field sobriety tests approved by the
14 National Highway Traffic Safety Administration are divided
15 attention tasks that are intended to determine if a person is
16 under the influence of cannabis. The purpose of these tests is
17 to determine the effect of the use of cannabis on a person's
18 capacity to think and act with ordinary care and therefore
19 operate a motor vehicle safely. Therefore, the results of
20 these validated roadside chemical tests and standardized field
21 sobriety tests, appropriately administered, shall be
22 admissible in the trial of any civil or criminal action or
23 proceeding arising out of an arrest for a cannabis-related
24 offense as defined in Section 11-501 or a similar local
25 ordinance or proceedings under Section 2-118.1 or 2-118.2.
26 Where a test is made the following provisions shall apply:

1 1. The person tested may have a physician, or a
2 qualified technician, chemist, registered nurse, or other
3 qualified person of their own choosing administer a
4 chemical test or tests in addition to the standardized
5 field sobriety test or tests administered at the direction
6 of a law enforcement officer. The failure or inability to
7 obtain an additional test by a person does not preclude
8 the admission of evidence relating to the test or tests
9 taken at the direction of a law enforcement officer.

10 2. Upon the request of the person who shall submit to
11 validated roadside chemical tests or a standardized field
12 sobriety test or tests at the request of a law enforcement
13 officer, full information concerning the test or tests
14 shall be made available to the person or the person's
15 attorney.

16 3. At the trial of any civil or criminal action or
17 proceeding arising out of an arrest for an offense as
18 defined in Section 11-501 or a similar local ordinance or
19 proceedings under Section 2-118.1 or 2-118.2 in which the
20 results of these validated roadside chemical tests or
21 standardized field sobriety tests are admitted, the person
22 may present and the trier of fact may consider evidence
23 that the person lacked the physical capacity to perform
24 the validated roadside chemical tests or standardized
25 field sobriety tests.

26 (b) Upon the trial of any civil or criminal action or

1 proceeding arising out of acts alleged to have been committed
2 by any person while driving or in actual physical control of a
3 vehicle while under the influence of alcohol, the
4 concentration of alcohol in the person's blood or breath at
5 the time alleged as shown by analysis of the person's blood,
6 urine, breath, or other bodily substance shall give rise to
7 the following presumptions:

8 1. If there was at that time an alcohol concentration
9 of 0.05 or less, it shall be presumed that the person was
10 not under the influence of alcohol.

11 2. If there was at that time an alcohol concentration
12 in excess of 0.05 but less than 0.08, such facts shall not
13 give rise to any presumption that the person was or was not
14 under the influence of alcohol, but such fact may be
15 considered with other competent evidence in determining
16 whether the person was under the influence of alcohol.

17 3. If there was at that time an alcohol concentration
18 of 0.08 or more, it shall be presumed that the person was
19 under the influence of alcohol.

20 4. The foregoing provisions of this Section shall not
21 be construed as limiting the introduction of any other
22 relevant evidence bearing upon the question whether the
23 person was under the influence of alcohol.

24 (b-5) Upon the trial of any civil or criminal action or
25 proceeding arising out of acts alleged to have been committed
26 by any person while driving or in actual physical control of a

1 vehicle while under the influence of alcohol, other drug or
2 drugs, intoxicating compound or compounds or any combination
3 thereof, the concentration of cannabis in the person's whole
4 blood or other bodily substance at the time alleged as shown by
5 analysis of the person's blood or other bodily substance shall
6 give rise to the following presumptions:

7 1. If there was a tetrahydrocannabinol concentration
8 of 5 nanograms or more in whole blood or 10 nanograms or
9 more in an other bodily substance as defined in this
10 Section, it shall be presumed that the person was under
11 the influence of cannabis.

12 2. If there was at that time a tetrahydrocannabinol
13 concentration of less than 5 nanograms in whole blood or
14 less than 10 nanograms in an other bodily substance, such
15 facts shall not give rise to any presumption that the
16 person was or was not under the influence of cannabis, but
17 such fact may be considered with other competent evidence
18 in determining whether the person was under the influence
19 of cannabis.

20 (c) 1. If a person under arrest refuses to submit to a
21 chemical test under the provisions of Section 11-501.1,
22 evidence of refusal shall be admissible in any civil or
23 criminal action or proceeding arising out of acts alleged to
24 have been committed while the person under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof was driving or in actual

1 physical control of a motor vehicle.

2 2. Notwithstanding any ability to refuse under this Code
3 to submit to these tests or any ability to revoke the implied
4 consent to these tests, if a law enforcement officer has
5 probable cause to believe that a motor vehicle driven by or in
6 actual physical control of a person under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof has caused the death or
9 personal injury to another, the law enforcement officer shall
10 request, and that person shall submit, upon the request of a
11 law enforcement officer, to a chemical test or tests of his or
12 her blood, breath, other bodily substance, or urine for the
13 purpose of determining the alcohol content thereof or the
14 presence of any other drug or combination of both.

15 This provision does not affect the applicability of or
16 imposition of driver's license sanctions under Section
17 11-501.1 of this Code.

18 3. For purposes of this Section, a personal injury
19 includes any Type A injury as indicated on the traffic
20 accident report completed by a law enforcement officer that
21 requires immediate professional attention in either a doctor's
22 office or a medical facility. A Type A injury includes severe
23 bleeding wounds, distorted extremities, and injuries that
24 require the injured party to be carried from the scene.

25 (d) If a person refuses validated roadside chemical tests
26 or standardized field sobriety tests under Section 11-501.9 of

1 this Code, evidence of refusal shall be admissible in any
2 civil or criminal action or proceeding arising out of acts
3 committed while the person was driving or in actual physical
4 control of a vehicle and alleged to have been impaired by the
5 use of cannabis.

6 (e) Illinois ~~Department of~~ State Police compliance with
7 the changes in this amendatory Act of the 99th General
8 Assembly concerning testing of other bodily substances and
9 tetrahydrocannabinol concentration by Illinois ~~Department of~~
10 State Police laboratories is subject to appropriation and
11 until the Illinois ~~Department of~~ State Police adopt standards
12 and completion validation. Any laboratories that test for the
13 presence of cannabis or other drugs under this Article, the
14 Snowmobile Registration and Safety Act, or the Boat
15 Registration and Safety Act must comply with ISO/IEC
16 17025:2005.

17 (Source: P.A. 100-513, eff. 1-1-18; 101-27, eff. 6-25-19.)

18 (625 ILCS 5/11-501.4-1)

19 Sec. 11-501.4-1. Reporting of test results of blood, other
20 bodily substance, or urine conducted in the regular course of
21 providing emergency medical treatment.

22 (a) Notwithstanding any other provision of law, the
23 results of blood, other bodily substance, or urine tests
24 performed for the purpose of determining the content of
25 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof, in an individual's
2 blood, other bodily substance, or urine conducted upon persons
3 receiving medical treatment in a hospital emergency room for
4 injuries resulting from a motor vehicle accident shall be
5 disclosed to the Illinois ~~Department of~~ State Police or local
6 law enforcement agencies of jurisdiction, upon request. Such
7 blood, other bodily substance, or urine tests are admissible
8 in evidence as a business record exception to the hearsay rule
9 only in prosecutions for any violation of Section 11-501 of
10 this Code or a similar provision of a local ordinance, or in
11 prosecutions for reckless homicide brought under the Criminal
12 Code of 1961 or the Criminal Code of 2012.

13 (b) The confidentiality provisions of law pertaining to
14 medical records and medical treatment shall not be applicable
15 with regard to tests performed upon an individual's blood,
16 other bodily substance, or urine under the provisions of
17 subsection (a) of this Section. No person shall be liable for
18 civil damages or professional discipline as a result of the
19 disclosure or reporting of the tests or the evidentiary use of
20 an individual's blood, other bodily substance, or urine test
21 results under this Section or Section 11-501.4 or as a result
22 of that person's testimony made available under this Section
23 or Section 11-501.4, except for willful or wanton misconduct.

24 (Source: P.A. 99-697, eff. 7-29-16.)

25 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

1 Sec. 11-501.5. Preliminary Breath Screening Test.

2 (a) If a law enforcement officer has reasonable suspicion
3 to believe that a person is violating or has violated Section
4 11-501 or a similar provision of a local ordinance, the
5 officer, prior to an arrest, may request the person to provide
6 a sample of his or her breath for a preliminary breath
7 screening test using a portable device approved by the
8 Illinois Department of State Police. The person may refuse the
9 test. The results of this preliminary breath screening test
10 may be used by the law enforcement officer for the purpose of
11 assisting with the determination of whether to require a
12 chemical test as authorized under Sections 11-501.1 and
13 11-501.2, and the appropriate type of test to request. Any
14 chemical test authorized under Sections 11-501.1 and 11-501.2
15 may be requested by the officer regardless of the result of the
16 preliminary breath screening test, if probable cause for an
17 arrest exists. The result of a preliminary breath screening
18 test may be used by the defendant as evidence in any
19 administrative or court proceeding involving a violation of
20 Section 11-501 or 11-501.1.

21 (b) The Illinois Department of State Police shall create a
22 pilot program to establish the effectiveness of pupillometer
23 technology (the measurement of the pupil's reaction to light)
24 as a noninvasive technique to detect and measure possible
25 impairment of any person who drives or is in actual physical
26 control of a motor vehicle resulting from the suspected usage

1 of alcohol, other drug or drugs, intoxicating compound or
2 compounds or any combination thereof. This technology shall
3 also be used to detect fatigue levels of the operator of a
4 Commercial Motor Vehicle as defined in Section 6-500(6),
5 pursuant to Section 18b-105 (Part 395-Hours of Service of
6 Drivers) of the Illinois Vehicle Code. A State Police officer
7 may request that the operator of a commercial motor vehicle
8 have his or her eyes examined or tested with a pupillometer
9 device. The person may refuse the examination or test. The
10 State Police officer shall have the device readily available
11 to limit undue delays.

12 If a State Police officer has reasonable suspicion to
13 believe that a person is violating or has violated Section
14 11-501, the officer may use the pupillometer technology, when
15 available. The officer, prior to an arrest, may request the
16 person to have his or her eyes examined or tested with a
17 pupillometer device. The person may refuse the examination or
18 test. The results of this examination or test may be used by
19 the officer for the purpose of assisting with the
20 determination of whether to require a chemical test as
21 authorized under Sections 11-501.1 and 11-501.2 and the
22 appropriate type of test to request. Any chemical test
23 authorized under Sections 11-501.1 and 11-501.2 may be
24 requested by the officer regardless of the result of the
25 pupillometer examination or test, if probable cause for an
26 arrest exists. The result of the examination or test may be

1 used by the defendant as evidence in any administrative or
2 court proceeding involving a violation of 11-501 or 11-501.1.

3 The pilot program shall last for a period of 18 months and
4 involve the testing of 15 pupillometer devices. Within 90 days
5 of the completion of the pilot project, the Illinois
6 ~~Department of~~ State Police shall file a report with the
7 President of the Senate and Speaker of the House evaluating
8 the project.

9 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00;
10 92-16, eff. 6-28-01.)

11 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

12 Sec. 11-501.6. Driver involvement in personal injury or
13 fatal motor vehicle accident; chemical test.

14 (a) Any person who drives or is in actual control of a
15 motor vehicle upon the public highways of this State and who
16 has been involved in a personal injury or fatal motor vehicle
17 accident, shall be deemed to have given consent to a breath
18 test using a portable device as approved by the Illinois
19 ~~Department of~~ State Police or to a chemical test or tests of
20 blood, breath, other bodily substance, or urine for the
21 purpose of determining the content of alcohol, other drug or
22 drugs, or intoxicating compound or compounds of such person's
23 blood if arrested as evidenced by the issuance of a Uniform
24 Traffic Ticket for any violation of the Illinois Vehicle Code
25 or a similar provision of a local ordinance, with the

1 exception of equipment violations contained in Chapter 12 of
2 this Code, or similar provisions of local ordinances. The test
3 or tests shall be administered at the direction of the
4 arresting officer. The law enforcement agency employing the
5 officer shall designate which of the aforesaid tests shall be
6 administered. Up to 2 additional tests of urine or other
7 bodily substance may be administered even after a blood or
8 breath test or both has been administered. Compliance with
9 this Section does not relieve such person from the
10 requirements of Section 11-501.1 of this Code.

11 (b) Any person who is dead, unconscious or who is
12 otherwise in a condition rendering such person incapable of
13 refusal shall be deemed not to have withdrawn the consent
14 provided by subsection (a) of this Section. In addition, if a
15 driver of a vehicle is receiving medical treatment as a result
16 of a motor vehicle accident, any physician licensed to
17 practice medicine, licensed physician assistant, licensed
18 advanced practice registered nurse, registered nurse or a
19 phlebotomist acting under the direction of a licensed
20 physician shall withdraw blood for testing purposes to
21 ascertain the presence of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, upon the specific request
23 of a law enforcement officer. However, no such testing shall
24 be performed until, in the opinion of the medical personnel on
25 scene, the withdrawal can be made without interfering with or
26 endangering the well-being of the patient.

1 (c) A person requested to submit to a test as provided
2 above shall be warned by the law enforcement officer
3 requesting the test that a refusal to submit to the test, or
4 submission to the test resulting in an alcohol concentration
5 of 0.08 or more, or testing discloses the presence of cannabis
6 as listed in the Cannabis Control Act with a
7 tetrahydrocannabinol concentration as defined in paragraph 6
8 of subsection (a) of Section 11-501.2 of this Code, or any
9 amount of a drug, substance, or intoxicating compound
10 resulting from the unlawful use or consumption of a controlled
11 substance listed in the Illinois Controlled Substances Act, an
12 intoxicating compound listed in the Use of Intoxicating
13 Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act as
15 detected in such person's blood, other bodily substance, or
16 urine, may result in the suspension of such person's privilege
17 to operate a motor vehicle. If the person is also a CDL holder,
18 he or she shall be warned by the law enforcement officer
19 requesting the test that a refusal to submit to the test, or
20 submission to the test resulting in an alcohol concentration
21 of 0.08 or more, or any amount of a drug, substance, or
22 intoxicating compound resulting from the unlawful use or
23 consumption of cannabis, as covered by the Cannabis Control
24 Act, 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

1 the Methamphetamine Control and Community Protection Act as
2 detected in the person's blood, other bodily substance, or
3 urine, may result in the disqualification of the person's
4 privilege to operate a commercial motor vehicle, as provided
5 in Section 6-514 of this Code. The length of the suspension
6 shall be the same as outlined in Section 6-208.1 of this Code
7 regarding statutory summary suspensions.

8 A person requested to submit to a test shall also
9 acknowledge, in writing, receipt of the warning required under
10 this Section. If the person refuses to acknowledge receipt of
11 the warning, the law enforcement officer shall make a written
12 notation on the warning that the person refused to sign the
13 warning. A person's refusal to sign the warning shall not be
14 evidence that the person was not read the warning.

15 (d) If the person refuses testing or submits to a test
16 which discloses an alcohol concentration of 0.08 or more, the
17 presence of cannabis as listed in the Cannabis Control Act
18 with a tetrahydrocannabinol concentration as defined in
19 paragraph 6 of subsection (a) of Section 11-501.2 of this
20 Code, or any amount of a drug, substance, or intoxicating
21 compound in such person's blood or urine resulting from the
22 unlawful use or consumption of a controlled substance listed
23 in the Illinois Controlled Substances Act, an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act, or
25 methamphetamine as listed in the Methamphetamine Control and
26 Community Protection Act, the law enforcement officer shall

1 immediately submit a sworn report to the Secretary of State on
2 a form prescribed by the Secretary, certifying that the test
3 or tests were requested under subsection (a) and the person
4 refused to submit to a test or tests or submitted to testing
5 which disclosed an alcohol concentration of 0.08 or more, the
6 presence of cannabis as listed in the Cannabis Control Act
7 with a tetrahydrocannabinol concentration as defined in
8 paragraph 6 of subsection (a) of Section 11-501.2 of this
9 Code, or any amount of a drug, substance, or intoxicating
10 compound in such person's blood, other bodily substance, or
11 urine, resulting from the unlawful use or consumption of a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in
15 the Methamphetamine Control and Community Protection Act. If
16 the person is also a CDL holder and refuses testing or submits
17 to a test which discloses an alcohol concentration of 0.08 or
18 more, or any amount of a drug, substance, or intoxicating
19 compound in the person's blood, other bodily substance, or
20 urine resulting from the unlawful use or consumption of
21 cannabis listed in the Cannabis Control Act, a controlled
22 substance listed in the Illinois Controlled Substances Act, an
23 intoxicating compound listed in the Use of Intoxicating
24 Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act, the law
26 enforcement officer shall immediately submit a sworn report to

1 the Secretary of State on a form prescribed by the Secretary,
2 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 0.08 or more, or any amount of a drug,
6 substance, or intoxicating compound in such person's blood,
7 other bodily substance, or urine, resulting from the unlawful
8 use or consumption of cannabis listed in the Cannabis Control
9 Act, a 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
12 the Methamphetamine Control and Community Protection Act.

13 Upon receipt of the sworn report of a law enforcement
14 officer, the Secretary shall enter the suspension and
15 disqualification to the individual's driving record and the
16 suspension and disqualification shall be effective on the 46th
17 day following the date notice of the suspension was given to
18 the person.

19 The law enforcement officer submitting the sworn report
20 shall serve immediate notice of this suspension on the person
21 and such suspension and disqualification shall be effective on
22 the 46th day following the date notice was given.

23 In cases involving a person who is not a CDL holder where
24 the blood alcohol concentration of 0.08 or more, or blood
25 testing discloses the presence of cannabis as listed in the
26 Cannabis Control Act with a tetrahydrocannabinol concentration

1 as defined in paragraph 6 of subsection (a) of Section
2 11-501.2 of this Code, or any amount of a drug, substance, or
3 intoxicating compound resulting from the unlawful use or
4 consumption of a controlled substance listed in the Illinois
5 Controlled Substances Act, an intoxicating compound listed in
6 the Use of Intoxicating Compounds Act, or methamphetamine as
7 listed in the Methamphetamine Control and Community Protection
8 Act, is established by a subsequent analysis of blood, other
9 bodily substance, or urine collected at the time of arrest,
10 the arresting officer shall give notice as provided in this
11 Section or by deposit in the United States mail of such notice
12 in an envelope with postage prepaid and addressed to such
13 person at his or her address as shown on the Uniform Traffic
14 Ticket and the suspension shall be effective on the 46th day
15 following the date notice was given.

16 In cases involving a person who is a CDL holder where the
17 blood alcohol concentration of 0.08 or more, or any amount of a
18 drug, substance, or intoxicating compound resulting from the
19 unlawful use or consumption of cannabis as listed in the
20 Cannabis Control Act, a controlled substance listed in the
21 Illinois Controlled Substances Act, an intoxicating compound
22 listed in the Use of Intoxicating Compounds Act, or
23 methamphetamine as listed in the Methamphetamine Control and
24 Community Protection Act, is established by a subsequent
25 analysis of blood, other bodily substance, or urine collected
26 at the time of arrest, the arresting officer shall give notice

1 as provided in this Section or by deposit in the United States
2 mail of such notice in an envelope with postage prepaid and
3 addressed to the person at his or her address as shown on the
4 Uniform Traffic Ticket and the suspension and disqualification
5 shall be effective on the 46th day following the date notice
6 was given.

7 Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary shall also give notice of the
9 suspension and disqualification to the driver by mailing a
10 notice of the effective date of the suspension and
11 disqualification to the individual. However, should the sworn
12 report be defective by not containing sufficient information
13 or be completed in error, the notice of the suspension and
14 disqualification shall not be mailed to the person or entered
15 to the driving record, but rather the sworn report shall be
16 returned to the issuing law enforcement agency.

17 (e) A driver may contest this suspension of his or her
18 driving privileges and disqualification of his or her CDL
19 privileges by requesting an administrative hearing with the
20 Secretary in accordance with Section 2-118 of this Code. At
21 the conclusion of a hearing held under Section 2-118 of this
22 Code, the Secretary may rescind, continue, or modify the
23 orders of suspension and disqualification. If the Secretary
24 does not rescind the orders of suspension and
25 disqualification, a restricted driving permit may be granted
26 by the Secretary upon application being made and good cause

1 shown. A restricted driving permit may be granted to relieve
2 undue hardship to allow driving for employment, educational,
3 and medical purposes as outlined in Section 6-206 of this
4 Code. The provisions of Section 6-206 of this Code shall
5 apply. In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been suspended, revoked,
9 cancelled, or disqualified.

10 (f) (Blank).

11 (g) For the purposes of this Section, a personal injury
12 shall include any type A injury as indicated on the traffic
13 accident report completed by a law enforcement officer that
14 requires immediate professional attention in either a doctor's
15 office or a medical facility. A type A injury shall include
16 severely bleeding wounds, distorted extremities, and injuries
17 that require the injured party to be carried from the scene.

18 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
19 100-513, eff. 1-1-18.)

20 (625 ILCS 5/11-501.8)

21 Sec. 11-501.8. Suspension of driver's license; persons
22 under age 21.

23 (a) A person who is less than 21 years of age and who
24 drives or is in actual physical control of a motor vehicle upon
25 the public highways of this State shall be deemed to have given

1 consent to a chemical test or tests of blood, breath, other
2 bodily substance, or urine for the purpose of determining the
3 alcohol content of the person's blood if arrested, as
4 evidenced by the issuance of a Uniform Traffic Ticket for any
5 violation of the Illinois Vehicle Code or a similar provision
6 of a local ordinance, if a police officer has probable cause to
7 believe that the driver has consumed any amount of an
8 alcoholic beverage based upon evidence of the driver's
9 physical condition or other first hand knowledge of the police
10 officer. The test or tests shall be administered at the
11 direction of the arresting officer. The law enforcement agency
12 employing the officer shall designate which of the aforesaid
13 tests shall be administered. Up to 2 additional tests of urine
14 or other bodily substance may be administered even after a
15 blood or breath test or both has been administered.

16 (b) A person who is dead, unconscious, or who is otherwise
17 in a condition rendering that person incapable of refusal,
18 shall be deemed not to have withdrawn the consent provided by
19 paragraph (a) of this Section and the test or tests may be
20 administered subject to the following provisions:

21 (i) Chemical analysis of the person's blood, urine,
22 breath, or other bodily substance, to be considered valid
23 under the provisions of this Section, shall have been
24 performed according to standards promulgated by the
25 Illinois Department ~~of~~ State Police by an individual
26 possessing a valid permit issued by that Department for

1 this purpose. The Director of the Illinois State Police is
2 authorized to approve satisfactory techniques or methods,
3 to ascertain the qualifications and competence of
4 individuals to conduct analyses, to issue permits that
5 shall be subject to termination or revocation at the
6 direction of that Department, and to certify the accuracy
7 of breath testing equipment. The Illinois ~~Department of~~
8 State Police shall prescribe regulations as necessary.

9 (ii) When a person submits to a blood test at the
10 request of a law enforcement officer under the provisions
11 of this Section, only a physician authorized to practice
12 medicine, a licensed physician assistant, a licensed
13 advanced practice registered nurse, a registered nurse, or
14 other qualified person trained in venipuncture and acting
15 under the direction of a licensed physician may withdraw
16 blood for the purpose of determining the alcohol content
17 therein. This limitation does not apply to the taking of
18 breath, other bodily substance, or urine specimens.

19 (iii) The person tested may have a physician,
20 qualified technician, chemist, registered nurse, or other
21 qualified person of his or her own choosing administer a
22 chemical test or tests in addition to any test or tests
23 administered at the direction of a law enforcement
24 officer. The failure or inability to obtain an additional
25 test by a person shall not preclude the consideration of
26 the previously performed chemical test.

1 (iv) Upon a request of the person who submits to a
2 chemical test or tests at the request of a law enforcement
3 officer, full information concerning the test or tests
4 shall be made available to the person or that person's
5 attorney.

6 (v) Alcohol concentration means either grams of
7 alcohol per 100 milliliters of blood or grams of alcohol
8 per 210 liters of breath.

9 (vi) If a driver is receiving medical treatment as a
10 result of a motor vehicle accident, a physician licensed
11 to practice medicine, licensed physician assistant,
12 licensed advanced practice registered nurse, registered
13 nurse, or other qualified person trained in venipuncture
14 and acting under the direction of a licensed physician
15 shall withdraw blood for testing purposes to ascertain the
16 presence of alcohol upon the specific request of a law
17 enforcement officer. However, that testing shall not be
18 performed until, in the opinion of the medical personnel
19 on scene, the withdrawal can be made without interfering
20 with or endangering the well-being of the patient.

21 (c) A person requested to submit to a test as provided
22 above shall be warned by the law enforcement officer
23 requesting the test that a refusal to submit to the test, or
24 submission to the test resulting in an alcohol concentration
25 of more than 0.00, may result in the loss of that person's
26 privilege to operate a motor vehicle and may result in the

1 disqualification of the person's privilege to operate a
2 commercial motor vehicle, as provided in Section 6-514 of this
3 Code, if the person is a CDL holder. The loss of driving
4 privileges shall be imposed in accordance with Section 6-208.2
5 of this Code.

6 A person requested to submit to a test shall also
7 acknowledge, in writing, receipt of the warning required under
8 this Section. If the person refuses to acknowledge receipt of
9 the warning, the law enforcement officer shall make a written
10 notation on the warning that the person refused to sign the
11 warning. A person's refusal to sign the warning shall not be
12 evidence that the person was not read the warning.

13 (d) If the person refuses testing or submits to a test that
14 discloses an alcohol concentration of more than 0.00, the law
15 enforcement officer shall immediately submit a sworn report to
16 the Secretary of State on a form prescribed by the Secretary of
17 State, certifying that the test or tests were requested under
18 subsection (a) and the person refused to submit to a test or
19 tests or submitted to testing which disclosed an alcohol
20 concentration of more than 0.00. The law enforcement officer
21 shall submit the same sworn report when a person under the age
22 of 21 submits to testing under Section 11-501.1 of this Code
23 and the testing discloses an alcohol concentration of more
24 than 0.00 and less than 0.08.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary of State shall enter the suspension and

1 disqualification on 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. If this suspension is the individual's first
5 driver's license suspension under this Section, reports
6 received by the Secretary of State under this Section shall,
7 except during the time the suspension is in effect, be
8 privileged information and for use only by the courts, police
9 officers, prosecuting authorities, the Secretary of State, or
10 the individual personally, unless the person is a CDL holder,
11 is operating a commercial motor vehicle or vehicle required to
12 be placarded for hazardous materials, in which case the
13 suspension shall not be privileged. Reports received by the
14 Secretary of State under this Section shall also be made
15 available to the parent or guardian of a person under the age
16 of 18 years that holds an instruction permit or a graduated
17 driver's license, regardless of whether the suspension is in
18 effect.

19 The law enforcement officer submitting the sworn report
20 shall serve immediate notice of this suspension on the person
21 and the suspension and disqualification shall be effective on
22 the 46th day following the date notice was given.

23 In cases where the blood alcohol concentration of more
24 than 0.00 is established by a subsequent analysis of blood,
25 other bodily substance, or urine, the police officer or
26 arresting agency shall give notice as provided in this Section

1 or by deposit in the United States mail of that notice in an
2 envelope with postage prepaid and addressed to that person at
3 his last known address and the loss of driving privileges
4 shall be effective on the 46th day following the date notice
5 was given.

6 Upon receipt of the sworn report of a law enforcement
7 officer, the Secretary of State shall also give notice of the
8 suspension and disqualification to the driver by mailing a
9 notice of the effective date of the suspension and
10 disqualification to the individual. However, should the sworn
11 report be defective by not containing sufficient information
12 or be completed in error, the notice of the suspension and
13 disqualification shall not be mailed to the person or entered
14 to the driving record, but rather the sworn report shall be
15 returned to the issuing law enforcement agency.

16 (e) A driver may contest this suspension and
17 disqualification by requesting an administrative hearing with
18 the Secretary of State in accordance with Section 2-118 of
19 this Code. An individual whose blood alcohol concentration is
20 shown to be more than 0.00 is not subject to this Section if he
21 or she consumed alcohol in the performance of a religious
22 service or ceremony. An individual whose blood alcohol
23 concentration is shown to be more than 0.00 shall not be
24 subject to this Section if the individual's blood alcohol
25 concentration resulted only from ingestion of the prescribed
26 or recommended dosage of medicine that contained alcohol. The

1 petition for that hearing shall not stay or delay the
2 effective date of the impending suspension. The scope of this
3 hearing shall be limited to the issues of:

4 (1) whether the police officer had probable cause to
5 believe that the person was driving or in actual physical
6 control of a motor vehicle upon the public highways of the
7 State and the police officer had reason to believe that
8 the person was in violation of any provision of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance; and

11 (2) whether the person was issued a Uniform Traffic
12 Ticket for any violation of the Illinois Vehicle Code or a
13 similar provision of a local ordinance; and

14 (3) whether the police officer had probable cause to
15 believe that the driver had consumed any amount of an
16 alcoholic beverage based upon the driver's physical
17 actions or other first-hand knowledge of the police
18 officer; and

19 (4) whether the person, after being advised by the
20 officer that the privilege to operate a motor vehicle
21 would be suspended if the person refused to submit to and
22 complete the test or tests, did refuse to submit to or
23 complete the test or tests to determine the person's
24 alcohol concentration; and

25 (5) whether the person, after being advised by the
26 officer that the privileges to operate a motor vehicle

1 would be suspended if the person submits to a chemical
2 test or tests and the test or tests disclose an alcohol
3 concentration of more than 0.00, did submit to and
4 complete the test or tests that determined an alcohol
5 concentration of more than 0.00; and

6 (6) whether the test result of an alcohol
7 concentration of more than 0.00 was based upon the
8 person's consumption of alcohol in the performance of a
9 religious service or ceremony; and

10 (7) whether the test result of an alcohol
11 concentration of more than 0.00 was based upon the
12 person's consumption of alcohol through ingestion of the
13 prescribed or recommended dosage of medicine.

14 At the conclusion of the hearing held under Section 2-118
15 of this Code, the Secretary of State may rescind, continue, or
16 modify the suspension and disqualification. If the Secretary
17 of State does not rescind the suspension and disqualification,
18 a restricted driving permit may be granted by the Secretary of
19 State upon application being made and good cause shown. A
20 restricted driving permit may be granted to relieve undue
21 hardship by allowing driving for employment, educational, and
22 medical purposes as outlined in item (3) of part (c) of Section
23 6-206 of this Code. The provisions of item (3) of part (c) of
24 Section 6-206 of this Code and of subsection (f) of that
25 Section shall apply. The Secretary of State shall promulgate
26 rules providing for participation in an alcohol education and

1 awareness program or activity, a drug education and awareness
2 program or activity, or both as a condition to the issuance of
3 a restricted driving permit for suspensions imposed under this
4 Section.

5 (f) The results of any chemical testing performed in
6 accordance with subsection (a) of this Section are not
7 admissible in any civil or criminal proceeding, except that
8 the results of the testing may be considered at a hearing held
9 under Section 2-118 of this Code. However, the results of the
10 testing may not be used to impose driver's license sanctions
11 under Section 11-501.1 of this Code. A law enforcement officer
12 may, however, pursue a statutory summary suspension or
13 revocation of driving privileges under Section 11-501.1 of
14 this Code if other physical evidence or first hand knowledge
15 forms the basis of that suspension or revocation.

16 (g) This Section applies only to drivers who are under age
17 21 at the time of the issuance of a Uniform Traffic Ticket for
18 a violation of the Illinois Vehicle Code or a similar
19 provision of a local ordinance, and a chemical test request is
20 made under this Section.

21 (h) The action of the Secretary of State in suspending,
22 revoking, cancelling, or disqualifying any license or permit
23 shall be subject to judicial review in the Circuit Court of
24 Sangamon County or in the Circuit Court of Cook County, and the
25 provisions of the Administrative Review Law and its rules are
26 hereby adopted and shall apply to and govern every action for

1 the judicial review of final acts or decisions of the
2 Secretary of State under this Section.

3 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
4 100-513, eff. 1-1-18.)

5 (625 ILCS 5/11-501.10)

6 (Section scheduled to be repealed on July 1, 2021)

7 Sec. 11-501.10. DUI Cannabis Task Force.

8 (a) The DUI Cannabis Task Force is hereby created to study
9 the issue of driving under the influence of cannabis. The Task
10 Force shall consist of the following members:

11 (1) The Director of the Illinois State Police, or his
12 or her designee, who shall serve as chair;

13 (2) The Secretary of State, or his or her designee;

14 (3) The President of the Illinois State's Attorneys
15 Association, or his or her designee;

16 (4) The President of the Illinois Association of
17 Criminal Defense Lawyers, or his or her designee;

18 (5) One member appointed by the Speaker of the House
19 of Representatives;

20 (6) One member appointed by the Minority Leader of the
21 House of Representatives;

22 (7) One member appointed by the President of the
23 Senate;

24 (8) One member appointed by the Minority Leader of the
25 Senate;

1 (9) One member of an organization dedicated to end
2 drunk driving and drugged driving;

3 (10) The president of a statewide bar association,
4 appointed by the Governor;

5 (11) One member of a statewide organization
6 representing civil and constitutional rights, appointed by
7 the Governor;

8 (12) One member of a statewide association
9 representing chiefs of police, appointed by the Governor;
10 and

11 (13) One member of a statewide association
12 representing sheriffs, appointed by the Governor.

13 (b) The members of the Task Force shall serve without
14 compensation.

15 (c) The Task Force shall examine best practices in the
16 area of driving under the influence of cannabis enforcement,
17 including examining emerging technology in roadside testing.

18 (d) The Task Force shall meet no fewer than 3 times and
19 shall present its report and recommendations on improvements
20 to enforcement of driving under the influence of cannabis, in
21 electronic format, to the Governor and the General Assembly no
22 later than July 1, 2020.

23 (e) The Illinois ~~Department of~~ State Police shall provide
24 administrative support to the Task Force as needed. The
25 Sentencing Policy Advisory Council shall provide data on
26 driving under the influence of cannabis offenses and other

1 data to the Task Force as needed.

2 (f) This Section is repealed on July 1, 2021.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

4 (625 ILCS 5/11-605.1)

5 Sec. 11-605.1. Special limit while traveling through a
6 highway construction or maintenance speed zone.

7 (a) A person may not operate a motor vehicle in a
8 construction or maintenance speed zone at a speed in excess of
9 the posted speed limit when workers are present.

10 (a-5) A person may not operate a motor vehicle in a
11 construction or maintenance speed zone at a speed in excess of
12 the posted speed limit when workers are not present.

13 (b) Nothing in this Chapter prohibits the use of
14 electronic speed-detecting devices within 500 feet of signs
15 within a construction or maintenance speed zone indicating the
16 zone, as defined in this Section, nor shall evidence obtained
17 by use of those devices be inadmissible in any prosecution for
18 speeding, provided the use of the device shall apply only to
19 the enforcement of the speed limit in the construction or
20 maintenance speed zone.

21 (c) As used in this Section, a "construction or
22 maintenance speed zone" is an area in which the Department,
23 Toll Highway Authority, or local agency has posted signage
24 advising drivers that a construction or maintenance speed zone
25 is being approached, or in which the Department, Authority, or

1 local agency has posted a lower speed limit with a highway
2 construction or maintenance speed zone special speed limit
3 sign after determining that the preexisting established speed
4 limit through a highway construction or maintenance project is
5 greater than is reasonable or safe with respect to the
6 conditions expected to exist in the construction or
7 maintenance speed zone.

8 If it is determined that the preexisting established speed
9 limit is safe with respect to the conditions expected to exist
10 in the construction or maintenance speed zone, additional
11 speed limit signs which conform to the requirements of this
12 subsection (c) shall be posted.

13 Highway construction or maintenance speed zone special
14 speed limit signs shall be of a design approved by the
15 Department. The signs must give proper due warning that a
16 construction or maintenance speed zone is being approached and
17 must indicate the maximum speed limit in effect. The signs
18 also must state the amount of the minimum fine for a violation.

19 (d) Except as provided under subsection (d-5), a person
20 who violates this Section is guilty of a petty offense.
21 Violations of this Section are punishable with a minimum fine
22 of \$250 for the first violation and a minimum fine of \$750 for
23 the second or subsequent violation.

24 (d-5) A person committing a violation of this Section is
25 guilty of aggravated special speed limit while traveling
26 through a highway construction or maintenance speed zone when

1 he or she drives a motor vehicle at a speed that is:

2 (1) 26 miles per hour or more but less than 35 miles
3 per hour in excess of the applicable special speed limit
4 established under this Section or a similar provision of a
5 local ordinance and is guilty of a Class B misdemeanor; or

6 (2) 35 miles per hour or more in excess of the
7 applicable special speed limit established under this
8 Section or a similar provision of a local ordinance and is
9 guilty of a Class A misdemeanor.

10 (e) (Blank).

11 (e-5) The Illinois ~~Department of~~ State Police and the
12 local county police department have concurrent jurisdiction
13 over any violation of this Section that occurs on an
14 interstate highway.

15 (f) The Transportation Safety Highway Hire-back Fund,
16 which was created by Public Act 92-619, shall continue to be a
17 special fund in the State treasury. Subject to appropriation
18 by the General Assembly and approval by the Secretary, the
19 Secretary of Transportation shall use all moneys in the
20 Transportation Safety Highway Hire-back Fund to hire off-duty
21 Illinois ~~Department of~~ State Police officers to monitor
22 construction or maintenance zones.

23 (f-5) Each county shall create a Transportation Safety
24 Highway Hire-back Fund. The county shall use the moneys in its
25 Transportation Safety Highway Hire-back Fund to hire off-duty
26 county police officers to monitor construction or maintenance

1 zones in that county on highways other than interstate
2 highways. The county, in its discretion, may also use a
3 portion of the moneys in its Transportation Safety Highway
4 Hire-back Fund to purchase equipment for county law
5 enforcement and fund the production of materials to educate
6 drivers on construction zone safe driving habits.

7 (g) For a second or subsequent violation of this Section
8 within 2 years of the date of the previous violation, the
9 Secretary of State shall suspend the driver's license of the
10 violator for a period of 90 days. This suspension shall only be
11 imposed if the current violation of this Section and at least
12 one prior violation of this Section occurred during a period
13 when workers were present in the construction or maintenance
14 zone.

15 (Source: P.A. 99-212, eff. 1-1-16; 99-280, eff. 1-1-16;
16 99-642, eff. 7-28-16; 100-987, eff. 7-1-19.)

17 (625 ILCS 5/11-907.1)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 11-907.1. Move Over Task Force.

20 (a) The Move Over Task Force is created to study the issue
21 of violations of Sections 11-907, 11-907.5, and 11-908 with
22 particular attention to the causes of violations and ways to
23 protect law enforcement and emergency responders.

24 (b) The membership of the Task Force shall consist of the
25 following members:

1 (1) the Director of the Illinois State Police or his
2 or her designee, who shall serve as chair;

3 (2) the Governor or his or her designee;

4 (3) the Secretary of State or his or her designee;

5 (4) the Secretary of Transportation or his or her
6 designee;

7 (5) the Director of the Illinois Toll Highway
8 Authority or his or her designee;

9 (6) the President of the Illinois State's Attorneys
10 Association or his or her designee;

11 (7) the President of the Illinois Association of
12 Chiefs of Police or his or her designee;

13 (8) the President of the Illinois Sheriffs'
14 Association or his or her designee;

15 (9) the President of the Illinois Fraternal Order of
16 Police or his or her designee;

17 (10) the President of the Associated Fire Fighters of
18 Illinois or his or her designee;

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

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

23 (13) one member appointed by the President of the
24 Senate;

25 (14) one member appointed by the Minority Leader of
26 the Senate; and

1 (15) the following persons appointed by the Governor:

2 (A) 2 representatives of different statewide
3 trucking associations;

4 (B) one representative of a Chicago area motor
5 club;

6 (C) one representative of a Chicago area transit
7 safety alliance;

8 (D) one representative of a statewide press
9 association;

10 (E) one representative of a statewide broadcast
11 association;

12 (F) one representative of a statewide towing
13 organization;

14 (G) the chief of police of a municipality with a
15 population under 25,000;

16 (H) one representative of a statewide organization
17 representing chiefs of police; and

18 (I) one representative of the solid waste
19 management industry; and

20 (J) one representative from a bona fide labor
21 organization representing certified road flaggers and
22 other road construction workers.

23 (c) The members of the Task Force shall serve without
24 compensation.

25 (d) The Task Force shall meet no fewer than 3 times and
26 shall present its report and recommendations, including

1 legislative recommendations, if any, on how to better enforce
2 Scott's Law and prevent fatalities on Illinois roadways to the
3 General Assembly no later than January 1, 2021.

4 (e) The Illinois ~~Department of~~ State Police shall provide
5 administrative support to the Task Force as needed.

6 (f) This Section is repealed on January 1, 2022.

7 (Source: P.A. 101-174, eff. 1-1-20; 101-606, eff. 12-13-19.)

8 (625 ILCS 5/12-612)

9 Sec. 12-612. False or secret compartment in a vehicle.

10 (a) Offenses. It is unlawful for any person:

11 (1) to own or operate with criminal intent any vehicle
12 he or she knows to contain a false or secret compartment
13 that is used or has been used to conceal a firearm as
14 prohibited by paragraph (a)(4) of Section 24-1 or
15 paragraph (a)(1) of Section 24-1.6 of the Criminal Code of
16 2012, or controlled substance as prohibited by the
17 Illinois Controlled Substances Act or the Methamphetamine
18 Control and Community Protection Act; or

19 (2) to install, create, build, or fabricate in any
20 vehicle a false or secret compartment knowing that another
21 person intends to use the compartment to conceal a firearm
22 as prohibited by paragraph (a)(4) of Section 24-1 of the
23 Criminal Code of 2012, or controlled substance as
24 prohibited by the Illinois Controlled Substances Act or
25 the Methamphetamine Control and Community Protection Act.

1 (b) Definitions. For purposes of this Section:

2 (1) "False or secret compartment" means an enclosure
3 integrated into a vehicle that is a modification of the
4 vehicle as built by the original manufacturer.

5 (2) "Vehicle" means any of the following vehicles
6 without regard to whether the vehicles are private or
7 commercial, including, but not limited to, cars, trucks,
8 buses, aircraft, and watercraft.

9 (c) Forfeiture. Any vehicle containing a false or secret
10 compartment used in violation of this Section, as well as any
11 items within that compartment, shall be subject to seizure by
12 the Illinois ~~Department of~~ State Police or by any municipal or
13 other local law enforcement agency within whose jurisdiction
14 that property is found as provided in Sections 36-1 and 36-2 of
15 the Criminal Code of 2012 (~~720 ILCS 5/36-1 and 5/36-2~~). The
16 removal of the false or secret compartment from the vehicle,
17 or the promise to do so, shall not be the basis for a defense
18 to forfeiture of the motor vehicle under Section 36-2 of the
19 Criminal Code of 2012 and shall not be the basis for the court
20 to release the vehicle to the owner.

21 (d) Sentence. A violation of this Section is a Class 4
22 felony. The sentence imposed for violation of this Section
23 shall be served consecutively to any other sentence imposed in
24 connection with the firearm, controlled substance, or other
25 contraband concealed in the false or secret compartment.

26 (e) For purposes of this Section, a new owner is not

1 responsible for any conduct that occurred or knowledge of
2 conduct that occurred prior to transfer of title.

3 (Source: P.A. 96-202, eff. 1-1-10; 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/13-109.1)

5 Sec. 13-109.1. Annual emission inspection tests;
6 standards; penalties; funds.

7 (a) For each diesel powered vehicle that (i) is registered
8 for a gross weight of more than 16,000 pounds, (ii) is
9 registered within an affected area, and (iii) is a 2 year or
10 older model year, an annual emission inspection test shall be
11 conducted at an official testing station certified by the
12 Illinois Department of Transportation to perform diesel
13 emission inspections pursuant to the standards set forth in
14 subsection (b) of this Section. This annual emission
15 inspection test may be conducted in conjunction with a
16 semi-annual safety test.

17 (a-5) (Blank).

18 (b) Diesel emission inspections conducted under this
19 Chapter 13 shall be conducted in accordance with the Society
20 of Automotive Engineers Recommended Practice J1667
21 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel
22 Powered Vehicles" and the cutpoint standards set forth in the
23 United States Environmental Protection Agency guidance
24 document "Guidance to States on Smoke Opacity Cutpoints to be
25 used with the SAE J1667 In-Use Smoke Test Procedure". Those

1 procedures and standards, as now in effect, are made a part of
2 this Code, in the same manner as though they were set out in
3 full in this Code.

4 Notwithstanding the above cutpoint standards, for motor
5 vehicles that are model years 1973 and older, until December
6 31, 2002, the level of peak smoke opacity shall not exceed 70
7 percent. Beginning January 1, 2003, for motor vehicles that
8 are model years 1973 and older, the level of peak smoke opacity
9 shall not exceed 55 percent.

10 (c) If the annual emission inspection under subsection (a)
11 reveals that the vehicle is not in compliance with the diesel
12 emission standards set forth in subsection (b) of this
13 Section, the operator of the official testing station shall
14 issue a warning notice requiring correction of the violation.
15 The correction shall be made and the vehicle submitted to an
16 emissions retest at an official testing station certified by
17 the Department to perform diesel emission inspections within
18 30 days from the issuance of the warning notice requiring
19 correction of the violation.

20 If, within 30 days from the issuance of the warning
21 notice, the vehicle is not in compliance with the diesel
22 emission standards set forth in subsection (b) as determined
23 by an emissions retest at an official testing station, the
24 operator of the official testing station or the Department
25 shall place the vehicle out-of-service in accordance with the
26 rules promulgated by the Department. Operating a vehicle that

1 has been placed out-of-service under this subsection (c) is a
2 petty offense punishable by a \$1,000 fine. The vehicle must
3 pass a diesel emission inspection at an official testing
4 station before it is again placed in service. The Secretary of
5 State, Illinois ~~Department of~~ State Police, and other law
6 enforcement officers shall enforce this Section. No emergency
7 vehicle, as defined in Section 1-105, may be placed
8 out-of-service pursuant to this Section.

9 The Department or an official testing station may issue a
10 certificate of waiver subsequent to a reinspection of a
11 vehicle that failed the emissions inspection. Certificate of
12 waiver shall be issued upon determination that documented
13 proof demonstrates that emissions repair costs for the
14 noncompliant vehicle of at least \$3,000 have been spent in an
15 effort to achieve compliance with the emission standards set
16 forth in subsection (b). The Department of Transportation
17 shall adopt rules for the implementation of this subsection
18 including standards of documented proof as well as the
19 criteria by which a waiver shall be granted.

20 (c-5) (Blank).

21 (d) (Blank).

22 (Source: P.A. 100-700, eff. 8-3-18.)

23 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

24 Sec. 15-102. Width of vehicles.

25 (a) On Class III and non-designated State and local

1 highways, the total outside width of any vehicle or load
2 thereon shall not exceed 8 feet 6 inches.

3 (b) Except during those times when, due to insufficient
4 light or unfavorable atmospheric conditions, persons and
5 vehicles on the highway are not clearly discernible at a
6 distance of 1000 feet, the following vehicles may exceed the 8
7 feet 6 inch limitation during the period from a half hour
8 before sunrise to a half hour after sunset:

9 (1) Loads of hay, straw or other similar farm products
10 provided that the load is not more than 12 feet wide.

11 (2) Implements of husbandry being transported on
12 another vehicle and the transporting vehicle while loaded.

13 The following requirements apply to the transportation
14 on another vehicle of an implement of husbandry wider than
15 8 feet 6 inches on the National System of Interstate and
16 Defense Highways or other highways in the system of State
17 highways:

18 (A) The driver of a vehicle transporting an
19 implement of husbandry that exceeds 8 feet 6 inches in
20 width shall obey all traffic laws and shall check the
21 roadways prior to making a movement in order to ensure
22 that adequate clearance is available for the movement.
23 It is prima facie evidence that the driver of a vehicle
24 transporting an implement of husbandry has failed to
25 check the roadway prior to making a movement if the
26 vehicle is involved in a collision with a bridge,

1 overpass, fixed structure, or properly placed traffic
2 control device or if the vehicle blocks traffic due to
3 its inability to proceed because of a bridge,
4 overpass, fixed structure, or properly placed traffic
5 control device.

6 (B) Flags shall be displayed so as to wave freely
7 at the extremities of overwidth objects and at the
8 extreme ends of all protrusions, projections, and
9 overhangs. All flags shall be clean, bright red flags
10 with no advertising, wording, emblem, or insignia
11 inscribed upon them and at least 18 inches square.

12 (C) "OVERSIZE LOAD" signs are mandatory on the
13 front and rear of all vehicles with loads over 10 feet
14 wide. These signs must have 12-inch high black letters
15 with a 2-inch stroke on a yellow sign that is 7 feet
16 wide by 18 inches high.

17 (D) One civilian escort vehicle is required for a
18 load that exceeds 14 feet 6 inches in width and 2
19 civilian escort vehicles are required for a load that
20 exceeds 16 feet in width on the National System of
21 Interstate and Defense Highways or other highways in
22 the system of State highways.

23 (E) The requirements for a civilian escort vehicle
24 and driver are as follows:

25 (1) The civilian escort vehicle shall be a
26 vehicle not exceeding a gross vehicle weight

1 rating of 26,000 pounds that is designed to afford
2 clear and unobstructed vision to both front and
3 rear.

4 (2) The escort vehicle driver must be properly
5 licensed to operate the vehicle.

6 (3) While in use, the escort vehicle must be
7 equipped with illuminated rotating, oscillating,
8 or flashing amber lights or flashing amber strobe
9 lights mounted on top that are of sufficient
10 intensity to be visible at 500 feet in normal
11 sunlight.

12 (4) "OVERSIZE LOAD" signs are mandatory on all
13 escort vehicles. The sign on an escort vehicle
14 shall have 8-inch high black letters on a yellow
15 sign that is 5 feet wide by 12 inches high.

16 (5) When only one escort vehicle is required
17 and it is operating on a two-lane highway, the
18 escort vehicle shall travel approximately 300 feet
19 ahead of the load. The rotating, oscillating, or
20 flashing lights or flashing amber strobe lights
21 and an "OVERSIZE LOAD" sign shall be displayed on
22 the escort vehicle and shall be visible from the
23 front. When only one escort vehicle is required
24 and it is operating on a multilane divided
25 highway, the escort vehicle shall travel
26 approximately 300 feet behind the load and the

1 sign and lights shall be visible from the rear.

2 (6) When 2 escort vehicles are required, one
3 escort shall travel approximately 300 feet ahead
4 of the load and the second escort shall travel
5 approximately 300 feet behind the load. The
6 rotating, oscillating, or flashing lights or
7 flashing amber strobe lights and an "OVERSIZE
8 LOAD" sign shall be displayed on the escort
9 vehicles and shall be visible from the front on
10 the lead escort and from the rear on the trailing
11 escort.

12 (7) When traveling within the corporate limits
13 of a municipality, the escort vehicle shall
14 maintain a reasonable and proper distance from the
15 oversize load, consistent with existing traffic
16 conditions.

17 (8) A separate escort shall be provided for
18 each load hauled.

19 (9) The driver of an escort vehicle shall obey
20 all traffic laws.

21 (10) The escort vehicle must be in safe
22 operational condition.

23 (11) The driver of the escort vehicle must be
24 in radio contact with the driver of the vehicle
25 carrying the oversize load.

26 (F) A transport vehicle while under load of more

1 than 8 feet 6 inches in width must be equipped with an
2 illuminated rotating, oscillating, or flashing amber
3 light or lights or a flashing amber strobe light or
4 lights mounted on the top of the cab that are of
5 sufficient intensity to be visible at 500 feet in
6 normal sunlight. If the load on the transport vehicle
7 blocks the visibility of the amber lighting from the
8 rear of the vehicle, the vehicle must also be equipped
9 with an illuminated rotating, oscillating, or flashing
10 amber light or lights or a flashing amber strobe light
11 or lights mounted on the rear of the load that are of
12 sufficient intensity to be visible at 500 feet in
13 normal sunlight.

14 (G) When a flashing amber light is required on the
15 transport vehicle under load and it is operating on a
16 two-lane highway, the transport vehicle shall display
17 to the rear at least one rotating, oscillating, or
18 flashing light or a flashing amber strobe light and an
19 "OVERSIZE LOAD" sign. When a flashing amber light is
20 required on the transport vehicle under load and it is
21 operating on a multilane divided highway, the sign and
22 light shall be visible from the rear.

23 (H) Maximum speed shall be 45 miles per hour on all
24 such moves or 5 miles per hour above the posted minimum
25 speed limit, whichever is greater, but the vehicle
26 shall not at any time exceed the posted maximum speed

1 limit.

2 (3) Portable buildings designed and used for
3 agricultural and livestock raising operations that are not
4 more than 14 feet wide and with not more than a 1 foot
5 overhang along the left side of the hauling vehicle.
6 However, the buildings shall not be transported more than
7 10 miles and not on any route that is part of the National
8 System of Interstate and Defense Highways.

9 All buildings when being transported shall display at
10 least 2 red cloth flags, not less than 12 inches square,
11 mounted as high as practicable on the left and right side of
12 the building.

13 An Illinois A State Police escort shall be required if it
14 is necessary for this load to use part of the left lane when
15 crossing any 2 laned State highway bridge.

16 (c) Vehicles propelled by electric power obtained from
17 overhead trolley wires operated wholly within the corporate
18 limits of a municipality are also exempt from the width
19 limitation.

20 (d) (Blank).

21 (d-1) A recreational vehicle, as defined in Section 1-169,
22 may exceed 8 feet 6 inches in width if:

23 (1) the excess width is attributable to appurtenances
24 that extend 6 inches or less beyond either side of the body
25 of the vehicle; and

26 (2) the roadway on which the vehicle is traveling has

1 marked lanes for vehicular traffic that are at least 11
2 feet in width.

3 As used in this subsection (d-1) and in subsection (d-2),
4 the term appurtenance includes (i) a retracted awning and its
5 support hardware and (ii) any appendage that is intended to be
6 an integral part of a recreational ~~recreation~~ vehicle.

7 (d-2) A recreational vehicle that exceeds 8 feet 6 inches
8 in width as provided in subsection (d-1) may travel any
9 roadway of the State if the vehicle is being operated between a
10 roadway permitted under subsection (d-1) and:

11 (1) the location where the recreational ~~recreation~~
12 vehicle is garaged;

13 (2) the destination of the recreational ~~recreation~~
14 vehicle; or

15 (3) a facility for food, fuel, repair, services, or
16 rest.

17 (e) A vehicle and load traveling upon the National System
18 of Interstate and Defense Highways or any other highway in the
19 system of State highways that has been designated as a Class I
20 or Class II highway by the Department, or any street or highway
21 designated by local authorities, may have a total outside
22 width of 8 feet 6 inches, provided that certain safety devices
23 that the Department determines as necessary for the safe and
24 efficient operation of motor vehicles shall not be included in
25 the calculation of width.

26 Section 5-35 of the Illinois Administrative Procedure Act

1 relating to procedures for rulemaking shall not apply to the
2 designation of highways under this paragraph (e).

3 (f) Mirrors required by Section 12-502 of this Code and
4 other safety devices identified by the Department may project
5 up to 14 inches beyond each side of a bus and up to 6 inches
6 beyond each side of any other vehicle, and that projection
7 shall not be deemed a violation of the width restrictions of
8 this Section.

9 (g) Any person who is convicted of violating this Section
10 is subject to the penalty as provided in paragraph (b) of
11 Section 15-113.

12 (Source: P.A. 100-830, eff. 1-1-19.)

13 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

14 Sec. 15-112. Officers to weigh vehicles and require
15 removal of excess loads.

16 (a) Any police officer having reason to believe that the
17 weight of a vehicle and load is unlawful shall require the
18 driver to stop and submit to a weighing of the same either by
19 means of a portable or stationary scales that have been tested
20 and approved at a frequency prescribed by the Illinois
21 Department of Agriculture, or for those scales operated by the
22 State, when such tests are requested by the Illinois
23 ~~Department of~~ State Police, whichever is more frequent. If
24 such scales are not available at the place where such vehicle
25 is stopped, the police officer shall require that such vehicle

1 be driven to the nearest available scale that has been tested
2 and approved pursuant to this Section by the Illinois
3 Department of Agriculture. Notwithstanding any provisions of
4 the Weights and Measures Act or the United States Department
5 of Commerce NIST handbook 44, multi or single draft weighing
6 is an acceptable method of weighing by law enforcement for
7 determining a violation of Chapter 3 or 15 of this Code. Law
8 enforcement is exempt from the requirements of commercial
9 weighing established in NIST handbook 44.

10 Within 18 months after the effective date of this
11 amendatory Act of the 91st General Assembly, all municipal and
12 county officers, technicians, and employees who set up and
13 operate portable scales for wheel load or axle load or both and
14 issue citations based on the use of portable scales for wheel
15 load or axle load or both and who have not successfully
16 completed initial classroom and field training regarding the
17 set up and operation of portable scales, shall attend and
18 successfully complete initial classroom and field training
19 administered by the Illinois Law Enforcement Training
20 Standards Board.

21 (b) Whenever an officer, upon weighing a vehicle and the
22 load, determines that the weight is unlawful, such officer
23 shall require the driver to stop the vehicle in a suitable
24 place and remain standing until such portion of the load is
25 removed as may be necessary to reduce the weight of the vehicle
26 to the limit permitted under this Chapter, or to the limit

1 permitted under the terms of a permit issued pursuant to
2 Sections 15-301 through 15-318 and shall forthwith arrest the
3 driver or owner. All material so unloaded shall be cared for by
4 the owner or operator of the vehicle at the risk of such owner
5 or operator; however, whenever a 3 or 4 axle vehicle with a
6 tandem axle dimension greater than 72 inches, but less than 96
7 inches and registered as a Special Hauling Vehicle is
8 transporting asphalt or concrete in the plastic state that
9 exceeds axle weight or gross weight limits by less than 4,000
10 pounds, the owner or operator of the vehicle shall accept the
11 arrest ticket or tickets for the alleged violations under this
12 Section and proceed without shifting or reducing the load
13 being transported or may shift or reduce the load under the
14 provisions of subsection (d) or (e) of this Section, when
15 applicable. Any fine imposed following an overweight violation
16 by a vehicle registered as a Special Hauling Vehicle
17 transporting asphalt or concrete in the plastic state shall be
18 paid as provided in subsection 4 of paragraph (a) of Section
19 16-105 of this Code.

20 (c) The Department of Transportation may, at the request
21 of the Illinois ~~Department of~~ State Police, erect appropriate
22 regulatory signs on any State highway directing second
23 division vehicles to a scale. The Department of Transportation
24 may also, at the direction of any State Police officer, erect
25 portable regulating signs on any highway directing second
26 division vehicles to a portable scale. Every such vehicle,

1 pursuant to such sign, shall stop and be weighed.

2 (d) Whenever any axle load of a vehicle exceeds the axle or
3 tandem axle weight limits permitted by paragraph (a) of
4 Section 15-111 by 2000 pounds or less, the owner or operator of
5 the vehicle must shift or remove the excess so as to comply
6 with paragraph (a) of Section 15-111. No overweight arrest
7 ticket shall be issued to the owner or operator of the vehicle
8 by any officer if the excess weight is shifted or removed as
9 required by this paragraph.

10 (e) Whenever the gross weight of a vehicle with a
11 registered gross weight of 77,000 pounds or less exceeds the
12 weight limits of paragraph (a) of Section 15-111 of this
13 Chapter by 2000 pounds or less, the owner or operator of the
14 vehicle must remove the excess. Whenever the gross weight of a
15 vehicle with a registered gross weight over 77,000 pounds or
16 more exceeds the weight limits of paragraph (a) of Section
17 15-111 by 1,000 pounds or less or 2,000 pounds or less if
18 weighed on wheel load weighers, the owner or operator of the
19 vehicle must remove the excess. In either case no arrest
20 ticket for any overweight violation of this Code shall be
21 issued to the owner or operator of the vehicle by any officer
22 if the excess weight is removed as required by this paragraph.
23 A person who has been granted a special permit under Section
24 15-301 of this Code shall not be granted a tolerance on wheel
25 load weighers.

26 (e-5) Auxiliary power or idle reduction unit (APU) weight.

1 (1) A vehicle with a fully functional APU shall be
2 allowed an additional 550 pounds or the certified unit
3 weight, whichever is less. The additional pounds may be
4 allowed in gross, axles, or bridge formula weight limits
5 above the legal weight limits except when overweight on an
6 axle or axles of the towed unit or units in combination.
7 This tolerance shall be given in addition to the limits in
8 subsection (d) of this Section.

9 (2) An operator of a vehicle equipped with an APU
10 shall carry written certification showing the weight of
11 the APU, which shall be displayed upon the request of any
12 law enforcement officer.

13 (3) The operator may be required to demonstrate or
14 certify that the APU is fully functional at all times.

15 (4) This allowance may not be granted above the weight
16 limits specified on any loads permitted under Section
17 15-301 of this Code.

18 (f) Whenever an axle load of a vehicle exceeds axle weight
19 limits allowed by the provisions of a permit an arrest ticket
20 shall be issued, but the owner or operator of the vehicle may
21 shift the load so as to comply with the provisions of the
22 permit. Where such shifting of a load to comply with the permit
23 is accomplished, the owner or operator of the vehicle may then
24 proceed.

25 (g) Any driver of a vehicle who refuses to stop and submit
26 his vehicle and load to weighing after being directed to do so

1 by an officer or removes or causes the removal of the load or
2 part of it prior to weighing is guilty of a business offense
3 and shall be fined not less than \$500 nor more than \$2,000.

4 (Source: P.A. 99-717, eff. 8-5-16.)

5 (625 ILCS 5/15-201) (from Ch. 95 1/2, par. 15-201)

6 Sec. 15-201. Vehicles exceeding prescribed weight limits -
7 Preventing use of highway by. The Illinois ~~Department of State~~
8 Police is directed to institute and maintain a program
9 designed to prevent the use of public highways by vehicles
10 which exceed the maximum weights allowed by Section 15-111 of
11 this Act or which exceeds the maximum weights allowed as
12 evidenced by the license plates attached to such vehicle and
13 which license is required by this Act.

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

15 (625 ILCS 5/15-202) (from Ch. 95 1/2, par. 15-202)

16 Sec. 15-202. Enforcement.

17 Such program shall make provision for an intensive
18 campaign by the Illinois State Police to apprehend any
19 violators of the acts above mentioned, and at all times to
20 maintain a vigilant watch for possible violators of such acts.

21 (Source: P.A. 77-506.)

22 (625 ILCS 5/15-203) (from Ch. 95 1/2, par. 15-203)

23 Sec. 15-203. Records of violations. The Illinois

1 ~~Department of~~ State Police shall maintain records of the
 2 number of violators of such acts apprehended and the number of
 3 convictions obtained. A resume of such records shall be
 4 included in the Department's annual report to the Governor;
 5 and the Department shall also present such resume to each
 6 regular session of the General Assembly.

7 The requirement for reporting to the General Assembly
 8 shall be satisfied by filing copies of the report as required
 9 by Section 3.1 of the General Assembly Organization Act, and
 10 filing such additional copies with the State Government Report
 11 Distribution Center for the General Assembly as is required
 12 under paragraph (t) of Section 7 of the State Library Act.

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

14 (625 ILCS 5/15-305) (from Ch. 95 1/2, par. 15-305)

15 Sec. 15-305. Fees for legal weight but overdimension
 16 vehicles, combinations, and ;oads, other than house trailer
 17 combinations. Fees for special permits to move overdimension
 18 vehicles, combinations, and loads, other than house trailer
 19 combinations, shall be paid by the applicant to the Department
 20 at the following rates:

21		90 Day	Annual
22		Limited	Limited
23	Single	Continuous	Continuous
24	Trip	Operation	Operation

1	(a) Overall width of 10 feet		
2	or less, overall height of 14		
3	feet 6 inches or less, and		
4	overall length of 70		
5	feet or less		\$100.00 \$400.00
6	For the first 90 miles	\$12.00	
7	From 90 miles to 180 miles	15.00	
8	From 180 miles to 270 miles	18.00	
9	For more than 270 miles	\$21.00	
10	(b) Overall width of 12 feet		
11	or less, overall height of 14		
12	feet 6 inches or less, and		
13	overall length		
14	of 85 feet or less		\$150.00 \$600.00
15	For the first 90 miles	\$15.00	
16	From 90 miles to 180 miles	\$20.00	
17	From 180 miles to 270 miles	\$25.00	
18	For more than 270 miles	\$30.00	
19	(c) Overall width of 14 feet		
20	or less, overall height of 15		
21	feet or less, and overall		
22	length of 100 feet or less		
23			
24		Single Trip	
25		Only	
26	For the first 90 miles	\$25.00	

1	From 90 miles to 180 miles	\$30.00
2	From 180 miles to 270 miles	\$35.00
3	For more than 270 miles	\$40.00

4 (d) Overall width of 18 feet
5 or less (authorized only
6 under special conditions and
7 for limited distances),
8 overall height of 16 feet or
9 less, and overall length of
10 120 feet or less

11
12 Single Trip
13 Only

14	For the first 90 miles	\$30.00
15	From 90 miles to 180 miles	\$40.00
16	From 180 miles to 270 miles	\$50.00
17	For more than 270 miles	\$60.00

18 (e) Overall width of more
19 than 18 feet (authorized only
20 under special conditions and
21 for limited distances),
22 overall height more than 16
23 feet, and overall length more
24 than 120 feet

25
26 Single Trip

1		Only
2	For the first 90 miles	\$50.00
3	From 90 miles to 180 miles	\$75.00
4	From 180 miles to 270 miles	\$100.00
5	For more than 270 miles	\$125.00

6 Permits issued under this Section shall be for a vehicle,
7 or vehicle combination and load not exceeding legal weights;
8 and, in the case of the limited continuous operation, shall be
9 for the same vehicle, vehicle combination or like load.

10 Escort requirements shall be as prescribed in the
11 Department's rules and regulations. Fees for the Illinois
12 State Police vehicle escort, when required, shall be in
13 addition to the permit fees.

14 (Source: P.A. 89-219, eff. 1-1-96.)

15 (625 ILCS 5/16-102) (from Ch. 95 1/2, par. 16-102)

16 Sec. 16-102. Arrests - Investigations - Prosecutions.

17 (a) The Illinois State Police shall patrol the public
18 highways and make arrests for violation of the provisions of
19 this Act.

20 (b) The Secretary of State, through the investigators
21 provided for in this Act shall investigate and report
22 violations of the provisions of this Act in relation to the
23 equipment and operation of vehicles as provided for in Section
24 2-115 and for such purposes these investigators have and may
25 exercise throughout the State all of the powers of police

1 officers.

2 (c) The State's Attorney of the county in which the
3 violation occurs shall prosecute all violations except when
4 the violation occurs within the corporate limits of a
5 municipality, the municipal attorney may prosecute if written
6 permission to do so is obtained from the State's Attorney.

7 (d) The State's Attorney of the county in which the
8 violation occurs may not grant to the municipal attorney
9 permission to prosecute if the offense charged is a felony
10 under Section 11-501 of this Code. The municipality may,
11 however, charge an offender with a municipal misdemeanor
12 offense if the State's Attorney rejects or denies felony
13 charges for the conduct that comprises the charge.

14 (Source: P.A. 94-111, eff. 1-1-06; 94-740, eff. 5-8-06.)

15 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

16 Sec. 16-105. Disposition of fines and forfeitures.

17 (a) Except as provided in Section 15-113 of this Act and
18 except those amounts subject to disbursement by the circuit
19 clerk under the Criminal and Traffic Assessment Act, fines and
20 penalties recovered under the provisions of Chapters 3 through
21 17 and 18b inclusive of this Code shall be paid and used as
22 follows:

23 1. For offenses committed upon a highway within the
24 limits of a city, village, or incorporated town or under
25 the jurisdiction of any park district, to the treasurer of

1 the particular city, village, incorporated town or park
2 district, if the violator was arrested by the authorities
3 of the city, village, incorporated town or park district,
4 provided the police officers and officials of cities,
5 villages, incorporated towns and park districts shall
6 seasonably prosecute for all fines and penalties under
7 this Code. If the violation is prosecuted by the
8 authorities of the county, any fines or penalties
9 recovered shall be paid to the county treasurer, except
10 that fines and penalties recovered from violations
11 arrested by the Illinois State Police shall be remitted to
12 the State Police Law Enforcement Administration Fund.
13 Provided further that if the violator was arrested by the
14 Illinois State Police, fines and penalties recovered under
15 the provisions of paragraph (a) of Section 15-113 of this
16 Code or paragraph (e) of Section 15-316 of this Code shall
17 be paid over to the Illinois ~~Department of~~ State Police
18 which shall thereupon remit the amount of the fines and
19 penalties so received to the State Treasurer who shall
20 deposit the amount so remitted in the special fund in the
21 State treasury known as the Road Fund except that if the
22 violation is prosecuted by the State's Attorney, 10% of
23 the fine or penalty recovered shall be paid to the State's
24 Attorney as a fee of his office and the balance shall be
25 paid over to the Illinois ~~Department of~~ State Police for
26 remittance to and deposit by the State Treasurer as

1 hereinabove provided.

2 2. Except as provided in paragraph 4, for offenses
3 committed upon any highway outside the limits of a city,
4 village, incorporated town or park district, to the county
5 treasurer of the county where the offense was committed
6 except if such offense was committed on a highway
7 maintained by or under the supervision of a township,
8 township district, or a road district to the Treasurer
9 thereof for deposit in the road and bridge fund of such
10 township or other district, except that fines and
11 penalties recovered from violations arrested by the
12 Illinois State Police shall be remitted to the State
13 Police Law Enforcement Administration Fund; provided, that
14 fines and penalties recovered under the provisions of
15 paragraph (a) of Section 15-113, paragraph (d) of Section
16 3-401, or paragraph (e) of Section 15-316 of this Code
17 shall be paid over to the Illinois ~~Department of~~ State
18 Police which shall thereupon remit the amount of the fines
19 and penalties so received to the State Treasurer who shall
20 deposit the amount so remitted in the special fund in the
21 State treasury known as the Road Fund except that if the
22 violation is prosecuted by the State's Attorney, 10% of
23 the fine or penalty recovered shall be paid to the State's
24 Attorney as a fee of his office and the balance shall be
25 paid over to the Illinois ~~Department of~~ State Police for
26 remittance to and deposit by the State Treasurer as

1 hereinabove provided.

2 3. Notwithstanding subsections 1 and 2 of this
3 paragraph, for violations of overweight and overload
4 limits found in Sections 15-101 through 15-203 of this
5 Code, which are committed upon the highways belonging to
6 the Illinois State Toll Highway Authority, fines and
7 penalties shall be paid over to the Illinois State Toll
8 Highway Authority for deposit with the State Treasurer
9 into that special fund known as the Illinois State Toll
10 Highway Authority Fund, except that if the violation is
11 prosecuted by the State's Attorney, 10% of the fine or
12 penalty recovered shall be paid to the State's Attorney as
13 a fee of his office and the balance shall be paid over to
14 the Illinois State Toll Highway Authority for remittance
15 to and deposit by the State Treasurer as hereinabove
16 provided.

17 4. With regard to violations of overweight and
18 overload limits found in Sections 15-101 through 15-203 of
19 this Code committed by operators of vehicles registered as
20 Special Hauling Vehicles, for offenses committed upon a
21 highway within the limits of a city, village, or
22 incorporated town or under the jurisdiction of any park
23 district, all fines and penalties shall be paid over or
24 retained as required in paragraph 1. However, with regard
25 to the above offenses committed by operators of vehicles
26 registered as Special Hauling Vehicles upon any highway

1 outside the limits of a city, village, incorporated town
2 or park district, fines and penalties shall be paid over
3 or retained by the entity having jurisdiction over the
4 road or highway upon which the offense occurred, except
5 that if the violation is prosecuted by the State's
6 Attorney, 10% of the fine or penalty recovered shall be
7 paid to the State's Attorney as a fee of his office.

8 (b) Failure, refusal or neglect on the part of any
9 judicial or other officer or employee receiving or having
10 custody of any such fine or forfeiture either before or after a
11 deposit with the proper official as defined in paragraph (a)
12 of this Section, shall constitute misconduct in office and
13 shall be grounds for removal therefrom.

14 (Source: P.A. 100-987, eff. 7-1-19.)

15 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

16 Sec. 18a-200. General powers and duties of Commission. The
17 Commission shall:

18 (1) Regulate commercial vehicle relocators and their
19 employees or agents in accordance with this Chapter and to
20 that end may establish reasonable requirements with respect to
21 proper service and practices relating thereto;

22 (2) Require the maintenance of uniform systems of
23 accounts, records and the preservation thereof;

24 (3) Require that all drivers and other personnel used in
25 relocation be employees of a licensed relocater;

1 (4) Regulate equipment leasing to and by relocators;

2 (5) Adopt reasonable and proper rules covering the
3 exercise of powers conferred upon it by this Chapter, and
4 reasonable rules governing investigations, hearings and
5 proceedings under this Chapter;

6 (6) Set reasonable rates for the commercial towing or
7 removal of trespassing vehicles from private property. The
8 rates shall not exceed the mean average of the 5 highest rates
9 for police tows within the territory to which this Chapter
10 applies that are performed under Sections 4-201 and 4-214 of
11 this Code and that are of record at hearing; provided that the
12 Commission shall not re-calculate the maximum specified herein
13 if the order containing the previous calculation was entered
14 within one calendar year of the date on which the new order is
15 entered. Set reasonable rates for the storage, for periods in
16 excess of 24 hours, of the vehicles in connection with the
17 towing or removal; however, no relocater shall impose charges
18 for storage for the first 24 hours after towing or removal. Set
19 reasonable rates for other services provided by relocators,
20 provided that the rates shall not be charged to the owner or
21 operator of a relocated vehicle. Any fee charged by a
22 relocater for the use of a credit card that is used to pay for
23 any service rendered by the relocater shall be included in the
24 total amount that shall not exceed the maximum reasonable rate
25 established by the Commission. The Commission shall require a
26 relocater to refund any amount charged in excess of the

1 reasonable rate established by the Commission, including any
2 fee for the use of a credit card;

3 (7) Investigate and maintain current files of the criminal
4 records, if any, of all relocators and their employees and of
5 all applicants for relocator's license, operator's licenses
6 and dispatcher's licenses. If the Commission determines that
7 an applicant for a license issued under this Chapter will be
8 subjected to a criminal history records check, the applicant
9 shall submit his or her fingerprints to the Illinois
10 ~~Department of~~ State Police in the form and manner prescribed
11 by the Illinois ~~Department of~~ State Police. These fingerprints
12 shall be checked against the Illinois ~~Department of~~ State
13 Police and Federal Bureau of Investigation criminal history
14 record information databases now and hereafter filed. The
15 Illinois ~~Department of~~ State Police shall charge the applicant
16 a fee for conducting the criminal history records check, which
17 shall be deposited in the State Police Services Fund and shall
18 not 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 Commission;

21 (8) Issue relocator's licenses, dispatcher's employment
22 permits, and operator's employment permits in accordance with
23 Article IV of this Chapter;

24 (9) Establish fitness standards for applicants seeking
25 relocator licensees and holders of relocator licenses;

26 (10) Upon verified complaint in writing by any person,

1 organization or body politic, or upon its own initiative may,
2 investigate whether any commercial vehicle relocator,
3 operator, dispatcher, or person otherwise required to comply
4 with any provision of this Chapter or any rule promulgated
5 hereunder, has failed to comply with any provision or rule;

6 (11) Whenever the Commission receives notice from the
7 Secretary of State that any domestic or foreign corporation
8 regulated under this Chapter has not paid a franchise tax,
9 license fee or penalty required under the Business Corporation
10 Act of 1983, institute proceedings for the revocation of the
11 license or right to engage in any business required under this
12 Chapter or the suspension thereof until such time as the
13 delinquent franchise tax, license fee or penalty is paid.

14 (Source: P.A. 93-418, eff. 1-1-04.)

15 (625 ILCS 5/18b-112)

16 Sec. 18b-112. Intermodal trailer, chassis, and safety.

17 (a) Definitions. For purposes of this Section:

18 ~~"Department" means the Department of State Police.~~

19 "Equipment interchange agreement" means a written document
20 executed by the intermodal equipment provider and operator at
21 the time the equipment is interchanged by the provider to the
22 operator.

23 "Equipment provider" is the owner of an intermodal
24 trailer, chassis, or container. This includes any forwarding
25 company, water carrier, steamship line, railroad, vehicle

1 equipment leasing company, and their subsidiary or affiliated
2 companies owning the equipment.

3 "Federal motor carrier safety regulations" means
4 regulations promulgated by the United States Department of
5 Transportation governing the condition and maintenance of
6 commercial motor vehicles contained in Title 49 of the United
7 States Code of Federal Regulations on the day of enactment of
8 this Act or as amended or revised by the United States
9 Department of Transportation thereafter.

10 "Interchange" means the act of providing a vehicle to a
11 motor carrier by an equipment provider for the purpose of
12 transporting the vehicle for loading or unloading by another
13 party or the repositioning of the vehicle for the benefit of
14 the equipment provider. "Interchange" does not include the
15 leasing of the vehicle by a motor carrier from an
16 owner-operator pursuant to subpart B of Part 376 of Title 49 of
17 the Code of Federal Regulations or the leasing of a vehicle to
18 a motor carrier for use in the motor carrier's over-the-road
19 freight hauling operations.

20 "Operator" means a motor carrier or driver of a commercial
21 motor vehicle.

22 "Vehicle" means an intermodal trailer, chassis, or
23 container.

24 (b) Responsibility of equipment provider. An equipment
25 provider shall not interchange or offer for interchange a
26 vehicle with an operator for use on a highway which vehicle is

1 in violation of the requirements contained in the federal
2 motor carrier safety regulations. It is the responsibility of
3 the equipment provider to inspect and, if a vehicle at the time
4 of inspection does not comply with all federal motor carrier
5 safety regulation requirements, perform the necessary repairs
6 on, all vehicles prior to interchange or offering for
7 interchange.

8 (c) Duty of inspection by the operator. Before
9 interchanging a vehicle with an operator, an equipment
10 provider must provide the operator the opportunity and
11 facilities to perform a visual inspection of the equipment.
12 The operator must determine if it complies with the provisions
13 of the federal motor carrier safety regulation capable of
14 being determined from an inspection. If the operator
15 determines that the vehicle does not comply with the
16 provisions of the federal motor carrier safety regulations,
17 the equipment provider shall immediately perform the necessary
18 repairs to the vehicle so that it complies with the federal
19 motor carrier safety regulations or shall immediately provide
20 the operator with another vehicle.

21 (d) Presumption of defect prior to interchange.

22 (1) If as a result of a roadside inspection by the
23 Illinois State Police Department, any of the defects
24 listed in paragraph (2) are discovered, a rebuttable
25 presumption existed at the time of the interchange. If a
26 summons or complaint is issued to the operator, the

1 operator may seek relief pursuant to paragraph (3).

2 (2) A rebuttable presumption exists that the following
3 defects were present at the time of the interchange:

4 (A) There is a defect with the brake drum when:

5 (I) the drum cracks;

6 (II) the lining is loose or missing; or

7 (III) the lining is saturated with oil.

8 (B) There is a defect of inoperative brakes when:

9 (I) there is no movement of any components;

10 (II) there are missing, broken, or loose
11 components; or

12 (III) there are mismatched components.

13 (C) There is a defect with the air lines and tubing
14 when:

15 (I) there is a bulge and swelling;

16 (II) there is an audible air leak; or

17 (III) there are air lines broken, cracked, or
18 crimped.

19 (D) There is a defect with the reservoir tank when
20 there is any separation of original attachment points.

21 (E) There is a defect with the frames when:

22 (I) there is any cracked, loose, sagging, or
23 broken frame members which measure one and
24 one-half inch in web or one inch or longer in
25 bottom flange or any crack extending from web
26 radius into bottom flange; or

1 (II) there is any condition which causes
2 moving parts to come in contact with the frame.

3 (F) There is an electrical defect when wires are
4 chaffed.

5 (G) There is a defect with the wheel assembly
6 when:

7 (I) there is low or no oil;

8 (II) there is oil leakage on brake components;

9 (III) there are lug nuts that are loose or
10 missing; or

11 (IV) the wheel bearings are not properly
12 maintained.

13 (H) There is a defect with the tires when:

14 (I) there is improper inflation;

15 (II) there is tire separation from the casing;

16 or

17 (III) there are exposed plys or belting
18 material.

19 (I) There is defect with rim cracks when:

20 (I) there is any circumferential crack, except
21 a manufactured crack; or

22 (II) there is a lock or side ring cracked,
23 bent, broken, sprung, improperly seated, or
24 mismatched.

25 (J) There is a defect with the suspension when:

26 (I) there are spring assembly leaves broken,

1 missing, or separated; or

2 (II) there are spring hanger, u-bolts, or axle
3 positioning components cracked, broken loose, or
4 missing.

5 (K) There is a defect with the chassis locking
6 pins when there is any twist lock or fitting for
7 securement that is sprung, broken, or improperly
8 latched.

9 (3) If an operator receives a citation for a violation
10 due to a defect in any equipment specified in subsection
11 (d)(2), the equipment provider shall reimburse the
12 operator for any:

13 (A) fines and costs, including court costs and
14 reasonable attorneys fees, incurred as a result of the
15 citation; and

16 (B) costs incurred by the operator to repair the
17 defects specified in the citation, including any
18 towing costs incurred.

19 The equipment provider shall reimburse the operator
20 within 30 days of the final court action. If the equipment
21 provider fails to reimburse the operator within 30 days,
22 the operator has a civil cause of action against the
23 equipment provider.

24 (e) Fines and penalties. Any person violating the
25 provisions of this Section shall be fined no less than \$50 and
26 no more than \$500 for each violation.

1 (f) Obligation of motor carrier. Nothing in this Section
2 is intended to eliminate the responsibility and obligation of
3 a motor carrier and operator to maintain and operate vehicles
4 in accordance with the federal motor carrier safety
5 regulations and applicable State and local laws and
6 regulations.

7 (g) This Section shall not be applied, construed, or
8 implemented in any manner inconsistent with, or in conflict
9 with, any provision of the federal motor carrier safety
10 regulations.

11 (Source: P.A. 91-662, eff. 7-1-00.)

12 (625 ILCS 5/18c-1702) (from Ch. 95 1/2, par. 18c-1702)

13 Sec. 18c-1702. Responsibility for Enforcement. It shall be
14 the duty of the Commission and of the Illinois State Police and
15 the Secretary of State to conduct investigations, make
16 arrests, and take any other action necessary for the
17 enforcement of this Chapter.

18 (Source: P.A. 84-796.)

19 (625 ILCS 5/18c-4601) (from Ch. 95 1/2, par. 18c-4601)

20 Sec. 18c-4601. Cab Card and Identifier to be Carried and
21 Displayed in Each Vehicle.

22 (1) General Provisions.

23 (a) Carrying Requirement. Each motor vehicle used in
24 for-hire transportation upon the public roads of this State

1 shall carry a current cab card together with an identifier
2 issued by or under authority of the Commission. If the carrier
3 is an intrastate motor carrier of property, the prescribed
4 intrastate cab card and identifier shall be required; if the
5 carrier is an interstate motor carrier of property, the
6 prescribed interstate cab card and identifier shall be
7 required.

8 (b) Execution and Presentation Requirement. Such cab card
9 shall be properly executed by the carrier. The cab card, with
10 an identifier affixed or printed thereon, shall be carried in
11 the vehicle for which it was executed. The cab card and
12 identifier shall be presented upon request to any authorized
13 employee of the Commission or the Illinois State Police or
14 Secretary of State.

15 (c) Deadlines for Execution, Carrying, and Presentation.
16 Cab cards and identifiers shall be executed, carried, and
17 presented no earlier than December 1 of the calendar year
18 preceding the calendar year for which fees are owing, and no
19 later than February 1 of the calendar year for which fees are
20 owing, unless otherwise provided in Commission regulations and
21 orders.

22 (2) Interstate Compensated Intercorporate Hauling and
23 Single-Source Leasing. The provisions of subsection (1) of
24 this Section apply to motor vehicles used in interstate
25 compensated intercorporate hauling or which are leased, with
26 drivers, to private carriers for use in interstate commerce,

1 as well as to other motor vehicles used in for-hire
2 transportation upon the public roads of this State. However,
3 the Commission may:

4 (a) Exempt such carriers from the requirements of this
5 Article;

6 (b) Subject any exemption to such reasonable terms and
7 conditions as the Commission deems necessary to effectuate the
8 purposes of this Chapter; and

9 (c) Revoke any exemption granted hereunder if it deems
10 revocation necessary to effectuate the purposes of this
11 Chapter.

12 (Source: P.A. 85-553.)

13 Section 940. The Automated Traffic Control Systems in
14 Highway Construction or Maintenance Zones Act is amended by
15 changing Sections 10 and 25 as follows:

16 (625 ILCS 7/10)

17 Sec. 10. Establishment of automated control systems. The
18 Illinois ~~Department of~~ State Police may establish an automated
19 traffic control system in any construction or maintenance zone
20 established by the Department of Transportation or the
21 Illinois State Toll Highway Authority. An automated traffic
22 control system may operate only during those periods when
23 workers are present in the construction or maintenance zone.
24 In any prosecution based upon evidence obtained through an

1 automated traffic control system established under this Act,
2 the State must prove that one or more workers were present in
3 the construction or maintenance zone when the violation
4 occurred.

5 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
6 94-814, eff. 1-1-07.)

7 (625 ILCS 7/25)

8 Sec. 25. Limitations on the use of automated traffic
9 enforcement systems.

10 (a) The Illinois ~~Department of~~ State Police must conduct a
11 public information campaign to inform drivers about the use of
12 automated traffic control systems in highway construction or
13 maintenance zones before establishing any of those systems.
14 The Illinois ~~Department of~~ State Police shall adopt rules for
15 implementing this subsection (a).

16 (b) Signs indicating that speeds are enforced by automated
17 traffic control systems must be clearly posted in the areas
18 where the systems are in use.

19 (c) Operation of automated traffic control systems is
20 limited to areas where road construction or maintenance is
21 occurring.

22 (d) Photographs obtained in this manner may only be used
23 as evidence in relation to a violation of Section 11-605.1 of
24 the Illinois Vehicle Code for which the photograph is taken.
25 The photographs are available only to the owner of the

1 vehicle, the offender and the offender's attorney, the
2 judiciary, the local State's Attorney, and law enforcement
3 officials.

4 (e) If the driver of the vehicle cannot be identified
5 through the photograph, the owner is not liable for the fine,
6 and the citation may not be counted against the driving record
7 of the owner. If the driver can be identified, the driver is
8 liable for the fine, and the violation is counted against his
9 or her driving record.

10 (Source: P.A. 93-947, eff. 8-19-04.)

11 Section 945. The Child Passenger Protection Act is amended
12 by changing Section 7 as follows:

13 (625 ILCS 25/7) (from Ch. 95 1/2, par. 1107)

14 Sec. 7. Arrests - Prosecutions. The Illinois State Police
15 shall patrol the public highways and make arrests for a
16 violation of this Act. Police officers shall make arrests for
17 violations of this Act occurring upon the highway within the
18 limits of a county, city, village, or unincorporated town or
19 park district.

20 The State's Attorney of the county in which the violation
21 of this Act occurs shall prosecute all violations except when
22 the violation occurs within the corporate limits of a
23 municipality, the municipal attorney may prosecute if written
24 permission to do so is obtained from the State's Attorney.

1 The provisions of this Act shall not apply to a child
2 passenger with a physical disability of such a nature as to
3 prevent appropriate restraint in a seat, provided that the
4 disability is duly certified by a physician who shall state
5 the nature of the disability, as well as the reason the
6 restraint is inappropriate. No physician shall be liable, and
7 no cause of action may be brought for personal injuries
8 resulting from the exercise of good faith judgment in making
9 certifications under this provision.

10 (Source: P.A. 88-685, eff. 1-24-95.)

11 Section 950. The Boat Registration and Safety Act is
12 amended by changing Sections 3A-6, 3C-2, 3C-5, 3C-9, 5-16b,
13 5-16c, 5-22, and 6-1 as follows:

14 (625 ILCS 45/3A-6) (from Ch. 95 1/2, par. 313A-6)

15 Sec. 3A-6. Stolen and recovered watercraft.

16 (a) Every sheriff, superintendent of police, chief of
17 police or other police officer in command of any police
18 department in any city, village or town of the State shall, by
19 the fastest means of communications available to his or her
20 law enforcement agency, immediately report to the Illinois
21 ~~Department of~~ State Police the theft or recovery of any stolen
22 or converted watercraft within his or her district or
23 jurisdiction. The report shall give the date of theft,
24 description of the watercraft including color, manufacturer's

1 trade name, manufacturer's series name, identification number
2 and registration number, including the state in which the
3 registration number was issued, together with the name,
4 residence address, business address, and telephone number of
5 the owner. The report shall be routed by the originating law
6 enforcement agency through the Illinois State Police in a form
7 and manner prescribed by the Illinois ~~Department of~~ State
8 Police.

9 (b) A registered owner or a lienholder may report the
10 theft by conversion of a watercraft to the Illinois ~~Department~~
11 ~~of~~ State Police or any other police department or sheriff's
12 office. The report will be accepted as a report of theft and
13 processed only if a formal complaint is on file and a warrant
14 issued.

15 (c) The Illinois ~~Department of~~ State Police shall keep a
16 complete record of all reports filed under this Section. Upon
17 receipt of the report, a careful search shall be made of the
18 records of the Illinois ~~Department of~~ State Police, and where
19 it is found that a watercraft reported recovered was stolen in
20 a county, city, village or town other than the county, city,
21 village or town in which it is recovered, the recovering
22 agency shall notify the reporting agency of the recovery in a
23 form and manner prescribed by the Illinois ~~Department of~~ State
24 Police.

25 (d) Notification of the theft of a watercraft will be
26 furnished to the Department of Natural Resources by the

1 ~~Illinois Department of~~ State Police. The Department of Natural
2 Resources shall place the proper information in the title
3 registration files and in the certificate of number files to
4 indicate the theft of a watercraft. Notification of the
5 recovery of a watercraft previously reported as a theft or a
6 conversion will be furnished to the Department of Natural
7 Resources by the Illinois ~~Department of~~ State Police. The
8 Department of Natural Resources shall remove the proper
9 information from the certificate of number and title
10 registration files that has previously indicated the theft of
11 a watercraft. The Department of Natural Resources shall
12 suspend the certificate of number of a watercraft upon receipt
13 of a report that the watercraft was stolen.

14 (e) When the Department of Natural Resources receives an
15 application for a certificate of title or an application for a
16 certificate of number of a watercraft and it is determined
17 from the records that the watercraft has been reported stolen,
18 the Department of Natural Resources, Division of Law
19 Enforcement, shall immediately notify the Illinois State
20 Police and shall give the Illinois State Police the name and
21 address of the person or firm titling or registering the
22 watercraft, together with all other information contained in
23 the application submitted by the person or firm.

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

1 Sec. 3C-2. Notification to law enforcement agencies. When
2 an abandoned, lost, stolen or unclaimed watercraft comes into
3 the temporary possession or custody of a person in this State,
4 not the owner of the watercraft, such person shall immediately
5 notify the municipal police when the watercraft is within the
6 corporate limits of any city, village or town having a duly
7 authorized police department, or the Illinois State Police,
8 Conservation Police or the county sheriff when the watercraft
9 is outside the corporate limits of a city, village or town.
10 Upon receipt of such notification, the municipal police, State
11 Police, Conservation Police, or county sheriff will authorize
12 a towing service to remove and take possession of the
13 abandoned, lost, stolen or unclaimed watercraft. The towing
14 service will safely keep the towed watercraft and its
15 contents, and maintain a record of the tow as set forth in
16 Section 3C-4 for law enforcement agencies, until the
17 watercraft is claimed by the owner or any other person legally
18 entitled to possession thereof or until it is disposed of as
19 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
3 purpose of obtaining the required ownership information. The
4 law enforcement agency authorizing the impounding of a
5 watercraft will cause the stolen watercraft files of the
6 Illinois State Police to be searched by a directed
7 communication to the Illinois State Police for stolen or
8 wanted information on the watercraft. When the Illinois State
9 Police files are searched with negative results, the
10 information contained in the National Crime Information Center
11 (NCIC) files will be searched by the Illinois State Police.
12 The information determined from these record searches will be
13 returned to the requesting law enforcement agency for that
14 agency's use in sending a notification by certified mail to
15 the registered owner, lienholder and other legally entitled
16 persons advising where the watercraft is held, requesting that
17 a disposition be made and setting forth public sale
18 information. Notification shall be sent no later than 10 days
19 after the date the law enforcement agency impounds or
20 authorizes the impounding of a watercraft, provided that if
21 the law enforcement agency is unable to determine the identity
22 of the registered owner, lienholder or other person legally
23 entitled to ownership of the impounded watercraft within a 10
24 day period after impoundment, then notification shall be sent
25 no later than 2 days after the date the identity of the
26 registered owner, lienholder or other person legally entitled

1 to ownership of the impounded watercraft is determined.
2 Exceptions to a notification by certified mail to the
3 registered owner, lienholder and other legally entitled
4 persons are set forth in Section 3C-9.

5 (Source: P.A. 89-445, eff. 2-7-96.)

6 (625 ILCS 45/3C-9) (from Ch. 95 1/2, par. 313C-9)

7 Sec. 3C-9. Disposal of unclaimed watercraft without
8 notice.

9 (a) When the identity of the registered owner, lienholder
10 and other person legally entitled to the possession of an
11 abandoned, lost or unclaimed watercraft of 7 years of age or
12 newer cannot be determined by any means provided for in this
13 Article, the watercraft may be sold as provided in Section
14 3C-8 without notice to any person whose identity cannot be
15 determined.

16 (b) When an abandoned watercraft of more than 7 years of
17 age is impounded as specified by this Article, it will be kept
18 in custody for a minimum of 10 days for the purpose of
19 determining the identity of the registered owner and
20 lienholder, contacting the registered owner and lienholder for
21 a determination of disposition, and an examination of the
22 Illinois State Police stolen watercraft files for the theft
23 and wanted information. At the expiration of the 10 day
24 period, if disposition information has not been received from
25 the registered owner or the lienholder, the law enforcement

1 agency having jurisdiction will authorize the disposal of the
2 watercraft as junk.

3 However, if, in the opinion of the police officer
4 processing the watercraft, it has a value of \$200 or more and
5 can be restored to safe operating condition, the law
6 enforcement agency may authorize its purchase for salvage and
7 the Department of Natural Resources may issue a certificate of
8 title. A watercraft classified as a historical watercraft may
9 be sold to a person desiring to restore it.

10 (Source: P.A. 89-445, eff. 2-7-96.)

11 (625 ILCS 45/5-16b) (from Ch. 95 1/2, par. 315-11b)

12 Sec. 5-16b. Preliminary breath screening test. If a law
13 enforcement officer has reasonable suspicion to believe that a
14 person is violating or has violated Section 5-16 or a similar
15 provision of a local ordinance, the officer, prior to an
16 arrest, may request the person to provide a sample of his or
17 her breath for a preliminary breath screening test using a
18 portable device approved by the Illinois ~~Department of~~ State
19 Police. The results of this preliminary breath screening test
20 may be used by the law enforcement officer for the purpose of
21 assisting with the determination of whether to require a
22 chemical test as authorized under Section 5-16 and the
23 appropriate type of test to request. Any chemical test
24 authorized under Section 5-16 may be requested by the officer
25 regardless of the result of the preliminary breath screening

1 test if probable cause for an arrest exists. The result of a
2 preliminary breath screening test may be used by the defendant
3 as evidence in any administrative or court proceeding
4 involving a violation of Section 5-16.

5 (Source: P.A. 90-215, eff. 1-1-98; 91-828, eff. 1-1-01.)

6 (625 ILCS 45/5-16c)

7 Sec. 5-16c. Operator involvement in personal injury or
8 fatal boating accident; chemical tests.

9 (a) Any person who operates or is in actual physical
10 control of a motorboat within this State and who has been
11 involved in a personal injury or fatal boating accident shall
12 be deemed to have given consent to a breath test using a
13 portable device as approved by the Illinois Department ~~of~~
14 State Police or to a chemical test or tests of blood, breath,
15 other bodily substance, or urine for the purpose of
16 determining the content of alcohol, other drug or drugs, or
17 intoxicating compound or compounds of the person's blood if
18 arrested as evidenced by the issuance of a uniform citation
19 for a violation of the Boat Registration and Safety Act or a
20 similar provision of a local ordinance, with the exception of
21 equipment violations contained in Article IV of this Act or
22 similar provisions of local ordinances. The test or tests
23 shall be administered at the direction of the arresting
24 officer. The law enforcement agency employing the officer
25 shall designate which of the aforesaid tests shall be

1 administered. Up to 2 additional tests of urine or other
2 bodily substance may be administered even after a blood or
3 breath test or both has been administered. Compliance with
4 this Section does not relieve the person from the requirements
5 of any other Section of this Act.

6 (b) Any person who is dead, unconscious, or who is
7 otherwise in a condition rendering that person incapable of
8 refusal shall be deemed not to have withdrawn the consent
9 provided by subsection (a) of this Section. In addition, if an
10 operator of a motorboat is receiving medical treatment as a
11 result of a boating accident, any physician licensed to
12 practice medicine, licensed physician assistant, licensed
13 advanced practice registered nurse, registered nurse, or a
14 phlebotomist acting under the direction of a licensed
15 physician shall withdraw blood for testing purposes to
16 ascertain the presence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, upon the specific request
18 of a law enforcement officer. However, this testing shall not
19 be performed until, in the opinion of the medical personnel on
20 scene, the withdrawal can be made without interfering with or
21 endangering the well-being of the patient.

22 (c) A person who is a CDL holder requested to submit to a
23 test under subsection (a) of this Section shall be warned by
24 the law enforcement officer requesting the test that a refusal
25 to submit to the test, or submission to the test resulting in
26 an alcohol concentration of 0.08 or more, or any amount of a

1 drug, substance, or intoxicating compound resulting from the
2 unlawful use or consumption of cannabis listed in the Cannabis
3 Control Act, a controlled substance listed in the Illinois
4 Controlled Substances Act, an intoxicating compound listed in
5 the Use of Intoxicating Compounds Act, or methamphetamine as
6 listed in the Methamphetamine Control and Community Protection
7 Act as detected in the person's blood, other bodily substance,
8 or urine, may result in the suspension of the person's
9 privilege to operate a motor vehicle and may result in the
10 disqualification of the person's privilege to operate a
11 commercial motor vehicle, as provided in Section 6-514 of the
12 Illinois Vehicle Code. A person who is not a CDL holder
13 requested to submit to a test under subsection (a) of this
14 Section shall be warned by the law enforcement officer
15 requesting the test that a refusal to submit to the test, or
16 submission to the test resulting in an alcohol concentration
17 of 0.08 or more, a tetrahydrocannabinol concentration in the
18 person's whole blood or other bodily substance as defined in
19 paragraph 6 of subsection (a) of Section 11-501.2 of the
20 Illinois Vehicle Code, or any amount of a drug, substance, or
21 intoxicating compound resulting from the unlawful use or
22 consumption of a controlled substance listed in the Illinois
23 Controlled Substances Act, an intoxicating compound listed in
24 the Use of Intoxicating Compounds Act, or methamphetamine as
25 listed in the Methamphetamine Control and Community Protection
26 Act as detected in the person's blood, other bodily substance,

1 or urine, may result in the suspension of the person's
2 privilege to operate a motor vehicle. The length of the
3 suspension shall be the same as outlined in Section 6-208.1 of
4 the Illinois Vehicle Code regarding statutory summary
5 suspensions.

6 (d) If the person is a CDL holder and refuses testing or
7 submits to a test which discloses an alcohol concentration of
8 0.08 or more, or any amount of a drug, substance, or
9 intoxicating compound in the person's blood, other bodily
10 substance, or urine resulting from the unlawful use or
11 consumption of cannabis listed in the Cannabis Control Act, a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in
15 the Methamphetamine Control and Community Protection Act, the
16 law enforcement officer shall immediately submit a sworn
17 report to the Secretary of State on a form prescribed by the
18 Secretary of State, certifying that the test or tests were
19 requested under subsection (a) of this Section and the person
20 refused to submit to a test or tests or submitted to testing
21 which disclosed an alcohol concentration of 0.08 or more, or
22 any amount of a drug, substance, or intoxicating compound in
23 the person's blood, other bodily substance, or urine,
24 resulting from the unlawful use or consumption of cannabis
25 listed in the Cannabis Control Act, a controlled substance
26 listed in the Illinois Controlled Substances Act, an

1 intoxicating compound listed in the Use of Intoxicating
2 Compounds Act, or methamphetamine as listed in the
3 Methamphetamine Control and Community Protection Act. If the
4 person is not a CDL holder and refuses testing or submits to a
5 test which discloses an alcohol concentration of 0.08 or more,
6 a tetrahydrocannabinol concentration in the person's whole
7 blood or other bodily substance as defined in paragraph 6 of
8 subsection (a) of Section 11-501.2 of the Illinois Vehicle
9 Code, or any amount of a drug, substance, or intoxicating
10 compound in the person's blood, other bodily substance, or
11 urine resulting from the unlawful use or consumption of a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in
15 the Methamphetamine Control and Community Protection Act, the
16 law enforcement officer shall immediately submit a sworn
17 report to the Secretary of State on a form prescribed by the
18 Secretary of State, certifying that the test or tests were
19 requested under subsection (a) of this Section and the person
20 refused to submit to a test or tests or submitted to testing
21 which disclosed an alcohol concentration of 0.08 or more, a
22 tetrahydrocannabinol concentration in the person's whole blood
23 or other bodily substance as defined in paragraph 6 of
24 subsection (a) of Section 11-501.2 of the Illinois Vehicle
25 Code, or any amount of a drug, substance, or intoxicating
26 compound in the person's blood or urine, resulting from the

1 unlawful use or consumption of a controlled substance listed
2 in the Illinois Controlled Substances Act, an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act, or
4 methamphetamine as listed in the Methamphetamine Control and
5 Community Protection Act.

6 Upon receipt of the sworn report of a law enforcement
7 officer, the Secretary of State shall enter the suspension and
8 disqualification to the person's driving record and the
9 suspension and disqualification shall be effective on the 46th
10 day following the date notice of the suspension was given to
11 the person.

12 The law enforcement officer submitting the sworn report
13 shall serve immediate notice of this suspension on the person
14 and this suspension and disqualification shall be effective on
15 the 46th day following the date notice was given.

16 In cases involving a person who is a CDL holder where the
17 blood alcohol concentration of 0.08 or more, or any amount of a
18 drug, substance, or intoxicating compound resulting from the
19 unlawful use or consumption of cannabis listed in the Cannabis
20 Control Act, 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, is established by a subsequent analysis of blood, other
25 bodily substance, or urine collected at the time of arrest,
26 the arresting officer shall give notice as provided in this

1 Section or by deposit in the United States mail of this notice
2 in an envelope with postage prepaid and addressed to the
3 person at his or her address as shown on the uniform citation
4 and the suspension and disqualification shall be effective on
5 the 46th day following the date notice was given. In cases
6 involving a person who is not a CDL holder where the blood
7 alcohol concentration of 0.08 or more, a tetrahydrocannabinol
8 concentration in the person's whole blood or other bodily
9 substance as defined in paragraph 6 of subsection (a) of
10 Section 11-501.2 of the Illinois Vehicle Code, or any amount
11 of a drug, substance, or intoxicating compound resulting from
12 the unlawful use or consumption of a controlled substance
13 listed in the Illinois Controlled Substances Act, an
14 intoxicating compound listed in the Use of Intoxicating
15 Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act, is
17 established by a subsequent analysis of blood, other bodily
18 substance, or urine collected at the time of arrest, the
19 arresting officer shall give notice as provided in this
20 Section or by deposit in the United States mail of this notice
21 in an envelope with postage prepaid and addressed to the
22 person at his or her address as shown on the uniform citation
23 and the suspension shall be effective on the 46th day
24 following the date notice was given.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary of State shall also give notice of the

1 suspension and disqualification to the person by mailing a
2 notice of the effective date of the suspension and
3 disqualification to the person. However, should the sworn
4 report be defective by not containing sufficient information
5 or be completed in error, the notice of the suspension and
6 disqualification shall not be mailed to the person or entered
7 to the driving record, but rather the sworn report shall be
8 returned to the issuing law enforcement agency.

9 (e) A person may contest this suspension of his or her
10 driving privileges and disqualification of his or her CDL
11 privileges by requesting an administrative hearing with the
12 Secretary of State in accordance with Section 2-118 of the
13 Illinois Vehicle Code. At the conclusion of a hearing held
14 under Section 2-118 of the Illinois Vehicle Code, the
15 Secretary of State may rescind, continue, or modify the orders
16 of suspension and disqualification. If the Secretary of State
17 does not rescind the orders of suspension and
18 disqualification, a restricted driving permit may be granted
19 by the Secretary of State upon application being made and good
20 cause shown. A restricted driving permit may be granted to
21 relieve undue hardship to allow driving for employment,
22 educational, and medical purposes as outlined in Section 6-206
23 of the Illinois Vehicle Code. The provisions of Section 6-206
24 of the Illinois Vehicle Code shall apply. In accordance with
25 49 C.F.R. 384, the Secretary of State may not issue a
26 restricted driving permit for the operation of a commercial

1 motor vehicle to a person holding a CDL whose driving
2 privileges have been suspended, revoked, cancelled, or
3 disqualified.

4 (f) For the purposes of this Section, a personal injury
5 shall include any type A injury as indicated on the accident
6 report completed by a law enforcement officer that requires
7 immediate professional attention in a doctor's office or a
8 medical facility. A type A injury shall include severely
9 bleeding wounds, distorted extremities, and injuries that
10 require the injured party to be carried from the scene.

11 (Source: P.A. 99-697, eff. 7-29-16; 100-513, eff. 1-1-18.)

12 (625 ILCS 45/5-22)

13 Sec. 5-22. Operation of watercraft upon the approach of an
14 authorized emergency watercraft.

15 (a) As used in this Section, "authorized emergency
16 watercraft" includes any watercraft operated by the Illinois
17 Department of Natural Resources Police, the Illinois
18 ~~Department of~~ State Police, a county sheriff, a local law
19 enforcement agency, a fire department, a provider of emergency
20 medical services, or the United States Coast Guard, equipped
21 with alternately flashing red, blue, red and white, red and
22 blue, or red in combination with white or blue lights, while
23 engaged in official duties. Any authorized emergency
24 watercraft must be clearly emblazoned with markings
25 identifying it as a watercraft operated by the qualifying

1 agency.

2 (b) Upon the immediate approach of an authorized emergency
3 watercraft making use of rotating or flashing visual signals
4 and lawfully making use of a visual signal, the operator of
5 every other watercraft shall yield the right-of-way and shall
6 immediately reduce the speed of the watercraft, so as not to
7 create a wake, and shall yield way to the emergency
8 watercraft, moving to the right to permit the safe passage of
9 the emergency watercraft, and shall stop and remain in that
10 position until the authorized emergency watercraft has passed,
11 unless otherwise directed by a police officer.

12 (c) Upon approaching a stationary authorized emergency
13 watercraft, when the authorized emergency watercraft is giving
14 a signal by displaying rotating or alternately flashing red,
15 blue, red and white, red and blue, or red in combination with
16 white or blue lights, a person operating an approaching
17 watercraft shall proceed with due caution at no-wake speed and
18 yield the right-of-way by moving safely away from that
19 authorized emergency watercraft, proceeding with due caution
20 at a no-wake speed with due regard to safety and water
21 conditions, maintaining no-wake speed until sufficiently away
22 from the emergency watercraft so as not to create a wake that
23 would otherwise rock or otherwise disturb the authorized
24 emergency watercraft.

25 (d) This Section shall not operate to relieve the operator
26 of an authorized emergency watercraft from the duty to operate

1 that watercraft with due regard for the safety of all persons
2 using the waterway.

3 (e) A person who violates this Section commits a business
4 offense punishable by a fine of not less than \$100 or more than
5 \$10,000. It is a factor in aggravation if the person committed
6 the offense while in violation of Section 5-16 of this Act.

7 (f) If a violation of this Section results in damage to the
8 property of another person, in addition to any other penalty
9 imposed, the person's watercraft operating privileges shall be
10 suspended for a fixed period of not less than 90 days and not
11 more than one year.

12 (g) If a violation of this Section results in injury to
13 another person, in addition to any other penalty imposed, the
14 person's watercraft operating privileges shall be suspended
15 for a fixed period of not less than 180 days and not more than
16 2 years.

17 (h) If a violation of subsection (c) of this Section
18 results in great bodily harm or permanent disability or
19 disfigurement to, or the death of, another person, in addition
20 to any other penalty imposed, the person's watercraft
21 operating privileges shall be suspended for 2 years.

22 (i) The Department of Natural Resources shall, upon
23 receiving a record of a judgment entered against a person
24 under this Section:

25 (1) suspend the person's watercraft operating
26 privileges for the mandatory period; or

1 (2) extend the period of an existing suspension by the
2 appropriate mandatory period.

3 (Source: P.A. 98-102, eff. 7-22-13.)

4 (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

5 Sec. 6-1. Collisions, accidents, and casualties; reports.

6 A. The operator of a vessel involved in a collision,
7 accident, or other casualty, so far as he can without serious
8 danger to his own vessel, crew, passengers and guests, if any,
9 shall render to other persons affected by the collision,
10 accident, or other casualty assistance as may be practicable
11 and as may be necessary in order to save them from or minimize
12 any danger caused by the collision, accident, or other
13 casualty, and also shall give his name, address, and
14 identification of his vessel to any person injured and to the
15 owner of any property damaged in the collision, accident, or
16 other casualty.

17 If the collision, accident, or other casualty has resulted
18 in the death of or personal injury to any person, failure to
19 comply with this subsection A is a Class A misdemeanor.

20 A-1. Any person who has failed to stop or to comply with
21 the requirements of subsection A must, as soon as possible but
22 in no case later than one hour after the collision, accident,
23 or other casualty, or, if hospitalized and incapacitated from
24 reporting at any time during that period, as soon as possible
25 but in no case later than one hour after being discharged from

1 the hospital, report the date, place, and approximate time of
2 the collision, accident, or other casualty, the watercraft
3 operator's name and address, the identification number of the
4 watercraft, if any, and the names of all other occupants of the
5 watercraft, at a police station or sheriff's office near the
6 location where the collision, accident, or other casualty
7 occurred. A report made as required under this subsection A-1
8 may not be used, directly or indirectly, as a basis for the
9 prosecution of any violation of subsection A.

10 As used in this Section, personal injury means any injury
11 requiring treatment beyond first aid.

12 Any person failing to comply with this subsection A-1 is
13 guilty of a Class 4 felony if the collision, accident, or other
14 casualty does not result in the death of any person. Any person
15 failing to comply with this subsection A-1 when the collision,
16 accident, or other casualty results in the death of any person
17 is guilty of a Class 2 felony, for which the person, if
18 sentenced to a term of imprisonment, shall be sentenced to a
19 term of not less than 3 years and not more than 14 years.

20 B. In the case of collision, accident, or other casualty
21 involving a vessel, the operator, if the collision, accident,
22 or other casualty results in death or injury to a person or
23 damage to property in excess of \$2000, or there is a complete
24 loss of the vessel, shall file with the Department a full
25 description of the collision, accident, or other casualty,
26 including information as the Department may by regulation

1 require. Reports of the accidents must be filed with the
2 Department on a Department Accident Report form within 5 days.

3 C. Reports of accidents resulting in personal injury,
4 where a person sustains an injury requiring medical attention
5 beyond first aid, must be filed with the Department on a
6 Department Accident Report form within 5 days. Accidents that
7 result in loss of life shall be reported to the Department on a
8 Department form within 48 hours.

9 D. All required accident reports and supplemental reports
10 are without prejudice to the individual reporting, and are for
11 the confidential use of the Department, except that the
12 Department may disclose the identity of a person involved in
13 an accident when the identity is not otherwise known or when
14 the person denies his presence at the accident. No report to
15 the Department may be used as evidence in any trial, civil or
16 criminal, arising out of an accident, except that the
17 Department must furnish upon demand of any person who has or
18 claims to have made a report or upon demand of any court a
19 certificate showing that a specified accident report has or
20 has not been made to the Department solely to prove a
21 compliance or a failure to comply with the requirements that a
22 report be made to the Department.

23 E. (1) Every coroner or medical examiner shall on or
24 before the 10th day of each month report in writing to the
25 Department the circumstances surrounding the death of any
26 person that has occurred as the result of a boating

1 accident within the examiner's jurisdiction during the
2 preceding calendar month.

3 (2) Within 6 hours after a death resulting from a
4 boating accident, but in any case not more than 12 hours
5 after the occurrence of the boating accident, a blood
6 specimen of at least 10 cc shall be withdrawn from the body
7 of the decedent by the coroner or medical examiner or by a
8 qualified person at the direction of the physician. All
9 morticians shall obtain a release from the coroner or
10 medical examiner prior to proceeding with embalming any
11 body coming under the scope of this Section. The blood so
12 drawn shall be forwarded to a laboratory approved by the
13 Illinois Department of State Police for analysis of the
14 alcoholic content of the blood specimen. The coroner or
15 medical examiner causing the blood to be withdrawn shall
16 be notified of the results of each analysis made and shall
17 forward the results of each analysis to the Department.
18 The Department shall keep a record of all examinations to
19 be used for statistical purposes only. The cumulative
20 results of the examinations, without identifying the
21 individuals involved, shall be disseminated and made
22 public by the Department.

23 (Source: P.A. 93-782, eff. 1-1-05; 94-214, eff. 1-1-06.)

24 Section 955. The Public-Private Partnerships for
25 Transportation Act is amended by changing Section 70 as

1 follows:

2 (630 ILCS 5/70)

3 Sec. 70. Additional powers of transportation agencies with
4 respect to transportation projects.

5 (a) Each transportation agency may exercise any powers
6 provided under this Act in participation or cooperation with
7 any governmental entity and enter into any contracts to
8 facilitate that participation or cooperation without
9 compliance with any other statute. Each transportation agency
10 shall cooperate with each other and with other governmental
11 entities in carrying out transportation projects under this
12 Act.

13 (b) Each transportation agency may make and enter into all
14 contracts and agreements necessary or incidental to the
15 performance of the transportation agency's duties and the
16 execution of the transportation agency's powers under this
17 Act. Except as otherwise required by law, these contracts or
18 agreements are not subject to any approvals other than the
19 approval of the transportation agency and may be for any term
20 of years and contain any terms that are considered reasonable
21 by the transportation agency.

22 (c) Each transportation agency may pay the costs incurred
23 under a public-private agreement entered into under this Act
24 from any funds available to the transportation agency under
25 this Act or any other statute.

1 (d) A transportation agency or other State agency may not
2 take any action that would impair a public-private agreement
3 entered into under this Act.

4 (e) Each transportation agency may enter into an agreement
5 between and among the contractor, the transportation agency,
6 and the Illinois ~~Department of~~ State Police concerning the
7 provision of law enforcement assistance with respect to a
8 transportation project that is the subject of a public-private
9 agreement under this Act.

10 (f) Each transportation agency is authorized to enter into
11 arrangements with the Illinois ~~Department of~~ State Police
12 related to costs incurred in providing law enforcement
13 assistance under this Act.

14 (Source: P.A. 97-502, eff. 8-23-11.)

15 Section 965. The Clerks of Courts Act is amended by
16 changing Section 27.3b-1 as follows:

17 (705 ILCS 105/27.3b-1)

18 Sec. 27.3b-1. Minimum fines; disbursement of fines.

19 (a) Unless otherwise specified by law, the minimum fine
20 for a conviction or supervision disposition on a minor traffic
21 offense is \$25 and the minimum fine for a conviction,
22 supervision disposition, or violation based upon a plea of
23 guilty or finding of guilt for any other offense is \$75. If the
24 court finds that the fine would impose an undue burden on the

1 victim, the court may reduce or waive the fine. In this
2 subsection (a), "victim" shall not be construed to include the
3 defendant.

4 (b) Unless otherwise specified by law, all fines imposed
5 on a misdemeanor offense, other than a traffic, conservation,
6 or driving under the influence offense, or on a felony offense
7 shall be disbursed within 60 days after receipt by the circuit
8 clerk to the county treasurer for deposit into the county's
9 General Fund. Unless otherwise specified by law, all fines
10 imposed on an ordinance offense or a misdemeanor traffic,
11 misdemeanor conservation, or misdemeanor driving under the
12 influence offense shall be disbursed within 60 days after
13 receipt by the circuit clerk to the treasurer of the unit of
14 government of the arresting agency. If the arresting agency is
15 the office of the sheriff, the county treasurer shall deposit
16 the portion into a fund to support the law enforcement
17 operations of the office of the sheriff. If the arresting
18 agency is a State agency, the State Treasurer shall deposit
19 the portion as follows:

20 (1) if the arresting agency is the Illinois Department
21 ~~of~~ State Police, into the State Police Law Enforcement
22 Administration Fund;

23 (2) if the arresting agency is the Department of
24 Natural Resources, into the Conservation Police Operations
25 Assistance Fund;

26 (3) if the arresting agency is the Secretary of State,

1 into the Secretary of State Police Services Fund; and

2 (4) if the arresting agency is the Illinois Commerce
3 Commission, into the Transportation Regulatory Fund.

4 (Source: P.A. 100-987, eff. 7-1-19; 101-636, eff. 6-10-20.)

5 Section 970. The Criminal and Traffic Assessment Act is
6 amended by changing Sections 10-5 and 15-70 as follows:

7 (705 ILCS 135/10-5)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 10-5. Funds.

10 (a) All money collected by the Clerk of the Circuit Court
11 under Article 15 of this Act shall be remitted as directed in
12 Article 15 of this Act to the county treasurer, to the State
13 Treasurer, and to the treasurers of the units of local
14 government. If an amount payable to any of the treasurers is
15 less than \$10, the clerk may postpone remitting the money
16 until \$10 has accrued or by the end of fiscal year. The
17 treasurers shall deposit the money as indicated in the
18 schedules, except, in a county with a population of over
19 3,000,000, money remitted to the county treasurer shall be
20 subject to appropriation by the county board. Any amount
21 retained by the Clerk of the Circuit Court in a county with a
22 population of over 3,000,000 shall be subject to appropriation
23 by the county board.

24 (b) The county treasurer or the treasurer of the unit of

1 local government may create the funds indicated in paragraphs
2 (1) through (5), (9), and (16) of subsection (d) of this
3 Section, if not already in existence. If a county or unit of
4 local government has not instituted, and does not plan to
5 institute a program that uses a particular fund, the treasurer
6 need not create the fund and may instead deposit the money
7 intended for the fund into the general fund of the county or
8 unit of local government for use in financing the court
9 system.

10 (c) If the arresting agency is a State agency, the
11 arresting agency portion shall be remitted by the clerk of
12 court to the State Treasurer who shall deposit the portion as
13 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 Transportation Regulatory Fund.

24 (d) Fund descriptions and provisions:

25 (1) The Court Automation Fund is to defray the
26 expense, borne by the county, of establishing and

1 maintaining automated record keeping systems in the Office
2 of the Clerk of the Circuit Court. The money shall be
3 remitted monthly by the clerk to the county treasurer and
4 identified as funds for the Circuit Court Clerk. The fund
5 shall be audited by the county auditor, and the board
6 shall make expenditures from the fund in payment of any
7 costs related to the automation of court records including
8 hardware, software, research and development costs, and
9 personnel costs related to the foregoing, provided that
10 the expenditure is approved by the clerk of the court and
11 by the chief judge of the circuit court or his or her
12 designee.

13 (2) The Document Storage Fund is to defray the
14 expense, borne by the county, of establishing and
15 maintaining a document storage system and converting the
16 records of the circuit court clerk to electronic or
17 micrographic storage. The money shall be remitted monthly
18 by the clerk to the county treasurer and identified as
19 funds for the circuit court clerk. The fund shall be
20 audited by the county auditor, and the board shall make
21 expenditure from the fund in payment of any cost related
22 to the storage of court records, including hardware,
23 software, research and development costs, and personnel
24 costs related to the foregoing, provided that the
25 expenditure is approved by the clerk of the court.

26 (3) The Circuit Clerk Operations and Administration

1 Fund may be used to defray the expenses incurred for
2 collection and disbursement of the various assessment
3 schedules. The money shall be remitted monthly by the
4 clerk to the county treasurer and identified as funds for
5 the circuit court clerk.

6 (4) The State's Attorney Records Automation Fund is to
7 defray the expense of establishing and maintaining
8 automated record keeping systems in the offices of the
9 State's Attorney. The money shall be remitted monthly by
10 the clerk to the county treasurer for deposit into the
11 State's Attorney Records Automation Fund. Expenditures
12 from this fund may be made by the State's Attorney for
13 hardware, software, and research and development related
14 to automated record keeping systems.

15 (5) The Public Defender Records Automation Fund is to
16 defray the expense of establishing and maintaining
17 automated record keeping systems in the offices of the
18 Public Defender. The money shall be remitted monthly by
19 the clerk to the county treasurer for deposit into the
20 Public Defender Records Automation Fund. Expenditures from
21 this fund may be made by the Public Defender for hardware,
22 software, and research and development related to
23 automated record keeping systems.

24 (6) The DUI Fund shall be used for enforcement and
25 prevention of driving while under the influence of
26 alcohol, other drug or drugs, intoxicating compound or

1 compounds or any combination thereof, as defined by
2 Section 11-501 of the Illinois Vehicle Code, including,
3 but not limited to, the purchase of law enforcement
4 equipment and commodities that will assist in the
5 prevention of alcohol-related criminal violence throughout
6 the State; police officer training and education in areas
7 related to alcohol-related crime, including, but not
8 limited to, DUI training; and police officer salaries,
9 including, but not limited to, salaries for hire-back
10 funding for safety checkpoints, saturation patrols, and
11 liquor store sting operations. Any moneys shall be used to
12 purchase law enforcement equipment that will assist in the
13 prevention of alcohol-related criminal violence throughout
14 the State. The money shall be remitted monthly by the
15 clerk to the State or local treasurer for deposit as
16 provided by law.

17 (7) The Trauma Center Fund shall be distributed as
18 provided under Section 3.225 of the Emergency Medical
19 Services (EMS) Systems Act.

20 (8) The Probation and Court Services Fund is to be
21 expended as described in Section 15.1 of the Probation and
22 Probation Officers Act.

23 (9) The Circuit Court Clerk Electronic Citation Fund
24 shall have the Circuit Court Clerk as the custodian, ex
25 officio, of the Fund and shall be used to perform the
26 duties required by the office for establishing and

1 maintaining electronic citations. The Fund shall be
2 audited by the county's auditor.

3 (10) The Drug Treatment Fund is a special fund in the
4 State treasury. Moneys in the Fund shall be expended as
5 provided in Section 411.2 of the Illinois Controlled
6 Substances Act.

7 (11) The Violent Crime Victims Assistance Fund is a
8 special fund in the State treasury to provide moneys for
9 the grants to be awarded under the Violent Crime Victims
10 Assistance Act.

11 (12) The Criminal Justice Information Projects Fund
12 shall be appropriated to and administered by the Illinois
13 Criminal Justice Information Authority for distribution to
14 fund Illinois ~~Department of~~ State Police drug task forces
15 and Metropolitan Enforcement Groups, for the costs
16 associated with making grants from the Prescription Pill
17 and Drug Disposal Fund, for undertaking criminal justice
18 information projects, and for the operating and other
19 expenses of the Authority incidental to those criminal
20 justice information projects. The moneys deposited into
21 the Criminal Justice Information Projects Fund under
22 Sections 15-15 and 15-35 of this Act shall be appropriated
23 to and administered by the Illinois Criminal Justice
24 Information Authority for distribution to fund Illinois
25 ~~Department of~~ State Police drug task forces and
26 Metropolitan Enforcement Groups by dividing the funds

1 equally by the total number of Illinois ~~Department of~~
2 State Police drug task forces and Illinois Metropolitan
3 Enforcement Groups.

4 (13) The Sexual Assault Services Fund shall be
5 appropriated to the Department of Public Health. Upon
6 appropriation of moneys from the Sexual Assault Services
7 Fund, the Department of Public Health shall make grants of
8 these moneys to sexual assault organizations with whom the
9 Department has contracts for the purpose of providing
10 community-based services to victims of sexual assault.
11 Grants are in addition to, and are not substitutes for,
12 other grants authorized and made by the Department.

13 (14) The County Jail Medical Costs Fund is to help
14 defray the costs outlined in Section 17 of the County Jail
15 Act. Moneys in the Fund shall be used solely for
16 reimbursement to the county of costs for medical expenses
17 and administration of the Fund.

18 (15) The Prisoner Review Board Vehicle and Equipment
19 Fund is a special fund in the State treasury. The Prisoner
20 Review Board shall, subject to appropriation by the
21 General Assembly and approval by the Secretary, use all
22 moneys in the Prisoner Review Board Vehicle and Equipment
23 Fund for the purchase and operation of vehicles and
24 equipment.

25 (16) In each county in which a Children's Advocacy
26 Center provides services, a Child Advocacy Center Fund is

1 specifically for the operation and administration of the
2 Children's Advocacy Center, from which the county board
3 shall make grants to support the activities and services
4 of the Children's Advocacy Center within that county.

5 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
6 101-636, eff. 6-10-20.)

7 (705 ILCS 135/15-70)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 15-70. Conditional assessments. In addition to
10 payments under one of the Schedule of Assessments 1 through 13
11 of this Act, the court shall also order payment of any of the
12 following conditional assessment amounts for each sentenced
13 violation in the case to which a conditional assessment is
14 applicable, which shall be collected and remitted by the Clerk
15 of the Circuit Court as provided in this Section:

16 (1) arson, residential arson, or aggravated arson,
17 \$500 per conviction to the State Treasurer for deposit
18 into the Fire Prevention Fund;

19 (2) child pornography under Section 11-20.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, \$500
21 per conviction, unless more than one agency is responsible
22 for the arrest in which case the amount shall be remitted
23 to each unit of government equally:

24 (A) if the arresting agency is an agency of a unit
25 of local government, \$500 to the treasurer of the unit

1 of local government for deposit into the unit of local
2 government's General Fund, except that if the Illinois
3 ~~Department~~ of State Police provides digital or
4 electronic forensic examination assistance, or both,
5 to the arresting agency then \$100 to the State
6 Treasurer for deposit into the State Crime Laboratory
7 Fund; or

8 (B) if the arresting agency is the Illinois
9 ~~Department~~ of State Police, \$500 to the State
10 Treasurer for deposit into the State Crime Laboratory
11 Fund;

12 (3) crime laboratory drug analysis for a drug-related
13 offense involving possession or delivery of cannabis or
14 possession or delivery of a controlled substance as
15 defined in the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act, \$100 reimbursement for
18 laboratory analysis, as set forth in subsection (f) of
19 Section 5-9-1.4 of the Unified Code of Corrections;

20 (4) DNA analysis, \$250 on each conviction in which it
21 was used to the State Treasurer for deposit into the State
22 Offender DNA Identification System Fund as set forth in
23 Section 5-4-3 of the Unified Code of Corrections;

24 (5) DUI analysis, \$150 on each sentenced violation in
25 which it was used as set forth in subsection (f) of Section
26 5-9-1.9 of the Unified Code of Corrections;

1 (6) drug-related offense involving possession or
2 delivery of cannabis or possession or delivery of a
3 controlled substance, other than methamphetamine, as
4 defined in the Cannabis Control Act or the Illinois
5 Controlled Substances Act, an amount not less than the
6 full street value of the cannabis or controlled substance
7 seized for each conviction to be disbursed as follows:

8 (A) 12.5% of the street value assessment shall be
9 paid into the Youth Drug Abuse Prevention Fund, to be
10 used by the Department of Human Services for the
11 funding of programs and services for drug-abuse
12 treatment, and prevention and education services;

13 (B) 37.5% to the county in which the charge was
14 prosecuted, to be deposited into the county General
15 Fund;

16 (C) 50% to the treasurer of the arresting law
17 enforcement agency of the municipality or county, or
18 to the State Treasurer if the arresting agency was a
19 state agency;

20 (D) if the arrest was made in combination with
21 multiple law enforcement agencies, the clerk shall
22 equitably allocate the portion in subparagraph (C) of
23 this paragraph (6) among the law enforcement agencies
24 involved in the arrest;

25 (6.5) Kane County or Will County, in felony,
26 misdemeanor, local or county ordinance, traffic, or

1 conservation cases, up to \$30 as set by the county board
2 under Section 5-1101.3 of the Counties Code upon the entry
3 of a judgment of conviction, an order of supervision, or a
4 sentence of probation without entry of judgment under
5 Section 10 of the Cannabis Control Act, Section 410 of the
6 Illinois Controlled Substances Act, Section 70 of the
7 Methamphetamine Control and Community Protection Act,
8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 Section 10-102 of the Illinois Alcoholism and Other Drug
11 Dependency Act, or Section 10 of the Steroid Control Act;
12 except in local or county ordinance, traffic, and
13 conservation cases, if fines are paid in full without a
14 court appearance, then the assessment shall not be imposed
15 or collected. Distribution of assessments collected under
16 this paragraph (6.5) shall be as provided in Section
17 5-1101.3 of the Counties Code;

18 (7) methamphetamine-related offense involving
19 possession or delivery of methamphetamine or any salt of
20 an optical isomer of methamphetamine or possession of a
21 methamphetamine manufacturing material as set forth in
22 Section 10 of the Methamphetamine Control and Community
23 Protection Act with the intent to manufacture a substance
24 containing methamphetamine or salt of an optical isomer of
25 methamphetamine, an amount not less than the full street
26 value of the methamphetamine or salt of an optical isomer

1 of methamphetamine or methamphetamine manufacturing
2 materials seized for each conviction to be disbursed as
3 follows:

4 (A) 12.5% of the street value assessment shall be
5 paid into the Youth Drug Abuse Prevention Fund, to be
6 used by the Department of Human Services for the
7 funding of programs and services for drug-abuse
8 treatment, and prevention and education services;

9 (B) 37.5% to the county in which the charge was
10 prosecuted, to be deposited into the county General
11 Fund;

12 (C) 50% to the treasurer of the arresting law
13 enforcement agency of the municipality or county, or
14 to the State Treasurer if the arresting agency was a
15 state agency;

16 (D) if the arrest was made in combination with
17 multiple law enforcement agencies, the clerk shall
18 equitably allocate the portion in subparagraph (C) of
19 this paragraph (6) among the law enforcement agencies
20 involved in the arrest;

21 (8) order of protection violation under Section 12-3.4
22 of the Criminal Code of 2012, \$200 for each conviction to
23 the county treasurer for deposit into the Probation and
24 Court Services Fund for implementation of a domestic
25 violence surveillance program and any other assessments or
26 fees imposed under Section 5-9-1.16 of the Unified Code of

1 Corrections;

2 (9) order of protection violation, \$25 for each
3 violation to the State Treasurer, for deposit into the
4 Domestic Violence Abuser Services Fund;

5 (10) prosecution by the State's Attorney of a:

6 (A) petty or business offense, \$4 to the county
7 treasurer of which \$2 deposited into the State's
8 Attorney Records Automation Fund and \$2 into the
9 Public Defender Records Automation Fund;

10 (B) conservation or traffic offense, \$2 to the
11 county treasurer for deposit into the State's Attorney
12 Records Automation Fund;

13 (11) speeding in a construction zone violation, \$250
14 to the State Treasurer for deposit into the Transportation
15 Safety Highway Hire-back Fund, unless (i) the violation
16 occurred on a highway other than an interstate highway and
17 (ii) a county police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's Transportation Safety Highway
20 Hire-back Fund;

21 (12) supervision disposition on an offense under the
22 Illinois Vehicle Code or similar provision of a local
23 ordinance, 50 cents, unless waived by the court, into the
24 Prisoner Review Board Vehicle and Equipment Fund;

25 (13) victim and offender are family or household
26 members as defined in Section 103 of the Illinois Domestic

1 Violence Act of 1986 and offender pleads guilty or no
2 contest to or is convicted of murder, voluntary
3 manslaughter, involuntary manslaughter, burglary,
4 residential burglary, criminal trespass to residence,
5 criminal trespass to vehicle, criminal trespass to land,
6 criminal damage to property, telephone harassment,
7 kidnapping, aggravated kidnaping, unlawful restraint,
8 forcible detention, child abduction, indecent solicitation
9 of a child, sexual relations between siblings,
10 exploitation of a child, child pornography, assault,
11 aggravated assault, battery, aggravated battery, heinous
12 battery, aggravated battery of a child, domestic battery,
13 reckless conduct, intimidation, criminal sexual assault,
14 predatory criminal sexual assault of a child, aggravated
15 criminal sexual assault, criminal sexual abuse, aggravated
16 criminal sexual abuse, violation of an order of
17 protection, disorderly conduct, endangering the life or
18 health of a child, child abandonment, contributing to
19 dependency or neglect of child, or cruelty to children and
20 others, \$200 for each sentenced violation to the State
21 Treasurer for deposit as follows: (i) for sexual assault,
22 as defined in Section 5-9-1.7 of the Unified Code of
23 Corrections, when the offender and victim are family
24 members, one-half to the Domestic Violence Shelter and
25 Service Fund, and one-half to the Sexual Assault Services
26 Fund; (ii) for the remaining offenses to the Domestic

1 Violence Shelter and Service Fund;

2 (14) violation of Section 11-501 of the Illinois
3 Vehicle Code, Section 5-7 of the Snowmobile Registration
4 and Safety Act, Section 5-16 of the Boat Registration and
5 Safety Act, or a similar provision, whose operation of a
6 motor vehicle, snowmobile, or watercraft while in
7 violation of Section 11-501, Section 5-7 of the Snowmobile
8 Registration and Safety Act, Section 5-16 of the Boat
9 Registration and Safety Act, or a similar provision
10 proximately caused an incident resulting in an appropriate
11 emergency response, \$1,000 maximum to the public agency
12 that provided an emergency response related to the
13 person's violation, and if more than one agency responded,
14 the amount payable to public agencies shall be shared
15 equally;

16 (15) violation of Section 401, 407, or 407.2 of the
17 Illinois Controlled Substances Act that proximately caused
18 any incident resulting in an appropriate drug-related
19 emergency response, \$1,000 as reimbursement for the
20 emergency response to the law enforcement agency that made
21 the arrest, and if more than one agency is responsible for
22 the arrest, the amount payable to law enforcement agencies
23 shall be shared equally;

24 (16) violation of reckless driving, aggravated
25 reckless driving, or driving 26 miles per hour or more in
26 excess of the speed limit that triggered an emergency

1 response, \$1,000 maximum reimbursement for the emergency
2 response to be distributed in its entirety to a public
3 agency that provided an emergency response related to the
4 person's violation, and if more than one agency responded,
5 the amount payable to public agencies shall be shared
6 equally;

7 (17) violation based upon each plea of guilty,
8 stipulation of facts, or finding of guilt resulting in a
9 judgment of conviction or order of supervision for an
10 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
11 the Criminal Code of 2012 that results in the imposition
12 of a fine, to be distributed as follows:

13 (A) \$50 to the county treasurer for deposit into
14 the Circuit Court Clerk Operation and Administrative
15 Fund to cover the costs in administering this
16 paragraph (17);

17 (B) \$300 to the State Treasurer who shall deposit
18 the portion as follows:

19 (i) if the arresting or investigating agency
20 is the Illinois ~~Department of~~ State Police, into
21 the State Police Law Enforcement Administration
22 Fund;

23 (ii) if the arresting or investigating agency
24 is the Department of Natural Resources, into the
25 Conservation Police Operations Assistance Fund;

26 (iii) if the arresting or investigating agency

1 is the Secretary of State, into the Secretary of
2 State Police Services Fund;

3 (iv) if the arresting or investigating agency
4 is the Illinois Commerce Commission, into the
5 Transportation Regulatory Fund; or

6 (v) if more than one of the State agencies in
7 this subparagraph (B) is the arresting or
8 investigating agency, then equal shares with the
9 shares deposited as provided in the applicable
10 items (i) through (iv) of this subparagraph (B);
11 and

12 (C) the remainder for deposit into the Specialized
13 Services for Survivors of Human Trafficking Fund;

14 (18) weapons violation under Section 24-1.1, 24-1.2,
15 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, \$100 for each conviction to the State Treasurer
17 for deposit into the Trauma Center Fund; and

18 (19) violation of subsection (c) of Section 11-907 of
19 the Illinois Vehicle Code, \$250 to the State Treasurer for
20 deposit into the Scott's Law Fund, unless a county or
21 municipal police officer wrote the ticket for the
22 violation, in which case to the county treasurer for
23 deposit into that county's or municipality's
24 Transportation Safety Highway Hire-back Fund to be used as
25 provided in subsection (j) of Section 11-907 of the
26 Illinois Vehicle Code.

1 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
2 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

3 Section 975. The Juvenile Court Act of 1987 is amended by
4 changing Sections 1-3, 1-7, 1-8, 2-21, 2-25, 3-26, 4-23,
5 5-105, 5-301, 5-305, 5-730, 5-901, and 5-915 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13, 3-15
12 or 4-12 that a minor under 18 years of age is abused, neglected
13 or dependent, or requires authoritative intervention, or
14 addicted, respectively, are supported by a preponderance of
15 the evidence or whether the allegations of a petition under
16 Section 5-520 that a minor is delinquent are proved beyond a
17 reasonable doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility
20 legally authorized or licensed by this State for placement or
21 institutional care or for both placement and institutional
22 care.

23 (4) "Association" means any organization, public or
24 private, engaged in welfare functions which include services

1 to or on behalf of children but does not include "agency" as
2 herein defined.

3 (4.05) Whenever a "best interest" determination is
4 required, the following factors shall be considered in the
5 context of the child's age and developmental needs:

6 (a) the physical safety and welfare of the child,
7 including food, shelter, health, and clothing;

8 (b) the development of the child's identity;

9 (c) the child's background and ties, including
10 familial, cultural, and religious;

11 (d) the child's sense of attachments, including:

12 (i) where the child actually feels love,
13 attachment, and a sense of being valued (as opposed to
14 where adults believe the child should feel such love,
15 attachment, and a sense of being valued);

16 (ii) the child's sense of security;

17 (iii) the child's sense of familiarity;

18 (iv) continuity of affection for the child;

19 (v) the least disruptive placement alternative for
20 the child;

21 (e) the child's wishes and long-term goals;

22 (f) the child's community ties, including church,
23 school, and friends;

24 (g) the child's need for permanence which includes the
25 child's need for stability and continuity of relationships
26 with parent figures and with siblings and other relatives;

- 1 (h) the uniqueness of every family and child;
- 2 (i) the risks attendant to entering and being in
3 substitute care; and
- 4 (j) the preferences of the persons available to care
5 for the child.

6 (4.1) "Chronic truant" shall have the definition ascribed
7 to it in Section 26-2a of the School Code.

8 (5) "Court" means the circuit court in a session or
9 division assigned to hear proceedings under this Act.

10 (6) "Dispositional hearing" means a hearing to determine
11 whether a minor should be adjudged to be a ward of the court,
12 and to determine what order of disposition should be made in
13 respect to a minor adjudged to be a ward of the court.

14 (6.5) "Dissemination" or "disseminate" means to publish,
15 produce, print, manufacture, distribute, sell, lease, exhibit,
16 broadcast, display, transmit, or otherwise share information
17 in any format so as to make the information accessible to
18 others.

19 (7) "Emancipated minor" means any minor 16 years of age or
20 over who has been completely or partially emancipated under
21 the Emancipation of Minors Act or under this Act.

22 (7.03) "Expunge" means to physically destroy the records
23 and to obliterate the minor's name from any official index,
24 public record, or electronic database.

25 (7.05) "Foster parent" includes a relative caregiver
26 selected by the Department of Children and Family Services to

1 provide care for the minor.

2 (8) "Guardianship of the person" of a minor means the duty
3 and authority to act in the best interests of the minor,
4 subject to residual parental rights and responsibilities, to
5 make important decisions in matters having a permanent effect
6 on the life and development of the minor and to be concerned
7 with his or her general welfare. It includes but is not
8 necessarily limited to:

9 (a) the authority to consent to marriage, to
10 enlistment in the armed forces of the United States, or to
11 a major medical, psychiatric, and surgical treatment; to
12 represent the minor in legal actions; and to make other
13 decisions of substantial legal significance concerning the
14 minor;

15 (b) the authority and duty of reasonable visitation,
16 except to the extent that these have been limited in the
17 best interests of the minor by court order;

18 (c) the rights and responsibilities of legal custody
19 except where legal custody has been vested in another
20 person or agency; and

21 (d) the power to consent to the adoption of the minor,
22 but only if expressly conferred on the guardian in
23 accordance with Section 2-29, 3-30, or 4-27.

24 (8.1) "Juvenile court record" includes, but is not limited
25 to:

26 (a) all documents filed in or maintained by the

1 juvenile court pertaining to a specific incident,
2 proceeding, or individual;

3 (b) all documents relating to a specific incident,
4 proceeding, or individual made available to or maintained
5 by probation officers;

6 (c) all documents, video or audio tapes, photographs,
7 and exhibits admitted into evidence at juvenile court
8 hearings; or

9 (d) all documents, transcripts, records, reports, or
10 other evidence prepared by, maintained by, or released by
11 any municipal, county, or State agency or department, in
12 any format, if indicating involvement with the juvenile
13 court relating to a specific incident, proceeding, or
14 individual.

15 (8.2) "Juvenile law enforcement record" includes records
16 of arrest, station adjustments, fingerprints, probation
17 adjustments, the issuance of a notice to appear, or any other
18 records or documents maintained by any law enforcement agency
19 relating to a minor suspected of committing an offense, and
20 records maintained by a law enforcement agency that identifies
21 a juvenile as a suspect in committing an offense, but does not
22 include records identifying a juvenile as a victim, witness,
23 or missing juvenile and any records created, maintained, or
24 used for purposes of referral to programs relating to
25 diversion as defined in subsection (6) of Section 5-105.

26 (9) "Legal custody" means the relationship created by an

1 order of court in the best interests of the minor which imposes
2 on the custodian the responsibility of physical possession of
3 a minor and the duty to protect, train and discipline him and
4 to provide him with food, shelter, education and ordinary
5 medical care, except as these are limited by residual parental
6 rights and responsibilities and the rights and
7 responsibilities of the guardian of the person, if any.

8 (9.1) "Mentally capable adult relative" means a person 21
9 years of age or older who is not suffering from a mental
10 illness that prevents him or her from providing the care
11 necessary to safeguard the physical safety and welfare of a
12 minor who is left in that person's care by the parent or
13 parents or other person responsible for the minor's welfare.

14 (10) "Minor" means a person under the age of 21 years
15 subject to this Act.

16 (11) "Parent" means a father or mother of a child and
17 includes any adoptive parent. It also includes a person (i)
18 whose parentage is presumed or has been established under the
19 law of this or another jurisdiction or (ii) who has registered
20 with the Putative Father Registry in accordance with Section
21 12.1 of the Adoption Act and whose paternity has not been ruled
22 out under the law of this or another jurisdiction. It does not
23 include a parent whose rights in respect to the minor have been
24 terminated in any manner provided by law. It does not include a
25 person who has been or could be determined to be a parent under
26 the Illinois Parentage Act of 1984 or the Illinois Parentage

1 Act of 2015, or similar parentage law in any other state, if
2 that person has been convicted of or pled nolo contendere to a
3 crime that resulted in the conception of the child under
4 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
5 12-14.1, subsection (a) or (b) (but not subsection (c)) of
6 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
7 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, or similar
9 statute in another jurisdiction unless upon motion of any
10 party, other than the offender, to the juvenile court
11 proceedings the court finds it is in the child's best interest
12 to deem the offender a parent for purposes of the juvenile
13 court proceedings.

14 (11.1) "Permanency goal" means a goal set by the court as
15 defined in subdivision (2) of Section 2-28.

16 (11.2) "Permanency hearing" means a hearing to set the
17 permanency goal and to review and determine (i) the
18 appropriateness of the services contained in the plan and
19 whether those services have been provided, (ii) whether
20 reasonable efforts have been made by all the parties to the
21 service plan to achieve the goal, and (iii) whether the plan
22 and goal have been achieved.

23 (12) "Petition" means the petition provided for in Section
24 2-13, 3-15, 4-12 or 5-520, including any supplemental
25 petitions thereunder in Section 3-15, 4-12 or 5-520.

26 (12.1) "Physically capable adult relative" means a person

1 21 years of age or older who does not have a severe physical
2 disability or medical condition, or is not suffering from
3 alcoholism or drug addiction, that prevents him or her from
4 providing the care necessary to safeguard the physical safety
5 and welfare of a minor who is left in that person's care by the
6 parent or parents or other person responsible for the minor's
7 welfare.

8 (12.2) "Post Permanency Sibling Contact Agreement" has the
9 meaning ascribed to the term in Section 7.4 of the Children and
10 Family Services Act.

11 (12.3) "Residential treatment center" means a licensed
12 setting that provides 24-hour care to children in a group home
13 or institution, including a facility licensed as a child care
14 institution under Section 2.06 of the Child Care Act of 1969, a
15 licensed group home under Section 2.16 of the Child Care Act of
16 1969, a secure child care facility as defined in paragraph
17 (18) of this Section, or any similar facility in another
18 state. "Residential treatment center" does not include a
19 relative foster home or a licensed foster family home.

20 (13) "Residual parental rights and responsibilities" means
21 those rights and responsibilities remaining with the parent
22 after the transfer of legal custody or guardianship of the
23 person, including, but not necessarily limited to, the right
24 to reasonable visitation (which may be limited by the court in
25 the best interests of the minor as provided in subsection
26 (8)(b) of this Section), the right to consent to adoption, the

1 right to determine the minor's religious affiliation, and the
2 responsibility for his support.

3 (14) "Shelter" means the temporary care of a minor in
4 physically unrestricting facilities pending court disposition
5 or execution of court order for placement.

6 (14.05) "Shelter placement" means a temporary or emergency
7 placement for a minor, including an emergency foster home
8 placement.

9 (14.1) "Sibling Contact Support Plan" has the meaning
10 ascribed to the term in Section 7.4 of the Children and Family
11 Services Act.

12 (14.2) "Significant event report" means a written document
13 describing an occurrence or event beyond the customary
14 operations, routines, or relationships in the Department of
15 Children of Family Services, a child care facility, or other
16 entity that is licensed or regulated by the Department of
17 Children of Family Services or that provides services for the
18 Department of Children of Family Services under a grant,
19 contract, or purchase of service agreement; involving children
20 or youth, employees, foster parents, or relative caregivers;
21 allegations of abuse or neglect or any other incident raising
22 a concern about the well-being of a minor under the
23 jurisdiction of the court under Article II of the Juvenile
24 Court Act; incidents involving damage to property, allegations
25 of criminal activity, misconduct, or other occurrences
26 affecting the operations of the Department of Children of

1 Family Services or a child care facility; any incident that
2 could have media impact; and unusual incidents as defined by
3 Department of Children and Family Services rule.

4 (15) "Station adjustment" means the informal handling of
5 an alleged offender by a juvenile police officer.

6 (16) "Ward of the court" means a minor who is so adjudged
7 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
8 requisite jurisdictional facts, and thus is subject to the
9 dispositional powers of the court under this Act.

10 (17) "Juvenile police officer" means a sworn police
11 officer who has completed a Basic Recruit Training Course, has
12 been assigned to the position of juvenile police officer by
13 his or her chief law enforcement officer and has completed the
14 necessary juvenile officers training as prescribed by the
15 Illinois Law Enforcement Training Standards Board, or in the
16 case of a State police officer, juvenile officer training
17 approved by the Director of the Illinois ~~Department of State~~
18 Police.

19 (18) "Secure child care facility" means any child care
20 facility licensed by the Department of Children and Family
21 Services to provide secure living arrangements for children
22 under 18 years of age who are subject to placement in
23 facilities under the Children and Family Services Act and who
24 are not subject to placement in facilities for whom standards
25 are established by the Department of Corrections under Section
26 3-15-2 of the Unified Code of Corrections. "Secure child care

1 facility" also means a facility that is designed and operated
2 to ensure that all entrances and exits from the facility, a
3 building, or a distinct part of the building are under the
4 exclusive control of the staff of the facility, whether or not
5 the child has the freedom of movement within the perimeter of
6 the facility, building, or distinct part of the building.

7 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
8 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
9 8-14-18; 100-1162, eff. 12-20-18.)

10 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

11 Sec. 1-7. Confidentiality of juvenile law enforcement and
12 municipal ordinance violation records.

13 (A) All juvenile law enforcement records which have not
14 been expunged are confidential and may never be disclosed to
15 the general public or otherwise made widely available.
16 Juvenile law enforcement records may be obtained only under
17 this Section and Section 1-8 and Part 9 of Article V of this
18 Act, when their use is needed for good cause and with an order
19 from the juvenile court, as required by those not authorized
20 to retain them. Inspection, copying, and disclosure of
21 juvenile law enforcement records maintained by law enforcement
22 agencies or records of municipal ordinance violations
23 maintained by any State, local, or municipal agency that
24 relate to a minor who has been investigated, arrested, or
25 taken into custody before his or her 18th birthday shall be

1 restricted to the following:

2 (0.05) The minor who is the subject of the juvenile
3 law enforcement record, his or her parents, guardian, and
4 counsel.

5 (0.10) Judges of the circuit court and members of the
6 staff of the court designated by the judge.

7 (0.15) An administrative adjudication hearing officer
8 or members of the staff designated to assist in the
9 administrative adjudication process.

10 (1) Any local, State, or federal law enforcement
11 officers or designated law enforcement staff of any
12 jurisdiction or agency when necessary for the discharge of
13 their official duties during the investigation or
14 prosecution of a crime or relating to a minor who has been
15 adjudicated delinquent and there has been a previous
16 finding that the act which constitutes the previous
17 offense was committed in furtherance of criminal
18 activities by a criminal street gang, or, when necessary
19 for the discharge of its official duties in connection
20 with a particular investigation of the conduct of a law
21 enforcement officer, an independent agency or its staff
22 created by ordinance and charged by a unit of local
23 government with the duty of investigating the conduct of
24 law enforcement officers. For purposes of this Section,
25 "criminal street gang" has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (2) Prosecutors, public defenders, probation officers,
3 social workers, or other individuals assigned by the court
4 to conduct a pre-adjudication or pre-disposition
5 investigation, and individuals responsible for supervising
6 or providing temporary or permanent care and custody for
7 minors under the order of the juvenile court, when
8 essential to performing their responsibilities.

9 (3) Federal, State, or local prosecutors, public
10 defenders, probation officers, and designated staff:

11 (a) in the course of a trial when institution of
12 criminal proceedings has been permitted or required
13 under Section 5-805;

14 (b) when institution of criminal proceedings has
15 been permitted or required under Section 5-805 and the
16 minor is the subject of a proceeding to determine the
17 amount of bail;

18 (c) when criminal proceedings have been permitted
19 or required under Section 5-805 and the minor is the
20 subject of a pre-trial investigation, pre-sentence
21 investigation, fitness hearing, or proceedings on an
22 application for probation; or

23 (d) in the course of prosecution or administrative
24 adjudication of a violation of a traffic, boating, or
25 fish and game law, or a county or municipal ordinance.

26 (4) Adult and Juvenile Prisoner Review Board.

1 (5) Authorized military personnel.

2 (5.5) Employees of the federal government authorized
3 by law.

4 (6) Persons engaged in bona fide research, with the
5 permission of the Presiding Judge and the chief executive
6 of the respective law enforcement agency; provided that
7 publication of such research results in no disclosure of a
8 minor's identity and protects the confidentiality of the
9 minor's record.

10 (7) Department of Children and Family Services child
11 protection investigators acting in their official
12 capacity.

13 (8) The appropriate school official only if the agency
14 or officer believes that there is an imminent threat of
15 physical harm to students, school personnel, or others who
16 are present in the school or on school grounds.

17 (A) Inspection and copying shall be limited to
18 juvenile law enforcement records transmitted to the
19 appropriate school official or officials whom the
20 school has determined to have a legitimate educational
21 or safety interest by a local law enforcement agency
22 under a reciprocal reporting system established and
23 maintained between the school district and the local
24 law enforcement agency under Section 10-20.14 of the
25 School Code concerning a minor enrolled in a school
26 within the school district who has been arrested or

1 taken into custody for any of the following offenses:

2 (i) any violation of Article 24 of the
3 Criminal Code of 1961 or the Criminal Code of
4 2012;

5 (ii) a violation of the Illinois Controlled
6 Substances Act;

7 (iii) a violation of the Cannabis Control Act;

8 (iv) a forcible felony as defined in Section
9 2-8 of the Criminal Code of 1961 or the Criminal
10 Code of 2012;

11 (v) a violation of the Methamphetamine Control
12 and Community Protection Act;

13 (vi) a violation of Section 1-2 of the
14 Harassing and Obscene Communications Act;

15 (vii) a violation of the Hazing Act; or

16 (viii) a violation of Section 12-1, 12-2,
17 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
18 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
19 Criminal Code of 1961 or the Criminal Code of
20 2012.

21 The information derived from the juvenile law
22 enforcement records shall be kept separate from and
23 shall not become a part of the official school record
24 of that child and shall not be a public record. The
25 information shall be used solely by the appropriate
26 school official or officials whom the school has

1 determined to have a legitimate educational or safety
2 interest to aid in the proper rehabilitation of the
3 child and to protect the safety of students and
4 employees in the school. If the designated law
5 enforcement and school officials deem it to be in the
6 best interest of the minor, the student may be
7 referred to in-school or community-based social
8 services if those services are available.
9 "Rehabilitation services" may include interventions by
10 school support personnel, evaluation for eligibility
11 for special education, referrals to community-based
12 agencies such as youth services, behavioral healthcare
13 service providers, drug and alcohol prevention or
14 treatment programs, and other interventions as deemed
15 appropriate for the student.

16 (B) Any information provided to appropriate school
17 officials whom the school has determined to have a
18 legitimate educational or safety interest by local law
19 enforcement officials about a minor who is the subject
20 of a current police investigation that is directly
21 related to school safety shall consist of oral
22 information only, and not written juvenile law
23 enforcement records, and shall be used solely by the
24 appropriate school official or officials to protect
25 the safety of students and employees in the school and
26 aid in the proper rehabilitation of the child. The

1 information derived orally from the local law
2 enforcement officials shall be kept separate from and
3 shall not become a part of the official school record
4 of the child and shall not be a public record. This
5 limitation on the use of information about a minor who
6 is the subject of a current police investigation shall
7 in no way limit the use of this information by
8 prosecutors in pursuing criminal charges arising out
9 of the information disclosed during a police
10 investigation of the minor. For purposes of this
11 paragraph, "investigation" means an official
12 systematic inquiry by a law enforcement agency into
13 actual or suspected criminal activity.

14 (9) Mental health professionals on behalf of the
15 Department of Corrections or the Department of Human
16 Services or prosecutors who are evaluating, prosecuting,
17 or investigating a potential or actual petition brought
18 under the Sexually Violent Persons Commitment Act relating
19 to a person who is the subject of juvenile law enforcement
20 records or the respondent to a petition brought under the
21 Sexually Violent Persons Commitment Act who is the subject
22 of the juvenile law enforcement records sought. Any
23 juvenile law enforcement records and any information
24 obtained from those juvenile law enforcement records under
25 this paragraph (9) may be used only in sexually violent
26 persons commitment proceedings.

1 (10) The president of a park district. Inspection and
2 copying shall be limited to juvenile law enforcement
3 records transmitted to the president of the park district
4 by the Illinois ~~Department of~~ State Police under Section
5 8-23 of the Park District Code or Section 16a-5 of the
6 Chicago Park District Act concerning a person who is
7 seeking employment with that park district and who has
8 been adjudicated a juvenile delinquent for any of the
9 offenses listed in subsection (c) of Section 8-23 of the
10 Park District Code or subsection (c) of Section 16a-5 of
11 the Chicago Park District Act.

12 (11) Persons managing and designated to participate in
13 a court diversion program as designated in subsection (6)
14 of Section 5-105.

15 (12) The Public Access Counselor of the Office of the
16 Attorney General, when reviewing juvenile law enforcement
17 records under its powers and duties under the Freedom of
18 Information Act.

19 (13) Collection agencies, contracted or otherwise
20 engaged by a governmental entity, to collect any debts due
21 and owing to the governmental entity.

22 (B)(1) Except as provided in paragraph (2), no law
23 enforcement officer or other person or agency may knowingly
24 transmit to the Department of Corrections, the Illinois
25 ~~Department of~~ State Police, or ~~to~~ the Federal Bureau of
26 Investigation any fingerprint or photograph relating to a

1 minor who has been arrested or taken into custody before his or
2 her 18th birthday, unless the court in proceedings under this
3 Act authorizes the transmission or enters an order under
4 Section 5-805 permitting or requiring the institution of
5 criminal proceedings.

6 (2) Law enforcement officers or other persons or agencies
7 shall transmit to the Illinois ~~Department of~~ State Police
8 copies of fingerprints and descriptions of all minors who have
9 been arrested or taken into custody before their 18th birthday
10 for the offense of unlawful use of weapons under Article 24 of
11 the Criminal Code of 1961 or the Criminal Code of 2012, a Class
12 X or Class 1 felony, a forcible felony as defined in Section
13 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 or a Class 2 or greater felony under the Cannabis Control Act,
15 the Illinois Controlled Substances Act, the Methamphetamine
16 Control and Community Protection Act, or Chapter 4 of the
17 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
18 Identification Act. Information reported to the Department
19 pursuant to this Section may be maintained with records that
20 the Department files pursuant to Section 2.1 of the Criminal
21 Identification Act. Nothing in this Act prohibits a law
22 enforcement agency from fingerprinting a minor taken into
23 custody or arrested before his or her 18th birthday for an
24 offense other than those listed in this paragraph (2).

25 (C) The records of law enforcement officers, or of an
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct
2 of law enforcement officers, concerning all minors under 18
3 years of age must be maintained separate from the records of
4 arrests and may not be open to public inspection or their
5 contents disclosed to the public. For purposes of obtaining
6 documents under this Section, a civil subpoena is not an order
7 of the court.

8 (1) In cases where the law enforcement, or independent
9 agency, records concern a pending juvenile court case, the
10 party seeking to inspect the records shall provide actual
11 notice to the attorney or guardian ad litem of the minor
12 whose records are sought.

13 (2) In cases where the records concern a juvenile
14 court case that is no longer pending, the party seeking to
15 inspect the records shall provide actual notice to the
16 minor or the minor's parent or legal guardian, and the
17 matter shall be referred to the chief judge presiding over
18 matters pursuant to this Act.

19 (3) In determining whether the records should be
20 available for inspection, the court shall consider the
21 minor's interest in confidentiality and rehabilitation
22 over the moving party's interest in obtaining the
23 information. Any records obtained in violation of this
24 subsection (C) shall not be admissible in any criminal or
25 civil proceeding, or operate to disqualify a minor from
26 subsequently holding public office or securing employment,

1 or operate as a forfeiture of any public benefit, right,
2 privilege, or right to receive any license granted by
3 public authority.

4 (D) Nothing contained in subsection (C) of this Section
5 shall prohibit the inspection or disclosure to victims and
6 witnesses of photographs contained in the records of law
7 enforcement agencies when the inspection and disclosure is
8 conducted in the presence of a law enforcement officer for the
9 purpose of the identification or apprehension of any person
10 subject to the provisions of this Act or for the investigation
11 or prosecution of any crime.

12 (E) Law enforcement officers, and personnel of an
13 independent agency created by ordinance and charged by a unit
14 of local government with the duty of investigating the conduct
15 of law enforcement officers, may not disclose the identity of
16 any minor in releasing information to the general public as to
17 the arrest, investigation or disposition of any case involving
18 a minor.

19 (F) Nothing contained in this Section shall prohibit law
20 enforcement agencies from communicating with each other by
21 letter, memorandum, teletype, or intelligence alert bulletin
22 or other means the identity or other relevant information
23 pertaining to a person under 18 years of age if there are
24 reasonable grounds to believe that the person poses a real and
25 present danger to the safety of the public or law enforcement
26 officers. The information provided under this subsection (F)

1 shall remain confidential and shall not be publicly disclosed,
2 except as otherwise allowed by law.

3 (G) Nothing in this Section shall prohibit the right of a
4 Civil Service Commission or appointing authority of any
5 federal government, state, county or municipality examining
6 the character and fitness of an applicant for employment with
7 a law enforcement agency, correctional institution, or fire
8 department from obtaining and examining the records of any law
9 enforcement agency relating to any record of the applicant
10 having been arrested or taken into custody before the
11 applicant's 18th birthday.

12 (G-5) Information identifying victims and alleged victims
13 of sex offenses shall not be disclosed or open to the public
14 under any circumstances. Nothing in this Section shall
15 prohibit the victim or alleged victim of any sex offense from
16 voluntarily disclosing his or her own identity.

17 (H) The changes made to this Section by Public Act 98-61
18 apply to law enforcement records of a minor who has been
19 arrested or taken into custody on or after January 1, 2014 (the
20 effective date of Public Act 98-61).

21 (H-5) Nothing in this Section shall require any court or
22 adjudicative proceeding for traffic, boating, fish and game
23 law, or municipal and county ordinance violations to be closed
24 to the public.

25 (I) Willful violation of this Section is a Class C
26 misdemeanor and each violation is subject to a fine of \$1,000.

1 This subsection (I) shall not apply to the person who is the
2 subject of the record.

3 (J) A person convicted of violating this Section is liable
4 for damages in the amount of \$1,000 or actual damages,
5 whichever is greater.

6 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
7 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.
8 12-20-18.)

9 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

10 Sec. 1-8. Confidentiality and accessibility of juvenile
11 court records.

12 (A) A juvenile adjudication shall never be considered a
13 conviction nor shall an adjudicated individual be considered a
14 criminal. Unless expressly allowed by law, a juvenile
15 adjudication shall not operate to impose upon the individual
16 any of the civil disabilities ordinarily imposed by or
17 resulting from conviction. Unless expressly allowed by law,
18 adjudications shall not prejudice or disqualify the individual
19 in any civil service application or appointment, from holding
20 public office, or from receiving any license granted by public
21 authority. All juvenile court records which have not been
22 expunged are sealed and may never be disclosed to the general
23 public or otherwise made widely available. Sealed juvenile
24 court records may be obtained only under this Section and
25 Section 1-7 and Part 9 of Article V of this Act, when their use

1 is needed for good cause and with an order from the juvenile
2 court. Inspection and copying of juvenile court records
3 relating to a minor who is the subject of a proceeding under
4 this Act shall be restricted to the following:

5 (1) The minor who is the subject of record, his or her
6 parents, guardian, and counsel.

7 (2) Law enforcement officers and law enforcement
8 agencies when such information is essential to executing
9 an arrest or search warrant or other compulsory process,
10 or to conducting an ongoing investigation or relating to a
11 minor who has been adjudicated delinquent and there has
12 been a previous finding that the act which constitutes the
13 previous offense was committed in furtherance of criminal
14 activities by a criminal street gang.

15 Before July 1, 1994, for the purposes of this Section,
16 "criminal street gang" means any ongoing organization,
17 association, or group of 3 or more persons, whether formal
18 or informal, having as one of its primary activities the
19 commission of one or more criminal acts and that has a
20 common name or common identifying sign, symbol or specific
21 color apparel displayed, and whose members individually or
22 collectively engage in or have engaged in a pattern of
23 criminal activity.

24 Beginning July 1, 1994, for purposes of this Section,
25 "criminal street gang" has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (3) Judges, hearing officers, prosecutors, public
3 defenders, probation officers, social workers, or other
4 individuals assigned by the court to conduct a
5 pre-adjudication or pre-disposition investigation, and
6 individuals responsible for supervising or providing
7 temporary or permanent care and custody for minors under
8 the order of the juvenile court when essential to
9 performing their responsibilities.

10 (4) Judges, federal, State, and local prosecutors,
11 public defenders, probation officers, and designated
12 staff:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805;

16 (b) when criminal proceedings have been permitted
17 or required under Section 5-805 and a minor is the
18 subject of a proceeding to determine the amount of
19 bail;

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and a minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation or fitness hearing, or proceedings on an
24 application for probation; or

25 (d) when a minor becomes 18 years of age or older,
26 and is the subject of criminal proceedings, including

1 a hearing to determine the amount of bail, a pre-trial
2 investigation, a pre-sentence investigation, a fitness
3 hearing, or proceedings on an application for
4 probation.

5 (5) Adult and Juvenile Prisoner Review Boards.

6 (6) Authorized military personnel.

7 (6.5) Employees of the federal government authorized
8 by law.

9 (7) Victims, their subrogees and legal
10 representatives; however, such persons shall have access
11 only to the name and address of the minor and information
12 pertaining to the disposition or alternative adjustment
13 plan of the juvenile court.

14 (8) Persons engaged in bona fide research, with the
15 permission of the presiding judge of the juvenile court
16 and the chief executive of the agency that prepared the
17 particular records; provided that publication of such
18 research results in no disclosure of a minor's identity
19 and protects the confidentiality of the record.

20 (9) The Secretary of State to whom the Clerk of the
21 Court shall report the disposition of all cases, as
22 required in Section 6-204 of the Illinois Vehicle Code.
23 However, information reported relative to these offenses
24 shall be privileged and available only to the Secretary of
25 State, courts, and police officers.

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the
4 Department of Corrections or the Department of Human
5 Services or prosecutors who are evaluating, prosecuting,
6 or investigating a potential or actual petition brought
7 under the Sexually Violent Persons Commitment Act relating
8 to a person who is the subject of juvenile court records or
9 the respondent to a petition brought under the Sexually
10 Violent Persons Commitment Act, who is the subject of
11 juvenile court records sought. Any records and any
12 information obtained from those records under this
13 paragraph (11) may be used only in sexually violent
14 persons commitment proceedings.

15 (12) Collection agencies, contracted or otherwise
16 engaged by a governmental entity, to collect any debts due
17 and owing to the governmental entity.

18 (A-1) Findings and exclusions of paternity entered in
19 proceedings occurring under Article II of this Act shall be
20 disclosed, in a manner and form approved by the Presiding
21 Judge of the Juvenile Court, to the Department of Healthcare
22 and Family Services when necessary to discharge the duties of
23 the Department of Healthcare and Family Services under Article
24 X of the Illinois Public Aid Code.

25 (B) A minor who is the victim in a juvenile proceeding
26 shall be provided the same confidentiality regarding

1 disclosure of identity as the minor who is the subject of
2 record.

3 (C)(0.1) In cases where the records concern a pending
4 juvenile court case, the requesting party seeking to inspect
5 the juvenile court records shall provide actual notice to the
6 attorney or guardian ad litem of the minor whose records are
7 sought.

8 (0.2) In cases where the juvenile court records concern a
9 juvenile court case that is no longer pending, the requesting
10 party seeking to inspect the juvenile court records shall
11 provide actual notice to the minor or the minor's parent or
12 legal guardian, and the matter shall be referred to the chief
13 judge presiding over matters pursuant to this Act.

14 (0.3) In determining whether juvenile court records should
15 be made available for inspection and whether inspection should
16 be limited to certain parts of the file, the court shall
17 consider the minor's interest in confidentiality and
18 rehabilitation over the requesting party's interest in
19 obtaining the information. The State's Attorney, the minor,
20 and the minor's parents, guardian, and counsel shall at all
21 times have the right to examine court files and records.

22 (0.4) Any records obtained in violation of this Section
23 shall not be admissible in any criminal or civil proceeding,
24 or operate to disqualify a minor from subsequently holding
25 public office, or operate as a forfeiture of any public
26 benefit, right, privilege, or right to receive any license

1 granted by public authority.

2 (D) Pending or following any adjudication of delinquency
3 for any offense defined in Sections 11-1.20 through 11-1.60 or
4 12-13 through 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the victim of any such offense shall
6 receive the rights set out in Sections 4 and 6 of the Bill of
7 Rights for Victims and Witnesses of Violent Crime Act; and the
8 juvenile who is the subject of the adjudication,
9 notwithstanding any other provision of this Act, shall be
10 treated as an adult for the purpose of affording such rights to
11 the victim.

12 (E) Nothing in this Section shall affect the right of a
13 Civil Service Commission or appointing authority of the
14 federal government, or any state, county, or municipality
15 examining the character and fitness of an applicant for
16 employment with a law enforcement agency, correctional
17 institution, or fire department to ascertain whether that
18 applicant was ever adjudicated to be a delinquent minor and,
19 if so, to examine the records of disposition or evidence which
20 were made in proceedings under this Act.

21 (F) Following any adjudication of delinquency for a crime
22 which would be a felony if committed by an adult, or following
23 any adjudication of delinquency for a violation of Section
24 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the State's Attorney shall ascertain
26 whether the minor respondent is enrolled in school and, if so,

1 shall provide a copy of the dispositional order to the
2 principal or chief administrative officer of the school.
3 Access to the dispositional order shall be limited to the
4 principal or chief administrative officer of the school and
5 any guidance counselor designated by him or her.

6 (G) Nothing contained in this Act prevents the sharing or
7 disclosure of information or records relating or pertaining to
8 juveniles subject to the provisions of the Serious Habitual
9 Offender Comprehensive Action Program when that information is
10 used to assist in the early identification and treatment of
11 habitual juvenile offenders.

12 (H) When a court hearing a proceeding under Article II of
13 this Act becomes aware that an earlier proceeding under
14 Article II had been heard in a different county, that court
15 shall request, and the court in which the earlier proceedings
16 were initiated shall transmit, an authenticated copy of the
17 juvenile court record, including all documents, petitions, and
18 orders filed and the minute orders, transcript of proceedings,
19 and docket entries of the court.

20 (I) The Clerk of the Circuit Court shall report to the
21 Illinois Department of State Police, in the form and manner
22 required by the Illinois Department of State Police, the final
23 disposition of each minor who has been arrested or taken into
24 custody before his or her 18th birthday for those offenses
25 required to be reported under Section 5 of the Criminal
26 Identification Act. Information reported to the Department

1 under this Section may be maintained with records that the
2 Department files under Section 2.1 of the Criminal
3 Identification Act.

4 (J) The changes made to this Section by Public Act 98-61
5 apply to juvenile law enforcement records of a minor who has
6 been arrested or taken into custody on or after January 1, 2014
7 (the effective date of Public Act 98-61).

8 (K) Willful violation of this Section is a Class C
9 misdemeanor and each violation is subject to a fine of \$1,000.
10 This subsection (K) shall not apply to the person who is the
11 subject of the record.

12 (L) A person convicted of violating this Section is liable
13 for damages in the amount of \$1,000 or actual damages,
14 whichever is greater.

15 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
16 100-1162, eff. 12-20-18.)

17 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

18 Sec. 2-21. Findings and adjudication.

19 (1) The court shall state for the record the manner in
20 which the parties received service of process and shall note
21 whether the return or returns of service, postal return
22 receipt or receipts for notice by certified mail, or
23 certificate or certificates of publication have been filed in
24 the court record. The court shall enter any appropriate orders
25 of default against any parent who has been properly served in

1 any manner and fails to appear.

2 No further service of process as defined in Sections 2-15
3 and 2-16 is required in any subsequent proceeding for a parent
4 who was properly served in any manner, except as required by
5 Supreme Court Rule 11.

6 The caseworker shall testify about the diligent search
7 conducted for the parent.

8 After hearing the evidence the court shall determine
9 whether or not the minor is abused, neglected, or dependent.
10 If it finds that the minor is not such a person, the court
11 shall order the petition dismissed and the minor discharged.
12 The court's determination of whether the minor is abused,
13 neglected, or dependent shall be stated in writing with the
14 factual basis supporting that determination.

15 If the court finds that the minor is abused, neglected, or
16 dependent, the court shall then determine and put in writing
17 the factual basis supporting that determination, and specify,
18 to the extent possible, the acts or omissions or both of each
19 parent, guardian, or legal custodian that form the basis of
20 the court's findings. That finding shall appear in the order
21 of the court.

22 If the court finds that the child has been abused,
23 neglected or dependent, the court shall admonish the parents
24 that they must cooperate with the Department of Children and
25 Family Services, comply with the terms of the service plan,
26 and correct the conditions that require the child to be in

1 care, or risk termination of parental rights.

2 If the court determines that a person has inflicted
3 physical or sexual abuse upon a minor, the court shall report
4 that determination to the Illinois ~~Department of~~ State Police,
5 which shall include that information in its report to the
6 President of the school board for a school district that
7 requests a criminal history records check of that person, or
8 the regional superintendent of schools who requests a check of
9 that person, as required under Section 10-21.9 or 34-18.5 of
10 the School Code.

11 (2) If, pursuant to subsection (1) of this Section, the
12 court determines and puts in writing the factual basis
13 supporting the determination that the minor is either abused
14 or neglected or dependent, the court shall then set a time not
15 later than 30 days after the entry of the finding for a
16 dispositional hearing (unless an earlier date is required
17 pursuant to Section 2-13.1) to be conducted under Section 2-22
18 at which hearing the court shall determine whether it is
19 consistent with the health, safety and best interests of the
20 minor and the public that he be made a ward of the court. To
21 assist the court in making this and other determinations at
22 the dispositional hearing, the court may order that an
23 investigation be conducted and a dispositional report be
24 prepared concerning the minor's physical and mental history
25 and condition, family situation and background, economic
26 status, education, occupation, history of delinquency or

1 criminality, personal habits, and any other information that
2 may be helpful to the court. The dispositional hearing may be
3 continued once for a period not to exceed 30 days if the court
4 finds that such continuance is necessary to complete the
5 dispositional report.

6 (3) The time limits of this Section may be waived only by
7 consent of all parties and approval by the court, as
8 determined to be consistent with the health, safety and best
9 interests of the minor.

10 (4) For all cases adjudicated prior to July 1, 1991, for
11 which no dispositional hearing has been held prior to that
12 date, a dispositional hearing under Section 2-22 shall be held
13 within 90 days of July 1, 1991.

14 (5) The court may terminate the parental rights of a
15 parent at the initial dispositional hearing if all of the
16 following conditions are met:

17 (i) the original or amended petition contains a
18 request for termination of parental rights and appointment
19 of a guardian with power to consent to adoption; and

20 (ii) the court has found by a preponderance of
21 evidence, introduced or stipulated to at an adjudicatory
22 hearing, that the child comes under the jurisdiction of
23 the court as an abused, neglected, or dependent minor
24 under Section 2-18; and

25 (iii) the court finds, on the basis of clear and
26 convincing evidence admitted at the adjudicatory hearing

1 that the parent is an unfit person under subdivision D of
2 Section 1 of the Adoption Act; and

3 (iv) the court determines in accordance with the rules
4 of evidence for dispositional proceedings, that:

5 (A) it is in the best interest of the minor and
6 public that the child be made a ward of the court;

7 (A-5) reasonable efforts under subsection (1-1) of
8 Section 5 of the Children and Family Services Act are
9 inappropriate or such efforts were made and were
10 unsuccessful; and

11 (B) termination of parental rights and appointment
12 of a guardian with power to consent to adoption is in
13 the best interest of the child pursuant to Section
14 2-29.

15 (Source: P.A. 93-909, eff. 8-12-04.)

16 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

17 Sec. 2-25. Order of protection.

18 (1) The court may make an order of protection in
19 assistance of or as a condition of any other order authorized
20 by this Act. The order of protection shall be based on the
21 health, safety and best interests of the minor and may set
22 forth reasonable conditions of behavior to be observed for a
23 specified period. Such an order may require a person:

24 (a) to stay away from the home or the minor;

25 (b) to permit a parent to visit the minor at stated

1 periods;

2 (c) to abstain from offensive conduct against the
3 minor, his parent or any person to whom custody of the
4 minor is awarded;

5 (d) to give proper attention to the care of the home;

6 (e) to cooperate in good faith with an agency to which
7 custody of a minor is entrusted by the court or with an
8 agency or association to which the minor is referred by
9 the court;

10 (f) to prohibit and prevent any contact whatsoever
11 with the respondent minor by a specified individual or
12 individuals who are alleged in either a criminal or
13 juvenile proceeding to have caused injury to a respondent
14 minor or a sibling of a respondent minor;

15 (g) to refrain from acts of commission or omission
16 that tend to make the home not a proper place for the
17 minor;

18 (h) to refrain from contacting the minor and the
19 foster parents in any manner that is not specified in
20 writing in the case plan.

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,
4 criminal sexual abuse, or aggravated criminal sexual abuse as
5 described in the Criminal Code of 1961 or the Criminal Code of
6 2012, or has been convicted of an offense that resulted in the
7 death of a child, or has violated a previous order of
8 protection under 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
16 and index of such orders of protection and make this data
17 available 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 health, safety,
22 and best interests of the minor and the public will be served
23 thereby.

24 (5) An order of protection may be sought at any time during
25 the course of any proceeding conducted pursuant to this Act if
26 such an order is consistent with the health, safety, and best

1 interests of the minor. Any person against whom an order of
2 protection is sought may retain counsel to represent him at a
3 hearing, and has rights to be present at the hearing, to be
4 informed prior to the hearing in writing of the contents of the
5 petition seeking a protective order and of the date, place and
6 time of such hearing, and to cross examine witnesses called by
7 the petitioner and to present witnesses and argument in
8 opposition to the relief sought in the petition.

9 (6) Diligent efforts shall be made by the petitioner to
10 serve any person or persons against whom any order of
11 protection is sought with written notice of the contents of
12 the petition seeking a protective order and of the date, place
13 and time at which the hearing on the petition is to be held.
14 When a protective order is being sought in conjunction with a
15 temporary custody hearing, if the court finds that the person
16 against whom the protective order is being sought has been
17 notified of the hearing or that diligent efforts have been
18 made to notify such person, the court may conduct a hearing. If
19 a protective order is sought at any time other than in
20 conjunction with a temporary custody hearing, the court may
21 not conduct a hearing on the petition in the absence of the
22 person against whom the order is sought unless the petitioner
23 has notified such person by personal service at least 3 days
24 before the hearing or has sent written notice by first class
25 mail to such person's last known address at least 5 days before
26 the hearing.

1 (7) A person against whom an order of protection is being
2 sought who is neither a parent, guardian, legal custodian or
3 responsible relative as described in Section 1-5 is not a
4 party or respondent as defined in that Section and shall not be
5 entitled to the rights provided therein. Such person does not
6 have a right to appointed counsel or to be present at any
7 hearing other than the hearing in which the order of
8 protection is being sought or a hearing directly pertaining to
9 that order. Unless the court orders otherwise, such person
10 does not have a right to inspect the court file.

11 (8) All protective orders entered under this Section shall
12 be in writing. Unless the person against whom the order was
13 obtained was present in court when the order was issued, the
14 sheriff, other law enforcement official or special process
15 server shall promptly serve that order upon that person and
16 file proof of such service, in the manner provided for service
17 of process in civil proceedings. The person against whom the
18 protective order was obtained may seek a modification of the
19 order by filing a written motion to modify the order within 7
20 days after actual receipt by the person of a copy of the order.
21 Any modification of the order granted by the court must be
22 determined to be consistent with the best interests of the
23 minor.

24 (9) If a petition is filed charging a violation of a
25 condition contained in the protective order and if the court
26 determines that this violation is of a critical service

1 necessary to the safety and welfare of the minor, the court may
2 proceed to findings and an order for temporary custody.

3 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
4 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
5 1-1-13; 97-1150, eff. 1-25-13.)

6 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

7 Sec. 3-26. Order of protection.

8 (1) The court may make an order of protection in
9 assistance of or as a condition of any other order authorized
10 by this Act. The order of protection may set forth reasonable
11 conditions of behavior to be observed for a specified period.
12 Such an order may require a person:

13 (a) To stay away from the home or the minor;

14 (b) To permit a parent to visit the minor at stated
15 periods;

16 (c) To abstain from offensive conduct against the
17 minor, his parent or any person to whom custody of the
18 minor is awarded;

19 (d) To give proper attention to the care of the home;

20 (e) To cooperate in good faith with an agency to which
21 custody of a minor is entrusted by the court or with an
22 agency or association to which the minor is referred by
23 the court;

24 (f) To prohibit and prevent any contact whatsoever
25 with the respondent minor by a specified individual or

1 individuals who are alleged in either a criminal or
2 juvenile proceeding to have caused injury to a respondent
3 minor or a sibling of a respondent minor;

4 (g) To refrain from acts of commission or omission
5 that tend to make the home not a proper place for the
6 minor.

7 (2) The court shall enter an order of protection to
8 prohibit and prevent any contact between a respondent minor or
9 a sibling of a respondent minor and any person named in a
10 petition seeking an order of protection who has been convicted
11 of heinous battery or aggravated battery under subdivision
12 (a)(2) of Section 12-3.05, aggravated battery of a child or
13 aggravated battery under subdivision (b)(1) of Section
14 12-3.05, criminal sexual assault, aggravated criminal sexual
15 assault, predatory criminal sexual assault of a child,
16 criminal sexual abuse, or aggravated criminal sexual abuse as
17 described in the Criminal Code of 1961 or the Criminal Code of
18 2012, or has been convicted of an offense that resulted in the
19 death of a child, or has violated a previous order of
20 protection under this Section.

21 (3) When the court issues an order of protection against
22 any person as provided by this Section, the court shall direct
23 a copy of such order to the Sheriff of that county. The Sheriff
24 shall furnish a copy of the order of protection to the Illinois
25 ~~Department of~~ State Police within 24 hours of receipt, in the
26 form and manner required by the Department. The Illinois

1 ~~Department of~~ State Police shall maintain a complete record
2 and index of such orders of protection and make this data
3 available to all local law enforcement agencies.

4 (4) After notice and opportunity for hearing afforded to a
5 person subject to an order of protection, the order may be
6 modified or extended for a further specified period or both or
7 may be terminated if the court finds that the best interests of
8 the minor and the public will be served thereby.

9 (5) An order of protection may be sought at any time during
10 the course of any proceeding conducted pursuant to this Act.
11 Any person against whom an order of protection is sought may
12 retain counsel to represent him at a hearing, and has rights to
13 be present at the hearing, to be informed prior to the hearing
14 in writing of the contents of the petition seeking a
15 protective order and of the date, place and time of such
16 hearing, and to cross examine witnesses called by the
17 petitioner and to present witnesses and argument in opposition
18 to the relief sought in the petition.

19 (6) Diligent efforts shall be made by the petitioner to
20 serve any person or persons against whom any order of
21 protection is sought with written notice of the contents of
22 the petition seeking a protective order and of the date, place
23 and time at which the hearing on the petition is to be held.
24 When a protective order is being sought in conjunction with a
25 shelter care hearing, if the court finds that the person
26 against whom the protective order is being sought has been

1 notified of the hearing or that diligent efforts have been
2 made to notify such person, the court may conduct a hearing. If
3 a protective order is sought at any time other than in
4 conjunction with a shelter care hearing, the court may not
5 conduct a hearing on the petition in the absence of the person
6 against whom the order is sought unless the petitioner has
7 notified such person by personal service at least 3 days
8 before the hearing or has sent written notice by first class
9 mail to such person's last known address at least 5 days before
10 the hearing.

11 (7) A person against whom an order of protection is being
12 sought who is neither a parent, guardian, legal custodian or
13 responsible relative as described in Section 1-5 is not a
14 party or respondent as defined in that Section and shall not be
15 entitled to the rights provided therein. Such person does not
16 have a right to appointed counsel or to be present at any
17 hearing other than the hearing in which the order of
18 protection is being sought or a hearing directly pertaining to
19 that order. Unless the court orders otherwise, such person
20 does not have a right to inspect the court file.

21 (8) All protective orders entered under this Section shall
22 be in writing. Unless the person against whom the order was
23 obtained was present in court when the order was issued, the
24 sheriff, other law enforcement official or special process
25 server shall promptly serve that order upon that person and
26 file proof of such service, in the manner provided for service

1 of process in civil proceedings. The person against whom the
2 protective order was obtained may seek a modification of the
3 order by filing a written motion to modify the order within 7
4 days after actual receipt by the person of a copy of the order.
5 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;
6 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
7 1-1-13; 97-1150, eff. 1-25-13.)

8 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

9 Sec. 4-23. Order of protection.

10 (1) The court may make an order of protection in
11 assistance of or as a condition of any other order authorized
12 by this Act. The order of protection may set forth reasonable
13 conditions of behavior to be observed for a specified period.
14 Such an order may require a person:

15 (a) To stay away from the home or the minor;

16 (b) To permit a parent to visit the minor at stated
17 periods;

18 (c) To abstain from offensive conduct against the
19 minor, his parent or any person to whom custody of the
20 minor is awarded;

21 (d) To give proper attention to the care of the home;

22 (e) To cooperate in good faith with an agency to which
23 custody of a minor is entrusted by the court or with an
24 agency or association to which the minor is referred by
25 the court;

1 (f) To prohibit and prevent any contact whatsoever
2 with the respondent minor by a specified individual or
3 individuals who are alleged in either a criminal or
4 juvenile proceeding to have caused injury to a respondent
5 minor or a sibling of a respondent minor;

6 (g) To refrain from acts of commission or omission
7 that tend to make the home not a proper place for the
8 minor.

9 (2) The court shall enter an order of protection to
10 prohibit and prevent any contact between a respondent minor or
11 a sibling of a respondent minor and any person named in a
12 petition seeking an order of protection who has been convicted
13 of heinous battery or aggravated battery under subdivision
14 (a)(2) of Section 12-3.05, aggravated battery of a child or
15 aggravated battery under subdivision (b)(1) of Section
16 12-3.05, criminal sexual assault, aggravated criminal sexual
17 assault, predatory criminal sexual assault of a child,
18 criminal sexual abuse, or aggravated criminal sexual abuse as
19 described in the Criminal Code of 1961 or the Criminal Code of
20 2012, or has been convicted of an offense that resulted in the
21 death of a child, or has violated a previous order of
22 protection under this Section.

23 (3) When the court issues an order of protection against
24 any person as provided by this Section, the court shall direct
25 a copy of such order to the Sheriff of that county. The Sheriff
26 shall furnish a copy of the order of protection to the Illinois

1 ~~Department of~~ State Police within 24 hours of receipt, in the
2 form and manner required by the Department. The Illinois
3 ~~Department of~~ State Police shall maintain a complete record
4 and index of such orders of protection and make this data
5 available to all local law enforcement agencies.

6 (4) After notice and opportunity for hearing afforded to a
7 person subject to an order of protection, the order may be
8 modified or extended for a further specified period or both or
9 may be terminated if the court finds that the best interests of
10 the minor and the public will be served thereby.

11 (5) An order of protection may be sought at any time during
12 the course of any proceeding conducted pursuant to this Act.
13 Any person against whom an order of protection is sought may
14 retain counsel to represent him at a hearing, and has rights to
15 be present at the hearing, to be informed prior to the hearing
16 in writing of the contents of the petition seeking a
17 protective order and of the date, place and time of such
18 hearing, and to cross examine witnesses called by the
19 petitioner and to present witnesses and argument in opposition
20 to the relief sought in the petition.

21 (6) Diligent efforts shall be made by the petitioner to
22 serve any person or persons against whom any order of
23 protection is sought with written notice of the contents of
24 the petition seeking a protective order and of the date, place
25 and time at which the hearing on the petition is to be held.
26 When a protective order is being sought in conjunction with a

1 shelter care hearing, if the court finds that the person
2 against whom the protective order is being sought has been
3 notified of the hearing or that diligent efforts have been
4 made to notify such person, the court may conduct a hearing. If
5 a protective order is sought at any time other than in
6 conjunction with a shelter care hearing, the court may not
7 conduct a hearing on the petition in the absence of the person
8 against whom the order is sought unless the petitioner has
9 notified such person by personal service at least 3 days
10 before the hearing or has sent written notice by first class
11 mail to such person's last known address at least 5 days before
12 the hearing.

13 (7) A person against whom an order of protection is being
14 sought who is neither a parent, guardian, legal custodian or
15 responsible relative as described in Section 1-5 is not a
16 party or respondent as defined in that Section and shall not be
17 entitled to the rights provided therein. Such person does not
18 have a right to appointed counsel or to be present at any
19 hearing other than the hearing in which the order of
20 protection is being sought or a hearing directly pertaining to
21 that order. Unless the court orders otherwise, such person
22 does not have a right to inspect the court file.

23 (8) All protective orders entered under this Section shall
24 be in writing. Unless the person against whom the order was
25 obtained was present in court when the order was issued, the
26 sheriff, other law enforcement official or special process

1 server shall promptly serve that order upon that person and
2 file proof of such service, in the manner provided for service
3 of process in civil proceedings. The person against whom the
4 protective order was obtained may seek a modification of the
5 order by filing a written motion to modify the order within 7
6 days after actual receipt by the person of a copy of the order.
7 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
8 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
9 1-1-13; 97-1150, eff. 1-25-13.)

10 (705 ILCS 405/5-105)

11 Sec. 5-105. Definitions. As used in this Article:

12 (1) "Aftercare release" means the conditional and
13 revocable release of an adjudicated delinquent juvenile
14 committed to the Department of Juvenile Justice under the
15 supervision of the Department of Juvenile Justice.

16 (1.5) "Court" means the circuit court in a session or
17 division assigned to hear proceedings under this Act, and
18 includes the term Juvenile Court.

19 (2) "Community service" means uncompensated labor for
20 a community service agency as hereinafter defined.

21 (2.5) "Community service agency" means a
22 not-for-profit organization, community organization,
23 church, charitable organization, individual, public
24 office, or other public body whose purpose is to enhance
25 the physical or mental health of a delinquent minor or to

1 rehabilitate the minor, or to improve the environmental
2 quality or social welfare of the community which agrees to
3 accept community service from juvenile delinquents and to
4 report on the progress of the community service to the
5 State's Attorney pursuant to an agreement or to the court
6 or to any agency designated by the court or to the
7 authorized diversion program that has referred the
8 delinquent minor for community service.

9 (3) "Delinquent minor" means any minor who prior to
10 his or her 18th birthday has violated or attempted to
11 violate, regardless of where the act occurred, any
12 federal, State, county or municipal law or ordinance.

13 (4) "Department" means the Department of Human
14 Services unless specifically referenced as another
15 department.

16 (5) "Detention" means the temporary care of a minor
17 who is alleged to be or has been adjudicated delinquent
18 and who requires secure custody for the minor's own
19 protection or the community's protection in a facility
20 designed to physically restrict the minor's movements,
21 pending disposition by the court or execution of an order
22 of the court for placement or commitment. Design features
23 that physically restrict movement include, but are not
24 limited to, locked rooms and the secure handcuffing of a
25 minor to a rail or other stationary object. In addition,
26 "detention" includes the court ordered care of an alleged

1 or adjudicated delinquent minor who requires secure
2 custody pursuant to Section 5-125 of this Act.

3 (6) "Diversion" means the referral of a juvenile,
4 without court intervention, into a program that provides
5 services designed to educate the juvenile and develop a
6 productive and responsible approach to living in the
7 community.

8 (7) "Juvenile detention home" means a public facility
9 with specially trained staff that conforms to the county
10 juvenile detention standards adopted by the Department of
11 Juvenile Justice.

12 (8) "Juvenile justice continuum" means a set of
13 delinquency prevention programs and services designed for
14 the purpose of preventing or reducing delinquent acts,
15 including criminal activity by youth gangs, as well as
16 intervention, rehabilitation, and prevention services
17 targeted at minors who have committed delinquent acts, and
18 minors who have previously been committed to residential
19 treatment programs for delinquents. The term includes
20 children-in-need-of-services and
21 families-in-need-of-services programs; aftercare and
22 reentry services; substance abuse and mental health
23 programs; community service programs; community service
24 work programs; and alternative-dispute resolution programs
25 serving youth-at-risk of delinquency and their families,
26 whether offered or delivered by State or local

1 governmental entities, public or private for-profit or
2 not-for-profit organizations, or religious or charitable
3 organizations. This term would also encompass any program
4 or service consistent with the purpose of those programs
5 and services enumerated in this subsection.

6 (9) "Juvenile police officer" means a sworn police
7 officer who has completed a Basic Recruit Training Course,
8 has been assigned to the position of juvenile police
9 officer by his or her chief law enforcement officer and
10 has completed the necessary juvenile officers training as
11 prescribed by the Illinois Law Enforcement Training
12 Standards Board, or in the case of a State police officer,
13 juvenile officer training approved by the Director of the
14 Illinois State Police.

15 (10) "Minor" means a person under the age of 21 years
16 subject to this Act.

17 (11) "Non-secure custody" means confinement where the
18 minor is not physically restricted by being placed in a
19 locked cell or room, by being handcuffed to a rail or other
20 stationary object, or by other means. Non-secure custody
21 may include, but is not limited to, electronic monitoring,
22 foster home placement, home confinement, group home
23 placement, or physical restriction of movement or activity
24 solely through facility staff.

25 (12) "Public or community service" means uncompensated
26 labor for a not-for-profit organization or public body

1 whose purpose is to enhance physical or mental stability
2 of the offender, environmental quality or the social
3 welfare and which agrees to accept public or community
4 service from offenders and to report on the progress of
5 the offender and the public or community service to the
6 court or to the authorized diversion program that has
7 referred the offender for public or community service.
8 "Public or community service" does not include blood
9 donation or assignment to labor at a blood bank. For the
10 purposes of this Act, "blood bank" has the meaning
11 ascribed to the term in Section 2-124 of the Illinois
12 Clinical Laboratory and Blood Bank Act.

13 (13) "Sentencing hearing" means a hearing to determine
14 whether a minor should be adjudged a ward of the court, and
15 to determine what sentence should be imposed on the minor.
16 It is the intent of the General Assembly that the term
17 "sentencing hearing" replace the term "dispositional
18 hearing" and be synonymous with that definition as it was
19 used in the Juvenile Court Act of 1987.

20 (14) "Shelter" means the temporary care of a minor in
21 physically unrestricting facilities pending court
22 disposition or execution of court order for placement.

23 (15) "Site" means a not-for-profit organization,
24 public body, church, charitable organization, or
25 individual agreeing to accept community service from
26 offenders and to report on the progress of ordered or

1 required public or community service to the court or to
2 the authorized diversion program that has referred the
3 offender for public or community service.

4 (16) "Station adjustment" means the informal or formal
5 handling of an alleged offender by a juvenile police
6 officer.

7 (17) "Trial" means a hearing to determine whether the
8 allegations of a petition under Section 5-520 that a minor
9 is delinquent are proved beyond a reasonable doubt. It is
10 the intent of the General Assembly that the term "trial"
11 replace the term "adjudicatory hearing" and be synonymous
12 with that definition as it was used in the Juvenile Court
13 Act of 1987.

14 The changes made to this Section by Public Act 98-61 apply
15 to violations or attempted violations committed on or after
16 January 1, 2014 (the effective date of Public Act 98-61).

17 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,
18 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,
19 eff. 7-20-15.)

20 (705 ILCS 405/5-301)

21 Sec. 5-301. Station adjustments. A minor arrested for any
22 offense or a violation of a condition of previous station
23 adjustment may receive a station adjustment for that arrest as
24 provided herein. In deciding whether to impose a station
25 adjustment, either informal or formal, a juvenile police

1 officer shall consider the following factors:

2 (A) The seriousness of the alleged offense.

3 (B) The prior history of delinquency of the minor.

4 (C) The age of the minor.

5 (D) The culpability of the minor in committing the
6 alleged offense.

7 (E) Whether the offense was committed in an aggressive
8 or premeditated manner.

9 (F) Whether the minor used or possessed a deadly
10 weapon when committing the alleged offenses.

11 (1) Informal station adjustment.

12 (a) An informal station adjustment is defined as a
13 procedure when a juvenile police officer determines that
14 there is probable cause to believe that the minor has
15 committed an offense.

16 (b) A minor shall receive no more than 3 informal
17 station adjustments statewide for a misdemeanor offense
18 within 3 years without prior approval from the State's
19 Attorney's Office.

20 (c) A minor shall receive no more than 3 informal
21 station adjustments statewide for a felony offense within
22 3 years without prior approval from the State's Attorney's
23 Office.

24 (d) A minor shall receive a combined total of no more
25 than 5 informal station adjustments statewide during his
26 or her minority.

1 (e) The juvenile police officer may make reasonable
2 conditions of an informal station adjustment which may
3 include but are not limited to:

4 (i) Curfew.

5 (ii) Conditions restricting entry into designated
6 geographical areas.

7 (iii) No contact with specified persons.

8 (iv) School attendance.

9 (v) Performing up to 25 hours of community service
10 work.

11 (vi) Community mediation.

12 (vii) Teen court or a peer court.

13 (viii) Restitution limited to 90 days.

14 (f) If the minor refuses or fails to abide by the
15 conditions of an informal station adjustment, the juvenile
16 police officer may impose a formal station adjustment or
17 refer the matter to the State's Attorney's Office.

18 (g) An informal station adjustment does not constitute
19 an adjudication of delinquency or a criminal conviction.
20 Beginning January 1, 2000, a record shall be maintained
21 with the Illinois ~~Department of~~ State Police for informal
22 station adjustments for offenses that would be a felony if
23 committed by an adult, and may be maintained if the
24 offense would be a misdemeanor.

25 (2) Formal station adjustment.

26 (a) A formal station adjustment is defined as a

1 procedure when a juvenile police officer determines that
2 there is probable cause to believe the minor has committed
3 an offense and an admission by the minor of involvement in
4 the offense.

5 (b) The minor and parent, guardian, or legal custodian
6 must agree in writing to the formal station adjustment and
7 must be advised of the consequences of violation of any
8 term of the agreement.

9 (c) The minor and parent, guardian or legal custodian
10 shall be provided a copy of the signed agreement of the
11 formal station adjustment. The agreement shall include:

12 (i) The offense which formed the basis of the
13 formal station adjustment.

14 (ii) An acknowledgment that the terms of the
15 formal station adjustment and the consequences for
16 violation have been explained.

17 (iii) An acknowledgment that the formal station
18 adjustments record may be expunged under Section 5-915
19 of this Act.

20 (iv) An acknowledgment ~~acknowledgement~~ that the
21 minor understands that his or her admission of
22 involvement in the offense may be admitted into
23 evidence in future court hearings.

24 (v) A statement that all parties understand the
25 terms and conditions of formal station adjustment and
26 agree to the formal station adjustment process.

1 (d) Conditions of the formal station adjustment may
2 include, but are not limited to:

3 (i) The time shall not exceed 120 days.

4 (ii) The minor shall not violate any laws.

5 (iii) The juvenile police officer may require the
6 minor to comply with additional conditions for the
7 formal station adjustment which may include but are
8 not limited to:

9 (a) Attending school.

10 (b) Abiding by a set curfew.

11 (c) Payment of restitution.

12 (d) Refraining from possessing a firearm or
13 other weapon.

14 (e) Reporting to a police officer at
15 designated times and places, including reporting
16 and verification that the minor is at home at
17 designated hours.

18 (f) Performing up to 25 hours of community
19 service work.

20 (g) Refraining from entering designated
21 geographical areas.

22 (h) Participating in community mediation.

23 (i) Participating in teen court or peer court.

24 (j) Refraining from contact with specified
25 persons.

26 (e) A formal station adjustment does not constitute an

1 adjudication of delinquency or a criminal conviction.
2 Beginning January 1, 2000, a record shall be maintained
3 with the Illinois ~~Department of~~ State Police for formal
4 station adjustments.

5 (f) A minor or the minor's parent, guardian, or legal
6 custodian, or both the minor and the minor's parent,
7 guardian, or legal custodian, may refuse a formal station
8 adjustment and have the matter referred for court action
9 or other appropriate action.

10 (g) A minor or the minor's parent, guardian, or legal
11 custodian, or both the minor and the minor's parent,
12 guardian, or legal custodian, may within 30 days of the
13 commencement of the formal station adjustment revoke their
14 consent and have the matter referred for court action or
15 other appropriate action. This revocation must be in
16 writing and personally served upon the police officer or
17 his or her supervisor.

18 (h) The admission of the minor as to involvement in
19 the offense shall be admissible at further court hearings
20 as long as the statement would be admissible under the
21 rules of evidence.

22 (i) If the minor violates any term or condition of the
23 formal station adjustment the juvenile police officer
24 shall provide written notice of violation to the minor and
25 the minor's parent, guardian, or legal custodian. After
26 consultation with the minor and the minor's parent,

1 guardian, or legal custodian, the juvenile police officer
2 may take any of the following steps upon violation:

3 (i) Warn the minor of consequences of continued
4 violations and continue the formal station adjustment.

5 (ii) Extend the period of the formal station
6 adjustment up to a total of 180 days.

7 (iii) Extend the hours of community service work
8 up to a total of 40 hours.

9 (iv) Terminate the formal station adjustment
10 unsatisfactorily and take no other action.

11 (v) Terminate the formal station adjustment
12 unsatisfactorily and refer the matter to the juvenile
13 court.

14 (j) A minor shall receive no more than 2 formal
15 station adjustments statewide for a felony offense without
16 the State's Attorney's approval within a 3 year period.

17 (k) A minor shall receive no more than 3 formal
18 station adjustments statewide for a misdemeanor offense
19 without the State's Attorney's approval within a 3 year
20 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

1 does 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
5 about any offense which would constitute a felony if committed
6 by an adult and may assure that information about a
7 misdemeanor is transmitted to the Illinois ~~Department of State~~
8 Police.

9 (4) The total number of station adjustments, both formal
10 and informal, shall not exceed 9 without the State's
11 Attorney's approval for any minor arrested anywhere in the
12 State.

13 (Source: P.A. 99-78, eff. 7-20-15.)

14 (705 ILCS 405/5-305)

15 Sec. 5-305. Probation adjustment.

16 (1) The court may authorize the probation officer to
17 confer in a preliminary conference with a minor who is alleged
18 to have committed an offense, his or her parent, guardian or
19 legal custodian, the victim, the juvenile police officer, the
20 State's Attorney, and other interested persons concerning the
21 advisability of filing a petition under Section 5-520, with a
22 view to adjusting suitable cases without the filing of a
23 petition as provided for in this Article, the probation
24 officer should schedule a conference promptly except when the
25 State's Attorney insists on court action or when the minor has

1 indicated that he or she will demand a judicial hearing and
2 will not comply with a probation adjustment.

3 (1-b) In any case of a minor who is in custody, the holding
4 of a probation adjustment conference does not operate to
5 prolong temporary custody beyond the period permitted by
6 Section 5-415.

7 (2) This Section does not authorize any probation officer
8 to compel any person to appear at any conference, produce any
9 papers, or visit any place.

10 (3) No statement made during a preliminary conference in
11 regard to the offense that is the subject of the conference may
12 be admitted into evidence at an adjudicatory hearing or at any
13 proceeding against the minor under the criminal laws of this
14 State prior to his or her conviction under those laws.

15 (4) When a probation adjustment is appropriate, the
16 probation officer shall promptly formulate a written,
17 non-judicial adjustment plan following the initial conference.

18 (5) Non-judicial probation adjustment plans include but
19 are not limited to the following:

20 (a) up to 6 months informal supervision within the
21 family;

22 (b) up to 12 months informal supervision with a
23 probation officer involved which may include any
24 conditions of probation provided in Section 5-715;

25 (c) up to 6 months informal supervision with release
26 to a person other than a parent;

1 (d) referral to special educational, counseling, or
2 other rehabilitative social or educational programs;

3 (e) referral to residential treatment programs;

4 (f) participation in a public or community service
5 program or activity; and

6 (g) any other appropriate action with the consent of
7 the minor and a parent.

8 (6) The factors to be considered by the probation officer
9 in formulating a non-judicial probation adjustment plan shall
10 be the same as those limited in subsection (4) of Section
11 5-405.

12 (7) Beginning January 1, 2000, the probation officer who
13 imposes a probation adjustment plan shall assure that
14 information about an offense which would constitute a felony
15 if committed by an adult, and may assure that information
16 about a misdemeanor offense, is transmitted to the Illinois
17 ~~Department of~~ State Police.

18 (8) If the minor fails to comply with any term or condition
19 of the non-judicial probation adjustment, the matter shall be
20 referred to the State's Attorney for determination of whether
21 a petition under this Article shall be filed.

22 (Source: P.A. 98-892, eff. 1-1-15.)

23 (705 ILCS 405/5-730)

24 Sec. 5-730. Order of protection.

25 (1) The court may make an order of protection in

1 assistance of or as a condition of any other order authorized
2 by this Act. The order of protection may set forth reasonable
3 conditions of behavior to be observed for a specified period.
4 The 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 or her parent or any person to whom custody of
10 the 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
15 the court;

16 (f) to prohibit and prevent any contact whatsoever
17 with 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
22 that tend to make the home not a proper place for the
23 minor.

24 (2) The court shall enter an order of protection to
25 prohibit and prevent any contact between a respondent minor or
26 a sibling of a respondent minor and any person named in a

1 petition seeking an order of protection who has been convicted
2 of heinous battery or aggravated battery under subdivision
3 (a)(2) of Section 12-3.05, aggravated battery of a child or
4 aggravated battery under subdivision (b)(1) of Section
5 12-3.05, criminal sexual assault, aggravated criminal sexual
6 assault, predatory criminal sexual assault of a child,
7 criminal sexual abuse, or aggravated criminal sexual abuse as
8 described in the Criminal Code of 1961 or the Criminal Code of
9 2012, or has been convicted of an offense that resulted in the
10 death of a child, or has violated a previous order of
11 protection under this Section.

12 (3) When the court issues an order of protection against
13 any person as provided by this Section, the court shall direct
14 a copy of such order to the sheriff of that county. The sheriff
15 shall furnish a copy of the order of protection to the Illinois
16 ~~Department of~~ State Police within 24 hours of receipt, in the
17 form and manner required by the Department. The Illinois
18 ~~Department of~~ State Police shall maintain a complete record
19 and index of the orders of protection and make this data
20 available to all local law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a
22 person subject to an order of protection, the order may be
23 modified or extended for a further specified period or both or
24 may be terminated if the court finds that the best interests of
25 the minor and the public will be served by the modification,
26 extension, or termination.

1 (5) An order of protection may be sought at any time during
2 the course of any proceeding conducted under this Act. Any
3 person against whom an order of protection is sought may
4 retain counsel to represent him or her at a hearing, and has
5 rights to be present at the hearing, to be informed prior to
6 the hearing in writing of the contents of the petition seeking
7 a protective order and of the date, place, and time of the
8 hearing, and to cross-examine witnesses called by the
9 petitioner and to present witnesses and argument in opposition
10 to the relief sought in the petition.

11 (6) Diligent efforts shall be made by the petitioner to
12 serve any person or persons against whom any order of
13 protection is sought with written notice of the contents of
14 the petition seeking a protective order and of the date, place
15 and time at which the hearing on the petition is to be held.
16 When a protective order is being sought in conjunction with a
17 shelter care or detention hearing, if the court finds that the
18 person against whom the protective order is being sought has
19 been notified of the hearing or that diligent efforts have
20 been made to notify the person, the court may conduct a
21 hearing. If a protective order is sought at any time other than
22 in conjunction with a shelter care or detention hearing, the
23 court may not conduct a hearing on the petition in the absence
24 of the person against whom the order is sought unless the
25 petitioner has notified the person by personal service at
26 least 3 days before the hearing or has sent written notice by

1 first class mail to the person's last known address at least 5
2 days before the hearing.

3 (7) A person against whom an order of protection is being
4 sought who is neither a parent, guardian, or legal custodian
5 or responsible relative as described in Section 1-5 of this
6 Act or is not a party or respondent as defined in that Section
7 shall not be entitled to the rights provided in that Section.
8 The person does not have a right to appointed counsel or to be
9 present at any hearing other than the hearing in which the
10 order of protection is being sought or a hearing directly
11 pertaining to that order. Unless the court orders otherwise,
12 the person does not have a right to inspect the court file.

13 (8) All protective orders entered under this Section shall
14 be in writing. Unless the person against whom the order was
15 obtained was present in court when the order was issued, the
16 sheriff, other law enforcement official, or special process
17 server shall promptly serve that order upon that person and
18 file proof of that service, in the manner provided for service
19 of process in civil proceedings. The person against whom the
20 protective order was obtained may seek a modification of the
21 order by filing a written motion to modify the order within 7
22 days after actual receipt by the person of a copy of the order.
23 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
24 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
25 1-1-13; 97-1150, eff. 1-25-13.)

1 (705 ILCS 405/5-901)

2 Sec. 5-901. Court file.

3 (1) The Court file with respect to proceedings under this
4 Article shall consist of the petitions, pleadings, victim
5 impact statements, process, service of process, orders, writs
6 and docket entries reflecting hearings held and judgments and
7 decrees entered by the court. The court file shall be kept
8 separate from other records of the court.

9 (a) The file, including information identifying the
10 victim or alleged victim of any sex offense, shall be
11 disclosed only to the following parties when necessary for
12 discharge of their official duties:

13 (i) A judge of the circuit court and members of the
14 staff of the court designated by the judge;

15 (ii) Parties to the proceedings and their
16 attorneys;

17 (iii) Victims and their attorneys, except in cases
18 of multiple victims of sex offenses in which case the
19 information identifying the nonrequesting victims
20 shall be redacted;

21 (iv) Probation officers, law enforcement officers
22 or prosecutors or their staff;

23 (v) Adult and juvenile Prisoner Review Boards.

24 (b) The Court file redacted to remove any information
25 identifying the victim or alleged victim of any sex
26 offense shall be disclosed only to the following parties

1 when necessary for discharge of their official duties:

2 (i) Authorized military personnel;

3 (ii) Persons engaged in bona fide research, with
4 the permission of the judge of the juvenile court and
5 the chief executive of the agency that prepared the
6 particular recording: provided that publication of
7 such research results in no disclosure of a minor's
8 identity and protects the confidentiality of the
9 record;

10 (iii) The Secretary of State to whom the Clerk of
11 the Court shall report the disposition of all cases,
12 as required in Section 6-204 or Section 6-205.1 of the
13 Illinois Vehicle Code. However, information reported
14 relative to these offenses shall be privileged and
15 available only to the Secretary of State, courts, and
16 police officers;

17 (iv) The administrator of a bonafide substance
18 abuse student assistance program with the permission
19 of the presiding judge of the juvenile court;

20 (v) Any individual, or any public or private
21 agency or institution, having custody of the juvenile
22 under court order or providing educational, medical or
23 mental health services to the juvenile or a
24 court-approved advocate for the juvenile or any
25 placement provider or potential placement provider as
26 determined by the court.

1 (3) A minor who is the victim or alleged victim in a
2 juvenile proceeding shall be provided the same confidentiality
3 regarding disclosure of identity as the minor who is the
4 subject of record. Information identifying victims and alleged
5 victims of sex offenses, shall not be disclosed or open to
6 public inspection under any circumstances. Nothing in this
7 Section shall prohibit the victim or alleged victim of any sex
8 offense from voluntarily disclosing his or her identity.

9 (4) Relevant information, reports and records shall be
10 made available to the Department of Juvenile Justice when a
11 juvenile offender has been placed in the custody of the
12 Department of Juvenile Justice.

13 (5) Except as otherwise provided in this subsection (5),
14 juvenile court records shall not be made available to the
15 general public but may be inspected by representatives of
16 agencies, associations and news media or other properly
17 interested persons by general or special order of the court.
18 The State's Attorney, the minor, his or her parents, guardian
19 and counsel shall at all times have the right to examine court
20 files and records.

21 (a) The court shall allow the general public to have
22 access to the name, address, and offense of a minor who is
23 adjudicated a delinquent minor under this Act under either
24 of the following circumstances:

25 (i) The adjudication of delinquency was based upon
26 the minor's commission of first degree murder, attempt

1 to commit first degree murder, aggravated criminal
2 sexual assault, or criminal sexual assault; or

3 (ii) The court has made a finding that the minor
4 was at least 13 years of age at the time the act was
5 committed and the adjudication of delinquency was
6 based upon the minor's commission of: (A) an act in
7 furtherance of the commission of a felony as a member
8 of or on behalf of a criminal street gang, (B) an act
9 involving the use of a firearm in the commission of a
10 felony, (C) an act that would be a Class X felony
11 offense under or the minor's second or subsequent
12 Class 2 or greater felony offense under the Cannabis
13 Control Act if committed by an adult, (D) an act that
14 would be a second or subsequent offense under Section
15 402 of the Illinois Controlled Substances Act if
16 committed by an adult, (E) an act that would be an
17 offense under Section 401 of the Illinois Controlled
18 Substances Act if committed by an adult, or (F) an act
19 that would be an offense under the Methamphetamine
20 Control and Community Protection Act if committed by
21 an adult.

22 (b) The court shall allow the general public to have
23 access to the name, address, and offense of a minor who is
24 at least 13 years of age at the time the offense is
25 committed and who is convicted, in criminal proceedings
26 permitted or required under Section 5-805, under either of

1 the following circumstances:

2 (i) The minor has been convicted of first degree
3 murder, attempt to commit first degree murder,
4 aggravated criminal sexual assault, or criminal sexual
5 assault,

6 (ii) The court has made a finding that the minor
7 was at least 13 years of age at the time the offense
8 was committed and the conviction was based upon the
9 minor's commission of: (A) an offense in furtherance
10 of the commission of a felony as a member of or on
11 behalf of a criminal street gang, (B) an offense
12 involving the use of a firearm in the commission of a
13 felony, (C) a Class X felony offense under the
14 Cannabis Control Act or a second or subsequent Class 2
15 or greater felony offense under the Cannabis Control
16 Act, (D) a second or subsequent offense under Section
17 402 of the Illinois Controlled Substances Act, (E) an
18 offense under Section 401 of the Illinois Controlled
19 Substances Act, or (F) an offense under the
20 Methamphetamine Control and Community Protection Act.

21 (6) Nothing in this Section shall be construed to limit
22 the use of an ~~a~~ adjudication of delinquency as evidence in any
23 juvenile or criminal proceeding, where it would otherwise be
24 admissible under the rules of evidence, including but not
25 limited to, use as impeachment evidence against any witness,
26 including the minor if he or she testifies.

1 (7) Nothing in this Section shall affect the right of a
2 Civil Service Commission or appointing authority examining the
3 character and fitness of an applicant for a position as a law
4 enforcement officer to ascertain whether that applicant was
5 ever adjudicated to be a delinquent minor and, if so, to
6 examine the records or evidence which were made in proceedings
7 under this Act.

8 (8) Following any adjudication of delinquency for a crime
9 which would be a felony if committed by an adult, or following
10 any adjudication of delinquency for a violation of Section
11 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the State's Attorney shall ascertain
13 whether the minor respondent is enrolled in school and, if so,
14 shall provide a copy of the sentencing order to the principal
15 or chief administrative officer of the school. Access to such
16 juvenile records shall be limited to the principal or chief
17 administrative officer of the school and any guidance
18 counselor designated by him or her.

19 (9) Nothing contained in this Act prevents the sharing or
20 disclosure of information or records relating or pertaining to
21 juveniles subject to the provisions of the Serious Habitual
22 Offender Comprehensive Action Program when that information is
23 used to assist in the early identification and treatment of
24 habitual juvenile offenders.

25 (11) The Clerk of the Circuit Court shall report to the
26 Illinois ~~Department of~~ State Police, in the form and manner

1 required by the Illinois ~~Department of~~ State Police, the final
2 disposition of each minor who has been arrested or taken into
3 custody before his or her 18th birthday for those offenses
4 required to be reported under Section 5 of the Criminal
5 Identification Act. Information reported to the Department
6 under this Section may be maintained with records that the
7 Department files under Section 2.1 of the Criminal
8 Identification Act.

9 (12) Information or records may be disclosed to the
10 general public when the court is conducting hearings under
11 Section 5-805 or 5-810.

12 (13) The changes made to this Section by Public Act 98-61
13 apply to juvenile court records of a minor who has been
14 arrested or taken into custody on or after January 1, 2014 (the
15 effective date of Public Act 98-61).

16 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
17 98-756, eff. 7-16-14.)

18 (705 ILCS 405/5-915)

19 Sec. 5-915. Expungement of juvenile law enforcement and
20 juvenile court records.

21 (0.05) (Blank).

22 (0.1) (a) The Illinois ~~Department of~~ State Police and all
23 law enforcement agencies within the State shall automatically
24 expunge, on or before January 1 of each year, all juvenile law
25 enforcement records relating to events occurring before an

1 individual's 18th birthday if:

2 (1) one year or more has elapsed since the date of the
3 arrest or law enforcement interaction documented in the
4 records;

5 (2) no petition for delinquency or criminal charges
6 were filed with the clerk of the circuit court relating to
7 the arrest or law enforcement interaction documented in
8 the records; and

9 (3) 6 months have elapsed since the date of the arrest
10 without an additional subsequent arrest or filing of a
11 petition for delinquency or criminal charges whether
12 related or not to the arrest or law enforcement
13 interaction documented in the records.

14 (b) If the law enforcement agency is unable to verify
15 satisfaction of conditions (2) and (3) of this subsection
16 (0.1), records that satisfy condition (1) of this subsection
17 (0.1) shall be automatically expunged if the records relate to
18 an offense that if committed by an adult would not be an
19 offense classified as a Class 2 felony or higher, an offense
20 under Article 11 of the Criminal Code of 1961 or Criminal Code
21 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
22 12-15, or 12-16 of the Criminal Code of 1961.

23 (0.15) If a juvenile law enforcement record meets
24 paragraph (a) of subsection (0.1) of this Section, a juvenile
25 law enforcement record created:

26 (1) prior to January 1, 2018, but on or after January

1 1, 2013 shall be automatically expunged prior to January
2 1, 2020;

3 (2) prior to January 1, 2013, but on or after January
4 1, 2000, shall be automatically expunged prior to January
5 1, 2023; and

6 (3) prior to January 1, 2000 shall not be subject to
7 the automatic expungement provisions of this Act.

8 Nothing in this subsection (0.15) shall be construed to
9 restrict or modify an individual's right to have his or her
10 juvenile law enforcement records expunged except as otherwise
11 may be provided in this Act.

12 (0.2) (a) Upon dismissal of a petition alleging
13 delinquency or upon a finding of not delinquent, the
14 successful termination of an order of supervision, or the
15 successful termination of an adjudication for an offense which
16 would be a Class B misdemeanor, Class C misdemeanor, or a petty
17 or business offense if committed by an adult, the court shall
18 automatically order the expungement of the juvenile court
19 records and juvenile law enforcement records. The clerk shall
20 deliver a certified copy of the expungement order to the
21 Illinois Department of State Police and the arresting agency.
22 Upon request, the State's Attorney shall furnish the name of
23 the arresting agency. The expungement shall be completed
24 within 60 business days after the receipt of the expungement
25 order.

26 (b) If the chief law enforcement officer of the agency, or

1 his or her designee, certifies in writing that certain
2 information is needed for a pending investigation involving
3 the commission of a felony, that information, and information
4 identifying the juvenile, may be retained until the statute of
5 limitations for the felony has run. If the chief law
6 enforcement officer of the agency, or his or her designee,
7 certifies in writing that certain information is needed with
8 respect to an internal investigation of any law enforcement
9 office, that information and information identifying the
10 juvenile may be retained within an intelligence file until the
11 investigation is terminated or the disciplinary action,
12 including appeals, has been completed, whichever is later.
13 Retention of a portion of a juvenile's law enforcement record
14 does not disqualify the remainder of his or her record from
15 immediate automatic expungement.

16 (0.3) (a) Upon an adjudication of delinquency based on any
17 offense except a disqualified offense, the juvenile court
18 shall automatically order the expungement of the juvenile
19 court and law enforcement records 2 years after the juvenile's
20 case was closed if no delinquency or criminal proceeding is
21 pending and the person has had no subsequent delinquency
22 adjudication or criminal conviction. The clerk shall deliver a
23 certified copy of the expungement order to the Illinois
24 ~~Department of~~ State Police and the arresting agency. Upon
25 request, the State's Attorney shall furnish the name of the
26 arresting agency. The expungement shall be completed within 60

1 business days after the receipt of the expungement order. In
2 this subsection (0.3), "disqualified offense" means any of the
3 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
4 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
6 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
7 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
8 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
9 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
10 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
11 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
12 of subsection (a) of Section 11-14.4, subsection (a-5) of
13 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
14 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
15 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
16 subparagraph (i) of paragraph (1) of subsection (a) of Section
17 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
18 Section 24-1.6, paragraph (1) of subsection (a) of Section
19 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
20 of 2012.

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
24 the commission of a felony, that information, and information
25 identifying the juvenile, may be retained in an intelligence
26 file until the investigation is terminated or for one

1 additional year, whichever is sooner. Retention of a portion
2 of a juvenile's juvenile law enforcement record does not
3 disqualify the remainder of his or her record from immediate
4 automatic expungement.

5 (0.4) Automatic expungement for the purposes of this
6 Section shall not require law enforcement agencies to
7 obliterate or otherwise destroy juvenile law enforcement
8 records that would otherwise need to be automatically expunged
9 under this Act, except after 2 years following the subject
10 arrest for purposes of use in civil litigation against a
11 governmental entity or its law enforcement agency or personnel
12 which created, maintained, or used the records. However, these
13 juvenile law enforcement records shall be considered expunged
14 for all other purposes during this period and the offense,
15 which the records or files concern, shall be treated as if it
16 never occurred as required under Section 5-923.

17 (0.5) Subsection (0.1) or (0.2) of this Section does not
18 apply to violations of traffic, boating, fish and game laws,
19 or county or municipal ordinances.

20 (0.6) Juvenile law enforcement records of a plaintiff who
21 has filed civil litigation against the governmental entity or
22 its law enforcement agency or personnel that created,
23 maintained, or used the records, or juvenile law enforcement
24 records that contain information related to the allegations
25 set forth in the civil litigation may not be expunged until
26 after 2 years have elapsed after the conclusion of the

1 lawsuit, including any appeal.

2 (0.7) Officer-worn body camera recordings shall not be
3 automatically expunged except as otherwise authorized by the
4 Law Enforcement Officer-Worn Body Camera Act.

5 (1) Whenever a person has been arrested, charged, or
6 adjudicated delinquent for an incident occurring before his or
7 her 18th birthday that if committed by an adult would be an
8 offense, and that person's juvenile law enforcement and
9 juvenile court records are not eligible for automatic
10 expungement under subsection (0.1), (0.2), or (0.3), the
11 person may petition the court at any time for expungement of
12 juvenile law enforcement records and juvenile court records
13 relating to the incident and, upon termination of all juvenile
14 court proceedings relating to that incident, the court shall
15 order the expungement of all records in the possession of the
16 Illinois Department of State Police, the clerk of the circuit
17 court, and law enforcement agencies relating to the incident,
18 but only in any of the following circumstances:

19 (a) the minor was arrested and no petition for
20 delinquency was filed with the clerk of the circuit court;

21 (a-5) the minor was charged with an offense and the
22 petition or petitions were dismissed without a finding of
23 delinquency;

24 (b) the minor was charged with an offense and was
25 found not delinquent of that offense;

26 (c) the minor was placed under supervision under

1 Section 5-615, and the order of supervision has since been
2 successfully terminated; or

3 (d) the minor was adjudicated for an offense which
4 would be a Class B misdemeanor, Class C misdemeanor, or a
5 petty or business offense if committed by an adult.

6 (1.5) The Illinois ~~Department of~~ State Police shall allow
7 a person to use the Access and Review process, established in
8 the Illinois ~~Department of~~ State Police, for verifying that
9 his or her juvenile law enforcement records relating to
10 incidents occurring before his or her 18th birthday eligible
11 under this Act have been expunged.

12 (1.6) (Blank).

13 (1.7) (Blank).

14 (1.8) (Blank).

15 (2) Any person whose delinquency adjudications are not
16 eligible for automatic expungement under subsection (0.3) of
17 this Section may petition the court to expunge all juvenile
18 law enforcement records relating to any incidents occurring
19 before his or her 18th birthday which did not result in
20 proceedings in criminal court and all juvenile court records
21 with respect to any adjudications except those based upon
22 first degree murder or an offense under Article 11 of the
23 Criminal Code of 2012 if the person is required to register
24 under the Sex Offender Registration Act at the time he or she
25 petitions the court for expungement; provided that: ~~(a)~~
26 ~~(blank); or (b)~~ 2 years have elapsed since all juvenile court

1 proceedings relating to him or her have been terminated and
2 his or her commitment to the Department of Juvenile Justice
3 under this Act has been terminated.

4 (2.5) If a minor is arrested and no petition for
5 delinquency is filed with the clerk of the circuit court at the
6 time the minor is released from custody, the youth officer, if
7 applicable, or other designated person from the arresting
8 agency, shall notify verbally and in writing to the minor or
9 the minor's parents or guardians that the minor shall have an
10 arrest record and shall provide the minor and the minor's
11 parents or guardians with an expungement information packet,
12 information regarding this State's expungement laws including
13 a petition to expunge juvenile law enforcement and juvenile
14 court records obtained from the clerk of the circuit court.

15 (2.6) If a minor is referred to court, then, at the time of
16 sentencing, ~~or~~ dismissal of the case, or successful completion
17 of supervision, the judge shall inform the delinquent minor of
18 his or her rights regarding expungement and the clerk of the
19 circuit court shall provide an expungement information packet
20 to the minor, written in plain language, including information
21 regarding this State's expungement laws and a petition for
22 expungement, a sample of a completed petition, expungement
23 instructions that shall include information informing the
24 minor that (i) once the case is expunged, it shall be treated
25 as if it never occurred, (ii) he or she may apply to have
26 petition fees waived, (iii) once he or she obtains an

1 expungement, he or she may not be required to disclose that he
2 or she had a juvenile law enforcement or juvenile court
3 record, and (iv) if petitioning he or she may file the petition
4 on his or her own or with the assistance of an attorney. The
5 failure of the judge to inform the delinquent minor of his or
6 her right to petition for expungement as provided by law does
7 not create a substantive right, nor is that failure grounds
8 for: (i) a reversal of an adjudication of delinquency; ~~or~~ (ii) a
9 new trial; or (iii) an appeal.

10 (2.7) (Blank).

11 (2.8) (Blank).

12 (3) (Blank).

13 (3.1) (Blank).

14 (3.2) (Blank).

15 (3.3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (5.5) Whether or not expunged, records eligible for
19 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
20 (0.3) (a) may be treated as expunged by the individual subject
21 to the records.

22 (6) (Blank).

23 (6.5) The Illinois ~~Department of~~ State Police or any
24 employee of the Illinois State Police ~~Department~~ shall be
25 immune from civil or criminal liability for failure to expunge
26 any records of arrest that are subject to expungement under

1 this Section because of inability to verify a record. Nothing
2 in this Section shall create Illinois ~~Department of~~ State
3 Police liability or responsibility for the expungement of
4 juvenile law enforcement records it does not possess.

5 (7) (Blank).

6 (7.5) (Blank).

7 (8) ~~(a) (Blank).~~ ~~(b) (Blank).~~ ~~(c)~~ The expungement of
8 juvenile law enforcement or juvenile court records under
9 subsection (0.1), (0.2), or (0.3) of this Section shall be
10 funded by appropriation by the General Assembly for that
11 purpose.

12 (9) (Blank).

13 (10) (Blank).

14 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
15 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
16 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
17 eff. 12-20-18; revised 7-16-19.)

18 Section 980. The Criminal Code of 2012 is amended by
19 changing Sections 3-7, 12-38, 12C-15, 14-3, 17-6.3, 24-1,
20 24-1.1, 24-3, 24-3B, 24-6, 24-8, 24.8-5, 28-5, 29B-0.5, 29B-3,
21 29B-4, 29B-12, 29B-20, 29B-25, 29B-26, 32-2, 32-8, 33-2,
22 33-3.1, 33-3.2, 36-1.1, 36-1.3, 36-2.2, and 36-7 as follows:

23 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

24 Sec. 3-7. Periods excluded from limitation.

1 (a) The period within which a prosecution must be
2 commenced does not include any period in which:

3 (1) the defendant is not usually and publicly resident
4 within this State; or

5 (2) the defendant is a public officer and the offense
6 charged is theft of public funds while in public office;
7 or

8 (3) a prosecution is pending against the defendant for
9 the same conduct, even if the indictment or information
10 which commences the prosecution is quashed or the
11 proceedings thereon are set aside, or are reversed on
12 appeal; or

13 (4) a proceeding or an appeal from a proceeding
14 relating to the quashing or enforcement of a Grand Jury
15 subpoena issued in connection with an investigation of a
16 violation of a criminal law of this State is pending.
17 However, the period within which a prosecution must be
18 commenced includes any period in which the State brings a
19 proceeding or an appeal from a proceeding specified in
20 this paragraph (4); or

21 (5) a material witness is placed on active military
22 duty or leave. In this paragraph (5), "material witness"
23 includes, but is not limited to, the arresting officer,
24 occurrence witness, or the alleged victim of the offense;
25 or

26 (6) the victim of unlawful force or threat of imminent

1 bodily harm to obtain information or a confession is
2 incarcerated, and the victim's incarceration, in whole or
3 in part, is a consequence of the unlawful force or
4 threats; or

5 (7) the sexual assault evidence is collected and
6 submitted to the Illinois ~~Department of~~ State Police until
7 the completion of the analysis of the submitted evidence.

8 (a-5) The prosecution shall not be required to prove at
9 trial facts establishing periods excluded from the general
10 limitations in Section 3-5 of this Code when the facts
11 supporting periods being excluded from the general limitations
12 are properly pled in the charging document. Any challenge
13 relating to periods of exclusion as defined in this Section
14 shall be exclusively conducted under Section 114-1 of the Code
15 of Criminal Procedure of 1963.

16 (b) For the purposes of this Section:

17 "Completion of the analysis of the submitted evidence"
18 means analysis of the collected evidence and conducting of
19 laboratory tests and the comparison of the collected
20 evidence with the genetic marker grouping analysis
21 information maintained by the Illinois ~~Department of~~ State
22 Police under Section 5-4-3 of the Unified Code of
23 Corrections and with the information contained in the
24 Federal Bureau of Investigation's National DNA database.

25 "Sexual assault" has the meaning ascribed to it in
26 Section 1a of the Sexual Assault Survivors Emergency

1 Treatment Act.

2 "Sexual assault evidence" has the meaning ascribed to
3 it in Section 5 of the Sexual Assault Evidence Submission
4 Act.

5 (Source: P.A. 99-252, eff. 1-1-16; 100-434, eff. 1-1-18.)

6 (720 ILCS 5/12-38)

7 Sec. 12-38. Restrictions on purchase or acquisition of
8 corrosive or caustic acid.

9 (a) A person seeking to purchase a substance which is
10 regulated by Title 16 CFR Section 1500.129 of the Federal
11 Caustic Poison Act and is required to contain the words
12 "causes severe burns" as the affirmative statement of
13 principal hazard on its label, must prior to taking
14 possession:

15 (1) provide a valid driver's license or other
16 government-issued identification showing the person's
17 name, date of birth, and photograph; and

18 (2) sign a log documenting the name and address of the
19 person, date and time of the transaction, and the brand,
20 product name and net weight of the item.

21 (b) Exemption. The requirements of subsection (a) do not
22 apply to batteries or household products. For the purposes of
23 this Section, "household product" means any product which is
24 customarily produced or distributed for sale for consumption
25 or use, or customarily stored, by individuals in or about the

1 household, including, but not limited to, products which are
2 customarily produced and distributed for use in or about a
3 household as a cleaning agent, drain cleaner, pesticide,
4 epoxy, paint, stain, or similar substance.

5 (c) Rules and Regulations. The Illinois ~~Department of~~
6 State Police shall have the authority to promulgate rules for
7 the implementation and enforcement of this Section.

8 (d) Sentence. Any violation of this Section is a business
9 offense for which a fine not exceeding \$150 for the first
10 violation, \$500 for the second violation, or \$1,500 for the
11 third and subsequent violations within a 12-month period shall
12 be imposed.

13 (e) Preemption. The regulation of the purchase or
14 acquisition, or both, of a caustic or corrosive substance and
15 any registry regarding the sale or possession, or both, of a
16 caustic or corrosive substance is an exclusive power and
17 function of the State. A home rule unit may not regulate the
18 purchase or acquisition of caustic or corrosive substances and
19 any ordinance or local law contrary to this Section is
20 declared void. This is a denial and limitation of home rule
21 powers and functions under subsection (h) of Section 6 of
22 Article VII of the Illinois Constitution.

23 (Source: P.A. 97-565, eff. 1-1-12; 97-929, eff. 8-10-12.)

24 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

25 Sec. 12C-15. Child abandonment or endangerment; probation.

1 (a) Whenever a parent of a child as determined by the court
2 on the facts before it, pleads guilty to or is found guilty of,
3 with respect to his or her child, child abandonment under
4 Section 12C-10 of this Article or endangering the life or
5 health of a child under Section 12C-5 of this Article, the
6 court may, without entering a judgment of guilt and with the
7 consent of the person, defer further proceedings and place the
8 person upon probation upon the reasonable terms and conditions
9 as the court may require. At least one term of the probation
10 shall require the person to cooperate with the Department of
11 Children and Family Services at the times and in the programs
12 that the Department of Children and Family Services may
13 require.

14 (b) Upon fulfillment of the terms and conditions imposed
15 under subsection (a), the court shall discharge the person and
16 dismiss the proceedings. Discharge and dismissal under this
17 Section shall be without court adjudication of guilt and shall
18 not be considered a conviction for purposes of
19 disqualification or disabilities imposed by law upon
20 conviction of a crime. However, a record of the disposition
21 shall be reported by the clerk of the circuit court to the
22 Illinois Department of State Police under Section 2.1 of the
23 Criminal Identification Act, and the record shall be
24 maintained and provided to any civil authority in connection
25 with a determination of whether the person is an acceptable
26 candidate for the care, custody and supervision of children.

1 (c) Discharge and dismissal under this Section may occur
2 only once.

3 (d) Probation under this Section may not be for a period of
4 less than 2 years.

5 (e) If the child dies of the injuries alleged, this
6 Section shall be inapplicable.

7 (Source: P.A. 97-1109, eff. 1-1-13.)

8 (720 ILCS 5/14-3)

9 Sec. 14-3. Exemptions. The following activities shall be
10 exempt from the provisions of this Article:

11 (a) Listening to radio, wireless electronic
12 communications, and television communications of any sort
13 where the same are publicly made;

14 (b) Hearing conversation when heard by employees of
15 any common carrier by wire incidental to the normal course
16 of their employment in the operation, maintenance or
17 repair of the equipment of such common carrier by wire so
18 long as no information obtained thereby is used or
19 divulged by the hearer;

20 (c) Any broadcast by radio, television or otherwise
21 whether it be a broadcast or recorded for the purpose of
22 later broadcasts of any function where the public is in
23 attendance and the conversations are overheard incidental
24 to the main purpose for which such broadcasts are then
25 being made;

1 (d) Recording or listening with the aid of any device
2 to any emergency communication made in the normal course
3 of operations by any federal, state or local law
4 enforcement agency or institutions dealing in emergency
5 services, including, but not limited to, hospitals,
6 clinics, ambulance services, fire fighting agencies, any
7 public utility, emergency repair facility, civilian
8 defense establishment or military installation;

9 (e) Recording the proceedings of any meeting required
10 to be open by the Open Meetings Act, as amended;

11 (f) Recording or listening with the aid of any device
12 to incoming telephone calls of phone lines publicly listed
13 or advertised as consumer "hotlines" by manufacturers or
14 retailers of food and drug products. Such recordings must
15 be destroyed, erased or turned over to local law
16 enforcement authorities within 24 hours from the time of
17 such recording and shall not be otherwise disseminated.
18 Failure on the part of the individual or business
19 operating any such recording or listening device to comply
20 with the requirements of this subsection shall eliminate
21 any civil or criminal immunity conferred upon that
22 individual or business by the operation of this Section;

23 (g) With prior notification to the State's Attorney of
24 the county in which it is to occur, recording or listening
25 with the aid of any device to any conversation where a law
26 enforcement officer, or any person acting at the direction

1 of law enforcement, is a party to the conversation and has
2 consented to it being intercepted or recorded under
3 circumstances where the use of the device is necessary for
4 the protection of the law enforcement officer or any
5 person acting at the direction of law enforcement, in the
6 course of an investigation of a forcible felony, a felony
7 offense of involuntary servitude, involuntary sexual
8 servitude of a minor, or trafficking in persons under
9 Section 10-9 of this Code, an offense involving
10 prostitution, solicitation of a sexual act, or pandering,
11 a felony violation of the Illinois Controlled Substances
12 Act, a felony violation of the Cannabis Control Act, a
13 felony violation of the Methamphetamine Control and
14 Community Protection Act, any "streetgang related" or
15 "gang-related" felony as those terms are defined in the
16 Illinois Streetgang Terrorism Omnibus Prevention Act, or
17 any felony offense involving any weapon listed in
18 paragraphs (1) through (11) of subsection (a) of Section
19 24-1 of this Code. Any recording or evidence derived as
20 the result of this exemption shall be inadmissible in any
21 proceeding, criminal, civil or administrative, except (i)
22 where a party to the conversation suffers great bodily
23 injury or is killed during such conversation, or (ii) when
24 used as direct impeachment of a witness concerning matters
25 contained in the interception or recording. The Director
26 of the Illinois ~~Department of~~ State Police shall issue

1 regulations as are necessary concerning the use of
2 devices, retention of tape recordings, and reports
3 regarding their use;

4 (g-5) (Blank);

5 (g-6) With approval of the State's Attorney of the
6 county in which it is to occur, recording or listening
7 with the aid of any device to any conversation where a law
8 enforcement officer, or any person acting at the direction
9 of law enforcement, is a party to the conversation and has
10 consented to it being intercepted or recorded in the
11 course of an investigation of child pornography,
12 aggravated child pornography, indecent solicitation of a
13 child, luring of a minor, sexual exploitation of a child,
14 aggravated criminal sexual abuse in which the victim of
15 the offense was at the time of the commission of the
16 offense under 18 years of age, or criminal sexual abuse by
17 force or threat of force in which the victim of the offense
18 was at the time of the commission of the offense under 18
19 years of age. In all such cases, an application for an
20 order approving the previous or continuing use of an
21 eavesdropping device must be made within 48 hours of the
22 commencement of such use. In the absence of such an order,
23 or upon its denial, any continuing use shall immediately
24 terminate. The Director of the Illinois State Police shall
25 issue rules as are necessary concerning the use of
26 devices, retention of recordings, and reports regarding

1 their use. Any recording or evidence obtained or derived
2 in the course of an investigation of 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
6 the offense was at the time of the commission of the
7 offense under 18 years of age, or criminal sexual abuse by
8 force or threat of force in which the victim of the offense
9 was at the time of the commission of the offense under 18
10 years of age shall, upon motion of the State's Attorney or
11 Attorney General prosecuting any case involving child
12 pornography, aggravated child pornography, indecent
13 solicitation of a child, luring of a minor, sexual
14 exploitation of a child, aggravated criminal sexual abuse
15 in which the victim of the offense was at the time of the
16 commission of the offense under 18 years of age, or
17 criminal sexual abuse by force or threat of force in which
18 the victim of the offense was at the time of the commission
19 of the offense under 18 years of age be reviewed in camera
20 with notice to all parties present by the court presiding
21 over the criminal case, and, if ruled by the court to be
22 relevant and otherwise admissible, it shall be admissible
23 at the trial of the criminal case. Absent such a ruling,
24 any such recording or evidence shall not be admissible at
25 the trial of the criminal case;

26 (h) Recordings made simultaneously with the use of an

1 in-car video camera recording of an oral conversation
2 between a uniformed peace officer, who has identified his
3 or her office, and a person in the presence of the peace
4 officer whenever (i) an officer assigned a patrol vehicle
5 is conducting an enforcement stop; or (ii) patrol vehicle
6 emergency lights are activated or would otherwise be
7 activated if not for the need to conceal the presence of
8 law enforcement.

9 For the purposes of this subsection (h), "enforcement
10 stop" means an action by a law enforcement officer in
11 relation to enforcement and investigation duties,
12 including but not limited to, traffic stops, pedestrian
13 stops, abandoned vehicle contacts, motorist assists,
14 commercial motor vehicle stops, roadside safety checks,
15 requests for identification, or responses to requests for
16 emergency assistance;

17 (h-5) Recordings of utterances made by a person while
18 in the presence of a uniformed peace officer and while an
19 occupant of a police vehicle including, but not limited
20 to, (i) recordings made simultaneously with the use of an
21 in-car video camera and (ii) recordings made in the
22 presence of the peace officer utilizing video or audio
23 systems, or both, authorized by the law enforcement
24 agency;

25 (h-10) Recordings made simultaneously with a video
26 camera recording during the use of a taser or similar

1 weapon or device by a peace officer if the weapon or device
2 is equipped with such camera;

3 (h-15) Recordings made under subsection (h), (h-5), or
4 (h-10) shall be retained by the law enforcement agency
5 that employs the peace officer who made the recordings for
6 a storage period of 90 days, unless the recordings are
7 made as a part of an arrest or the recordings are deemed
8 evidence in any criminal, civil, or administrative
9 proceeding and then the recordings must only be destroyed
10 upon a final disposition and an order from the court.
11 Under no circumstances shall any recording be altered or
12 erased prior to the expiration of the designated storage
13 period. Upon completion of the storage period, the
14 recording medium may be erased and reissued for
15 operational use;

16 (i) Recording of a conversation made by or at the
17 request of a person, not a law enforcement officer or
18 agent of a law enforcement officer, who is a party to the
19 conversation, under reasonable suspicion that another
20 party to the conversation is committing, is about to
21 commit, or has committed a criminal offense against the
22 person or a member of his or her immediate household, and
23 there is reason to believe that evidence of the criminal
24 offense may be obtained by the recording;

25 (j) The use of a telephone monitoring device by either
26 (1) a corporation or other business entity engaged in

1 marketing or opinion research or (2) a corporation or
2 other business entity engaged in telephone solicitation,
3 as defined in this subsection, to record or listen to oral
4 telephone solicitation conversations or marketing or
5 opinion research conversations by an employee of the
6 corporation or other business entity when:

7 (i) the monitoring is used for the purpose of
8 service quality control of marketing or opinion
9 research or telephone solicitation, the education or
10 training of employees or contractors engaged in
11 marketing or opinion research or telephone
12 solicitation, or internal research related to
13 marketing or opinion research or telephone
14 solicitation; and

15 (ii) the monitoring is used with the consent of at
16 least one person who is an active party to the
17 marketing or opinion research conversation or
18 telephone solicitation conversation being monitored.

19 No communication or conversation or any part, portion,
20 or aspect of the communication or conversation made,
21 acquired, or obtained, directly or indirectly, under this
22 exemption (j), may be, directly or indirectly, furnished
23 to any law enforcement officer, agency, or official for
24 any purpose or used in any inquiry or investigation, or
25 used, directly or indirectly, in any administrative,
26 judicial, or other proceeding, or divulged to any third

1 party.

2 When recording or listening authorized by this
3 subsection (j) on telephone lines used for marketing or
4 opinion research or telephone solicitation purposes
5 results in recording or listening to a conversation that
6 does not relate to marketing or opinion research or
7 telephone solicitation; the person recording or listening
8 shall, immediately upon determining that the conversation
9 does not relate to marketing or opinion research or
10 telephone solicitation, terminate the recording or
11 listening and destroy any such recording as soon as is
12 practicable.

13 Business entities that use a telephone monitoring or
14 telephone recording system pursuant to this exemption (j)
15 shall provide current and prospective employees with
16 notice that the monitoring or recordings may occur during
17 the course of their employment. The notice shall include
18 prominent signage notification within the workplace.

19 Business entities that use a telephone monitoring or
20 telephone recording system pursuant to this exemption (j)
21 shall provide their employees or agents with access to
22 personal-only telephone lines which may be pay telephones,
23 that are not subject to telephone monitoring or telephone
24 recording.

25 For the purposes of this subsection (j), "telephone
26 solicitation" means a communication through the use of a

1 telephone by live operators:

2 (i) soliciting the sale of goods or services;

3 (ii) receiving orders for the sale of goods or
4 services;

5 (iii) assisting in the use of goods or services;

6 or

7 (iv) engaging in the solicitation, administration,
8 or collection of bank or retail credit accounts.

9 For the purposes of this subsection (j), "marketing or
10 opinion research" means a marketing or opinion research
11 interview conducted by a live telephone interviewer
12 engaged by a corporation or other business entity whose
13 principal business is the design, conduct, and analysis of
14 polls and surveys measuring the opinions, attitudes, and
15 responses of respondents toward products and services, or
16 social or political issues, or both;

17 (k) Electronic recordings, including but not limited
18 to, a motion picture, videotape, digital, or other visual
19 or audio recording, made of a custodial interrogation of
20 an individual at a police station or other place of
21 detention by a law enforcement officer under Section
22 5-401.5 of the Juvenile Court Act of 1987 or Section
23 103-2.1 of the Code of Criminal Procedure of 1963;

24 (l) Recording the interview or statement of any person
25 when the person knows that the interview is being
26 conducted by a law enforcement officer or prosecutor and

1 the interview takes place at a police station that is
2 currently participating in the Custodial Interview Pilot
3 Program established under the Illinois Criminal Justice
4 Information Act;

5 (m) An electronic recording, including but not limited
6 to, a motion picture, videotape, digital, or other visual
7 or audio recording, made of the interior of a school bus
8 while the school bus is being used in the transportation
9 of students to and from school and school-sponsored
10 activities, when the school board has adopted a policy
11 authorizing such recording, notice of such recording
12 policy is included in student handbooks and other
13 documents including the policies of the school, notice of
14 the policy regarding recording is provided to parents of
15 students, and notice of such recording is clearly posted
16 on the door of and inside the school bus.

17 Recordings made pursuant to this subsection (m) shall
18 be confidential records and may only be used by school
19 officials (or their designees) and law enforcement
20 personnel for investigations, school disciplinary actions
21 and hearings, proceedings under the Juvenile Court Act of
22 1987, and criminal prosecutions, related to incidents
23 occurring in or around the school bus;

24 (n) Recording or listening to an audio transmission
25 from a microphone placed by a person under the authority
26 of a law enforcement agency inside a bait car surveillance

1 vehicle while simultaneously capturing a photographic or
2 video image;

3 (o) The use of an eavesdropping camera or audio device
4 during an ongoing hostage or barricade situation by a law
5 enforcement officer or individual acting on behalf of a
6 law enforcement officer when the use of such device is
7 necessary to protect the safety of the general public,
8 hostages, or law enforcement officers or anyone acting on
9 their behalf;

10 (p) Recording or listening with the aid of any device
11 to incoming telephone calls of phone lines publicly listed
12 or advertised as the "CPS Violence Prevention Hotline",
13 but only where the notice of recording is given at the
14 beginning of each call as required by Section 34-21.8 of
15 the School Code. The recordings may be retained only by
16 the Chicago Police Department or other law enforcement
17 authorities, and shall not be otherwise retained or
18 disseminated;

19 (q) (1) With prior request to and written or verbal
20 approval of the State's Attorney of the county in which
21 the conversation is anticipated to occur, recording or
22 listening with the aid of an eavesdropping device to a
23 conversation in which a law enforcement officer, or any
24 person acting at the direction of a law enforcement
25 officer, is a party to the conversation and has consented
26 to the conversation being intercepted or recorded in the

1 course of an investigation of a qualified offense. The
2 State's Attorney may grant this approval only after
3 determining that reasonable cause exists to believe that
4 inculpatory conversations concerning a qualified offense
5 will occur with a specified individual or individuals
6 within a designated period of time.

7 (2) Request for approval. To invoke the exception
8 contained in this subsection (q), a law enforcement
9 officer shall make a request for approval to the
10 appropriate State's Attorney. The request may be written
11 or verbal; however, a written memorialization of the
12 request must be made by the State's Attorney. This request
13 for approval shall include whatever information is deemed
14 necessary by the State's Attorney but shall include, at a
15 minimum, the following information about each specified
16 individual whom the law enforcement officer believes will
17 commit a qualified offense:

18 (A) his or her full or partial name, nickname or
19 alias;

20 (B) a physical description; or

21 (C) failing either (A) or (B) of this paragraph
22 (2), any other supporting information known to the law
23 enforcement officer at the time of the request that
24 gives rise to reasonable cause to believe that the
25 specified individual will participate in an
26 inculpatory conversation concerning a qualified

1 offense.

2 (3) Limitations on approval. Each written approval by
3 the State's Attorney under this subsection (q) shall be
4 limited to:

5 (A) a recording or interception conducted by a
6 specified law enforcement officer or person acting at
7 the direction of a law enforcement officer;

8 (B) recording or intercepting conversations with
9 the individuals specified in the request for approval,
10 provided that the verbal approval shall be deemed to
11 include the recording or intercepting of conversations
12 with other individuals, unknown to the law enforcement
13 officer at the time of the request for approval, who
14 are acting in conjunction with or as co-conspirators
15 with the individuals specified in the request for
16 approval in the commission of a qualified offense;

17 (C) a reasonable period of time but in no event
18 longer than 24 consecutive hours;

19 (D) the written request for approval, if
20 applicable, or the written memorialization must be
21 filed, along with the written approval, with the
22 circuit clerk of the jurisdiction on the next business
23 day following the expiration of the authorized period
24 of time, and shall be subject to review by the Chief
25 Judge or his or her designee as deemed appropriate by
26 the court.

1 (3.5) The written memorialization of the request for
2 approval and the written approval by the State's Attorney
3 may be in any format, including via facsimile, email, or
4 otherwise, so long as it is capable of being filed with the
5 circuit clerk.

6 (3.10) Beginning March 1, 2015, each State's Attorney
7 shall annually submit a report to the General Assembly
8 disclosing:

9 (A) the number of requests for each qualified
10 offense for approval under this subsection; and

11 (B) the number of approvals for each qualified
12 offense given by the State's Attorney.

13 (4) Admissibility of evidence. No part of the contents
14 of any wire, electronic, or oral communication that has
15 been recorded or intercepted as a result of this exception
16 may be received in evidence in any trial, hearing, or
17 other proceeding in or before any court, grand jury,
18 department, officer, agency, regulatory body, legislative
19 committee, or other authority of this State, or a
20 political subdivision of the State, other than in a
21 prosecution of:

22 (A) the qualified offense for which approval was
23 given to record or intercept a conversation under this
24 subsection (q);

25 (B) a forcible felony committed directly in the
26 course of the investigation of the qualified offense

1 for which approval was given to record or intercept a
2 conversation under this subsection (q); or

3 (C) any other forcible felony committed while the
4 recording or interception was approved in accordance
5 with this subsection (q), but for this specific
6 category of prosecutions, only if the law enforcement
7 officer or person acting at the direction of a law
8 enforcement officer who has consented to the
9 conversation being intercepted or recorded suffers
10 great bodily injury or is killed during the commission
11 of the charged forcible felony.

12 (5) Compliance with the provisions of this subsection
13 is a prerequisite to the admissibility in evidence of any
14 part of the contents of any wire, electronic or oral
15 communication that has been intercepted as a result of
16 this exception, but nothing in this subsection shall be
17 deemed to prevent a court from otherwise excluding the
18 evidence on any other ground recognized by State or
19 federal law, nor shall anything in this subsection be
20 deemed to prevent a court from independently reviewing the
21 admissibility of the evidence for compliance with the
22 Fourth Amendment to the U.S. Constitution or with Article
23 I, Section 6 of the Illinois Constitution.

24 (6) Use of recordings or intercepts unrelated to
25 qualified offenses. Whenever any private conversation or
26 private electronic communication has been recorded or

1 intercepted as a result of this exception that is not
2 related to an offense for which the recording or intercept
3 is admissible under paragraph (4) of this subsection (q),
4 no part of the contents of the communication and evidence
5 derived from the communication may be received in evidence
6 in any trial, hearing, or other proceeding in or before
7 any court, grand jury, department, officer, agency,
8 regulatory body, legislative committee, or other authority
9 of this State, or a political subdivision of the State,
10 nor may it be publicly disclosed in any way.

11 (6.5) The Illinois ~~Department of~~ State Police shall
12 adopt rules as are necessary concerning the use of
13 devices, retention of recordings, and reports regarding
14 their use under this subsection (q).

15 (7) Definitions. For the purposes of this subsection
16 (q) only:

17 "Forcible felony" includes and is limited to those
18 offenses contained in Section 2-8 of the Criminal Code
19 of 1961 as of the effective date of this amendatory Act
20 of the 97th General Assembly, and only as those
21 offenses have been defined by law or judicial
22 interpretation as of that date.

23 "Qualified offense" means and is limited to:

24 (A) a felony violation of the Cannabis Control
25 Act, the Illinois Controlled Substances Act, or
26 the Methamphetamine Control and Community

1 Protection Act, except for violations of:
2 (i) Section 4 of the Cannabis Control Act;
3 (ii) Section 402 of the Illinois
4 Controlled Substances Act; and
5 (iii) Section 60 of the Methamphetamine
6 Control and Community Protection Act; and
7 (B) first degree murder, solicitation of
8 murder for hire, predatory criminal sexual assault
9 of a child, criminal sexual assault, aggravated
10 criminal sexual assault, aggravated arson,
11 kidnapping, aggravated kidnapping, child
12 abduction, trafficking in persons, involuntary
13 servitude, involuntary sexual servitude of a
14 minor, or gunrunning.

15 "State's Attorney" includes and is limited to the
16 State's Attorney or an assistant State's Attorney
17 designated by the State's Attorney to provide verbal
18 approval to record or intercept conversations under
19 this subsection (q).

20 (8) Sunset. This subsection (q) is inoperative on and
21 after January 1, 2023. No conversations intercepted
22 pursuant to this subsection (q), while operative, shall be
23 inadmissible in a court of law by virtue of the
24 inoperability of this subsection (q) on January 1, 2023.

25 (9) Recordings, records, and custody. Any private
26 conversation or private electronic communication

1 intercepted by a law enforcement officer or a person
2 acting at the direction of law enforcement shall, if
3 practicable, be recorded in such a way as will protect the
4 recording from editing or other alteration. Any and all
5 original recordings made under this subsection (q) shall
6 be inventoried without unnecessary delay pursuant to the
7 law enforcement agency's policies for inventorying
8 evidence. The original recordings shall not be destroyed
9 except upon an order of a court of competent jurisdiction;
10 and

11 (r) Electronic recordings, including but not limited
12 to, motion picture, videotape, digital, or other visual or
13 audio recording, made of a lineup under Section 107A-2 of
14 the Code of Criminal Procedure of 1963.

15 (Source: P.A. 100-572, eff. 12-29-17; 101-80, eff. 7-12-19.)

16 (720 ILCS 5/17-6.3)

17 Sec. 17-6.3. WIC fraud.

18 (a) For the purposes of this Section, the Special
19 Supplemental Food Program for Women, Infants and Children
20 administered by the Illinois Department of Public Health or
21 Department of Human Services shall be referred to as "WIC".

22 (b) A person commits WIC fraud if he or she knowingly (i)
23 uses, acquires, possesses, or transfers WIC Food Instruments
24 or authorizations to participate in WIC in any manner not
25 authorized by law or the rules of the Illinois Department of

1 Public Health or Department of Human Services or (ii) uses,
2 acquires, possesses, or transfers altered WIC Food Instruments
3 or authorizations to participate in WIC.

4 (c) Administrative malfeasance.

5 (1) A person commits administrative malfeasance if he
6 or she knowingly or recklessly misappropriates, misuses,
7 or unlawfully withholds or converts to his or her own use
8 or to the use of another any public funds made available
9 for WIC.

10 (2) An official or employee of the State or a unit of
11 local government who knowingly aids, abets, assists, or
12 participates in a known violation of this Section is
13 subject to disciplinary proceedings under the rules of the
14 applicable State agency or unit of local government.

15 (d) Unauthorized possession of identification document. A
16 person commits unauthorized possession of an identification
17 document if he or she knowingly possesses, with intent to
18 commit a misdemeanor or felony, another person's
19 identification document issued by the Illinois Department of
20 Public Health or Department of Human Services. For purposes of
21 this Section, "identification document" includes, but is not
22 limited to, an authorization to participate in WIC or a card or
23 other document that identifies a person as being entitled to
24 WIC benefits.

25 (e) Penalties.

26 (1) If an individual, firm, corporation, association,

1 agency, institution, or other legal entity is found by a
2 court to have engaged in an act, practice, or course of
3 conduct declared unlawful under subsection (a), (b), or
4 (c) of this Section and:

5 (A) the total amount of money involved in the
6 violation, including the monetary value of the WIC
7 Food Instruments and the value of commodities, is less
8 than \$150, the violation is a Class A misdemeanor; a
9 second or subsequent violation is a Class 4 felony;

10 (B) the total amount of money involved in the
11 violation, including the monetary value of the WIC
12 Food Instruments and the value of commodities, is \$150
13 or more but less than \$1,000, the violation is a Class
14 4 felony; a second or subsequent violation is a Class 3
15 felony;

16 (C) the total amount of money involved in the
17 violation, including the monetary value of the WIC
18 Food Instruments and the value of commodities, is
19 \$1,000 or more but less than \$5,000, the violation is a
20 Class 3 felony; a second or subsequent violation is a
21 Class 2 felony;

22 (D) the total amount of money involved in the
23 violation, including the monetary value of the WIC
24 Food Instruments and the value of commodities, is
25 \$5,000 or more but less than \$10,000, the violation is
26 a Class 2 felony; a second or subsequent violation is a

1 Class 1 felony; or

2 (E) the total amount of money involved in the
3 violation, including the monetary value of the WIC
4 Food Instruments and the value of commodities, is
5 \$10,000 or more, the violation is a Class 1 felony and
6 the defendant shall be permanently ineligible to
7 participate in WIC.

8 (2) A violation of subsection (d) is a Class 4 felony.

9 (3) The State's Attorney of the county in which the
10 violation of this Section occurred or the Attorney General
11 shall bring actions arising under this Section in the name
12 of the People of the State of Illinois.

13 (4) For purposes of determining the classification of
14 an offense under this subsection (e), all of the money
15 received as a result of the unlawful act, practice, or
16 course of conduct, including the value of any WIC Food
17 Instruments and the value of commodities, shall be
18 aggregated.

19 (f) Seizure and forfeiture of property.

20 (1) A person who commits a felony violation of this
21 Section is subject to the property forfeiture provisions
22 set forth in Article 124B of the Code of Criminal
23 Procedure of 1963.

24 (2) Property subject to forfeiture under this
25 subsection (f) may be seized by the Director of the
26 Illinois State Police or any local law enforcement agency

1 upon process or seizure warrant issued by any court having
2 jurisdiction over the property. The Director or a local
3 law enforcement agency may seize property under this
4 subsection (f) without process under any of the following
5 circumstances:

6 (A) If the seizure is incident to inspection under
7 an administrative inspection warrant.

8 (B) If the property subject to seizure has been
9 the subject of a prior judgment in favor of the State
10 in a criminal proceeding or in an injunction or
11 forfeiture proceeding under Article 124B of the Code
12 of Criminal Procedure of 1963.

13 (C) If there is probable cause to believe that the
14 property is directly or indirectly dangerous to health
15 or safety.

16 (D) If there is probable cause to believe that the
17 property is subject to forfeiture under this
18 subsection (f) and Article 124B of the Code of
19 Criminal Procedure of 1963 and the property is seized
20 under circumstances in which a warrantless seizure or
21 arrest would be reasonable.

22 (E) In accordance with the Code of Criminal
23 Procedure of 1963.

24 (g) Future participation as WIC vendor. A person who has
25 been convicted of a felony violation of this Section is
26 prohibited from participating as a WIC vendor for a minimum

1 period of 3 years following conviction and until the total
2 amount of money involved in the violation, including the value
3 of WIC Food Instruments and the value of commodities, is
4 repaid to WIC. This prohibition shall extend to any person
5 with management responsibility in a firm, corporation,
6 association, agency, institution, or other legal entity that
7 has been convicted of a violation of this Section and to an
8 officer or person owning, directly or indirectly, 5% or more
9 of the shares of stock or other evidences of ownership in a
10 corporate vendor.

11 (Source: P.A. 96-1551, eff. 7-1-11.)

12 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

13 Sec. 24-1. Unlawful use of weapons.

14 (a) A person commits the offense of unlawful use of
15 weapons when he knowingly:

16 (1) Sells, manufactures, purchases, possesses or
17 carries any bludgeon, black-jack, slung-shot, sand-club,
18 sand-bag, metal knuckles or other knuckle weapon
19 regardless of its composition, throwing star, or any
20 knife, commonly referred to as a switchblade knife, which
21 has a blade that opens automatically by hand pressure
22 applied to a button, spring or other device in the handle
23 of the knife, or a ballistic knife, which is a device that
24 propels a knifelike blade as a projectile by means of a
25 coil spring, elastic material or compressed gas; or

1 (2) Carries or possesses with intent to use the same
2 unlawfully against another, a dagger, dirk, billy,
3 dangerous knife, razor, stiletto, broken bottle or other
4 piece of glass, stun gun or taser or any other dangerous or
5 deadly weapon or instrument of like character; or

6 (2.5) Carries or possesses with intent to use the same
7 unlawfully against another, any firearm in a church,
8 synagogue, mosque, or other building, structure, or place
9 used for religious worship; or

10 (3) Carries on or about his person or in any vehicle, a
11 tear gas gun projector or bomb or any object containing
12 noxious liquid gas or substance, other than an object
13 containing a non-lethal noxious liquid gas or substance
14 designed solely for personal defense carried by a person
15 18 years of age or older; or

16 (4) Carries or possesses in any vehicle or concealed
17 on or about his person except when on his land or in his
18 own abode, legal dwelling, or fixed place of business, or
19 on the land or in the legal dwelling of another person as
20 an invitee with that person's permission, any pistol,
21 revolver, stun gun or taser or other firearm, except that
22 this subsection (a) (4) does not apply to or affect
23 transportation of weapons that meet one of the following
24 conditions:

25 (i) are broken down in a non-functioning state; or

26 (ii) are not immediately accessible; or

1 (iii) are unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container by a
3 person who has been issued a currently valid Firearm
4 Owner's Identification Card; or

5 (iv) are carried or possessed in accordance with
6 the Firearm Concealed Carry Act by a person who has
7 been issued a currently valid license under the
8 Firearm Concealed Carry Act; or

9 (5) Sets a spring gun; or

10 (6) Possesses any device or attachment of any kind
11 designed, used or intended for use in silencing the report
12 of any firearm; or

13 (7) Sells, manufactures, purchases, possesses or
14 carries:

15 (i) a machine gun, which shall be defined for the
16 purposes of this subsection as any weapon, which
17 shoots, is designed to shoot, or can be readily
18 restored to shoot, automatically more than one shot
19 without manually reloading by a single function of the
20 trigger, including the frame or receiver of any such
21 weapon, or sells, manufactures, purchases, possesses,
22 or carries any combination of parts designed or
23 intended for use in converting any weapon into a
24 machine gun, or any combination or parts from which a
25 machine gun can be assembled if such parts are in the
26 possession or under the control of a person;

1 (ii) any rifle having one or more barrels less
2 than 16 inches in length or a shotgun having one or
3 more barrels less than 18 inches in length or any
4 weapon made from a rifle or shotgun, whether by
5 alteration, modification, or otherwise, if such a
6 weapon as modified has an overall length of less than
7 26 inches; or

8 (iii) any bomb, bomb-shell, grenade, bottle or
9 other container containing an explosive substance of
10 over one-quarter ounce for like purposes, such as, but
11 not limited to, black powder bombs and Molotov
12 cocktails or artillery projectiles; or

13 (8) Carries or possesses any firearm, stun gun or
14 taser or other deadly weapon in any place which is
15 licensed to sell intoxicating beverages, or at any public
16 gathering held pursuant to a license issued by any
17 governmental body or any public gathering at which an
18 admission is charged, excluding a place where a showing,
19 demonstration or lecture involving the exhibition of
20 unloaded firearms is conducted.

21 This subsection (a) (8) does not apply to any auction
22 or raffle of a firearm held pursuant to a license or permit
23 issued by a governmental body, nor does it apply to
24 persons engaged in firearm safety training courses; or

25 (9) Carries or possesses in a vehicle or on or about
26 his or her person any pistol, revolver, stun gun or taser

1 or firearm or ballistic knife, when he or she is hooded,
2 robed or masked in such manner as to conceal his or her
3 identity; or

4 (10) Carries or possesses on or about his or her
5 person, upon any public street, alley, or other public
6 lands within the corporate limits of a city, village, or
7 incorporated town, except when an invitee thereon or
8 therein, for the purpose of the display of such weapon or
9 the lawful commerce in weapons, or except when on his land
10 or in his or her own abode, legal dwelling, or fixed place
11 of business, or on the land or in the legal dwelling of
12 another person as an invitee with that person's
13 permission, any pistol, revolver, stun gun, or taser or
14 other firearm, except that this subsection (a) (10) does
15 not apply to or affect transportation of weapons that meet
16 one of the following conditions:

17 (i) are broken down in a non-functioning state; or

18 (ii) are not immediately accessible; or

19 (iii) are unloaded and enclosed in a case, firearm
20 carrying box, shipping box, or other container by a
21 person who has been issued a currently valid Firearm
22 Owner's Identification Card; or

23 (iv) are carried or possessed in accordance with
24 the Firearm Concealed Carry Act by a person who has
25 been issued a currently valid license under the
26 Firearm Concealed Carry Act.

1 A "stun gun or taser", as used in this paragraph (a)
2 means (i) any device which is powered by electrical
3 charging units, such as, batteries, and which fires one or
4 several barbs attached to a length of wire and which, upon
5 hitting a human, can send out a current capable of
6 disrupting the person's nervous system in such a manner as
7 to render him incapable of normal functioning or (ii) any
8 device which is powered by electrical charging units, such
9 as batteries, and which, upon contact with a human or
10 clothing worn by a human, can send out current capable of
11 disrupting the person's nervous system in such a manner as
12 to render him incapable of normal functioning; or

13 (11) Sells, manufactures, or purchases any explosive
14 bullet. For purposes of this paragraph (a) "explosive
15 bullet" means the projectile portion of an ammunition
16 cartridge which contains or carries an explosive charge
17 which will explode upon contact with the flesh of a human
18 or an animal. "Cartridge" means a tubular metal case
19 having a projectile affixed at the front thereof and a cap
20 or primer at the rear end thereof, with the propellant
21 contained in such tube between the projectile and the cap;
22 or

23 (12) (Blank); or

24 (13) Carries or possesses on or about his or her
25 person while in a building occupied by a unit of
26 government, a billy club, other weapon of like character,

1 or other instrument of like character intended for use as
2 a weapon. For the purposes of this Section, "billy club"
3 means a short stick or club commonly carried by police
4 officers which is either telescopic or constructed of a
5 solid piece of wood or other man-made material.

6 (b) Sentence. A person convicted of a violation of
7 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
8 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
9 Class A misdemeanor. A person convicted of a violation of
10 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
11 a person convicted of a violation of subsection 24-1(a)(6) or
12 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
13 convicted of a violation of subsection 24-1(a)(7)(i) commits a
14 Class 2 felony and shall be sentenced to a term of imprisonment
15 of not less than 3 years and not more than 7 years, unless the
16 weapon is possessed in the passenger compartment of a motor
17 vehicle as defined in Section 1-146 of the Illinois Vehicle
18 Code, or on the person, while the weapon is loaded, in which
19 case it shall be a Class X felony. A person convicted of a
20 second or subsequent violation of subsection 24-1(a)(4),
21 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
22 felony. A person convicted of a violation of subsection
23 24-1(a)(2.5) commits a Class 2 felony. The possession of each
24 weapon in violation of this Section constitutes a single and
25 separate violation.

26 (c) Violations in specific places.

1 (1) A person who violates subsection 24-1(a)(6) or
2 24-1(a)(7) in any school, regardless of the time of day or
3 the time of year, in residential property owned, operated
4 or managed by a public housing agency or leased by a public
5 housing agency as part of a scattered site or mixed-income
6 development, in a public park, in a courthouse, on the
7 real property comprising any school, regardless of the
8 time of day or the time of year, on 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, on the real property
12 comprising any public park, on the real property
13 comprising any courthouse, in any conveyance owned, leased
14 or contracted by a school to transport students to or from
15 school or a school related activity, in any conveyance
16 owned, leased, or contracted by a public transportation
17 agency, or on any public way within 1,000 feet of the real
18 property comprising any school, public park, courthouse,
19 public transportation facility, or residential property
20 owned, operated, or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development commits a Class 2 felony
23 and shall be sentenced to a term of imprisonment of not
24 less than 3 years and not more than 7 years.

25 (1.5) A person who violates subsection 24-1(a)(4),
26 24-1(a)(9), or 24-1(a)(10) in any school, regardless of

1 the time of day or the time of year, in residential
2 property owned, operated, or managed by a public housing
3 agency or leased by a public housing agency as part of a
4 scattered site or mixed-income development, in a public
5 park, in a courthouse, on the real property comprising any
6 school, regardless of the time of day or the time of year,
7 on residential property owned, operated, or managed by a
8 public housing agency or leased by a public housing agency
9 as part of a scattered site or mixed-income development,
10 on the real property comprising any public park, on the
11 real property comprising any courthouse, in any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity,
14 in any conveyance owned, leased, or contracted by a public
15 transportation agency, or on any public way within 1,000
16 feet of the real property comprising any school, public
17 park, courthouse, public transportation facility, or
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
21 commits a Class 3 felony.

22 (2) A person who violates subsection 24-1(a)(1),
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
24 time of day or the time of year, in residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, in a public park, in a
2 courthouse, on the real property comprising any school,
3 regardless of the time of day or the time of year, on
4 residential property owned, operated or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development,
7 on the real property comprising any public park, on the
8 real property comprising any courthouse, in any conveyance
9 owned, leased or contracted by a school to transport
10 students to or from school or a school related activity,
11 in any conveyance owned, leased, or contracted by a public
12 transportation agency, or on any public way within 1,000
13 feet of the real property comprising any school, public
14 park, courthouse, public transportation facility, or
15 residential property owned, operated, or managed by a
16 public housing agency or leased by a public housing agency
17 as part of a scattered site or mixed-income development
18 commits a Class 4 felony. "Courthouse" means any building
19 that is used by the Circuit, Appellate, or Supreme Court
20 of this State for the conduct of official business.

21 (3) Paragraphs (1), (1.5), and (2) of this subsection
22 (c) shall not apply to law enforcement officers or
23 security officers of such school, college, or university
24 or to students carrying or possessing firearms for use in
25 training courses, parades, hunting, target shooting on
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded
2 enclosed in a suitable case, box, or transportation
3 package.

4 (4) For the purposes of this subsection (c), "school"
5 means any public or private elementary or secondary
6 school, community college, college, or university.

7 (5) For the purposes of this subsection (c), "public
8 transportation agency" means a public or private agency
9 that provides for the transportation or conveyance of
10 persons by means available to the general public, except
11 for transportation by automobiles not used for conveyance
12 of the general public as passengers; and "public
13 transportation facility" means a terminal or other place
14 where one may obtain public transportation.

15 (d) The presence in an automobile other than a public
16 omnibus of any weapon, instrument or substance referred to in
17 subsection (a)(7) is prima facie evidence that it is in the
18 possession of, and is being carried by, all persons occupying
19 such automobile at the time such weapon, instrument or
20 substance is found, except under the following circumstances:
21 (i) if such weapon, instrument or instrumentality is found
22 upon the person of one of the occupants therein; or (ii) if
23 such weapon, instrument or substance is found in an automobile
24 operated for hire by a duly licensed driver in the due, lawful
25 and proper pursuit of his or her trade, then such presumption
26 shall not apply to the driver.

1 (e) Exemptions.

2 (1) Crossbows, Common or Compound bows and Underwater
3 Spearguns are exempted from the definition of ballistic
4 knife as defined in paragraph (1) of subsection (a) of
5 this Section.

6 (2) The provision of paragraph (1) of subsection (a)
7 of this Section prohibiting the sale, manufacture,
8 purchase, possession, or carrying of any knife, commonly
9 referred to as a switchblade knife, which has a blade that
10 opens automatically by hand pressure applied to a button,
11 spring or other device in the handle of the knife, does not
12 apply to a person who possesses a currently valid Firearm
13 Owner's Identification Card previously issued in his or
14 her name by the Illinois Department ~~of~~ State Police or to a
15 person or an entity engaged in the business of selling or
16 manufacturing switchblade knives.

17 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

18 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

19 Sec. 24-1.1. Unlawful use or possession of weapons by
20 felons or persons in the custody of the Department of
21 Corrections facilities.

22 (a) It is unlawful for a person to knowingly possess on or
23 about his person or on his land or in his own abode or fixed
24 place of business any weapon prohibited under Section 24-1 of
25 this Act or any firearm or any firearm ammunition if the person

1 has been convicted of a felony under the laws of this State or
2 any other jurisdiction. This Section shall not apply if the
3 person has been granted relief by the Director of the Illinois
4 ~~Department of~~ State Police under Section 10 of the Firearm
5 Owners Identification Card Act.

6 (b) It is unlawful for any person confined in a penal
7 institution, which is a facility of the Illinois Department of
8 Corrections, to possess any weapon prohibited under Section
9 24-1 of this Code or any firearm or firearm ammunition,
10 regardless of the intent with which he possesses it.

11 (c) It shall be an affirmative defense to a violation of
12 subsection (b), that such possession was specifically
13 authorized by rule, regulation, or directive of the Illinois
14 Department of Corrections or order issued pursuant thereto.

15 (d) The defense of necessity is not available to a person
16 who is charged with a violation of subsection (b) of this
17 Section.

18 (e) Sentence. Violation of this Section by a person not
19 confined in a penal institution shall be a Class 3 felony for
20 which the person shall be sentenced to no less than 2 years and
21 no more than 10 years. A second or subsequent violation of this
22 Section shall be a Class 2 felony for which the person shall be
23 sentenced to a term of imprisonment of not less than 3 years
24 and not more than 14 years, except as provided for in Section
25 5-4.5-110 of the Unified Code of Corrections. Violation of
26 this Section by a person not confined in a penal institution

1 who has been convicted of a forcible felony, a felony
2 violation of Article 24 of this Code or of the Firearm Owners
3 Identification Card Act, stalking or aggravated stalking, or a
4 Class 2 or greater felony under the Illinois Controlled
5 Substances Act, the Cannabis Control Act, or the
6 Methamphetamine Control and Community Protection Act is a
7 Class 2 felony for which the person shall be sentenced to not
8 less than 3 years and not more than 14 years, except as
9 provided for in Section 5-4.5-110 of the Unified Code of
10 Corrections. Violation of this Section by a person who is on
11 parole or mandatory supervised release is a Class 2 felony for
12 which the person shall be sentenced to not less than 3 years
13 and not more than 14 years, except as provided for in Section
14 5-4.5-110 of the Unified Code of Corrections. Violation of
15 this Section by a person not confined in a penal institution is
16 a Class X felony when the firearm possessed is a machine gun.
17 Any person who violates this Section while confined in a penal
18 institution, which is a facility of the Illinois Department of
19 Corrections, is guilty of a Class 1 felony, if he possesses any
20 weapon prohibited under Section 24-1 of this Code regardless
21 of the intent with which he possesses it, a Class X felony if
22 he possesses any firearm, firearm ammunition or explosive, and
23 a Class X felony for which the offender shall be sentenced to
24 not less than 12 years and not more than 50 years when the
25 firearm possessed is a machine gun. A violation of this
26 Section while wearing or in possession of body armor as

1 defined in Section 33F-1 is a Class X felony punishable by a
2 term of imprisonment of not less than 10 years and not more
3 than 40 years. The possession of each firearm or firearm
4 ammunition in violation of this Section constitutes a single
5 and separate violation.

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

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

8 Sec. 24-3. Unlawful sale or delivery of firearms.

9 (A) A person commits the offense of unlawful sale or
10 delivery of firearms when he or she knowingly does any of the
11 following:

12 (a) Sells or gives any firearm of a size which may be
13 concealed upon the person to any person under 18 years of
14 age.

15 (b) Sells or gives any firearm to a person under 21
16 years of age who has been convicted of a misdemeanor other
17 than a traffic offense or adjudged delinquent.

18 (c) Sells or gives any firearm to any narcotic addict.

19 (d) Sells or gives any firearm to any person who has
20 been convicted of a felony under the laws of this or any
21 other jurisdiction.

22 (e) Sells or gives any firearm to any person who has
23 been a patient in a mental institution within the past 5
24 years. In this subsection (e):

25 "Mental institution" means any hospital,

1 institution, clinic, evaluation facility, mental
2 health center, or part thereof, which is used
3 primarily for the care or treatment of persons with
4 mental illness.

5 "Patient in a mental institution" means the person
6 was admitted, either voluntarily or involuntarily, to
7 a mental institution for mental health treatment,
8 unless the treatment was voluntary and solely for an
9 alcohol abuse disorder and no other secondary
10 substance abuse disorder or mental illness.

11 (f) Sells or gives any firearms to any person who is a
12 person with an intellectual disability.

13 (g) Delivers any firearm, incidental to a sale,
14 without withholding delivery of the firearm for at least
15 72 hours after application for its purchase has been made,
16 or delivers a stun gun or taser, incidental to a sale,
17 without withholding delivery of the stun gun or taser for
18 at least 24 hours after application for its purchase has
19 been made. However, this paragraph (g) does not apply to:

20 (1) the sale of a firearm to a law enforcement officer if
21 the seller of the firearm knows that the person to whom he
22 or she is selling the firearm is a law enforcement officer
23 or the sale of a firearm to a person who desires to
24 purchase a firearm for use in promoting the public
25 interest incident to his or her employment as a bank
26 guard, armed truck guard, or other similar employment; (2)

1 a mail order sale of a firearm from a federally licensed
2 firearms dealer to a nonresident of Illinois under which
3 the firearm is mailed to a federally licensed firearms
4 dealer outside the boundaries of Illinois; (3) (blank);
5 (4) the sale of a firearm to a dealer licensed as a federal
6 firearms dealer under Section 923 of the federal Gun
7 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
8 sale of any rifle, shotgun, or other long gun to a resident
9 registered competitor or attendee or non-resident
10 registered competitor or attendee by any dealer licensed
11 as a federal firearms dealer under Section 923 of the
12 federal Gun Control Act of 1968 at competitive shooting
13 events held at the World Shooting Complex sanctioned by a
14 national governing body. For purposes of transfers or
15 sales under subparagraph (5) of this paragraph (g), the
16 Department of Natural Resources shall give notice to the
17 Illinois ~~Department of~~ State Police at least 30 calendar
18 days prior to any competitive shooting events at the World
19 Shooting Complex sanctioned by a national governing body.
20 The notification shall be made on a form prescribed by the
21 Illinois ~~Department of~~ State Police. The sanctioning body
22 shall provide a list of all registered competitors and
23 attendees at least 24 hours before the events to the
24 Illinois ~~Department of~~ State Police. Any changes to the
25 list of registered competitors and attendees shall be
26 forwarded to the Illinois ~~Department of~~ State Police as

1 soon as practicable. The Illinois ~~Department of~~ State
2 Police must destroy the list of registered competitors and
3 attendees no later than 30 days after the date of the
4 event. Nothing in this paragraph (g) relieves a federally
5 licensed firearm dealer from the requirements of
6 conducting a NICS background check through the Illinois
7 Point of Contact under 18 U.S.C. 922(t). For purposes of
8 this paragraph (g), "application" means when the buyer and
9 seller reach an agreement to purchase a firearm. For
10 purposes of this paragraph (g), "national governing body"
11 means a group of persons who adopt rules and formulate
12 policy on behalf of a national firearm sporting
13 organization.

14 (h) While holding any license as a dealer, importer,
15 manufacturer or pawnbroker under the federal Gun Control
16 Act of 1968, manufactures, sells or delivers to any
17 unlicensed person a handgun having a barrel, slide, frame
18 or receiver which is a die casting of zinc alloy or any
19 other nonhomogeneous metal which will melt or deform at a
20 temperature of less than 800 degrees Fahrenheit. For
21 purposes of this paragraph, (1) "firearm" is defined as in
22 the Firearm Owners Identification Card Act; and (2)
23 "handgun" is defined as a firearm designed to be held and
24 fired by the use of a single hand, and includes a
25 combination of parts from which such a firearm can be
26 assembled.

1 (i) Sells or gives a firearm of any size to any person
2 under 18 years of age who does not possess a valid Firearm
3 Owner's Identification Card.

4 (j) Sells or gives a firearm while engaged in the
5 business of selling firearms at wholesale or retail
6 without being licensed as a federal firearms dealer under
7 Section 923 of the federal Gun Control Act of 1968 (18
8 U.S.C. 923). In this paragraph (j):

9 A person "engaged in the business" means a person who
10 devotes time, attention, and labor to engaging in the
11 activity as a regular course of trade or business with the
12 principal objective of livelihood and profit, but does not
13 include a person who makes occasional repairs of firearms
14 or who occasionally fits special barrels, stocks, or
15 trigger mechanisms to firearms.

16 "With the principal objective of livelihood and
17 profit" means that the intent underlying the sale or
18 disposition of firearms is predominantly one of obtaining
19 livelihood and pecuniary gain, as opposed to other
20 intents, such as improving or liquidating a personal
21 firearms collection; however, proof of profit shall not be
22 required as to a person who engages in the regular and
23 repetitive purchase and disposition of firearms for
24 criminal purposes or terrorism.

25 (k) Sells or transfers ownership of a firearm to a
26 person who does not display to the seller or transferor of

1 the firearm either: (1) a currently valid Firearm Owner's
2 Identification Card that has previously been issued in the
3 transferee's name by the Illinois ~~Department of~~ State
4 Police under the provisions of the Firearm Owners
5 Identification Card Act; or (2) a currently valid license
6 to carry a concealed firearm that has previously been
7 issued in the transferee's name by the Illinois ~~Department~~
8 ~~of~~ State Police under the Firearm Concealed Carry Act.
9 This paragraph (k) does not apply to the transfer of a
10 firearm to a person who is exempt from the requirement of
11 possessing a Firearm Owner's Identification Card under
12 Section 2 of the Firearm Owners Identification Card Act.
13 For the purposes of this Section, a currently valid
14 Firearm Owner's Identification Card means (i) a Firearm
15 Owner's Identification Card that has not expired or (ii)
16 an approval number issued in accordance with subsection
17 (a-10) of subsection 3 or Section 3.1 of the Firearm
18 Owners Identification Card Act shall be proof that the
19 Firearm Owner's Identification Card was valid.

20 (1) In addition to the other requirements of this
21 paragraph (k), all persons who are not federally
22 licensed firearms dealers must also have complied with
23 subsection (a-10) of Section 3 of the Firearm Owners
24 Identification Card Act by determining the validity of
25 a purchaser's Firearm Owner's Identification Card.

26 (2) All sellers or transferors who have complied

1 with the requirements of subparagraph (1) of this
2 paragraph (k) shall not be liable for damages in any
3 civil action arising from the use or misuse by the
4 transferee of the firearm transferred, except for
5 willful or wanton misconduct on the part of the seller
6 or transferor.

7 (1) Not being entitled to the possession of a firearm,
8 delivers the firearm, knowing it to have been stolen or
9 converted. It may be inferred that a person who possesses
10 a firearm with knowledge that its serial number has been
11 removed or altered has knowledge that the firearm is
12 stolen or converted.

13 (B) Paragraph (h) of subsection (A) does not include
14 firearms sold within 6 months after enactment of Public Act
15 78-355 (approved August 21, 1973, effective October 1, 1973),
16 nor is any firearm legally owned or possessed by any citizen or
17 purchased by any citizen within 6 months after the enactment
18 of Public Act 78-355 subject to confiscation or seizure under
19 the provisions of that Public Act. Nothing in Public Act
20 78-355 shall be construed to prohibit the gift or trade of any
21 firearm if that firearm was legally held or acquired within 6
22 months after the enactment of that Public Act.

23 (C) Sentence.

24 (1) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (c), (e), (f), (g),
26 or (h) of subsection (A) commits a Class 4 felony.

1 (2) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (b) or (i) of
3 subsection (A) commits a Class 3 felony.

4 (3) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (a) of subsection
6 (A) commits a Class 2 felony.

7 (4) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (a), (b), or (i) of
9 subsection (A) in any school, on the real property
10 comprising a school, within 1,000 feet of the real
11 property comprising a school, at a school related
12 activity, or on or within 1,000 feet of any conveyance
13 owned, leased, or contracted by a school or school
14 district to transport students to or from school or a
15 school related activity, regardless of the time of day or
16 time of year at which the offense was committed, commits a
17 Class 1 felony. Any person convicted of a second or
18 subsequent violation of unlawful sale or delivery of
19 firearms in violation of paragraph (a), (b), or (i) of
20 subsection (A) in any school, on the real property
21 comprising a school, within 1,000 feet of the real
22 property comprising a school, at a school related
23 activity, or on or within 1,000 feet of any conveyance
24 owned, leased, or contracted by a school or school
25 district to transport students to or from school or a
26 school related activity, regardless of the time of day or

1 time of year at which the offense was committed, commits a
2 Class 1 felony for which the sentence shall be a term of
3 imprisonment of no less than 5 years and no more than 15
4 years.

5 (5) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (a) or (i) of
7 subsection (A) in residential property owned, operated, or
8 managed by a public housing agency or leased by a public
9 housing agency as part of a scattered site or mixed-income
10 development, in a public park, in a courthouse, on
11 residential property owned, operated, or managed by a
12 public housing agency or leased by a public housing agency
13 as part of a scattered site or mixed-income development,
14 on the real property comprising any public park, on the
15 real property comprising any courthouse, or on any public
16 way within 1,000 feet of the real property comprising any
17 public park, courthouse, or residential property owned,
18 operated, or managed by a public housing agency or leased
19 by a public housing agency as part of a scattered site or
20 mixed-income development commits a Class 2 felony.

21 (6) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (j) of subsection
23 (A) commits a Class A misdemeanor. A second or subsequent
24 violation is a Class 4 felony.

25 (7) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (k) of subsection

1 (A) commits a Class 4 felony, except that a violation of
2 subparagraph (1) of paragraph (k) of subsection (A) shall
3 not be punishable as a crime or petty offense. A third or
4 subsequent conviction for a violation of paragraph (k) of
5 subsection (A) is a Class 1 felony.

6 (8) A person 18 years of age or older convicted of
7 unlawful sale or delivery of firearms in violation of
8 paragraph (a) or (i) of subsection (A), when the firearm
9 that was sold or given to another person under 18 years of
10 age was used in the commission of or attempt to commit a
11 forcible felony, shall be fined or imprisoned, or both,
12 not to exceed the maximum provided for the most serious
13 forcible felony so committed or attempted by the person
14 under 18 years of age who was sold or given the firearm.

15 (9) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (d) of subsection
17 (A) commits a Class 3 felony.

18 (10) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (1) of subsection
20 (A) commits a Class 2 felony if the delivery is of one
21 firearm. Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (1) of subsection
23 (A) commits a Class 1 felony if the delivery is of not less
24 than 2 and not more than 5 firearms at the same time or
25 within a one year period. Any person convicted of unlawful
26 sale or delivery of firearms in violation of paragraph (1)

1 of subsection (A) commits a Class X felony for which he or
2 she shall be sentenced to a term of imprisonment of not
3 less than 6 years and not more than 30 years if the
4 delivery is of not less than 6 and not more than 10
5 firearms at the same time or within a 2 year period. Any
6 person convicted of unlawful sale or delivery of firearms
7 in violation of paragraph (1) of subsection (A) commits a
8 Class X felony for which he or she shall be sentenced to a
9 term of imprisonment of not less than 6 years and not more
10 than 40 years if the delivery is of not less than 11 and
11 not more than 20 firearms at the same time or within a 3
12 year period. Any person convicted of unlawful sale or
13 delivery of firearms in violation of paragraph (1) of
14 subsection (A) commits a Class X felony for which he or she
15 shall be sentenced to a term of imprisonment of not less
16 than 6 years and not more than 50 years if the delivery is
17 of not less than 21 and not more than 30 firearms at the
18 same time or within a 4 year period. Any person convicted
19 of unlawful sale or delivery of firearms in violation of
20 paragraph (1) of subsection (A) commits a Class X felony
21 for which he or she shall be sentenced to a term of
22 imprisonment of not less than 6 years and not more than 60
23 years if the delivery is of 31 or more firearms at the same
24 time or within a 5 year period.

25 (D) For purposes of this Section:

26 "School" means a public or private elementary or secondary

1 school, community college, college, or university.

2 "School related activity" means any sporting, social,
3 academic, or other activity for which students' attendance or
4 participation is sponsored, organized, or funded in whole or
5 in part by a school or school district.

6 (E) A prosecution for a violation of paragraph (k) of
7 subsection (A) of this Section may be commenced within 6 years
8 after the commission of the offense. A prosecution for a
9 violation of this Section other than paragraph (g) of
10 subsection (A) of this Section may be commenced within 5 years
11 after the commission of the offense defined in the particular
12 paragraph.

13 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
14 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

15 (720 ILCS 5/24-3B)

16 Sec. 24-3B. Firearms trafficking.

17 (a) A person commits firearms trafficking when he or she
18 has not been issued a currently valid Firearm Owner's
19 Identification Card and knowingly:

20 (1) brings, or causes to be brought, into this State,
21 a firearm or firearm ammunition for the purpose of sale,
22 delivery, or transfer to any other person or with the
23 intent to sell, deliver, or transfer the firearm or
24 firearm ammunition to any other person; or

25 (2) brings, or causes to be brought, into this State,

1 a firearm and firearm ammunition for the purpose of sale,
2 delivery, or transfer to any other person or with the
3 intent to sell, deliver, or transfer the firearm and
4 firearm ammunition to any other person.

5 (a-5) This Section does not apply to:

6 (1) a person exempt under Section 2 of the Firearm
7 Owners Identification Card Act from the requirement of
8 having possession of a Firearm Owner's Identification Card
9 previously issued in his or her name by the Illinois
10 ~~Department of~~ State Police in order to acquire or possess
11 a firearm or firearm ammunition;

12 (2) a common carrier under subsection (i) of Section
13 24-2 of this Code; or

14 (3) a non-resident who may lawfully possess a firearm
15 in his or her resident state.

16 (b) Sentence.

17 (1) Firearms trafficking is a Class 1 felony for which
18 the person, if sentenced to a term of imprisonment, shall
19 be sentenced to not less than 4 years and not more than 20
20 years.

21 (2) Firearms trafficking by a person who has been
22 previously convicted of firearms trafficking, gunrunning,
23 or a felony offense for the unlawful sale, delivery, or
24 transfer of a firearm or firearm ammunition in this State
25 or another jurisdiction is a Class X felony.

26 (Source: P.A. 99-885, eff. 8-23-16.)

1 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

2 Sec. 24-6. Confiscation and disposition of weapons.

3 (a) Upon conviction of an offense in which a weapon was
4 used or possessed by the offender, any weapon seized shall be
5 confiscated by the trial court.

6 (b) Any stolen weapon so confiscated, when no longer
7 needed for evidentiary purposes, shall be returned to the
8 person entitled to possession, if known. After the disposition
9 of a criminal case or in any criminal case where a final
10 judgment in the case was not entered due to the death of the
11 defendant, and when a confiscated weapon is no longer needed
12 for evidentiary purposes, and when in due course no legitimate
13 claim has been made for the weapon, the court may transfer the
14 weapon to the sheriff of the county who may proceed to destroy
15 it, or may in its discretion order the weapon preserved as
16 property of the governmental body whose police agency seized
17 the weapon, or may in its discretion order the weapon to be
18 transferred to the Illinois ~~Department of~~ State Police for use
19 by the crime laboratory system, for training purposes, or for
20 any other application as deemed appropriate by the Department.
21 If, after the disposition of a criminal case, a need still
22 exists for the use of the confiscated weapon for evidentiary
23 purposes, the court may transfer the weapon to the custody of
24 the State Department of Corrections for preservation. The
25 court may not order the transfer of the weapon to any private

1 individual or private organization other than to return a
2 stolen weapon to its rightful owner.

3 The provisions of this Section shall not apply to
4 violations of the Fish and Aquatic Life Code or the Wildlife
5 Code. Confiscation of weapons for Fish and Aquatic Life Code
6 and Wildlife Code violations shall be only as provided in
7 those Codes.

8 (c) Any mental hospital that admits a person as an
9 inpatient pursuant to any of the provisions of the Mental
10 Health and Developmental Disabilities Code shall confiscate
11 any firearms in the possession of that person at the time of
12 admission, or at any time the firearms are discovered in the
13 person's possession during the course of hospitalization. The
14 hospital shall, as soon as possible following confiscation,
15 transfer custody of the firearms to the appropriate law
16 enforcement agency. The hospital shall give written notice to
17 the person from whom the firearm was confiscated of the
18 identity and address of the law enforcement agency to which it
19 has given the firearm.

20 The law enforcement agency shall maintain possession of
21 any firearm it obtains pursuant to this subsection for a
22 minimum of 90 days. Thereafter, the firearm may be disposed of
23 pursuant to the provisions of subsection (b) of this Section.

24 (Source: P.A. 91-696, eff. 4-13-00.)

25 (720 ILCS 5/24-8)

1 Sec. 24-8. Firearm tracing.

2 (a) Upon recovering a firearm from the possession of
3 anyone who is not permitted by federal or State law to possess
4 a firearm, a local law enforcement agency shall use the best
5 available information, including a firearms trace when
6 necessary, to determine how and from whom the person gained
7 possession of the firearm. Upon recovering a firearm that was
8 used in the commission of any offense classified as a felony or
9 upon recovering a firearm that appears to have been lost,
10 mislaid, stolen, or otherwise unclaimed, a local law
11 enforcement agency shall use the best available information,
12 including a firearms trace when necessary, to determine prior
13 ownership of the firearm.

14 (b) Local law enforcement shall, when appropriate, use the
15 National Tracing Center of the Federal Bureau of Alcohol,
16 Tobacco and Firearms in complying with subsection (a) of this
17 Section.

18 (c) Local law enforcement agencies shall use the Illinois
19 ~~Department of~~ State Police Law Enforcement Agencies Data
20 System (LEADS) Gun File to enter all stolen, seized, or
21 recovered firearms as prescribed by LEADS regulations and
22 policies.

23 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

24 (720 ILCS 5/24.8-5)

25 Sec. 24.8-5. Sentence. A violation of this Article is a

1 petty offense. The Illinois State Police or any sheriff or
2 police officer shall seize, take, remove or cause to be
3 removed at the expense of the owner, any air rifle sold or used
4 in any manner in violation of this Article.

5 (Source: P.A. 97-1108, eff. 1-1-13.)

6 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

7 Sec. 28-5. Seizure of gambling devices and gambling funds.

8 (a) Every device designed for gambling which is incapable
9 of lawful use or every device used unlawfully for gambling
10 shall be considered a "gambling device", and shall be subject
11 to seizure, confiscation and destruction by the Illinois
12 ~~Department of~~ State Police or by any municipal, or other local
13 authority, within whose jurisdiction the same may be found. As
14 used in this Section, a "gambling device" includes any slot
15 machine, and includes any machine or device constructed for
16 the reception of money or other thing of value and so
17 constructed as to return, or to cause someone to return, on
18 chance to the player thereof money, property or a right to
19 receive money or property. With the exception of any device
20 designed for gambling which is incapable of lawful use, no
21 gambling device shall be forfeited or destroyed unless an
22 individual with a property interest in said device knows of
23 the unlawful use of the device.

24 (b) Every gambling device shall be seized and forfeited to
25 the county wherein such seizure occurs. Any money or other

1 thing of value integrally related to acts of gambling shall be
2 seized and forfeited to the county wherein such seizure
3 occurs.

4 (c) If, within 60 days after any seizure pursuant to
5 subparagraph (b) of this Section, a person having any property
6 interest in the seized property is charged with an offense,
7 the court which renders judgment upon such charge shall,
8 within 30 days after such judgment, conduct a forfeiture
9 hearing to determine whether such property was a gambling
10 device at the time of seizure. Such hearing shall be commenced
11 by a written petition by the State, including material
12 allegations of fact, the name and address of every person
13 determined by the State to have any property interest in the
14 seized property, a representation that written notice of the
15 date, time and place of such hearing has been mailed to every
16 such person by certified mail at least 10 days before such
17 date, and a request for forfeiture. Every such person may
18 appear as a party and present evidence at such hearing. The
19 quantum of proof required shall be a preponderance of the
20 evidence, and the burden of proof shall be on the State. If the
21 court determines that the seized property was a gambling
22 device at the time of seizure, an order of forfeiture and
23 disposition of the seized property shall be entered: a
24 gambling device shall be received by the State's Attorney, who
25 shall effect its destruction, except that valuable parts
26 thereof may be liquidated and the resultant money shall be

1 deposited in the general fund of the county wherein such
2 seizure occurred; money and other things of value shall be
3 received by the State's Attorney and, upon liquidation, shall
4 be deposited in the general fund of the county wherein such
5 seizure occurred. However, in the event that a defendant
6 raises the defense that the seized slot machine is an antique
7 slot machine described in subparagraph (b) (7) of Section 28-1
8 of this Code and therefore he is exempt from the charge of a
9 gambling activity participant, the seized antique slot machine
10 shall not be destroyed or otherwise altered until a final
11 determination is made by the Court as to whether it is such an
12 antique slot machine. Upon a final determination by the Court
13 of this question in favor of the defendant, such slot machine
14 shall be immediately returned to the defendant. Such order of
15 forfeiture and disposition shall, for the purposes of appeal,
16 be a final order and judgment in a civil proceeding.

17 (d) If a seizure pursuant to subparagraph (b) of this
18 Section is not followed by a charge pursuant to subparagraph
19 (c) of this Section, or if the prosecution of such charge is
20 permanently terminated or indefinitely discontinued without
21 any judgment of conviction or acquittal (1) the State's
22 Attorney shall commence an in rem proceeding for the
23 forfeiture and destruction of a gambling device, or for the
24 forfeiture and deposit in the general fund of the county of any
25 seized money or other things of value, or both, in the circuit
26 court and (2) any person having any property interest in such

1 seized gambling device, money or other thing of value may
2 commence separate civil proceedings in the manner provided by
3 law.

4 (e) Any gambling device displayed for sale to a riverboat
5 gambling operation, casino gambling operation, or organization
6 gaming facility or used to train occupational licensees of a
7 riverboat gambling operation, casino gambling operation, or
8 organization gaming facility as authorized under the Illinois
9 Gambling Act is exempt from seizure under this Section.

10 (f) Any gambling equipment, devices, and supplies provided
11 by a licensed supplier in accordance with the Illinois
12 Gambling Act which are removed from a riverboat, casino, or
13 organization gaming facility for repair are exempt from
14 seizure under this Section.

15 (g) The following video gaming terminals are exempt from
16 seizure under this Section:

17 (1) Video gaming terminals for sale to a licensed
18 distributor or operator under the Video Gaming Act.

19 (2) Video gaming terminals used to train licensed
20 technicians or licensed terminal handlers.

21 (3) Video gaming terminals that are removed from a
22 licensed establishment, licensed truck stop establishment,
23 licensed large truck stop establishment, licensed
24 fraternal establishment, or licensed veterans
25 establishment for repair.

26 (h) Property seized or forfeited under this Section is

1 subject to reporting under the Seizure and Forfeiture
2 Reporting Act.

3 (i) Any sports lottery terminals provided by a central
4 system provider that are removed from a lottery retailer for
5 repair under the Sports Wagering Act are exempt from seizure
6 under this Section.

7 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25,
8 Section 25-915, eff. 6-28-19; 101-31, Article 35, Section
9 35-80, eff. 6-28-19; revised 7-12-19.)

10 (720 ILCS 5/29B-0.5)

11 Sec. 29B-0.5. Definitions. In this Article:

12 "Conduct" or "conducts" includes, in addition to its
13 ordinary meaning, initiating, concluding, or participating in
14 initiating or concluding a transaction.

15 "Criminally derived property" means: (1) any property,
16 real or personal, constituting or derived from proceeds
17 obtained, directly or indirectly, from activity that
18 constitutes a felony under State, federal, or foreign law; or
19 (2) any property represented to be property constituting or
20 derived from proceeds obtained, directly or indirectly, from
21 activity that constitutes a felony under State, federal, or
22 foreign law.

23 ~~"Department" means the Department of State Police of this~~
24 ~~State or its successor agency.~~

25 "Director" means the Director of the Illinois State Police

1 or his or her designated agents.

2 "Financial institution" means any bank; savings and loan
3 association; trust company; agency or branch of a foreign bank
4 in the United States; currency exchange; credit union;
5 mortgage banking institution; pawnbroker; loan or finance
6 company; operator of a credit card system; issuer, redeemer,
7 or cashier of travelers checks, checks, or money orders;
8 dealer in precious metals, stones, or jewels; broker or dealer
9 in securities or commodities; investment banker; or investment
10 company.

11 "Financial transaction" means a purchase, sale, loan,
12 pledge, gift, transfer, delivery, or other disposition
13 utilizing criminally derived property, and with respect to
14 financial institutions, includes a deposit, withdrawal,
15 transfer between accounts, exchange of currency, loan,
16 extension of credit, purchase or sale of any stock, bond,
17 certificate of deposit or other monetary instrument, use of
18 safe deposit box, or any other payment, transfer or delivery
19 by, through, or to a financial institution. "Financial
20 transaction" also means a transaction which without regard to
21 whether the funds, monetary instruments, or real or personal
22 property involved in the transaction are criminally derived,
23 any transaction which in any way or degree: (1) involves the
24 movement of funds by wire or any other means; (2) involves one
25 or more monetary instruments; or (3) the transfer of title to
26 any real or personal property. The receipt by an attorney of

1 bona fide fees for the purpose of legal representation is not a
2 financial transaction for purposes of this Article.

3 "Form 4-64" means the Illinois State Police
4 Notice/Inventory of Seized Property (Form 4-64).

5 "Knowing that the property involved in a financial
6 transaction represents the proceeds of some form of unlawful
7 activity" means that the person knew the property involved in
8 the transaction represented proceeds from some form, though
9 not necessarily which form, of activity that constitutes a
10 felony under State, federal, or foreign law.

11 "Monetary instrument" means United States coins and
12 currency; coins and currency of a foreign country; travelers
13 checks; personal checks, bank checks, and money orders;
14 investment securities; bearer negotiable instruments; bearer
15 investment securities; or bearer securities and certificates
16 of stock in a form that title passes upon delivery.

17 "Specified criminal activity" means any violation of
18 Section 29D-15.1 and any violation of Article 29D of this
19 Code.

20 "Transaction reporting requirement under State law" means
21 any violation as defined under the Currency Reporting Act.

22 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

23 (720 ILCS 5/29B-3)

24 Sec. 29B-3. Duty to enforce this Article.

25 (a) It is the duty of the Illinois ~~Department of State~~

1 Police, and its agents, officers, and investigators, to
2 enforce this Article, except those provisions otherwise
3 specifically delegated, and to cooperate with all agencies
4 charged with the enforcement of the laws of the United States,
5 or of any state, relating to money laundering. Only an agent,
6 officer, or investigator designated by the Director may be
7 authorized in accordance with this Section to serve seizure
8 notices, warrants, subpoenas, and summonses under the
9 authority of this State.

10 (b) An agent, officer, investigator, or peace officer
11 designated by the Director may: (1) make seizure of property
12 under this Article; and (2) perform other law enforcement
13 duties as the Director designates. It is the duty of all
14 State's Attorneys to prosecute violations of this Article and
15 institute legal proceedings as authorized under this Article.

16 (Source: P.A. 100-699, eff. 8-3-18.)

17 (720 ILCS 5/29B-4)

18 Sec. 29B-4. Protective orders and warrants for forfeiture
19 purposes.

20 (a) Upon application of the State, the court may enter a
21 restraining order or injunction, require the execution of a
22 satisfactory performance bond, or take any other action to
23 preserve the availability of property described in Section
24 29B-5 of this Article for forfeiture under this Article:

25 (1) upon the filing of an indictment, information, or

1 complaint charging a violation of this Article for which
2 forfeiture may be ordered under this Article and alleging
3 that the property with respect to which the order is
4 sought would be subject to forfeiture under this Article;
5 or

6 (2) prior to the filing of the indictment,
7 information, or complaint, if, after notice to persons
8 appearing to have an interest in the property and
9 opportunity for a hearing, the court determines that:

10 (A) there is probable cause to believe that the
11 State will prevail on the issue of forfeiture and that
12 failure to enter the order will result in the property
13 being destroyed, removed from the jurisdiction of the
14 court, or otherwise made unavailable for forfeiture;
15 and

16 (B) the need to preserve the availability of the
17 property through the entry of the requested order
18 outweighs the hardship on any party against whom the
19 order is to be entered.

20 Provided, however, that an order entered under
21 paragraph (2) of this Section shall be effective for not
22 more than 90 days, unless extended by the court for good
23 cause shown or unless an indictment, information,
24 complaint, or administrative notice has been filed.

25 (b) A temporary restraining order under this subsection
26 (b) may be entered upon application of the State without

1 notice or opportunity for a hearing when an indictment,
2 information, complaint, or administrative notice has not yet
3 been filed with respect to the property, if the State
4 demonstrates that there is probable cause to believe that the
5 property with respect to which the order is sought would be
6 subject to forfeiture under this Article and that provision of
7 notice will jeopardize the availability of the property for
8 forfeiture. The temporary order shall expire not more than 30
9 days after the date on which it is entered, unless extended for
10 good cause shown or unless the party against whom it is entered
11 consents to an extension for a longer period. A hearing
12 requested concerning an order entered under this subsection
13 (b) shall be held at the earliest possible time and prior to
14 the expiration of the temporary order.

15 (c) The court may receive and consider, at a hearing held
16 under this Section, evidence and information that would be
17 inadmissible under the Illinois rules of evidence.

18 (d) Under its authority to enter a pretrial restraining
19 order under this Section, the court may order a defendant to
20 repatriate any property that may be seized and forfeited and
21 to deposit that property pending trial with the Illinois
22 ~~Department of~~ State Police or another law enforcement agency
23 designated by the Illinois ~~Department of~~ State Police. Failure
24 to comply with an order under this Section is punishable as a
25 civil or criminal contempt of court.

26 (e) The State may request the issuance of a warrant

1 authorizing the seizure of property described in Section 29B-5
2 of this Article in the same manner as provided for a search
3 warrant. If the court determines that there is probable cause
4 to believe that the property to be seized would be subject to
5 forfeiture, the court shall issue a warrant authorizing the
6 seizure of that property.

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

8 (720 ILCS 5/29B-12)

9 Sec. 29B-12. Non-judicial forfeiture. If non-real
10 property that exceeds \$20,000 in value excluding the value of
11 any conveyance, or if real property is seized under the
12 provisions of this Article, the State's Attorney shall
13 institute judicial in rem forfeiture proceedings as described
14 in Section 29B-13 of this Article within 28 days from receipt
15 of notice of seizure from the seizing agency under Section
16 29B-8 of this Article. However, if non-real property that does
17 not exceed \$20,000 in value excluding the value of any
18 conveyance is seized, the following procedure shall be used:

19 (1) If, after review of the facts surrounding the
20 seizure, the State's Attorney is of the opinion that the
21 seized property is subject to forfeiture, then, within 28
22 days after the receipt of notice of seizure from the
23 seizing agency, the State's Attorney shall cause notice of
24 pending forfeiture to be given to the owner of the
25 property and all known interest holders of the property in

1 accordance with Section 29B-10 of this Article.

2 (2) The notice of pending forfeiture shall include a
3 description of the property, the estimated value of the
4 property, the date and place of seizure, the conduct
5 giving rise to forfeiture or the violation of law alleged,
6 and a summary of procedures and procedural rights
7 applicable to the forfeiture action.

8 (3) (A) Any person claiming an interest in property
9 that is the subject of notice under paragraph (1) of this
10 Section, must, in order to preserve any rights or claims
11 to the property, within 45 days after the effective date
12 of notice as described in Section 29B-10 of this Article,
13 file a verified claim with the State's Attorney expressing
14 his or her interest in the property. The claim shall set
15 forth:

16 (i) the caption of the proceedings as set forth on
17 the notice of pending forfeiture and the name of the
18 claimant;

19 (ii) the address at which the claimant will accept
20 mail;

21 (iii) the nature and extent of the claimant's
22 interest in the property;

23 (iv) the date, identity of the transferor, and
24 circumstances of the claimant's acquisition of the
25 interest in the property;

26 (v) the names and addresses of all other persons

- 1 known to have an interest in the property;
- 2 (vi) the specific provision of law relied on in
- 3 asserting the property is not subject to forfeiture;
- 4 (vii) all essential facts supporting each
- 5 assertion; and
- 6 (viii) the relief sought.

7 (B) If a claimant files the claim, then the State's

8 Attorney shall institute judicial in rem forfeiture

9 proceedings with the clerk of the court as described in

10 Section 29B-13 of this Article within 28 days after

11 receipt of the claim.

12 (4) If no claim is filed within the 28-day period as

13 described in paragraph (3) of this Section, the State's

14 Attorney shall declare the property forfeited and shall

15 promptly notify the owner and all known interest holders

16 of the property and the Director of the Illinois State

17 Police of the declaration of forfeiture and the Director

18 shall dispose of the property in accordance with law.

19 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

20 (720 ILCS 5/29B-20)

21 Sec. 29B-20. Settlement of claims. Notwithstanding other

22 provisions of this Article, the State's Attorney and a

23 claimant of seized property may enter into an agreed-upon

24 settlement concerning the seized property in such an amount

25 and upon such terms as are set out in writing in a settlement

1 agreement. All proceeds from a settlement agreement shall be
2 tendered to the Illinois ~~Department of~~ State Police and
3 distributed under Section 29B-26 of this Article.

4 (Source: P.A. 100-699, eff. 8-3-18.)

5 (720 ILCS 5/29B-25)

6 Sec. 29B-25. Return of property, damages, and costs.

7 (a) The law enforcement agency that holds custody of
8 property seized for forfeiture shall deliver property ordered
9 by the court to be returned or conveyed to the claimant within
10 a reasonable time not to exceed 7 days, unless the order is
11 stayed by the trial court or a reviewing court pending an
12 appeal, motion to reconsider, or other reason.

13 (b) The law enforcement agency that holds custody of
14 property is responsible for any damages, storage fees, and
15 related costs applicable to property returned. The claimant
16 shall not be subject to any charges by the State for storage of
17 the property or expenses incurred in the preservation of the
18 property. Charges for the towing of a conveyance shall be
19 borne by the claimant unless the conveyance was towed for the
20 sole reason of seizure for forfeiture. This Section does not
21 prohibit the imposition of any fees or costs by a home rule
22 unit of local government related to the impoundment of a
23 conveyance under an ordinance enacted by the unit of
24 government.

25 (c) A law enforcement agency shall not retain forfeited

1 property for its own use or transfer the property to any person
2 or entity, except as provided under this Section. A law
3 enforcement agency may apply in writing to the Director of the
4 Illinois State Police to request that forfeited property be
5 awarded to the agency for a specifically articulated official
6 law enforcement use in an investigation. The Director shall
7 provide a written justification in each instance detailing the
8 reasons why the forfeited property was placed into official
9 use and the justification shall be retained for a period of not
10 less than 3 years.

11 (d) A claimant or a party interested in personal property
12 contained within a seized conveyance may file a request with
13 the State's Attorney in a non-judicial forfeiture action, or a
14 motion with the court in a judicial forfeiture action for the
15 return of any personal property contained within a conveyance
16 that is seized under this Article. The return of personal
17 property shall not be unreasonably withheld if the personal
18 property is not mechanically or electrically coupled to the
19 conveyance, needed for evidentiary purposes, or otherwise
20 contraband. Any law enforcement agency that returns property
21 under a court order under this Section shall not be liable to
22 any person who claims ownership to the property if it is
23 returned to an improper party.

24 (Source: P.A. 100-699, eff. 8-3-18.)

1 Sec. 29B-26. Distribution of proceeds. All moneys and the
2 sale proceeds of all other property forfeited and seized under
3 this Article shall be distributed as follows:

4 (1) 65% shall be distributed to the metropolitan
5 enforcement group, local, municipal, county, or State law
6 enforcement agency or agencies that conducted or
7 participated in the investigation resulting in the
8 forfeiture. The distribution shall bear a reasonable
9 relationship to the degree of direct participation of the
10 law enforcement agency in the effort resulting in the
11 forfeiture, taking into account the total value of the
12 property forfeited and the total law enforcement effort
13 with respect to the violation of the law upon which the
14 forfeiture is based. Amounts distributed to the agency or
15 agencies shall be used for the enforcement of laws.

16 (2) (i) 12.5% shall be distributed to the Office of the
17 State's Attorney of the county in which the prosecution
18 resulting in the forfeiture was instituted, deposited in a
19 special fund in the county treasury and appropriated to
20 the State's Attorney for use in the enforcement of laws.
21 In counties over 3,000,000 population, 25% shall be
22 distributed to the Office of the State's Attorney for use
23 in the enforcement of laws. If the prosecution is
24 undertaken solely by the Attorney General, the portion
25 provided under this subparagraph (i) shall be distributed
26 to the Attorney General for use in the enforcement of

1 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~~
11 ~~of~~ State Police for expenses related to the administration
12 and 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
10 affirmation is required, need not specify which statement is
11 false. At the trial, the prosecution need not establish which
12 statement is 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

1 2605-200 of the Illinois ~~Department of~~ State Police Law.
2 However, this exemption shall not apply to testimony in
3 judicial proceedings where the identity of the peace officer
4 is material to the issue, and he or she is ordered by the court
5 to disclose his or 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
13 intent 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,
19 without lawful authority, and with the intent to defraud any
20 party, public officer or entity, alters, destroys, defaces,
21 removes, or conceals any public record received or held by any
22 judge or 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
11 in this State for a period of 5 years after completion of
12 any term of probation, conditional discharge, or
13 incarceration in a penitentiary including the period of
14 mandatory 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
20 professional licensure or registration in this State as
21 may be determined by the court in accordance with the
22 provisions of the applicable professional licensing or
23 registration laws;

24 (4) may be ordered by the court, after a hearing in
25 accordance with applicable law and in addition to any
26 other penalty or fine imposed by the court, to forfeit to

1 the State an amount equal to any financial gain or the
2 value of any advantage realized by the person as a result
3 of the offense; and

4 (5) may be ordered by the court, after a hearing in
5 accordance with applicable law and in addition to any
6 other penalty or fine imposed by the court, to pay
7 restitution to the victim in an amount equal to any
8 financial loss or the value of any advantage lost by the
9 victim as a result of 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
21 having 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
3 to 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
22 such 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
3 A misdemeanor. An employee of an executive branch
4 constitutional officer convicted of committing solicitation
5 misconduct (State 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
23 employee knowingly acts in concert with an employee of a chief
24 executive officer of a local government who does have
25 regulatory authority to solicit or receive contributions in
26 violation of this Section.

1 (d) Solicitation misconduct (local government) is a Class
2 A 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
5 or 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
8 to any person whose right, title, interest, or lien is of
9 record in the office of the agency or official in which title
10 to or interest in the conveyance is required by law to be
11 recorded.

12 (d) After seizure under this Section, notice shall be
13 given to all known interest holders that forfeiture
14 proceedings, including a preliminary review, may be instituted
15 and the proceedings may be instituted under this Article.

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

17 (720 ILCS 5/36-1.3)

18 Sec. 36-1.3. Safekeeping of seized property pending
19 disposition.

20 (a) Property seized under this Article is deemed to be in
21 the custody of the Director of the Illinois State Police,
22 subject only to the order and judgments of the circuit court
23 having jurisdiction over the forfeiture proceedings and the
24 decisions of the State's Attorney under this Article.

25 (b) If property is seized under this Article, the seizing

1 agency shall promptly conduct an inventory of the seized
2 property and estimate the property's value and shall forward a
3 copy of the inventory of seized property and the estimate of
4 the property's value to the Director of the Illinois State
5 Police. Upon receiving notice of seizure, the Director of the
6 Illinois State Police may:

7 (1) place the property under seal;

8 (2) remove the property to a place designated by the
9 Director of the Illinois State Police;

10 (3) keep the property in the possession of the seizing
11 agency;

12 (4) remove the property to a storage area for
13 safekeeping;

14 (5) place the property under constructive seizure by
15 posting notice of pending forfeiture on it, by giving
16 notice of pending forfeiture to its owners and interest
17 holders, or by filing notice of pending forfeiture in any
18 appropriate public record relating to the property; or

19 (6) provide for another agency or custodian, including
20 an owner, secured party, or lienholder, to take custody of
21 the property upon the terms and conditions set by the
22 seizing agency.

23 (c) The seizing agency shall exercise ordinary care to
24 protect the subject of the forfeiture from negligent loss,
25 damage, or destruction.

26 (d) Property seized or forfeited under this Article is

1 subject to reporting under the Seizure and Forfeiture
2 Reporting Act.

3 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
4 100-1163, eff. 12-20-18.)

5 (720 ILCS 5/36-2.2)

6 Sec. 36-2.2. Replevin prohibited; return of personal
7 property inside seized conveyance.

8 (a) Property seized under this Article shall not be
9 subject to replevin, but is deemed to be in the custody of the
10 Director of the Illinois State Police, subject only to the
11 order and judgments of the circuit court having jurisdiction
12 over the forfeiture proceedings and the decisions of the
13 State's Attorney.

14 (b) A claimant or a party interested in personal property
15 contained within a seized conveyance may file a motion with
16 the court in a judicial forfeiture action for the return of any
17 personal property contained within a conveyance seized under
18 this Article. The return of personal property shall not be
19 unreasonably withheld if the personal property is not
20 mechanically or electrically coupled to the conveyance, needed
21 for evidentiary purposes, or otherwise contraband. A law
22 enforcement agency that returns property under a court order
23 under this Section shall not be liable to any person who claims
24 ownership to the property if the property is returned to an
25 improper party.

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

2 (720 ILCS 5/36-7)

3 Sec. 36-7. Distribution of proceeds; selling or retaining
4 seized property prohibited.

5 (a) Except as otherwise provided in this Section, the
6 court shall order that property forfeited under this Article
7 be delivered to the Illinois ~~Department of~~ State Police within
8 60 days.

9 (b) The Illinois ~~Department of~~ State Police or its
10 designee shall dispose of all property at public auction and
11 shall distribute the proceeds of the sale, together with any
12 moneys forfeited or seized, under subsection (c) of this
13 Section.

14 (c) All moneys and the sale proceeds of all other property
15 forfeited and seized under this Act shall be distributed as
16 follows:

17 (1) 65% shall be distributed to the drug task force,
18 metropolitan enforcement group, local, municipal, county,
19 or State law enforcement agency or agencies that conducted
20 or participated in the investigation resulting in the
21 forfeiture. The distribution shall bear a reasonable
22 relationship to the degree of direct participation of the
23 law enforcement agency in the effort resulting in the
24 forfeiture, taking into account the total value of the
25 property forfeited and the total law enforcement effort

1 with respect to the violation of the law upon which the
2 forfeiture is based. Amounts distributed to the agency or
3 agencies shall be used, at the discretion of the agency,
4 for the enforcement of criminal laws; or for public
5 education in the community or schools in the prevention or
6 detection of the abuse of drugs or alcohol; or for
7 security cameras used for the prevention or detection of
8 violence, except that amounts distributed to the Secretary
9 of State shall be deposited into the Secretary of State
10 Evidence Fund to be used as provided in Section 2-115 of
11 the Illinois Vehicle Code.

12 Any local, municipal, or county law enforcement agency
13 entitled to receive a monetary distribution of forfeiture
14 proceeds may share those forfeiture proceeds pursuant to
15 the terms of an intergovernmental agreement with a
16 municipality that has a population in excess of 20,000 if:

17 (A) the receiving agency has entered into an
18 intergovernmental agreement with the municipality to
19 provide police services;

20 (B) the intergovernmental agreement for police
21 services provides for consideration in an amount of
22 not less than \$1,000,000 per year;

23 (C) the seizure took place within the geographical
24 limits of the municipality; and

25 (D) the funds are used only for the enforcement of
26 criminal laws; for public education in the community

1 or schools in the prevention or detection of the abuse
2 of drugs or alcohol; or for security cameras used for
3 the prevention or detection of violence or the
4 establishment of a municipal police force, including
5 the training of officers, construction of a police
6 station, the purchase of law enforcement equipment, or
7 vehicles.

8 (2) 12.5% shall be distributed to the Office of the
9 State's Attorney of the county in which the prosecution
10 resulting in the forfeiture was instituted, deposited in a
11 special fund in the county treasury and appropriated to
12 the State's Attorney for use, at the discretion of the
13 State's Attorney, in the enforcement of criminal laws; or
14 for public education in the community or schools in the
15 prevention or detection of the abuse of drugs or alcohol;
16 or at the discretion of the State's Attorney, in addition
17 to other authorized purposes, to make grants to local
18 substance abuse treatment facilities and half-way houses.
19 In counties over 3,000,000 population, 25% will be
20 distributed to the Office of the State's Attorney for use,
21 at the discretion of the State's Attorney, in the
22 enforcement of criminal laws; or for public education in
23 the community or schools in the prevention or detection of
24 the abuse of drugs or alcohol; or at the discretion of the
25 State's Attorney, in addition to other authorized
26 purposes, to make grants to local substance abuse

1 treatment facilities and half-way houses. If the
2 prosecution is undertaken solely by the Attorney General,
3 the portion provided shall be distributed to the Attorney
4 General for use in the enforcement of criminal laws
5 governing cannabis and controlled substances or for public
6 education in the community or schools in the prevention or
7 detection of the abuse of drugs or alcohol.

8 12.5% shall be distributed to the Office of the
9 State's Attorneys Appellate Prosecutor and shall be used
10 at the discretion of the State's Attorneys Appellate
11 Prosecutor for additional expenses incurred in the
12 investigation, prosecution and appeal of cases arising in
13 the enforcement of criminal laws; or for public education
14 in the community or schools in the prevention or detection
15 of the abuse of drugs or alcohol. The Office of the State's
16 Attorneys Appellate Prosecutor shall not receive
17 distribution from cases brought in counties with over
18 3,000,000 population.

19 (3) 10% shall be retained by the Illinois ~~Department~~
20 ~~of~~ State Police for expenses related to the administration
21 and sale of seized and forfeited property.

22 (d) A law enforcement agency shall not retain forfeited
23 property for its own use or transfer the property to any person
24 or entity, except as provided under this Section. A law
25 enforcement agency may apply in writing to the Director of the
26 Illinois State Police to request that forfeited property be

1 awarded to the agency for a specifically articulated official
2 law enforcement use in an investigation. The Director of the
3 Illinois State Police shall provide a written justification in
4 each instance detailing the reasons why the forfeited property
5 was placed into official use, and the justification shall be
6 retained for a period of not less than 3 years.

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

8 Section 985. The Cannabis Control Act is amended by
9 changing Sections 3, 4, 8, 10.2, 11, 15.2, 16.2, and 17 as
10 follows:

11 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

12 Sec. 3. As used in this Act, unless the context otherwise
13 requires:

14 (a) "Cannabis" includes marihuana, hashish and other
15 substances which are identified as including any parts of the
16 plant Cannabis Sativa, whether growing or not; the seeds
17 thereof, the resin extracted from any part of such plant; and
18 any compound, manufacture, salt, derivative, mixture, or
19 preparation of such plant, its seeds, or resin, including
20 tetrahydrocannabinol (THC) and all other cannabinal
21 derivatives, including its naturally occurring or
22 synthetically produced ingredients, whether produced directly
23 or indirectly by extraction, or independently by means of
24 chemical synthesis or by a combination of extraction and

1 chemical synthesis; but shall not include the mature stalks of
2 such plant, fiber produced from such stalks, oil or cake made
3 from the seeds of such plant, any other compound, manufacture,
4 salt, derivative, mixture, or preparation of such mature
5 stalks (except the resin extracted therefrom), fiber, oil or
6 cake, or the sterilized seed of such plant which is incapable
7 of germination.

8 (b) "Casual delivery" means the delivery of not more than
9 10 grams of any substance containing cannabis without
10 consideration.

11 (c) "Department" means the Illinois Department of Human
12 Services (as successor to the Department of Alcoholism and
13 Substance Abuse) or its successor agency.

14 (d) "Deliver" or "delivery" means the actual, constructive
15 or attempted transfer of possession of cannabis, with or
16 without consideration, whether or not there is an agency
17 relationship.

18 (e) (Blank). ~~"Department of State Police" means the~~
19 ~~Department of State Police of the State of Illinois or its~~
20 ~~successor agency.~~

21 (f) "Director" means the Director of the Illinois
22 ~~Department of State Police~~ or his designated agent.

23 (g) "Local authorities" means a duly organized State,
24 county, or municipal peace unit or police force.

25 (h) "Manufacture" means the production, preparation,
26 propagation, compounding, conversion or processing of

1 cannabis, either directly or indirectly, by extraction from
2 substances of natural origin, or independently by means of
3 chemical synthesis, or by a combination of extraction and
4 chemical synthesis, and includes any packaging or repackaging
5 of cannabis or labeling of its container, except that this
6 term does not include the preparation, compounding, packaging,
7 or labeling of cannabis as an incident to lawful research,
8 teaching, or chemical analysis and not for sale.

9 (i) "Person" means any individual, corporation, government
10 or governmental subdivision or agency, business trust, estate,
11 trust, partnership or association, or any other entity.

12 (j) "Produce" or "production" means planting, cultivating,
13 tending or harvesting.

14 (k) "State" includes the State of Illinois and any state,
15 district, commonwealth, territory, insular possession thereof,
16 and any area subject to the legal authority of the United
17 States of America.

18 (l) "Subsequent offense" means an offense under this Act,
19 the offender of which, prior to his conviction of the offense,
20 has at any time been convicted under this Act or under any laws
21 of the United States or of any state relating to cannabis, or
22 any controlled substance as defined in the Illinois Controlled
23 Substances Act.

24 (Source: P.A. 100-1091, eff. 8-26-18; 101-593, eff. 12-4-19.)

25 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

1 Sec. 4. Except as otherwise provided in the Cannabis
2 Regulation and Tax Act and the Industrial Hemp Act, it is
3 unlawful for any person knowingly to possess cannabis.

4 Any person who violates this Section with respect to:

5 (a) not more than 10 grams of any substance containing
6 cannabis is guilty of a civil law violation punishable by
7 a minimum fine of \$100 and a maximum fine of \$200. The
8 proceeds of the fine shall be payable to the clerk of the
9 circuit court. Within 30 days after the deposit of the
10 fine, the clerk shall distribute the proceeds of the fine
11 as follows:

12 (1) \$10 of the fine to the circuit clerk and \$10 of
13 the fine to the law enforcement agency that issued the
14 citation; the proceeds of each \$10 fine distributed to
15 the circuit clerk and each \$10 fine distributed to the
16 law enforcement agency that issued the citation for
17 the violation shall be used to defer the cost of
18 automatic expungements under paragraph (2.5) of
19 subsection (a) of Section 5.2 of the Criminal
20 Identification Act;

21 (2) \$15 to the county to fund drug addiction
22 services;

23 (3) \$10 to the Office of the State's Attorneys
24 Appellate Prosecutor for use in training programs;

25 (4) \$10 to the State's Attorney; and

26 (5) any remainder of the fine to the law

1 enforcement agency that issued the citation for the
2 violation.

3 With respect to funds designated for the Illinois
4 ~~Department of~~ State Police, the moneys shall be remitted
5 by the circuit court clerk to the Illinois ~~Department of~~
6 State Police within one month after receipt for deposit
7 into the State Police Operations Assistance Fund. With
8 respect to funds designated for the Department of Natural
9 Resources, the Department of Natural Resources shall
10 deposit the moneys into the Conservation Police Operations
11 Assistance Fund;

12 (b) more than 10 grams but not more than 30 grams of
13 any substance containing cannabis is guilty of a Class B
14 misdemeanor;

15 (c) more than 30 grams but not more than 100 grams of
16 any substance containing cannabis is guilty of a Class A
17 misdemeanor; provided, that if any offense under this
18 subsection (c) is a subsequent offense, the offender shall
19 be guilty of a Class 4 felony;

20 (d) more than 100 grams but not more than 500 grams of
21 any substance containing cannabis is guilty of a Class 4
22 felony; provided that if any offense under this subsection
23 (d) is a subsequent offense, the offender shall be guilty
24 of a Class 3 felony;

25 (e) more than 500 grams but not more than 2,000 grams
26 of any substance containing cannabis is guilty of a Class

1 3 felony;

2 (f) more than 2,000 grams but not more than 5,000
3 grams of any substance containing cannabis is guilty of a
4 Class 2 felony;

5 (g) more than 5,000 grams of any substance containing
6 cannabis is guilty of a Class 1 felony.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

9 Sec. 8. Except as otherwise provided in the Cannabis
10 Regulation and Tax Act and the Industrial Hemp Act, it is
11 unlawful for any person knowingly to produce the Cannabis
12 sativa plant or to possess such plants unless production or
13 possession has been authorized pursuant to the provisions of
14 Section 11 or 15.2 of the Act. Any person who violates this
15 Section with respect to production or possession of:

16 (a) Not more than 5 plants is guilty of a civil
17 violation punishable by a minimum fine of \$100 and a
18 maximum fine of \$200. The proceeds of the fine are payable
19 to the clerk of the circuit court. Within 30 days after the
20 deposit of the fine, the clerk shall distribute the
21 proceeds of the fine as follows:

22 (1) \$10 of the fine to the circuit clerk and \$10 of
23 the fine to the law enforcement agency that issued the
24 citation; the proceeds of each \$10 fine distributed to
25 the circuit clerk and each \$10 fine distributed to the

1 law enforcement agency that issued the citation for
2 the violation shall be used to defer the cost of
3 automatic expungements under paragraph (2.5) of
4 subsection (a) of Section 5.2 of the Criminal
5 Identification Act;

6 (2) \$15 to the county to fund drug addiction
7 services;

8 (3) \$10 to the Office of the State's Attorneys
9 Appellate Prosecutor for use in training programs;

10 (4) \$10 to the State's Attorney; and

11 (5) any remainder of the fine to the law
12 enforcement agency that issued the citation for the
13 violation.

14 With respect to funds designated for the Illinois
15 ~~Department of~~ State Police, the moneys shall be remitted
16 by the circuit court clerk to the Illinois ~~Department of~~
17 State Police within one month after receipt for deposit
18 into the State Police Operations Assistance Fund. With
19 respect to funds designated for the Department of Natural
20 Resources, the Department of Natural Resources shall
21 deposit the moneys into the Conservation Police Operations
22 Assistance Fund.

23 (b) More than 5, but not more than 20 plants, is guilty
24 of a Class 4 felony.

25 (c) More than 20, but not more than 50 plants, is
26 guilty of a Class 3 felony.

1 (d) More than 50, but not more than 200 plants, is
2 guilty of a Class 2 felony for which a fine not to exceed
3 \$100,000 may be imposed and for which liability for the
4 cost of conducting the investigation and eradicating such
5 plants may be assessed. Compensation for expenses incurred
6 in the enforcement of this provision shall be transmitted
7 to and deposited in the treasurer's office at the level of
8 government represented by the Illinois law enforcement
9 agency whose officers or employees conducted the
10 investigation or caused the arrest or arrests leading to
11 the prosecution, to be subsequently made available to that
12 law enforcement agency as expendable receipts for use in
13 the enforcement of laws regulating controlled substances
14 and cannabis. If such seizure was made by a combination of
15 law enforcement personnel representing different levels of
16 government, the court levying the assessment shall
17 determine the allocation of such assessment. The proceeds
18 of assessment awarded to the State treasury shall be
19 deposited in a special fund known as the Drug Traffic
20 Prevention Fund.

21 (e) More than 200 plants is guilty of a Class 1 felony
22 for which a fine not to exceed \$100,000 may be imposed and
23 for which liability for the cost of conducting the
24 investigation and eradicating such plants may be assessed.
25 Compensation for expenses incurred in the enforcement of
26 this provision shall be transmitted to and deposited in

1 the treasurer's office at the level of government
2 represented by the Illinois law enforcement agency whose
3 officers or employees conducted the investigation or
4 caused the arrest or arrests leading to the prosecution,
5 to be subsequently made available to that law enforcement
6 agency as expendable receipts for use in the enforcement
7 of laws regulating controlled substances and cannabis. If
8 such seizure was made by a combination of law enforcement
9 personnel representing different levels of government, the
10 court levying the assessment shall determine the
11 allocation of such assessment. The proceeds of assessment
12 awarded to the State treasury shall be deposited in a
13 special fund known as the Drug Traffic Prevention Fund.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

16 Sec. 10.2. (a) Twelve and one-half percent of all amounts
17 collected as fines pursuant to the provisions of this Act
18 shall be paid into the Youth Drug Abuse Prevention Fund, which
19 is hereby created in the State treasury, to be used by the
20 Department of Human Services for the funding of programs and
21 services for drug-abuse treatment, and prevention and
22 education services, for juveniles.

23 (b) Eighty-seven and one-half percent of the proceeds of
24 all fines received under the provisions of this Act shall be
25 transmitted to and deposited in the treasurer's office at the

1 level of government as follows:

2 (1) If such seizure was made by a combination of law
3 enforcement personnel representing differing units of
4 local government, the court levying the fine shall
5 equitably allocate 50% of the fine among these units of
6 local government and shall allocate 37 1/2% to the county
7 general corporate fund. In the event that the seizure was
8 made by law enforcement personnel representing a unit of
9 local government from a municipality where the number of
10 inhabitants exceeds 2 million in population, the court
11 levying the fine shall allocate 87 1/2% of the fine to that
12 unit of local government. If the seizure was made by a
13 combination of law enforcement personnel representing
14 differing units of local government, and at least one of
15 those units represents a municipality where the number of
16 inhabitants exceeds 2 million in population, the court
17 shall equitably allocate 87 1/2% of the proceeds of the
18 fines received among the differing units of local
19 government.

20 (2) If such seizure was made by State law enforcement
21 personnel, then the court shall allocate 37 1/2% to the
22 State treasury and 50% to the county general corporate
23 fund.

24 (3) If a State law enforcement agency in combination
25 with a law enforcement agency or agencies of a unit or
26 units of local government conducted the seizure, the court

1 shall equitably allocate 37 1/2% of the fines to or among
2 the law enforcement agency or agencies of the unit or
3 units of local government which conducted the seizure and
4 shall allocate 50% to the county general corporate fund.

5 (c) The proceeds of all fines allocated to the law
6 enforcement agency or agencies of the unit or units of local
7 government pursuant to subsection (b) shall be made available
8 to that law enforcement agency as expendable receipts for use
9 in the enforcement of laws regulating controlled substances
10 and cannabis. The proceeds of fines awarded to the State
11 treasury shall be deposited in a special fund known as the Drug
12 Traffic Prevention Fund, except that amounts distributed to
13 the Secretary of State shall be deposited into the Secretary
14 of State Evidence Fund to be used as provided in Section 2-115
15 of the Illinois Vehicle Code. Monies from this fund may be used
16 by the Illinois ~~Department of~~ State Police for use in the
17 enforcement of laws regulating controlled substances and
18 cannabis; to satisfy funding provisions of the
19 Intergovernmental Drug Laws Enforcement Act; to defray costs
20 and expenses associated with returning violators of this Act,
21 the Illinois Controlled Substances Act, and the
22 Methamphetamine Control and Community Protection Act only, as
23 provided in such Acts, when punishment of the crime shall be
24 confinement of the criminal in the penitentiary; and all other
25 monies shall be paid into the general revenue fund in the State
26 treasury.

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

2 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

3 Sec. 11. (a) The Department, with the written approval of
4 the Illinois ~~Department of~~ State Police, may authorize the
5 possession, production, manufacture and delivery of substances
6 containing cannabis by persons engaged in research and when
7 such authorization is requested by a physician licensed to
8 practice medicine in all its branches, such authorization
9 shall issue without unnecessary delay where the Department
10 finds that such physician licensed to practice medicine in all
11 its branches has certified that such possession, production,
12 manufacture or delivery of such substance is necessary for the
13 treatment of glaucoma, the side effects of chemotherapy or
14 radiation therapy in cancer patients or such other procedure
15 certified to be medically necessary; such authorization shall
16 be, upon such terms and conditions as may be consistent with
17 the public health and safety. To the extent of the applicable
18 authorization, persons are exempt from prosecution in this
19 State for possession, production, manufacture or delivery of
20 cannabis.

21 (b) Persons registered under Federal law to conduct
22 research with cannabis may conduct research with cannabis
23 including, but not limited to treatment by a physician
24 licensed to practice medicine in all its branches for
25 glaucoma, the side effects of chemotherapy or radiation

1 therapy in cancer patients or such other procedure which is
2 medically necessary within this State upon furnishing evidence
3 of that Federal registration and notification of the scope and
4 purpose of such research to the Department and to the Illinois
5 ~~Department of~~ State Police of that Federal registration.

6 (c) Persons authorized to engage in research may be
7 authorized by the Department to protect the privacy of
8 individuals who are the subjects of such research by
9 withholding from all persons not connected with the conduct of
10 the research the names and other identifying characteristics
11 of such individuals. Persons who are given this authorization
12 shall not be compelled in any civil, criminal, administrative,
13 legislative or other proceeding to identify the individuals
14 who are the subjects of research for which the authorization
15 was granted, except to the extent necessary to permit the
16 Department to determine whether the research is being
17 conducted in accordance with the authorization.

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

19 (720 ILCS 550/15.2)

20 Sec. 15.2. Industrial hemp pilot program.

21 (a) Pursuant to Section 7606 of the federal Agricultural
22 Act of 2014, an institution of higher education or the
23 Department of Agriculture may grow or cultivate industrial
24 hemp if:

25 (1) the industrial hemp is grown or cultivated for

1 purposes of research conducted under an agricultural pilot
2 program or other agricultural or academic research;

3 (2) the pilot program studies the growth, cultivation,
4 or marketing of industrial hemp; and

5 (3) any site used for the growing or cultivating of
6 industrial hemp is certified by, and registered with, the
7 Department of Agriculture.

8 (b) Before conducting industrial hemp research, an
9 institution of higher education shall notify the Department of
10 Agriculture and any local law enforcement agency in writing.

11 (c) The institution of higher education shall provide
12 quarterly reports and an annual report to the Department of
13 Agriculture on the research and the research program shall be
14 subject to random inspection by the Department of Agriculture,
15 the Illinois ~~Department of~~ State Police, or local law
16 enforcement agencies. The institution of higher education
17 shall submit the annual report to the Department of
18 Agriculture on or before October 1.

19 (d) The Department of Agriculture may adopt rules to
20 implement this Section. In order to provide for the
21 expeditious and timely implementation of this Section, upon
22 notification by an institution of higher education that the
23 institution wishes to engage in the growth or cultivation of
24 industrial hemp for agricultural research purposes, the
25 Department of Agriculture may adopt emergency rules under
26 Section 5-45 of the Illinois Administrative Procedure Act to

1 implement the provisions of this Section. If changes to the
2 rules are required to comply with federal rules, the
3 Department of Agriculture may adopt peremptory rules as
4 necessary to comply with changes to corresponding federal
5 rules. All other rules that the Department of Agriculture
6 deems necessary to adopt in connection with this Section must
7 proceed through the ordinary rule-making process. The adoption
8 of emergency rules authorized by this Section shall be deemed
9 to be necessary for the public interest, safety, and welfare.

10 The Department of Agriculture may determine, by rule, the
11 duration of an institution of higher education's pilot program
12 or industrial hemp research. If the institution of higher
13 education has not completed its program within the timeframe
14 established by rule, then the Department of Agriculture may
15 grant an extension to the pilot program if unanticipated
16 circumstances arose that impacted the program.

17 (e) As used in this Section:

18 "Industrial hemp" means *cannabis sativa* L. having no more
19 than 0.3% total THC available, upon heating, or maximum
20 delta-9 tetrahydrocannabinol content possible.

21 "Institution of higher education" means a State
22 institution of higher education that offers a 4-year degree in
23 agricultural science.

24 (Source: P.A. 98-1072, eff. 1-1-15; 99-78, eff. 7-20-15.)

25 (720 ILCS 550/16.2)

1 Sec. 16.2. Preservation of cannabis or cannabis sativa
2 plants for laboratory testing.

3 (a) Before or after the trial in a prosecution for a
4 violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law
5 enforcement agency or an agent acting on behalf of the law
6 enforcement agency must preserve, subject to a continuous
7 chain of custody, not less than 6,001 grams of any substance
8 containing cannabis and not less than 51 cannabis sativa
9 plants with respect to the offenses enumerated in this
10 subsection (a) and must maintain sufficient documentation to
11 locate that evidence. Excess quantities with respect to the
12 offenses enumerated in this subsection (a) cannot practicably
13 be retained by a law enforcement agency because of its size,
14 bulk, and physical character.

15 (b) The court may before trial transfer excess quantities
16 of any substance containing cannabis or cannabis sativa plants
17 with respect to a prosecution for any offense enumerated in
18 subsection (a) to the sheriff of the county, or may in its
19 discretion transfer such evidence to the Illinois Department
20 ~~of~~ State Police, for destruction after notice is given to the
21 defendant's attorney of record or to the defendant if the
22 defendant is proceeding pro se.

23 (c) After a judgment of conviction is entered and the
24 charged quantity is no longer needed for evidentiary purposes
25 with respect to a prosecution for any offense enumerated in
26 subsection (a), the court may transfer any substance

1 containing cannabis or cannabis sativa plants to the sheriff
2 of the county, or may in its discretion transfer such evidence
3 to the Illinois ~~Department of~~ State Police, for destruction
4 after notice is given to the defendant's attorney of record or
5 to the defendant if the defendant is proceeding pro se. No
6 evidence shall be disposed of until 30 days after the judgment
7 is entered, and if a notice of appeal is filed, no evidence
8 shall be disposed of until the mandate has been received by the
9 circuit court from the Appellate Court.

10 (Source: P.A. 94-180, eff. 7-12-05.)

11 (720 ILCS 550/17) (from Ch. 56 1/2, par. 717)

12 Sec. 17. It is hereby made the duty of the Illinois
13 ~~Department of~~ State Police, all peace officers within the
14 State and of all State's attorneys, to enforce all provisions
15 of this Act and to cooperate with all agencies charged with the
16 enforcement of the laws of the United States, of this State,
17 and of all other states, relating to cannabis.

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

19 Section 990. The Illinois Controlled Substances Act is
20 amended by changing Section 102 as follows:

21 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

22 Sec. 102. Definitions. As used in this Act, unless the
23 context otherwise requires:

1 (a) "Addict" means any person who habitually uses any
2 drug, chemical, substance or dangerous drug other than alcohol
3 so as to endanger the public morals, health, safety or welfare
4 or who is so far addicted to the use of a dangerous drug or
5 controlled substance other than alcohol as to have lost the
6 power of self control with reference to his or her addiction.

7 (b) "Administer" means the direct application of a
8 controlled substance, whether by injection, inhalation,
9 ingestion, or any other means, to the body of a patient,
10 research subject, or animal (as defined by the Humane
11 Euthanasia in Animal Shelters Act) by:

12 (1) a practitioner (or, in his or her presence, by his
13 or her authorized agent),

14 (2) the patient or research subject pursuant to an
15 order, or

16 (3) a euthanasia technician as defined by the Humane
17 Euthanasia in Animal Shelters Act.

18 (c) "Agent" means an authorized person who acts on behalf
19 of or at the direction of a manufacturer, distributor,
20 dispenser, prescriber, or practitioner. It does not include a
21 common or contract carrier, public warehouseman or employee of
22 the carrier or warehouseman.

23 (c-1) "Anabolic Steroids" means any drug or hormonal
24 substance, chemically and pharmacologically related to
25 testosterone (other than estrogens, progestins,
26 corticosteroids, and dehydroepiandrosterone), and includes:

- 1 (i) 3[beta],17-dihydroxy-5a-androstane,
- 2 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,
- 3 (iii) 5[alpha]-androstan-3,17-dione,
- 4 (iv) 1-androstenediol (3[beta],
- 5 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- 6 (v) 1-androstenediol (3[alpha],
- 7 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- 8 (vi) 4-androstenediol
- 9 (3[beta],17[beta]-dihydroxy-androst-4-ene),
- 10 (vii) 5-androstenediol
- 11 (3[beta],17[beta]-dihydroxy-androst-5-ene),
- 12 (viii) 1-androstenedione
- 13 ([5alpha]-androst-1-en-3,17-dione),
- 14 (ix) 4-androstenedione
- 15 (androst-4-en-3,17-dione),
- 16 (x) 5-androstenedione
- 17 (androst-5-en-3,17-dione),
- 18 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
- 19 hydroxyandrost-4-en-3-one),
- 20 (xii) boldenone (17[beta]-hydroxyandrost-
- 21 1,4,-diene-3-one),
- 22 (xiii) boldione (androsta-1,4-
- 23 diene-3,17-dione),
- 24 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17
- 25 [beta]-hydroxyandrost-4-en-3-one),
- 26 (xv) clostebol (4-chloro-17[beta]-

1 hydroxyandrost-4-en-3-one),
2 (xvi) dehydrochloromethyltestosterone (4-chloro-
3 17[beta]-hydroxy-17[alpha]-methyl-
4 androst-1,4-dien-3-one),
5 (xvii) desoxymethyltestosterone
6 (17[alpha]-methyl-5[alpha]
7 -androst-2-en-17[beta]-ol) (a.k.a., madol),
8 (xviii) [delta]1-dihydrotestosterone (a.k.a.
9 '1-testosterone') (17[beta]-hydroxy-
10 5[alpha]-androst-1-en-3-one),
11 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-
12 androstan-3-one),
13 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-
14 5[alpha]-androstan-3-one),
15 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-
16 hydroxyestr-4-ene),
17 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-
18 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
19 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],
20 17[beta]-dihydroxyandrost-1,4-dien-3-one),
21 (xxiv) furazabol (17[alpha]-methyl-17[beta]-
22 hydroxyandrostan[2,3-c]-furazan),
23 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,
24 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-
25 androst-4-en-3-one),
26 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-

1 dihydroxy-estr-4-en-3-one),
2 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-
3 hydroxy-5-androstan-3-one),
4 (xxix) mesterolone (17[alpha]-methyl-17[beta]-hydroxy-
5 [5a]-androstan-3-one),
6 (xxx) methandienone (17[alpha]-methyl-17[beta]-
7 hydroxyandrost-1,4-dien-3-one),
8 (xxxii) methandriol (17[alpha]-methyl-3[beta],17[beta]-
9 dihydroxyandrost-5-ene),
10 (xxxiii) methenolone (17[alpha]-methyl-17[beta]-hydroxy-
11 5[alpha]-androst-1-en-3-one),
12 (xxxiiii) 17[alpha]-methyl-3[beta],17[beta]-
13 dihydroxy-5a-androstane,
14 (xxxv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy
15 -5a-androstane,
16 (xxxvi) 17[alpha]-methyl-3[beta],17[beta]-
17 dihydroxyandrost-4-ene),
18 (xxxvii) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
19 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
20 (xxxviii) methyldienolone (17[alpha]-methyl-17[beta]-
21 hydroxyestra-4,9(10)-dien-3-one),
22 (xxxix) methyltrienolone (17[alpha]-methyl-17[beta]-
23 hydroxyestra-4,9-11-trien-3-one),
24 (xl) methyltestosterone (17[alpha]-methyl-17[beta]-
25 hydroxyandrost-4-en-3-one),
26 (xli) mibolerone (7[alpha],17a-dimethyl-17[beta]-

1 hydroxyestr-4-en-3-one),
2 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
3 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-
4 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-
5 1-testosterone'),
6 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
7 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-
8 dihydroxyestr-4-ene),
9 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-
10 dihydroxyestr-4-ene),
11 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-
12 dihydroxyestr-5-ene),
13 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-
14 dihydroxyestr-5-ene),
15 (xlvii) 19-nor-4,9(10)-androstadienedione
16 (estra-4,9(10)-diene-3,17-dione),
17 (xlviii) 19-nor-4-androstenedione (estr-4-
18 en-3,17-dione),
19 (xlix) 19-nor-5-androstenedione (estr-5-
20 en-3,17-dione),
21 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-
22 hydroxygon-4-en-3-one),
23 (li) norclostebol (4-chloro-17[beta]-
24 hydroxyestr-4-en-3-one),
25 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-
26 hydroxyestr-4-en-3-one),

- 1 (liii) normethandrolone (17[alpha]-methyl-17[beta]-
2 hydroxyestr-4-en-3-one),
3 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-
4 2-oxa-5[alpha]-androst-3-one),
5 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-
6 dihydroxyandrost-4-en-3-one),
7 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-
8 17[beta]-hydroxy-(5[alpha]-androst-3-one),
9 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-
10 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),
11 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-
12 (5[alpha]-androst-1-en-3-one),
13 (lix) testolactone (13-hydroxy-3-oxo-13,17-
14 secoandrosta-1,4-dien-17-oic
15 acid lactone),
16 (lx) testosterone (17[beta]-hydroxyandrost-
17 4-en-3-one),
18 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
19 diethyl-17[beta]-hydroxygon-
20 4,9,11-trien-3-one),
21 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,
22 11-trien-3-one).

23 Any person who is otherwise lawfully in possession of an
24 anabolic steroid, or who otherwise lawfully manufactures,
25 distributes, dispenses, delivers, or possesses with intent to
26 deliver an anabolic steroid, which anabolic steroid is

1 expressly intended for and lawfully allowed to be administered
2 through implants to livestock or other nonhuman species, and
3 which is approved by the Secretary of Health and Human
4 Services for such administration, and which the person intends
5 to administer or have administered through such implants,
6 shall not be considered to be in unauthorized possession or to
7 unlawfully manufacture, distribute, dispense, deliver, or
8 possess with intent to deliver such anabolic steroid for
9 purposes of this Act.

10 (d) "Administration" means the Drug Enforcement
11 Administration, United States Department of Justice, or its
12 successor agency.

13 (d-5) "Clinical Director, Prescription Monitoring Program"
14 means a Department of Human Services administrative employee
15 licensed to either prescribe or dispense controlled substances
16 who shall run the clinical aspects of the Department of Human
17 Services Prescription Monitoring Program and its Prescription
18 Information Library.

19 (d-10) "Compounding" means the preparation and mixing of
20 components, excluding flavorings, (1) as the result of a
21 prescriber's prescription drug order or initiative based on
22 the prescriber-patient-pharmacist relationship in the course
23 of professional practice or (2) for the purpose of, or
24 incident to, research, teaching, or chemical analysis and not
25 for sale or dispensing. "Compounding" includes the preparation
26 of drugs or devices in anticipation of receiving prescription

1 drug orders based on routine, regularly observed dispensing
2 patterns. Commercially available products may be compounded
3 for dispensing to individual patients only if both of the
4 following conditions are met: (i) the commercial product is
5 not reasonably available from normal distribution channels in
6 a timely manner to meet the patient's needs and (ii) the
7 prescribing practitioner has requested that the drug be
8 compounded.

9 (e) "Control" means to add a drug or other substance, or
10 immediate precursor, to a Schedule whether by transfer from
11 another Schedule or otherwise.

12 (f) "Controlled Substance" means (i) a drug, substance,
13 immediate precursor, or synthetic drug in the Schedules of
14 Article II of this Act or (ii) a drug or other substance, or
15 immediate precursor, designated as a controlled substance by
16 the Department through administrative rule. The term does not
17 include distilled spirits, wine, malt beverages, or tobacco,
18 as those terms are defined or used in the Liquor Control Act of
19 1934 and the Tobacco Products Tax Act of 1995.

20 (f-5) "Controlled substance analog" means a substance:

21 (1) the chemical structure of which is substantially
22 similar to the chemical structure of a controlled
23 substance in Schedule I or II;

24 (2) which has a stimulant, depressant, or
25 hallucinogenic effect on the central nervous system that
26 is substantially similar to or greater than the stimulant,

1 depressant, or hallucinogenic effect on the central
2 nervous system of a controlled substance in Schedule I or
3 II; or

4 (3) with respect to a particular person, which such
5 person represents or intends to have a stimulant,
6 depressant, or hallucinogenic effect on the central
7 nervous system that is substantially similar to or greater
8 than the stimulant, depressant, or hallucinogenic effect
9 on the central nervous system of a controlled substance in
10 Schedule I or II.

11 (g) "Counterfeit substance" means a controlled substance,
12 which, or the container or labeling of which, without
13 authorization bears the trademark, trade name, or other
14 identifying mark, imprint, number or device, or any likeness
15 thereof, of a manufacturer, distributor, or dispenser other
16 than the person who in fact manufactured, distributed, or
17 dispensed the substance.

18 (h) "Deliver" or "delivery" means the actual, constructive
19 or attempted transfer of possession of a controlled substance,
20 with or without consideration, whether or not there is an
21 agency relationship.

22 (i) "Department" means the Illinois Department of Human
23 Services (as successor to the Department of Alcoholism and
24 Substance Abuse) or its successor agency.

25 (j) (Blank).

26 (k) "Department of Corrections" means the Department of

1 Corrections of the State of Illinois or its successor agency.

2 (l) "Department of Financial and Professional Regulation"
3 means the Department of Financial and Professional Regulation
4 of the State of Illinois or its successor agency.

5 (m) "Depressant" means any drug that (i) causes an overall
6 depression of central nervous system functions, (ii) causes
7 impaired consciousness and awareness, and (iii) can be
8 habit-forming or lead to a substance abuse problem, including
9 but not limited to alcohol, cannabis and its active principles
10 and their analogs, benzodiazepines and their analogs,
11 barbiturates and their analogs, opioids (natural and
12 synthetic) and their analogs, and chloral hydrate and similar
13 sedative hypnotics.

14 (n) (Blank).

15 (o) "Director" means the Director of the Illinois State
16 Police or his or her designated agents.

17 (p) "Dispense" means to deliver a controlled substance to
18 an ultimate user or research subject by or pursuant to the
19 lawful order of a prescriber, including the prescribing,
20 administering, packaging, labeling, or compounding necessary
21 to prepare the substance for that delivery.

22 (q) "Dispenser" means a practitioner who dispenses.

23 (r) "Distribute" means to deliver, other than by
24 administering or dispensing, a controlled substance.

25 (s) "Distributor" means a person who distributes.

26 (t) "Drug" means (1) substances recognized as drugs in the

1 official United States Pharmacopoeia, Official Homeopathic
2 Pharmacopoeia of the United States, or official National
3 Formulary, or any supplement to any of them; (2) substances
4 intended for use in diagnosis, cure, mitigation, treatment, or
5 prevention of disease in man or animals; (3) substances (other
6 than food) intended to affect the structure of any function of
7 the body of man or animals and (4) substances intended for use
8 as a component of any article specified in clause (1), (2), or
9 (3) of this subsection. It does not include devices or their
10 components, parts, or accessories.

11 (t-3) "Electronic health record" or "EHR" means an
12 electronic record of health-related information on an
13 individual that is created, gathered, managed, and consulted
14 by authorized health care clinicians and staff.

15 (t-4) "Emergency medical services personnel" has the
16 meaning ascribed to it in the Emergency Medical Services (EMS)
17 Systems Act.

18 (t-5) "Euthanasia agency" means an entity certified by the
19 Department of Financial and Professional Regulation for the
20 purpose of animal euthanasia that holds an animal control
21 facility license or animal shelter license under the Animal
22 Welfare Act. A euthanasia agency is authorized to purchase,
23 store, possess, and utilize Schedule II nonnarcotic and
24 Schedule III nonnarcotic drugs for the sole purpose of animal
25 euthanasia.

26 (t-10) "Euthanasia drugs" means Schedule II or Schedule

1 III substances (nonnarcotic controlled substances) that are
2 used by a euthanasia agency for the purpose of animal
3 euthanasia.

4 (u) "Good faith" means the prescribing or dispensing of a
5 controlled substance by a practitioner in the regular course
6 of professional treatment to or for any person who is under his
7 or her treatment for a pathology or condition other than that
8 individual's physical or psychological dependence upon or
9 addiction to a controlled substance, except as provided
10 herein: and application of the term to a pharmacist shall mean
11 the dispensing of a controlled substance pursuant to the
12 prescriber's order which in the professional judgment of the
13 pharmacist is lawful. The pharmacist shall be guided by
14 accepted professional standards including, but not limited to
15 the following, in making the judgment:

16 (1) lack of consistency of prescriber-patient
17 relationship,

18 (2) frequency of prescriptions for same drug by one
19 prescriber for large numbers of patients,

20 (3) quantities beyond those normally prescribed,

21 (4) unusual dosages (recognizing that there may be
22 clinical circumstances where more or less than the usual
23 dose may be used legitimately),

24 (5) unusual geographic distances between patient,
25 pharmacist and prescriber,

26 (6) consistent prescribing of habit-forming drugs.

1 (u-0.5) "Hallucinogen" means a drug that causes markedly
2 altered sensory perception leading to hallucinations of any
3 type.

4 (u-1) "Home infusion services" means services provided by
5 a pharmacy in compounding solutions for direct administration
6 to a patient in a private residence, long-term care facility,
7 or hospice setting by means of parenteral, intravenous,
8 intramuscular, subcutaneous, or intraspinal infusion.

9 (u-5) "Illinois State Police" means the Illinois State
10 Police ~~of the State of Illinois~~, or its successor agency.

11 (v) "Immediate precursor" means a substance:

12 (1) which the Department has found to be and by rule
13 designated as being a principal compound used, or produced
14 primarily for use, in the manufacture of a controlled
15 substance;

16 (2) which is an immediate chemical intermediary used
17 or likely to be used in the manufacture of such controlled
18 substance; and

19 (3) the control of which is necessary to prevent,
20 curtail or limit the manufacture of such controlled
21 substance.

22 (w) "Instructional activities" means the acts of teaching,
23 educating or instructing by practitioners using controlled
24 substances within educational facilities approved by the State
25 Board of Education or its successor agency.

26 (x) "Local authorities" means a duly organized State,

1 County or Municipal peace unit or police force.

2 (y) "Look-alike substance" means a substance, other than a
3 controlled substance which (1) by overall dosage unit
4 appearance, including shape, color, size, markings or lack
5 thereof, taste, consistency, or any other identifying physical
6 characteristic of the substance, would lead a reasonable
7 person to believe that the substance is a controlled
8 substance, or (2) is expressly or impliedly represented to be
9 a controlled substance or is distributed under circumstances
10 which would lead a reasonable person to believe that the
11 substance is a controlled substance. For the purpose of
12 determining whether the representations made or the
13 circumstances of the distribution would lead a reasonable
14 person to believe the substance to be a controlled substance
15 under this clause (2) of subsection (y), the court or other
16 authority may consider the following factors in addition to
17 any other factor that may be relevant:

18 (a) statements made by the owner or person in control
19 of the substance concerning its nature, use or effect;

20 (b) statements made to the buyer or recipient that the
21 substance may be resold for profit;

22 (c) whether the substance is packaged in a manner
23 normally used for the illegal distribution of controlled
24 substances;

25 (d) whether the distribution or attempted distribution
26 included an exchange of or demand for money or other

1 property as consideration, and whether the amount of the
2 consideration was substantially greater than the
3 reasonable retail market value of the substance.

4 Clause (1) of this subsection (y) shall not apply to a
5 noncontrolled substance in its finished dosage form that was
6 initially introduced into commerce prior to the initial
7 introduction into commerce of a controlled substance in its
8 finished dosage form which it may substantially resemble.

9 Nothing in this subsection (y) prohibits the dispensing or
10 distributing of noncontrolled substances by persons authorized
11 to dispense and distribute controlled substances under this
12 Act, provided that such action would be deemed to be carried
13 out in good faith under subsection (u) if the substances
14 involved were controlled substances.

15 Nothing in this subsection (y) or in this Act prohibits
16 the manufacture, preparation, propagation, compounding,
17 processing, packaging, advertising or distribution of a drug
18 or drugs by any person registered pursuant to Section 510 of
19 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

20 (y-1) "Mail-order pharmacy" means a pharmacy that is
21 located in a state of the United States that delivers,
22 dispenses or distributes, through the United States Postal
23 Service or other common carrier, to Illinois residents, any
24 substance which requires a prescription.

25 (z) "Manufacture" means the production, preparation,
26 propagation, compounding, conversion or processing of a

1 controlled substance other than methamphetamine, either
2 directly or indirectly, by extraction from substances of
3 natural origin, or independently by means of chemical
4 synthesis, or by a combination of extraction and chemical
5 synthesis, and includes any packaging or repackaging of the
6 substance or labeling of its container, except that this term
7 does not include:

8 (1) by an ultimate user, the preparation or
9 compounding of a controlled substance for his or her own
10 use; or

11 (2) by a practitioner, or his or her authorized agent
12 under his or her supervision, the preparation,
13 compounding, packaging, or labeling of a controlled
14 substance:

15 (a) as an incident to his or her administering or
16 dispensing of a controlled substance in the course of
17 his or her professional practice; or

18 (b) as an incident to lawful research, teaching or
19 chemical analysis and not for sale.

20 (z-1) (Blank).

21 (z-5) "Medication shopping" means the conduct prohibited
22 under subsection (a) of Section 314.5 of this Act.

23 (z-10) "Mid-level practitioner" means (i) a physician
24 assistant who has been delegated authority to prescribe
25 through a written delegation of authority by a physician
26 licensed to practice medicine in all of its branches, in

1 accordance with Section 7.5 of the Physician Assistant
2 Practice Act of 1987, (ii) an advanced practice registered
3 nurse who has been delegated authority to prescribe through a
4 written delegation of authority by a physician licensed to
5 practice medicine in all of its branches or by a podiatric
6 physician, in accordance with Section 65-40 of the Nurse
7 Practice Act, (iii) an advanced practice registered nurse
8 certified as a nurse practitioner, nurse midwife, or clinical
9 nurse specialist who has been granted authority to prescribe
10 by a hospital affiliate in accordance with Section 65-45 of
11 the Nurse Practice Act, (iv) an animal euthanasia agency, or
12 (v) a prescribing psychologist.

13 (aa) "Narcotic drug" means any of the following, whether
14 produced directly or indirectly by extraction from substances
15 of vegetable origin, or independently by means of chemical
16 synthesis, or by a combination of extraction and chemical
17 synthesis:

18 (1) opium, opiates, derivatives of opium and opiates,
19 including their isomers, esters, ethers, salts, and salts
20 of isomers, esters, and ethers, whenever the existence of
21 such isomers, esters, ethers, and salts is possible within
22 the specific chemical designation; however the term
23 "narcotic drug" does not include the isoquinoline
24 alkaloids of opium;

25 (2) (blank);

26 (3) opium poppy and poppy straw;

1 (4) coca leaves, except coca leaves and extracts of
2 coca leaves from which substantially all of the cocaine
3 and ecgonine, and their isomers, derivatives and salts,
4 have been removed;

5 (5) cocaine, its salts, optical and geometric isomers,
6 and salts of isomers;

7 (6) ecgonine, its derivatives, their salts, isomers,
8 and salts of isomers;

9 (7) any compound, mixture, or preparation which
10 contains any quantity of any of the substances referred to
11 in subparagraphs (1) through (6).

12 (bb) "Nurse" means a registered nurse licensed under the
13 Nurse Practice Act.

14 (cc) (Blank).

15 (dd) "Opiate" means any substance having an addiction
16 forming or addiction sustaining liability similar to morphine
17 or being capable of conversion into a drug having addiction
18 forming or addiction sustaining liability.

19 (ee) "Opium poppy" means the plant of the species *Papaver*
20 *somniferum* L., except its seeds.

21 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
22 solution or other liquid form of medication intended for
23 administration by mouth, but the term does not include a form
24 of medication intended for buccal, sublingual, or transmucosal
25 administration.

26 (ff) "Parole and Pardon Board" means the Parole and Pardon

1 Board of the State of Illinois or its successor agency.

2 (gg) "Person" means any individual, corporation,
3 mail-order pharmacy, government or governmental subdivision or
4 agency, business trust, estate, trust, partnership or
5 association, or any other entity.

6 (hh) "Pharmacist" means any person who holds a license or
7 certificate of registration as a registered pharmacist, a
8 local registered pharmacist or a registered assistant
9 pharmacist under the Pharmacy Practice Act.

10 (ii) "Pharmacy" means any store, ship or other place in
11 which pharmacy is authorized to be practiced under the
12 Pharmacy Practice Act.

13 (ii-5) "Pharmacy shopping" means the conduct prohibited
14 under subsection (b) of Section 314.5 of this Act.

15 (ii-10) "Physician" (except when the context otherwise
16 requires) means a person licensed to practice medicine in all
17 of its branches.

18 (jj) "Poppy straw" means all parts, except the seeds, of
19 the opium poppy, after mowing.

20 (kk) "Practitioner" means a physician licensed to practice
21 medicine in all its branches, dentist, optometrist, podiatric
22 physician, veterinarian, scientific investigator, pharmacist,
23 physician assistant, advanced practice registered nurse,
24 licensed practical nurse, registered nurse, emergency medical
25 services personnel, hospital, laboratory, or pharmacy, or
26 other person licensed, registered, or otherwise lawfully

1 permitted by the United States or this State to distribute,
2 dispense, conduct research with respect to, administer or use
3 in teaching or chemical analysis, a controlled substance in
4 the course of professional practice or research.

5 (ll) "Pre-printed prescription" means a written
6 prescription upon which the designated drug has been indicated
7 prior to the time of issuance; the term does not mean a written
8 prescription that is individually generated by machine or
9 computer in the prescriber's office.

10 (mm) "Prescriber" means a physician licensed to practice
11 medicine in all its branches, dentist, optometrist,
12 prescribing psychologist licensed under Section 4.2 of the
13 Clinical Psychologist Licensing Act with prescriptive
14 authority delegated under Section 4.3 of the Clinical
15 Psychologist Licensing Act, podiatric physician, or
16 veterinarian who issues a prescription, a physician assistant
17 who issues a prescription for a controlled substance in
18 accordance with Section 303.05, a written delegation, and a
19 written collaborative agreement required under Section 7.5 of
20 the Physician Assistant Practice Act of 1987, an advanced
21 practice registered nurse with prescriptive authority
22 delegated under Section 65-40 of the Nurse Practice Act and in
23 accordance with Section 303.05, a written delegation, and a
24 written collaborative agreement under Section 65-35 of the
25 Nurse Practice Act, an advanced practice registered nurse
26 certified as a nurse practitioner, nurse midwife, or clinical

1 nurse specialist who has been granted authority to prescribe
2 by a hospital affiliate in accordance with Section 65-45 of
3 the Nurse Practice Act and in accordance with Section 303.05,
4 or an advanced practice registered nurse certified as a nurse
5 practitioner, nurse midwife, or clinical nurse specialist who
6 has full practice authority pursuant to Section 65-43 of the
7 Nurse Practice Act.

8 (nn) "Prescription" means a written, facsimile, or oral
9 order, or an electronic order that complies with applicable
10 federal requirements, of a physician licensed to practice
11 medicine in all its branches, dentist, podiatric physician or
12 veterinarian for any controlled substance, of an optometrist
13 in accordance with Section 15.1 of the Illinois Optometric
14 Practice Act of 1987, of a prescribing psychologist licensed
15 under Section 4.2 of the Clinical Psychologist Licensing Act
16 with prescriptive authority delegated under Section 4.3 of the
17 Clinical Psychologist Licensing Act, of a physician assistant
18 for a controlled substance in accordance with Section 303.05,
19 a written delegation, and a written collaborative agreement
20 required under Section 7.5 of the Physician Assistant Practice
21 Act of 1987, of an advanced practice registered nurse with
22 prescriptive authority delegated under Section 65-40 of the
23 Nurse Practice Act who issues a prescription for a controlled
24 substance in accordance with Section 303.05, a written
25 delegation, and a written collaborative agreement under
26 Section 65-35 of the Nurse Practice Act, of an advanced

1 practice registered nurse certified as a nurse practitioner,
2 nurse midwife, or clinical nurse specialist who has been
3 granted authority to prescribe by a hospital affiliate in
4 accordance with Section 65-45 of the Nurse Practice Act and in
5 accordance with Section 303.05 when required by law, or of an
6 advanced practice registered nurse certified as a nurse
7 practitioner, nurse midwife, or clinical nurse specialist who
8 has full practice authority pursuant to Section 65-43 of the
9 Nurse Practice Act.

10 (nn-5) "Prescription Information Library" (PIL) means an
11 electronic library that contains reported controlled substance
12 data.

13 (nn-10) "Prescription Monitoring Program" (PMP) means the
14 entity that collects, tracks, and stores reported data on
15 controlled substances and select drugs pursuant to Section
16 316.

17 (oo) "Production" or "produce" means manufacture,
18 planting, cultivating, growing, or harvesting of a controlled
19 substance other than methamphetamine.

20 (pp) "Registrant" means every person who is required to
21 register under Section 302 of this Act.

22 (qq) "Registry number" means the number assigned to each
23 person authorized to handle controlled substances under the
24 laws of the United States and of this State.

25 (qq-5) "Secretary" means, as the context requires, either
26 the Secretary of the Department or the Secretary of the

1 Department of Financial and Professional Regulation, and the
2 Secretary's designated agents.

3 (rr) "State" includes the State of Illinois and any state,
4 district, commonwealth, territory, insular possession thereof,
5 and any area subject to the legal authority of the United
6 States of America.

7 (rr-5) "Stimulant" means any drug that (i) causes an
8 overall excitation of central nervous system functions, (ii)
9 causes impaired consciousness and awareness, and (iii) can be
10 habit-forming or lead to a substance abuse problem, including
11 but not limited to amphetamines and their analogs,
12 methylphenidate and its analogs, cocaine, and phencyclidine
13 and its analogs.

14 (rr-10) "Synthetic drug" includes, but is not limited to,
15 any synthetic cannabinoids or piperazines or any synthetic
16 cathinones as provided for in Schedule I.

17 (ss) "Ultimate user" means a person who lawfully possesses
18 a controlled substance for his or her own use or for the use of
19 a member of his or her household or for administering to an
20 animal owned by him or her or by a member of his or her
21 household.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;
23 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff.
24 7-28-16; 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513,
25 eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

1 Section 1000. The Methamphetamine Control and Community
2 Protection Act is amended by changing Sections 10, 90, and 95
3 as follows:

4 (720 ILCS 646/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Anhydrous ammonia" has the meaning provided in subsection
7 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

8 "Anhydrous ammonia equipment" means all items used to
9 store, hold, contain, handle, transfer, transport, or apply
10 anhydrous ammonia for lawful purposes.

11 "Booby trap" means any device designed to cause physical
12 injury when triggered by an act of a person approaching,
13 entering, or moving through a structure, a vehicle, or any
14 location where methamphetamine has been manufactured, is being
15 manufactured, or is intended to be manufactured.

16 "Deliver" or "delivery" has the meaning provided in
17 subsection (h) of Section 102 of the Illinois Controlled
18 Substances Act.

19 "Director" means the Director of the Illinois State Police
20 or the Director's designated agents.

21 "Dispose" or "disposal" means to abandon, discharge,
22 release, deposit, inject, dump, spill, leak, or place
23 methamphetamine waste onto or into any land, water, or well of
24 any type so that the waste has the potential to enter the
25 environment, be emitted into the air, or be discharged into

1 the soil or any waters, including groundwater.

2 "Emergency response" means the act of collecting evidence
3 from or securing a methamphetamine laboratory site,
4 methamphetamine waste site or other methamphetamine-related
5 site and cleaning up the site, whether these actions are
6 performed by public entities or private contractors paid by
7 public entities.

8 "Emergency service provider" means a local, State, or
9 federal peace officer, firefighter, emergency medical
10 technician-ambulance, emergency medical
11 technician-intermediate, emergency medical
12 technician-paramedic, ambulance driver, or other medical or
13 first aid personnel rendering aid, or any agent or designee of
14 the foregoing.

15 "Finished methamphetamine" means methamphetamine in a form
16 commonly used for personal consumption.

17 "Firearm" has the meaning provided in Section 1.1 of the
18 Firearm Owners Identification Card Act.

19 "Manufacture" means to produce, prepare, compound,
20 convert, process, synthesize, concentrate, purify, separate,
21 extract, or package any methamphetamine, methamphetamine
22 precursor, methamphetamine manufacturing catalyst,
23 methamphetamine manufacturing reagent, methamphetamine
24 manufacturing solvent, or any substance containing any of the
25 foregoing.

26 "Methamphetamine" means the chemical methamphetamine (a

1 Schedule II controlled substance under the Illinois Controlled
2 Substances Act) or any salt, optical isomer, salt of optical
3 isomer, or analog thereof, with the exception of
4 3,4-Methylenedioxymethamphetamine (MDMA) or any other
5 scheduled substance with a separate listing under the Illinois
6 Controlled Substances Act.

7 "Methamphetamine manufacturing catalyst" means any
8 substance that has been used, is being used, or is intended to
9 be used to activate, accelerate, extend, or improve a chemical
10 reaction involved in the manufacture of methamphetamine.

11 "Methamphetamine manufacturing environment" means a
12 structure or vehicle in which:

- 13 (1) methamphetamine is being or has been manufactured;
14 (2) chemicals that are being used, have been used, or
15 are intended to be used to manufacture methamphetamine are
16 stored;
17 (3) methamphetamine manufacturing materials that have
18 been used to manufacture methamphetamine are stored; or
19 (4) methamphetamine manufacturing waste is stored.

20 "Methamphetamine manufacturing material" means any
21 methamphetamine precursor, substance containing any
22 methamphetamine precursor, methamphetamine manufacturing
23 catalyst, substance containing any methamphetamine
24 manufacturing catalyst, methamphetamine manufacturing
25 reagent, substance containing any methamphetamine
26 manufacturing reagent, methamphetamine manufacturing solvent,

1 substance containing any methamphetamine manufacturing
2 solvent, or any other chemical, substance, ingredient,
3 equipment, apparatus, or item that is being used, has been
4 used, or is intended to be used in the manufacture of
5 methamphetamine.

6 "Methamphetamine manufacturing reagent" means any
7 substance other than a methamphetamine manufacturing catalyst
8 that has been used, is being used, or is intended to be used to
9 react with and chemically alter any methamphetamine precursor.

10 "Methamphetamine manufacturing solvent" means any
11 substance that has been used, is being used, or is intended to
12 be used as a medium in which any methamphetamine precursor,
13 methamphetamine manufacturing catalyst, methamphetamine
14 manufacturing reagent, or any substance containing any of the
15 foregoing is dissolved, diluted, or washed during any part of
16 the methamphetamine manufacturing process.

17 "Methamphetamine manufacturing waste" means any chemical,
18 substance, ingredient, equipment, apparatus, or item that is
19 left over from, results from, or is produced by the process of
20 manufacturing methamphetamine, other than finished
21 methamphetamine.

22 "Methamphetamine precursor" means ephedrine,
23 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
24 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
25 isomer, or salt of an optical isomer of any of these chemicals.

26 "Multi-unit dwelling" means a unified structure used or

1 intended for use as a habitation, home, or residence that
2 contains 2 or more condominiums, apartments, hotel rooms,
3 motel rooms, or other living units.

4 "Package" means an item marked for retail sale that is not
5 designed to be further broken down or subdivided for the
6 purpose of retail sale.

7 "Participate" or "participation" in the manufacture of
8 methamphetamine means to produce, prepare, compound, convert,
9 process, synthesize, concentrate, purify, separate, extract,
10 or package any methamphetamine, methamphetamine precursor,
11 methamphetamine manufacturing catalyst, methamphetamine
12 manufacturing reagent, methamphetamine manufacturing solvent,
13 or any substance containing any of the foregoing, or to assist
14 in any of these actions, or to attempt to take any of these
15 actions, regardless of whether this action or these actions
16 result in the production of finished methamphetamine.

17 "Person with a disability" means a person who suffers from
18 a permanent physical or mental impairment resulting from
19 disease, injury, functional disorder, or congenital condition
20 which renders the person incapable of adequately providing for
21 his or her own health and personal care.

22 "Procure" means to purchase, steal, gather, or otherwise
23 obtain, by legal or illegal means, or to cause another to take
24 such action.

25 "Second or subsequent offense" means an offense under this
26 Act committed by an offender who previously committed an

1 offense under this Act, the Illinois Controlled Substances
2 Act, the Cannabis Control Act, or another Act of this State,
3 another state, or the United States relating to
4 methamphetamine, cannabis, or any other controlled substance.

5 "Standard dosage form", as used in relation to any
6 methamphetamine precursor, means that the methamphetamine
7 precursor is contained in a pill, tablet, capsule, caplet, gel
8 cap, or liquid cap that has been manufactured by a lawful
9 entity and contains a standard quantity of methamphetamine
10 precursor.

11 "Unauthorized container", as used in relation to anhydrous
12 ammonia, means any container that is not designed for the
13 specific and sole purpose of holding, storing, transporting,
14 or applying anhydrous ammonia. "Unauthorized container"
15 includes, but is not limited to, any propane tank, fire
16 extinguisher, oxygen cylinder, gasoline can, food or beverage
17 cooler, or compressed gas cylinder used in dispensing fountain
18 drinks. "Unauthorized container" does not encompass anhydrous
19 ammonia manufacturing plants, refrigeration systems where
20 anhydrous ammonia is used solely as a refrigerant, anhydrous
21 ammonia transportation pipelines, anhydrous ammonia tankers,
22 or anhydrous ammonia barges.

23 (Source: P.A. 97-434, eff. 1-1-12.)

24 (720 ILCS 646/90)

25 Sec. 90. Methamphetamine restitution.

1 (a) If a person commits a violation of this Act in a manner
2 that requires an emergency response, the person shall be
3 required to make restitution to all public entities involved
4 in the emergency response, to cover the reasonable cost of
5 their participation in the emergency response, including but
6 not limited to regular and overtime costs incurred by local
7 law enforcement agencies and private contractors paid by the
8 public agencies in securing the site. The convicted person
9 shall make this restitution in addition to any other fine or
10 penalty required by law.

11 (b) Any restitution payments made under this Section shall
12 be disbursed equitably by the circuit clerk in the following
13 order:

14 (1) first, to the agency responsible for the
15 mitigation of the incident;

16 (2) second, to the local agencies involved in the
17 emergency response;

18 (3) third, to the State agencies involved in the
19 emergency response; and

20 (4) fourth, to the federal agencies involved in the
21 emergency response.

22 (c) In addition to any other penalties and liabilities, a
23 person who is convicted of violating any Section of this Act,
24 whose violation proximately caused any incident resulting in
25 an appropriate emergency response, shall be assessed a fine of
26 \$2,500, payable to the circuit clerk, who shall distribute the

1 money to the law enforcement agency responsible for the
2 mitigation of the incident. If the person has been previously
3 convicted of violating any Section of this Act, the fine shall
4 be \$5,000 and the circuit clerk shall distribute the money to
5 the law enforcement agency responsible for the mitigation of
6 the incident. In the event that more than one agency is
7 responsible for an arrest which does not require mitigation,
8 the amount payable to law enforcement agencies shall be shared
9 equally. Any moneys received by a law enforcement agency under
10 this Section shall be used for law enforcement expenses.

11 Any moneys collected for the Illinois State Police shall
12 be remitted to the State Treasurer and deposited into the
13 State Police Operations Assistance Fund.

14 (Source: P.A. 100-987, eff. 7-1-19.)

15 (720 ILCS 646/95)

16 Sec. 95. Youth Drug Abuse Prevention Fund.

17 (a) Twelve and one-half percent of all amounts collected
18 as fines pursuant to the provisions of this Article shall be
19 paid into the Youth Drug Abuse Prevention Fund created by the
20 Controlled Substances Act in the State treasury, to be used by
21 the Department for the funding of programs and services for
22 drug-abuse treatment, and prevention and education services,
23 for juveniles.

24 (b) Eighty-seven and one-half percent of the proceeds of
25 all fines received under the provisions of this Act shall be

1 transmitted to and deposited into the State treasury and
2 distributed as follows:

3 (1) If such seizure was made by a combination of law
4 enforcement personnel representing differing units of
5 local government, the court levying the fine shall
6 equitably allocate 50% of the fine among these units of
7 local government and shall allocate 37.5% to the county
8 general corporate fund. If the seizure was made by law
9 enforcement personnel representing a unit of local
10 government from a municipality where the number of
11 inhabitants exceeds 2 million in population, the court
12 levying the fine shall allocate 87.5% of the fine to that
13 unit of local government. If the seizure was made by a
14 combination of law enforcement personnel representing
15 differing units of local government and if at least one of
16 those units represents a municipality where the number of
17 inhabitants exceeds 2 million in population, the court
18 shall equitably allocate 87.5% of the proceeds of the
19 fines received among the differing units of local
20 government.

21 (2) If such seizure was made by State law enforcement
22 personnel, then the court shall allocate 37.5% to the
23 State treasury and 50% to the county general corporate
24 fund.

25 (3) If a State law enforcement agency in combination
26 with any law enforcement agency or agencies of a unit or

1 units of local government conducted the seizure, the court
2 shall equitably allocate 37.5% of the fines to or among
3 the law enforcement agency or agencies of the unit or
4 units of local government that conducted the seizure and
5 shall allocate 50% to the county general corporate fund.

6 (c) The proceeds of all fines allocated to the law
7 enforcement agency or agencies of the unit or units of local
8 government pursuant to subsection (b) shall be made available
9 to that law enforcement agency as expendable receipts for use
10 in the enforcement of laws regulating controlled substances
11 and cannabis. The proceeds of fines awarded to the State
12 treasury shall be deposited in a special fund known as the Drug
13 Traffic Prevention Fund, except that amounts distributed to
14 the Secretary of State shall be deposited into the Secretary
15 of State Evidence Fund to be used as provided in Section 2-115
16 of the Illinois Vehicle Code. Moneys from this Fund may be used
17 by the Illinois ~~Department of~~ State Police for use in the
18 enforcement of laws regulating controlled substances and
19 cannabis; to satisfy funding provisions of the
20 Intergovernmental Drug Laws Enforcement Act; to defray costs
21 and expenses associated with returning violators of the
22 Cannabis Control Act and this Act only, as provided in those
23 Acts, when punishment of the crime shall be confinement of the
24 criminal in the penitentiary; and all other moneys shall be
25 paid into the General Revenue Fund in the State treasury.

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

1 Section 1005. The Methamphetamine Precursor Control Act is
2 amended by changing Section 10 as follows:

3 (720 ILCS 648/10)

4 Sec. 10. Definitions. In this Act:

5 "Administer" or "administration" has the meaning provided
6 in Section 102 of the Illinois Controlled Substances Act.

7 "Agent" has the meaning provided in Section 102 of the
8 Illinois Controlled Substances Act.

9 "Authorized representative" means an employee or agent of
10 a qualified outside entity who has been authorized in writing
11 by his or her agency or office to receive confidential
12 information from the Central Repository.

13 "Central Repository" means the entity chosen by the
14 Illinois State Police to handle electronic transaction records
15 as described in this Act.

16 "Convenience package" means any package that contains 360
17 milligrams or less of ephedrine or pseudoephedrine, their
18 salts or optical isomers, or salts of optical isomers in
19 liquid or liquid-filled capsule form.

20 "Covered pharmacy" means any pharmacy that distributes any
21 amount of targeted methamphetamine precursor that is
22 physically located in Illinois.

23 "Deliver" has the meaning provided in Section 102 of the
24 Illinois Controlled Substances Act.

1 "Dispense" has the meaning provided in Section 102 of the
2 Illinois Controlled Substances Act.

3 "Distribute" has the meaning provided in Section 102 of
4 the Illinois Controlled Substances Act.

5 "Electronic transaction record" means, with respect to the
6 distribution of a targeted methamphetamine precursor by a
7 pharmacy to a recipient under Section 25 of this Act, an
8 electronic record that includes: the name and address of the
9 recipient; date and time of the transaction; brand and product
10 name and total quantity distributed of ephedrine or
11 pseudoephedrine, their salts, or optical isomers, or salts of
12 optical isomers; identification type and identification number
13 of the identification presented by the recipient; and the name
14 and address of the pharmacy.

15 "Identification information" means identification type and
16 identification number.

17 "Identification number" means the number that appears on
18 the identification furnished by the recipient of a targeted
19 methamphetamine precursor.

20 "Identification type" means the type of identification
21 furnished by the recipient of a targeted methamphetamine
22 precursor such as, by way of example only, an Illinois
23 driver's license or United States passport.

24 "List I chemical" has the meaning provided in 21 U.S.C.
25 Section 802.

26 "Methamphetamine precursor" has the meaning provided in

1 Section 10 of the Methamphetamine Control and Community
2 Protection Act.

3 "Package" means an item packaged and marked for retail
4 sale that is not designed to be further broken down or
5 subdivided for the purpose of retail sale.

6 "Pharmacist" has the meaning provided in Section 102 of
7 the Illinois Controlled Substances Act.

8 "Pharmacy" has the meaning provided in Section 102 of the
9 Illinois Controlled Substances Act.

10 "Practitioner" has the meaning provided in Section 102 of
11 the Illinois Controlled Substances Act.

12 "Prescriber" has the meaning provided in Section 102 of
13 the Illinois Controlled Substances Act.

14 "Prescription" has the meaning provided in Section 102 of
15 the Illinois Controlled Substances Act.

16 "Procure" means to purchase, steal, gather, or otherwise
17 obtain, for oneself or another person, by legal or illegal
18 means, or to cause another to take that action.

19 "Qualified outside entity" means a law enforcement agency
20 or prosecutor's office with authority to identify,
21 investigate, or prosecute violations of this Act or any other
22 State or federal law or rule involving a methamphetamine
23 precursor, methamphetamine, or any other controlled substance.

24 "Readily retrievable" has the meaning provided in 21
25 C.F.R. part 1300.

26 "Recipient" means a person purchasing, receiving, or

1 otherwise acquiring a targeted methamphetamine precursor from
2 a pharmacy in Illinois, as described in Section 25 of this Act.

3 "Retail distributor" means a grocery store, general
4 merchandise store, drug store, other merchandise store, or
5 other entity or person whose activities as a distributor
6 relating to drug products containing targeted methamphetamine
7 precursor are limited exclusively or almost exclusively to
8 sales for personal use by an ultimate user, both in number of
9 sales and volume of sales, either directly to walk-in
10 customers or in face-to-face transactions by direct sales.

11 "Sales employee" means any employee or agent, other than a
12 pharmacist or pharmacy technician who at any time (a) operates
13 a cash register at which convenience packages may be sold, (b)
14 stocks shelves containing convenience packages, or (c) trains
15 or supervises any other employee or agent who engages in any of
16 the preceding activities.

17 "Single retail transaction" means a sale by a retail
18 distributor to a recipient at a specific time.

19 "Targeted methamphetamine precursor" means any compound,
20 mixture, or preparation that contains any detectable quantity
21 of ephedrine or pseudoephedrine, their salts or optical
22 isomers, or salts of optical isomers.

23 "Targeted package" means a package, including a
24 convenience package, containing any amount of targeted
25 methamphetamine precursor.

26 "Ultimate user" has the meaning provided in Section 102 of

1 the Illinois Controlled Substances Act.

2 (Source: P.A. 97-670, eff. 1-19-12; 98-371, eff. 8-16-13.)

3 Section 1010. The Methamphetamine Precursor Tracking Act
4 is amended by changing Sections 10, 15, 20, and 25 as follows:

5 (720 ILCS 649/10)

6 Sec. 10. Definitions. In this Act:

7 "Administer" or "administration" has the meaning provided
8 in Section 102 of the Illinois Controlled Substances Act.

9 "Agent" has the meaning provided in Section 102 of the
10 Illinois Controlled Substances Act.

11 "Authorized representative" means an employee or agent of
12 a qualified outside entity who has been authorized in writing
13 by his or her agency or office to receive confidential
14 information from the central repository.

15 "Central Repository" means the entity chosen by the
16 Illinois State Police to handle electronic transaction records
17 as described in this Act.

18 "Convenience package" means any package that contains 360
19 milligrams or less of ephedrine or pseudoephedrine, their
20 salts or optical isomers, or salts of optical isomers in
21 liquid or liquid filled capsule form.

22 "Covered pharmacy" means any pharmacy that distributes any
23 amount of targeted methamphetamine precursor that is
24 physically located in Illinois.

1 "Deliver" has the meaning provided in Section 102 of the
2 Illinois Controlled Substances Act.

3 "Dispense" has the meaning provided in Section 102 of the
4 Illinois Controlled Substances Act.

5 "Distribute" has the meaning provided in Section 102 of
6 the Illinois Controlled Substances Act.

7 "Electronic transaction record" means, with respect to the
8 distribution of a targeted methamphetamine precursor by a
9 pharmacy to a recipient under Section 25 of the
10 Methamphetamine Precursor Control Act, an electronic record
11 that includes: the name and address of the recipient; date and
12 time of the transaction; brand and product name and total
13 quantity distributed of ephedrine or pseudoephedrine, their
14 salts, or optical isomers, or salts of optical isomers;
15 identification type and identification number of the
16 identification presented by the recipient; and the name and
17 address of the pharmacy.

18 "Identification information" means identification type and
19 identification number.

20 "Identification number" means the number that appears on
21 the identification furnished by the recipient of a targeted
22 methamphetamine precursor.

23 "Identification type" means the type of identification
24 furnished by the recipient of a targeted methamphetamine
25 precursor such as, by way of example only, an Illinois
26 driver's license or United States passport.

1 "List I chemical" has the meaning provided in 21 U.S.C.
2 802.

3 "Methamphetamine precursor" has the meaning provided in
4 Section 10 of the Methamphetamine Control and Community
5 Protection Act.

6 "Package" means an item packaged and marked for retail
7 sale that is not designed to be further broken down or
8 subdivided for the purpose of retail sale.

9 "Pharmacist" has the meaning provided in Section 102 of
10 the Illinois Controlled Substances Act.

11 "Pharmacy" has the meaning provided in Section 102 of the
12 Illinois Controlled Substances Act.

13 "Practitioner" has the meaning provided in Section 102 of
14 the Illinois Controlled Substances Act.

15 "Prescriber" has the meaning provided in Section 102 of
16 the Illinois Controlled Substances Act.

17 "Prescription" has the meaning provided in Section 102 of
18 the Illinois Controlled Substances Act.

19 "Qualified outside entity" means:

20 (1) a law enforcement agency or prosecutor's office
21 with authority to identify, investigate, or prosecute
22 violations of this Act or any other State or federal law or
23 rule involving a methamphetamine precursor,
24 methamphetamine, or any other controlled substance;

25 (2) any probation and court services department
26 authorized by the Probation and Probation Officers Act;

- 1 (3) the Department of Corrections;
- 2 (4) the Department of Juvenile Justice;
- 3 (5) the U.S. Probation and Pretrial Services System;
- 4 or
- 5 (6) the U.S. Parole Commission.

6 "Readily retrievable" has the meaning provided in 21
7 C.F.R. part 1300.

8 "Recipient" means a person purchasing, receiving, or
9 otherwise acquiring a targeted methamphetamine precursor from
10 a pharmacy in Illinois, as described in Section 25 of the
11 Methamphetamine Precursor Control Act.

12 "Retail distributor" means a grocery store, general
13 merchandise store, drug store, other merchandise store, or
14 other entity or person whose activities as a distributor
15 relating to drug products containing targeted methamphetamine
16 precursor are limited exclusively or almost exclusively to
17 sales for personal use by an ultimate user, both in number of
18 sales and volume of sales, either directly to walk-in
19 customers or in face-to-face transactions by direct sales.

20 "Sales employee" means any employee or agent, other than a
21 pharmacist or pharmacy technician who at any time (1) operates
22 a cash register at which convenience packages may be sold, (2)
23 stocks shelves containing convenience packages, or (3) trains
24 or supervises any other employee or agent who engages in any of
25 the preceding activities.

26 "Single retail transaction" means a sale by a retail

1 distributor to a recipient at a specific time.

2 "Targeted methamphetamine precursor" means any compound,
3 mixture, or preparation that contains any detectable quantity
4 of ephedrine or pseudoephedrine, their salts or optical
5 isomers, or salts of optical isomers.

6 "Targeted package" means a package, including a
7 convenience package, containing any amount of targeted
8 methamphetamine precursor.

9 "Ultimate user" has the meaning provided in Section 102 of
10 the Illinois Controlled Substances Act.

11 (Source: P.A. 97-670, eff. 1-19-12; 98-208, eff. 8-9-13.)

12 (720 ILCS 649/15)

13 Sec. 15. General provisions.

14 (a) Structure. There is established a statewide precursor
15 tracking program coordinated and administered by the Illinois
16 State Police to track purchases of targeted methamphetamine
17 precursors across multiple locations for the purposes stated
18 in Section 5 of this Act. Every covered pharmacy must comply
19 with this Act. The tracking program created by this Act shall
20 be the sole methamphetamine precursor tracking program in
21 Illinois.

22 (b) Transmission of electronic transaction records. Unless
23 otherwise provided in this Act, each time a covered pharmacy
24 distributes a targeted methamphetamine precursor to a
25 recipient, the pharmacy shall transmit an electronic

1 transaction record to the Central Repository.

2 (c) Notification. The Illinois Department of Financial and
3 Professional Regulation shall notify pharmacies seeking
4 licensure in Illinois of their obligation to comply with the
5 requirements of this Act.

6 (d) Electronic transmission. Starting on the effective
7 date of this Act and continuing thereafter, covered pharmacies
8 shall transmit all electronic transaction records as required
9 by this Act.

10 (e) Funding. Funding for the tracking program shall be
11 provided by the Illinois State Police drawing upon federal and
12 State grant money and other available sources.

13 (Source: P.A. 97-670, eff. 1-19-12.)

14 (720 ILCS 649/20)

15 Sec. 20. Secure website.

16 (a) The Illinois State Police, in consultation with the
17 Department of Innovation and Technology, shall establish a
18 secure website for the transmission of electronic transaction
19 records and make it available free of charge to covered
20 pharmacies.

21 (b) The secure website shall enable covered pharmacies to
22 transmit to the Central Repository an electronic transaction
23 record each time the pharmacy distributes a targeted
24 methamphetamine precursor to a recipient.

25 (c) If the secure website becomes unavailable to a covered

1 pharmacy, the covered pharmacy may, during the period in which
2 the secure website is not available, continue to distribute
3 targeted methamphetamine precursor without using the secure
4 website if, during this period, the covered pharmacy maintains
5 and transmits handwritten logs as described in Sections 20 and
6 25 of the Methamphetamine Precursor Control Act.

7 (Source: P.A. 100-611, eff. 7-20-18.)

8 (720 ILCS 649/25)

9 Sec. 25. Confidentiality of records.

10 (a) The Central Repository may delete each electronic
11 transaction record and handwritten log entry 48 months after
12 the date of the transaction it describes.

13 (b) The Illinois State Police and Central Repository shall
14 carry out a program to protect the confidentiality of
15 electronic transaction records created pursuant to this Act
16 and shall ensure that this information remains completely
17 confidential except as specifically provided in subsections
18 (c) through (f) of this Section.

19 (c) Any employee or agent of the Central Repository may
20 have access to electronic transaction records and handwritten
21 log entries solely for the purpose of receiving, processing,
22 storing or analyzing this information.

23 (d) The Illinois State Police may grant qualified outside
24 agencies access to electronic transaction records or
25 handwritten log entries for the purpose of identifying,

1 investigating, or prosecuting violations of this Act or any
2 other State or federal law or rule involving a methamphetamine
3 precursor, methamphetamine, or any other controlled substance.

4 (e) The Illinois State Police may release electronic
5 transaction records or handwritten log entries to the
6 authorized representative of a qualified outside entity only
7 if the Illinois State Police verifies that the entity
8 receiving electronic transaction records or handwritten log
9 entries is a qualified outside entity as defined in this Act
10 and that outside entity agrees or has previously agreed in
11 writing that it will use electronic transaction records and
12 handwritten log entries solely for the purpose of identifying,
13 investigating, or prosecuting violations of this Act or any
14 other State or federal law or rule involving a methamphetamine
15 precursor, methamphetamine, or any other controlled substance.

16 (f) The Illinois State Police may release to the recipient
17 any electronic transaction records clearly relating to that
18 recipient, upon sufficient proof of identity.

19 (Source: P.A. 97-670, eff. 1-19-12.)

20 Section 1015. The Prevention of Tobacco Use by Minors and
21 Sale and Distribution of Tobacco Products Act is amended by
22 changing Section 1 as follows:

23 (720 ILCS 675/1) (from Ch. 23, par. 2357)

24 Sec. 1. Prohibition on sale of tobacco products,

1 electronic cigarettes, and alternative nicotine products to
2 persons under 21 years of age; prohibition on the distribution
3 of tobacco product samples, electronic cigarette samples, and
4 alternative nicotine product samples to any person; use of
5 identification cards; vending machines; lunch wagons;
6 out-of-package sales.

7 (a) No person under 21 years of age shall buy any tobacco
8 product, electronic cigarette, or alternative nicotine
9 product. No person shall sell, buy for, distribute samples of
10 or furnish any tobacco product, electronic cigarette, or any
11 alternative nicotine product to any person under 21 years of
12 age.

13 (a-5) No person under 16 years of age may sell any tobacco
14 product, electronic cigarette, or alternative nicotine product
15 at a retail establishment selling tobacco products, electronic
16 cigarettes, or alternative nicotine products. This subsection
17 does not apply to a sales clerk in a family-owned business
18 which can prove that the sales clerk is in fact a son or
19 daughter of the owner.

20 (a-5.1) Before selling, offering for sale, giving, or
21 furnishing a tobacco product, electronic cigarette, or
22 alternative nicotine product to another person, the person
23 selling, offering for sale, giving, or furnishing the tobacco
24 product, electronic cigarette, or alternative nicotine product
25 shall verify that the person is at least 21 years of age by:

26 (1) examining from any person that appears to be under

1 30 years of age a government-issued photographic
2 identification that establishes the person to be 21 years
3 of age or older; or

4 (2) for sales of tobacco products, electronic
5 cigarettes, or alternative nicotine products made through
6 the Internet or other remote sales methods, performing an
7 age verification through an independent, third party age
8 verification service that compares information available
9 from public records to the personal information entered by
10 the person during the ordering process that establishes
11 the person is 21 years of age or older.

12 (a-6) No person under 21 years of age in the furtherance or
13 facilitation of obtaining any tobacco product, electronic
14 cigarette, or alternative nicotine product shall display or
15 use a false or forged identification card or transfer, alter,
16 or deface an identification card.

17 (a-7) (Blank).

18 (a-8) A person shall not distribute without charge samples
19 of any tobacco product to any other person, regardless of age,
20 except for smokeless tobacco in an adult-only facility.

21 This subsection (a-8) does not apply to the distribution
22 of a tobacco product, electronic cigarette, or alternative
23 nicotine product sample in any adult-only facility.

24 (a-9) For the purpose of this Section:

25 "Adult-only facility" means a facility or restricted
26 area (whether open-air or enclosed) where the operator

1 ensures or has a reasonable basis to believe (such as by
2 checking identification as required under State law, or by
3 checking the identification of any person appearing to be
4 under the age of 30) that no person under legal age is
5 present. A facility or restricted area need not be
6 permanently restricted to persons under 21 years of age to
7 constitute an adult-only facility, provided that the
8 operator ensures or has a reasonable basis to believe that
9 no person under 21 years of age is present during the event
10 or time period in question.

11 "Alternative nicotine product" means a product or
12 device not consisting of or containing tobacco that
13 provides for the ingestion into the body of nicotine,
14 whether by chewing, smoking, absorbing, dissolving,
15 inhaling, snorting, sniffing, or by any other means.
16 "Alternative nicotine product" does not include:
17 cigarettes as defined in Section 1 of the Cigarette Tax
18 Act and tobacco products as defined in Section 10-5 of the
19 Tobacco Products Tax Act of 1995; tobacco product and
20 electronic cigarette as defined in this Section; or any
21 product approved by the United States Food and Drug
22 Administration for sale as a tobacco cessation product, as
23 a tobacco dependence product, or for other medical
24 purposes, and is being marketed and sold solely for that
25 approved purpose.

26 "Electronic cigarette" means:

1 (1) any device that employs a battery or other
2 mechanism to heat a solution or substance to produce a
3 vapor or aerosol intended for inhalation;

4 (2) any cartridge or container of a solution or
5 substance intended to be used with or in the device or
6 to refill the device; or

7 (3) any solution or substance, whether or not it
8 contains nicotine intended for use in the device.

9 "Electronic cigarette" includes, but is not limited
10 to, any electronic nicotine delivery system, electronic
11 cigar, electronic cigarillo, electronic pipe, electronic
12 hookah, vape pen, or similar product or device, and any
13 components or parts that can be used to build the product
14 or device. "Electronic cigarette" does not include:
15 cigarettes as defined in Section 1 of the Cigarette Tax
16 Act and tobacco products as defined in Section 10-5 of the
17 Tobacco Products Tax Act of 1995; tobacco product and
18 alternative nicotine product as defined in this Section;
19 any product approved by the United States Food and Drug
20 Administration for sale as a tobacco cessation product, as
21 a tobacco dependence product, or for other medical
22 purposes, and is being marketed and sold solely for that
23 approved purpose; any asthma inhaler prescribed by a
24 physician for that condition and is being marketed and
25 sold solely for that approved purpose; or any therapeutic
26 product approved for use under the Compassionate Use of

1 Medical Cannabis Pilot Program Act.

2 "Lunch wagon" means a mobile vehicle designed and
3 constructed to transport food and from which food is sold
4 to the general public.

5 "Nicotine" means any form of the chemical nicotine,
6 including any salt or complex, regardless of whether the
7 chemical is naturally or synthetically derived.

8 "Tobacco product" means any product containing or made
9 from tobacco that is intended for human consumption,
10 whether smoked, heated, chewed, absorbed, dissolved,
11 inhaled, snorted, sniffed, or ingested by any other means,
12 including, but not limited to, cigarettes, cigars, little
13 cigars, chewing tobacco, pipe tobacco, snuff, snus, and
14 any other smokeless tobacco product which contains tobacco
15 that is finely cut, ground, powdered, or leaf and intended
16 to be placed in the oral cavity. "Tobacco product"
17 includes any component, part, or accessory of a tobacco
18 product, whether or not sold separately. "Tobacco product"
19 does not include: an electronic cigarette and alternative
20 nicotine product as defined in this Section; or any
21 product that has been approved by the United States Food
22 and Drug Administration for sale as a tobacco cessation
23 product, as a tobacco dependence product, or for other
24 medical purposes, and is being marketed and sold solely
25 for that approved purpose.

26 (b) Tobacco products, electronic cigarettes, and

1 alternative nicotine products may be sold through a vending
2 machine only if such tobacco products, electronic cigarettes,
3 and alternative nicotine products are not placed together with
4 any non-tobacco product, other than matches, in the vending
5 machine and the vending machine is in any of the following
6 locations:

7 (1) (Blank).

8 (2) Places to which persons under 21 years of age are
9 not permitted access at any time.

10 (3) Places where alcoholic beverages are sold and
11 consumed on the premises and vending machine operation is
12 under the direct supervision of the owner or manager.

13 (4) (Blank).

14 (5) (Blank).

15 (c) (Blank).

16 (d) The sale or distribution by any person of a tobacco
17 product as defined in this Section, including but not limited
18 to a single or loose cigarette, that is not contained within a
19 sealed container, pack, or package as provided by the
20 manufacturer, which container, pack, or package bears the
21 health warning required by federal law, is prohibited.

22 (e) It is not a violation of this Act for a person under 21
23 years of age to purchase a tobacco product, electronic
24 cigarette, or alternative nicotine product if the person under
25 the age of 21 purchases or is given the tobacco product,
26 electronic cigarette, or alternative nicotine product in any

1 of its forms from a retail seller of tobacco products,
2 electronic cigarettes, or alternative nicotine products or an
3 employee of the retail seller pursuant to a plan or action to
4 investigate, patrol, or otherwise conduct a "sting operation"
5 or enforcement action against a retail seller of tobacco
6 products, electronic cigarettes, or alternative nicotine
7 products or a person employed by the retail seller of tobacco
8 products, electronic cigarettes, or alternative nicotine
9 products or on any premises authorized to sell tobacco
10 products, electronic cigarettes, or alternative nicotine
11 products to determine if tobacco products, electronic
12 cigarettes, or alternative nicotine products are being sold or
13 given to persons under 21 years of age if the "sting operation"
14 or enforcement action is approved by, conducted by, or
15 conducted on behalf of the Illinois ~~Department~~ of State
16 Police, the county sheriff, a municipal police department, the
17 Department of Revenue, the Department of Public Health, or a
18 local health department. The results of any sting operation or
19 enforcement action, including the name of the clerk, shall be
20 provided to the retail seller within 7 business days.

21 (Source: P.A. 101-2, eff. 7-1-19.)

22 Section 1020. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 104-26, 107-4, 108A-11, 108B-1,
24 108B-2, 108B-5, 108B-13, 108B-14, 110-7, 112A-11.1, 112A-11.2,
25 112A-14, 112A-14.7, 112A-17.5, 112A-20, 112A-22, 112A-28,

1 115-15, 116-3, 116-4, 116-5, 124B-605, 124B-705, 124B-710,
2 124B-930, and 124B-935 as follows:

3 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

4 Sec. 104-26. Disposition of Defendants suffering
5 disabilities.

6 (a) A defendant convicted following a trial conducted
7 under the provisions of Section 104-22 shall not be sentenced
8 before a written presentence report of investigation is
9 presented to and considered by the court. The presentence
10 report shall be prepared pursuant to Sections 5-3-2, 5-3-3 and
11 5-3-4 of the Unified Code of Corrections, as now or hereafter
12 amended, and shall include a physical and mental examination
13 unless the court finds that the reports of prior physical and
14 mental examinations conducted pursuant to this Article are
15 adequate and recent enough so that additional examinations
16 would be unnecessary.

17 (b) A defendant convicted following a trial under Section
18 104-22 shall not be subject to the death penalty.

19 (c) A defendant convicted following a trial under Section
20 104-22 shall be sentenced according to the procedures and
21 dispositions authorized under the Unified Code of Corrections,
22 as now or hereafter amended, subject to the following
23 provisions:

24 (1) The court shall not impose a sentence of
25 imprisonment upon the offender if the court believes that

1 because of his disability a sentence of imprisonment would
2 not serve the ends of justice and the interests of society
3 and the offender or that because of his disability a
4 sentence of imprisonment would subject the offender to
5 excessive hardship. In addition to any other conditions of
6 a sentence of conditional discharge or probation the court
7 may require that the offender undergo treatment
8 appropriate to his mental or physical condition.

9 (2) After imposing a sentence of imprisonment upon an
10 offender who has a mental disability, the court may remand
11 him to the custody of the Department of Human Services and
12 order a hearing to be conducted pursuant to the provisions
13 of the Mental Health and Developmental Disabilities Code,
14 as now or hereafter amended. If the offender is committed
15 following such hearing, he shall be treated in the same
16 manner as any other civilly committed patient for all
17 purposes except as provided in this Section. If the
18 defendant is not committed pursuant to such hearing, he
19 shall be remanded to the sentencing court for disposition
20 according to the sentence imposed.

21 (3) If the court imposes a sentence of imprisonment
22 upon an offender who has a mental disability but does not
23 proceed under subparagraph (2) of paragraph (c) of this
24 Section, it shall order the Department of Corrections to
25 proceed pursuant to Section 3-8-5 of the Unified Code of
26 Corrections, as now or hereafter amended.

1 (3.5) If the court imposes a sentence of imprisonment
2 upon an offender who has a mental disability, the court
3 shall direct the circuit court clerk to immediately notify
4 the Illinois ~~Department of~~ State Police, Firearm Owner's
5 Identification (FOID) Office, in a form and manner
6 prescribed by the Illinois ~~Department of~~ State Police and
7 shall forward a copy of the court order to the Department.

8 (4) If the court imposes a sentence of imprisonment
9 upon an offender who has a physical disability, it may
10 authorize the Department of Corrections to place the
11 offender in a public or private facility which is able to
12 provide care or treatment for the offender's disability
13 and which agrees to do so.

14 (5) When an offender is placed with the Department of
15 Human Services or another facility pursuant to
16 subparagraph (2) or (4) of this paragraph (c), the
17 Department or private facility shall not discharge or
18 allow the offender to be at large in the community without
19 prior approval of the court. If the defendant is placed in
20 the custody of the Department of Human Services, the
21 defendant shall be placed in a secure setting unless the
22 court determines that there are compelling reasons why
23 such placement is not necessary. The offender shall accrue
24 good time and shall be eligible for parole in the same
25 manner as if he were serving his sentence within the
26 Department of Corrections. When the offender no longer

1 requires hospitalization, care, or treatment, the
2 Department of Human Services or the facility shall
3 transfer him, if his sentence has not expired, to the
4 Department of Corrections. If an offender is transferred
5 to the Department of Corrections, the Department of Human
6 Services shall transfer to the Department of Corrections
7 all related records pertaining to length of custody and
8 treatment services provided during the time the offender
9 was held.

10 (6) The Department of Corrections shall notify the
11 Department of Human Services or a facility in which an
12 offender has been placed pursuant to subparagraph (2) or
13 (4) of paragraph (c) of this Section of the expiration of
14 his sentence. Thereafter, an offender in the Department of
15 Human Services shall continue to be treated pursuant to
16 his commitment order and shall be considered a civilly
17 committed patient for all purposes including discharge. An
18 offender who is in a facility pursuant to subparagraph (4)
19 of paragraph (c) of this Section shall be informed by the
20 facility of the expiration of his sentence, and shall
21 either consent to the continuation of his care or
22 treatment by the facility or shall be discharged.

23 (Source: P.A. 97-1131, eff. 1-1-13.)

24 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

25 Sec. 107-4. Arrest by peace officer from other

1 jurisdiction.

2 (a) As used in this Section:

3 (1) "State" means any State of the United States and
4 the District of Columbia.

5 (2) "Peace Officer" means any peace officer or member
6 of any duly organized State, County, or Municipal peace
7 unit, any police force of another State, the United States
8 Department of Defense, or any police force whose members,
9 by statute, are granted and authorized to exercise powers
10 similar to those conferred upon any peace officer employed
11 by a law enforcement agency of this State.

12 (3) "Fresh pursuit" means the immediate pursuit of a
13 person who is endeavoring to avoid arrest.

14 (4) "Law enforcement agency" means a municipal police
15 department or county sheriff's office of this State.

16 (a-3) Any peace officer employed by a law enforcement
17 agency of this State may conduct temporary questioning
18 pursuant to Section 107-14 of this Code and may make arrests in
19 any jurisdiction within this State: (1) if the officer is
20 engaged in the investigation of criminal activity that
21 occurred in the officer's primary jurisdiction and the
22 temporary questioning or arrest relates to, arises from, or is
23 conducted pursuant to that investigation; or (2) if the
24 officer, while on duty as a peace officer, becomes personally
25 aware of the immediate commission of a felony or misdemeanor
26 violation of the laws of this State; or (3) if the officer,

1 while on duty as a peace officer, is requested by an
2 appropriate State or local law enforcement official to render
3 aid or assistance to the requesting law enforcement agency
4 that is outside the officer's primary jurisdiction; or (4) in
5 accordance with Section 2605-580 of the Illinois ~~Department of~~
6 State Police Law of the Civil Administrative Code of Illinois.
7 While acting pursuant to this subsection, an officer has the
8 same authority as within his or her own jurisdiction.

9 (a-7) The law enforcement agency of the county or
10 municipality in which any arrest is made under this Section
11 shall be immediately notified of the arrest.

12 (b) Any peace officer of another State who enters this
13 State in fresh pursuit and continues within this State in
14 fresh pursuit of a person in order to arrest him on the ground
15 that he has committed an offense in the other State has the
16 same authority to arrest and hold the person in custody as
17 peace officers of this State have to arrest and hold a person
18 in custody on the ground that he has committed an offense in
19 this State.

20 (c) If an arrest is made in this State by a peace officer
21 of another State in accordance with the provisions of this
22 Section he shall without unnecessary delay take the person
23 arrested before the circuit court of the county in which the
24 arrest was made. Such court shall conduct a hearing for the
25 purpose of determining the lawfulness of the arrest. If the
26 court determines that the arrest was lawful it shall commit

1 the person arrested, to await for a reasonable time the
2 issuance of an extradition warrant by the Governor of this
3 State, or admit him to bail for such purpose. If the court
4 determines that the arrest was unlawful it shall discharge the
5 person arrested.

6 (Source: P.A. 98-576, eff. 1-1-14.)

7 (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

8 Sec. 108A-11. Reports concerning use of eavesdropping
9 devices.

10 (a) In January of each year the State's Attorney of each
11 county in which eavesdropping devices were used pursuant to
12 the provisions of this Article shall report to the Illinois
13 ~~Department of~~ State Police the following with respect to each
14 application for an order authorizing the use of an
15 eavesdropping device, or an extension thereof, made during the
16 preceding calendar year:

17 (1) the fact that such an order, extension, or
18 subsequent approval of an emergency was applied for;

19 (2) the kind of order or extension applied for;

20 (3) a statement as to whether the order or extension
21 was granted as applied for was modified, or was denied;

22 (4) the period authorized by the order or extensions
23 in which an eavesdropping device could be used;

24 (5) the felony specified in the order extension or
25 denied application;

1 (6) the identity of the applying investigative or law
2 enforcement officer and agency making the application and
3 the State's Attorney authorizing the application; and

4 (7) the nature of the facilities from which or the
5 place where the eavesdropping device was to be used.

6 (b) Such report shall also include the following:

7 (1) a general description of the uses of eavesdropping
8 devices actually made under such order to overheard or
9 record conversations, including: (a) the approximate
10 nature and frequency of incriminating conversations
11 overheard, (b) the approximate nature and frequency of
12 other conversations overheard, (c) the approximate number
13 of persons whose conversations were overheard, and (d) the
14 approximate nature, amount, and cost of the manpower and
15 other resources used pursuant to the authorization to use
16 an eavesdropping device;

17 (2) the number of arrests resulting from authorized
18 uses of eavesdropping devices and the offenses for which
19 arrests were made;

20 (3) the number of trials resulting from such uses of
21 eavesdropping devices;

22 (4) the number of motions to suppress made with
23 respect to such uses, and the number granted or denied;
24 and

25 (5) the number of convictions resulting from such uses
26 and the offenses for which the convictions were obtained

1 and a general assessment of the importance of the
2 convictions.

3 (c) In April of each year, the Illinois ~~Department of~~
4 State Police shall transmit to the General Assembly a report
5 including information on the number of applications for orders
6 authorizing the use of eavesdropping devices, the number of
7 orders and extensions granted or denied during the preceding
8 calendar year, and the convictions arising out of such uses.

9 The requirement for reporting to the General Assembly
10 shall be satisfied by filing copies of the report as required
11 by Section 3.1 of the General Assembly Organization Act, and
12 filing such additional copies with the State Government Report
13 Distribution Center for the General Assembly as is required
14 under paragraph (t) of Section 7 of the State Library Act.

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

16 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

17 Sec. 108B-1. Definitions. For the purpose of this Article:

18 (a) "Aggrieved person" means a person who was a party to
19 any intercepted private communication or any person against
20 whom the intercept was directed.

21 (b) "Chief Judge" means, when referring to a judge
22 authorized to receive application for, and to enter orders
23 authorizing, interceptions of private communications, the
24 Chief Judge of the Circuit Court wherein the application for
25 order of interception is filed, or a Circuit Judge designated

1 by the Chief Judge to enter these orders. In circuits other
2 than the Cook County Circuit, "Chief Judge" also means, when
3 referring to a judge authorized to receive application for,
4 and to enter orders authorizing, interceptions of private
5 communications, an Associate Judge authorized by Supreme Court
6 Rule to try felony cases who is assigned by the Chief Judge to
7 enter these orders. After assignment by the Chief Judge, an
8 Associate Judge shall have plenary authority to issue orders
9 without additional authorization for each specific application
10 made to him by the State's Attorney until the time the
11 Associate Judge's power is rescinded by the Chief Judge.

12 (c) "Communications common carrier" means any person
13 engaged as a common carrier in the transmission of
14 communications by wire or radio, not including radio
15 broadcasting.

16 (d) "Contents" includes information obtained from a
17 private communication concerning the existence, substance,
18 purport or meaning of the communication, or the identity of a
19 party of the communication.

20 (e) "Court of competent jurisdiction" means any circuit
21 court.

22 (f) (Blank). ~~"Department" means Illinois Department of~~
23 ~~State Police.~~

24 (g) "Director" means Director of the Illinois ~~Department~~
25 ~~of~~ State Police.

26 (g-1) "Electronic communication" means any transfer of

1 signs, signals, writing, images, sounds, data, or intelligence
2 of any nature transmitted in whole or part by a wire, radio,
3 pager, computer, or electromagnetic, photo electronic, or
4 photo optical system where the sending and receiving parties
5 intend the electronic communication to be private and the
6 interception, recording, or transcription of the electronic
7 communication is accomplished by a device in a surreptitious
8 manner contrary to the provisions of this Article. "Electronic
9 communication" does not include:

10 (1) any wire or oral communication; or

11 (2) any communication from a tracking device.

12 (h) "Electronic criminal surveillance device" or
13 "eavesdropping device" means any device or apparatus, or
14 computer program including an induction coil, that can be used
15 to intercept private communication other than:

16 (1) Any telephone, telegraph or telecommunication
17 instrument, equipment or facility, or any component of it,
18 furnished to the subscriber or user by a communication
19 common carrier in the ordinary course of its business, or
20 purchased by any person and being used by the subscriber,
21 user or person in the ordinary course of his business, or
22 being used by a communications common carrier in the
23 ordinary course of its business, or by an investigative or
24 law enforcement officer in the ordinary course of his
25 duties; or

26 (2) A hearing aid or similar device being used to

1 correct subnormal hearing to not better than normal.

2 (i) "Electronic criminal surveillance officer" means any
3 law enforcement officer or retired law enforcement officer of
4 the United States or of the State or political subdivision of
5 it, or of another State, or of a political subdivision of it,
6 who is certified by the Illinois ~~Department of~~ State Police to
7 intercept private communications. A retired law enforcement
8 officer may be certified by the Illinois State Police only to
9 (i) prepare petitions for the authority to intercept private
10 communications in accordance with the provisions of this Act;
11 (ii) intercept and supervise the interception of private
12 communications; (iii) handle, safeguard, and use evidence
13 derived from such private communications; and (iv) operate and
14 maintain equipment used to intercept private communications.

15 (j) "In-progress trace" means to determine the origin of a
16 wire communication to a telephone or telegraph instrument,
17 equipment or facility during the course of the communication.

18 (k) "Intercept" means the aural or other acquisition of
19 the contents of any private communication through the use of
20 any electronic criminal surveillance device.

21 (l) "Journalist" means a person engaged in, connected
22 with, or employed by news media, including newspapers,
23 magazines, press associations, news agencies, wire services,
24 radio, television or other similar media, for the purpose of
25 gathering, processing, transmitting, compiling, editing or
26 disseminating news for the general public.

1 (m) "Law enforcement agency" means any law enforcement
2 agency of the United States, or the State or a political
3 subdivision of it.

4 (n) "Oral communication" means human speech used to
5 communicate by one party to another, in person, by wire
6 communication or by any other means.

7 (o) "Private communication" means a wire, oral, or
8 electronic communication uttered or transmitted by a person
9 exhibiting an expectation that the communication is not
10 subject to interception, under circumstances reasonably
11 justifying the expectation. Circumstances that reasonably
12 justify the expectation that a communication is not subject to
13 interception include the use of a cordless telephone or
14 cellular communication device.

15 (p) "Wire communication" means any human speech used to
16 communicate by one party to another in whole or in part through
17 the use of facilities for the transmission of communications
18 by wire, cable or other like connection between the point of
19 origin and the point of reception furnished or operated by a
20 communications common carrier.

21 (q) "Privileged communications" means a private
22 communication between:

23 (1) a licensed and practicing physician and a patient
24 within the scope of the profession of the physician;

25 (2) a licensed and practicing psychologist to a
26 patient within the scope of the profession of the

1 psychologist;

2 (3) a licensed and practicing attorney-at-law and a
3 client within the scope of the profession of the lawyer;

4 (4) a practicing clergyman and a confidant within the
5 scope of the profession of the clergyman;

6 (5) a practicing journalist within the scope of his
7 profession;

8 (6) spouses within the scope of their marital
9 relationship; or

10 (7) a licensed and practicing social worker to a
11 client within the scope of the profession of the social
12 worker.

13 (r) "Retired law enforcement officer" means a person: (1)
14 who is a graduate of a police training institute or academy,
15 who after graduating served for at least 15 consecutive years
16 as a sworn, full-time peace officer qualified to carry
17 firearms for any federal or State department or agency or for
18 any unit of local government of Illinois; (2) who has retired
19 as a local, State, or federal peace officer in a publicly
20 created peace officer retirement system; and (3) whose service
21 in law enforcement was honorably terminated through retirement
22 or disability and not as a result of discipline, suspension,
23 or discharge.

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

25 (725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

1 Sec. 108B-2. Request for application for interception.

2 (a) A State's Attorney may apply for an order authorizing
3 interception of private communications in accordance with the
4 provisions of this Article.

5 (b) The head of a law enforcement agency, including, for
6 purposes of this subsection, the acting head of such law
7 enforcement agency if the head of such agency is absent or
8 unable to serve, may request that a State's Attorney apply for
9 an order authorizing interception of private communications in
10 accordance with the provisions of this Article.

11 Upon request of a law enforcement agency, the Illinois
12 State Police Department may provide technical assistance to
13 such an agency which is authorized to conduct an interception.
14 (Source: P.A. 92-854, eff. 12-5-02.)

15 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

16 Sec. 108B-5. Requirements for order of interception.

17 (a) Upon consideration of an application, the chief judge
18 may enter an ex parte order, as requested or as modified,
19 authorizing the interception of a private communication, if
20 the chief judge determines on the basis of the application
21 submitted by the applicant, that:

22 (1) There is probable cause for belief that (A) the
23 person whose private communication is to be intercepted is
24 committing, has committed, or is about to commit an
25 offense enumerated in Section 108B-3, or (B) the

1 facilities from which, or the place where, the private
2 communication is to be intercepted, is, has been, or is
3 about to be used in connection with the commission of the
4 offense, or is leased to, listed in the name of, or
5 commonly used by, the person; and

6 (2) There is probable cause for belief that a
7 particular private communication concerning such offense
8 may be obtained through the interception; and

9 (3) Normal investigative procedures with respect to
10 the offense have been tried and have failed or reasonably
11 appear to be unlikely to succeed if tried or too dangerous
12 to employ; and

13 (4) The electronic criminal surveillance officers to
14 be authorized to supervise the interception of the private
15 communication have been certified by the Illinois State
16 Police Department.

17 (b) In the case of an application, other than for an
18 extension, for an order to intercept a communication of a
19 person or on a wire communication facility that was the
20 subject of a previous order authorizing interception, the
21 application shall be based upon new evidence or information
22 different from and in addition to the evidence or information
23 offered to support the prior order, regardless of whether the
24 evidence was derived from prior interceptions or from other
25 sources.

26 (c) The chief judge may authorize interception of a

1 private communication anywhere in the judicial circuit. If the
2 court authorizes the use of an eavesdropping device with
3 respect to a vehicle, watercraft, or aircraft that is within
4 the judicial circuit at the time the order is issued, the order
5 may provide that the interception may continue anywhere within
6 the State if the vehicle, watercraft, or aircraft leaves the
7 judicial circuit.

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

9 (725 ILCS 5/108B-13) (from Ch. 38, par. 108B-13)

10 Sec. 108B-13. Reports concerning use of eavesdropping
11 devices.

12 (a) Within 30 days after the expiration of an order and
13 each extension thereof authorizing an interception, or within
14 30 days after the denial of an application or disapproval of an
15 application subsequent to any alleged emergency situation, the
16 State's Attorney shall report to the Illinois ~~Department of~~
17 State Police the following:

18 (1) the fact that such an order, extension, or
19 subsequent approval of an emergency was applied for;

20 (2) the kind of order or extension applied for;

21 (3) a statement as to whether the order or extension
22 was granted as applied for was modified, or was denied;

23 (4) the period authorized by the order or extensions
24 in which an eavesdropping device could be used;

25 (5) the offense enumerated in Section 108B-3 which is

1 specified in the order or extension or in the denied
2 application;

3 (6) the identity of the applying electronic criminal
4 surveillance officer and agency making the application and
5 the State's Attorney authorizing the application; and

6 (7) the nature of the facilities from which or the
7 place where the eavesdropping device was to be used.

8 (b) In January of each year the State's Attorney of each
9 county in which an interception occurred pursuant to the
10 provisions of this Article shall report to the Illinois
11 ~~Department of~~ State Police the following:

12 (1) a general description of the uses of eavesdropping
13 devices actually made under such order to overhear or
14 record conversations, including: (a) the approximate
15 nature and frequency of incriminating conversations
16 overheard, (b) the approximate nature and frequency of
17 other conversations overheard, (c) the approximate number
18 of persons whose conversations were overheard, and (d) the
19 approximate nature, amount, and cost of the manpower and
20 other resources used pursuant to the authorization to use
21 an eavesdropping device;

22 (2) the number of arrests resulting from authorized
23 uses of eavesdropping devices and the offenses for which
24 arrests were made;

25 (3) the number of trials resulting from such uses of
26 eavesdropping devices;

1 (4) the number of motions to suppress made with
2 respect to such uses, and the number granted or denied;
3 and

4 (5) the number of convictions resulting from such uses
5 and the offenses for which the convictions were obtained
6 and a general assessment of the importance of the
7 convictions.

8 On or before March 1 of each year, the Director of the
9 Illinois ~~Department of~~ State Police shall submit to the
10 Governor a report of all intercepts as defined herein
11 conducted pursuant to this Article and terminated during the
12 preceding calendar year. Such report shall include:

13 (1) the reports of State's Attorneys forwarded to the
14 Director as required in this Section;

15 (2) the number of Illinois State Police ~~Department~~
16 personnel authorized to possess, install, or operate
17 electronic, mechanical, or other devices;

18 (3) the number of Illinois State Police ~~Department~~ and
19 other law enforcement personnel who participated or
20 engaged in the seizure of intercepts pursuant to this
21 Article during the preceding calendar year;

22 (4) the number of electronic criminal surveillance
23 officers trained by the Illinois State Police ~~Department~~;

24 (5) the total cost to the Illinois State Police
25 ~~Department~~ of all activities and procedures relating to
26 the seizure of intercepts during the preceding calendar

1 year, including costs of equipment, manpower, and expenses
2 incurred as compensation for use of facilities or
3 technical assistance provided to or by the Illinois State
4 Police Department; and

5 (6) a summary of the use of eavesdropping devices
6 pursuant to orders of interception including (a) the
7 frequency of use in each county, (b) the frequency of use
8 for each crime enumerated in Section 108B-3 of the Code of
9 Criminal Procedure of 1963, as amended, (c) the type and
10 frequency of eavesdropping device use, and (d) the
11 frequency of use by each police department or law
12 enforcement agency of this State.

13 (d) In April of each year, the Director of the Illinois
14 ~~Department of~~ State Police and the Governor shall each
15 transmit to the General Assembly reports including information
16 on the number of applications for orders authorizing the use
17 of eavesdropping devices, the number of orders and extensions
18 granted or denied during the preceding calendar year, the
19 convictions arising out of such uses, and a summary of the
20 information required by subsections (a) and (b) of this
21 Section.

22 The requirement for reporting to the General Assembly
23 shall be satisfied by filing copies of the report as required
24 by Section 3.1 of the General Assembly Organization Act, and
25 filing such additional copies with the State Government Report
26 Distribution Center for the General Assembly as is required

1 under paragraph (t) of Section 7 of the State Library Act.

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

3 (725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)

4 Sec. 108B-14. Training.

5 (a) The Director of the Illinois ~~Department of~~ State
6 Police shall:

7 (1) Establish a course of training in the legal,
8 practical, and technical aspects of the interception of
9 private communications and related investigation and
10 prosecution techniques;

11 (2) Issue regulations as he finds necessary for the
12 training program;

13 (3) In cooperation with the Illinois Law Enforcement
14 Training Standards Board, set minimum standards for
15 certification and periodic recertification of electronic
16 criminal surveillance officers as eligible to apply for
17 orders authorizing the interception of private
18 communications, to conduct the interceptions, and to use
19 the private communications or evidence derived from them
20 in official proceedings; and

21 (4) In cooperation with the Illinois Law Enforcement
22 Training Standards Board, revoke or suspend the
23 certification of any electronic criminal surveillance
24 officer who has violated any law relating to electronic
25 criminal surveillance, or any of the guidelines

1 established by the Illinois State Police Department for
2 conducting electronic criminal surveillance.

3 (b) The Executive Director of the Illinois Law Enforcement
4 Training Standards Board shall:

5 (1) Pursuant to the Illinois Police Training Act,
6 review the course of training prescribed by the Illinois
7 State Police Department for the purpose of certification
8 relating to reimbursement of expenses incurred by local
9 law enforcement agencies participating in the electronic
10 criminal surveillance officer training process, and

11 (2) Assist the Illinois State Police Department in
12 establishing minimum standards for certification and
13 periodic recertification of electronic criminal
14 surveillance officers as being eligible to apply for
15 orders authorizing the interception of private
16 communications, to conduct the interpretations, and to use
17 the communications or evidence derived from them in
18 official proceedings.

19 (Source: P.A. 92-854, eff. 12-5-02.)

20 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

21 Sec. 110-7. Deposit of bail security.

22 (a) The person for whom bail has been set shall execute the
23 bail bond and deposit with the clerk of the court before which
24 the proceeding is pending a sum of money equal to 10% of the
25 bail, but in no event shall such deposit be less than \$25. The

1 clerk of the court shall provide a space on each form for a
2 person other than the accused who has provided the money for
3 the posting of bail to so indicate and a space signed by an
4 accused who has executed the bail bond indicating whether a
5 person other than the accused has provided the money for the
6 posting of bail. The form shall also include a written notice
7 to such person who has provided the defendant with the money
8 for the posting of bail indicating that the bail may be used to
9 pay costs, attorney's fees, fines, or other purposes
10 authorized by the court and if the defendant fails to comply
11 with the conditions of the bail bond, the court shall enter an
12 order declaring the bail to be forfeited. The written notice
13 must be: (1) distinguishable from the surrounding text; (2) in
14 bold type or underscored; and (3) in a type size at least 2
15 points larger than the surrounding type. When a person for
16 whom bail has been set is charged with an offense under the
17 Illinois Controlled Substances Act or the Methamphetamine
18 Control and Community Protection Act which is a Class X
19 felony, or making a terrorist threat in violation of Section
20 29D-20 of the Criminal Code of 1961 or the Criminal Code of
21 2012 or an attempt to commit the offense of making a terrorist
22 threat, the court may require the defendant to deposit a sum
23 equal to 100% of the bail. Where any person is charged with a
24 forcible felony while free on bail and is the subject of
25 proceedings under Section 109-3 of this Code the judge
26 conducting the preliminary examination may also conduct a

1 hearing upon the application of the State pursuant to the
2 provisions of Section 110-6 of this Code to increase or revoke
3 the bail for that person's prior alleged offense.

4 (b) Upon depositing this sum and any bond fee authorized
5 by law, the person shall be released from custody subject to
6 the conditions of the bail bond.

7 (c) Once bail has been given and a charge is pending or is
8 thereafter filed in or transferred to a court of competent
9 jurisdiction the latter court shall continue the original bail
10 in that court subject to the provisions of Section 110-6 of
11 this Code.

12 (d) After conviction the court may order that the original
13 bail stand as bail pending appeal or deny, increase or reduce
14 bail subject to the provisions of Section 110-6.2.

15 (e) After the entry of an order by the trial court allowing
16 or denying bail pending appeal either party may apply to the
17 reviewing court having jurisdiction or to a justice thereof
18 sitting in vacation for an order increasing or decreasing the
19 amount of bail or allowing or denying bail pending appeal
20 subject to the provisions of Section 110-6.2.

21 (f) When the conditions of the bail bond have been
22 performed and the accused has been discharged from all
23 obligations in the cause the clerk of the court shall return to
24 the accused or to the defendant's designee by an assignment
25 executed at the time the bail amount is deposited, unless the
26 court orders otherwise, 90% of the sum which had been

1 deposited and shall retain as bail bond costs 10% of the amount
2 deposited. However, in no event shall the amount retained by
3 the clerk as bail bond costs be less than \$5. Notwithstanding
4 the foregoing, in counties with a population of 3,000,000 or
5 more, in no event shall the amount retained by the clerk as
6 bail bond costs exceed \$100. Bail bond deposited by or on
7 behalf of a defendant in one case may be used, in the court's
8 discretion, to satisfy financial obligations of that same
9 defendant incurred in a different case due to a fine, court
10 costs, restitution or fees of the defendant's attorney of
11 record. In counties with a population of 3,000,000 or more,
12 the court shall not order bail bond deposited by or on behalf
13 of a defendant in one case to be used to satisfy financial
14 obligations of that same defendant in a different case until
15 the bail bond is first used to satisfy court costs and
16 attorney's fees in the case in which the bail bond has been
17 deposited and any other unpaid child support obligations are
18 satisfied. In counties with a population of less than
19 3,000,000, the court shall not order bail bond deposited by or
20 on behalf of a defendant in one case to be used to satisfy
21 financial obligations of that same defendant in a different
22 case until the bail bond is first used to satisfy court costs
23 in the case in which the bail bond has been deposited.

24 At the request of the defendant the court may order such
25 90% of defendant's bail deposit, or whatever amount is
26 repayable to defendant from such deposit, to be paid to

1 defendant's attorney of record.

2 (g) If the accused does not comply with the conditions of
3 the bail bond the court having jurisdiction shall enter an
4 order declaring the bail to be forfeited. Notice of such order
5 of forfeiture shall be mailed forthwith to the accused at his
6 last known address. If the accused does not appear and
7 surrender to the court having jurisdiction within 30 days from
8 the date of the forfeiture or within such period satisfy the
9 court that appearance and surrender by the accused is
10 impossible and without his fault the court shall enter
11 judgment for the State if the charge for which the bond was
12 given was a felony or misdemeanor, or if the charge was
13 quasi-criminal or traffic, judgment for the political
14 subdivision of the State which prosecuted the case, against
15 the accused for the amount of the bail and costs of the court
16 proceedings; however, in counties with a population of less
17 than 3,000,000, instead of the court entering a judgment for
18 the full amount of the bond the court may, in its discretion,
19 enter judgment for the cash deposit on the bond, less costs,
20 retain the deposit for further disposition or, if a cash bond
21 was posted for failure to appear in a matter involving
22 enforcement of child support or maintenance, the amount of the
23 cash deposit on the bond, less outstanding costs, may be
24 awarded to the person or entity to whom the child support or
25 maintenance is due. The deposit made in accordance with
26 paragraph (a) shall be applied to the payment of costs. If

1 judgment is entered and any amount of such deposit remains
2 after the payment of costs it shall be applied to payment of
3 the judgment and transferred to the treasury of the municipal
4 corporation wherein the bond was taken if the offense was a
5 violation of any penal ordinance of a political subdivision of
6 this State, or to the treasury of the county wherein the bond
7 was taken if the offense was a violation of any penal statute
8 of this State. The balance of the judgment may be enforced and
9 collected in the same manner as a judgment entered in a civil
10 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
20 a comparable offense of a unit of local government as
21 specified in Supreme Court Rule 551, and if the accused does
22 not appear in court on the date set for appearance or any date
23 to which the case may be continued and the court issues an
24 arrest warrant for the accused, based upon his or her failure
25 to appear when having so previously been ordered to appear by
26 the court, the accused upon his or her admission to bail shall

1 be assessed by the court a fee of \$75. Payment of the fee shall
2 be a condition of release unless otherwise ordered by the
3 court. The fee shall be in addition to any bail that the
4 accused is required to deposit for the offense for which the
5 accused has been charged and may not be used for the payment of
6 court costs or fines assessed for the offense. The clerk of the
7 court shall remit \$70 of the fee assessed to the arresting
8 agency who brings the offender in on the arrest warrant. If the
9 Illinois ~~Department of~~ State Police is the arresting agency,
10 \$70 of the fee assessed shall be remitted by the clerk of the
11 court to the State Treasurer within one month after receipt
12 for deposit into the State Police Operations Assistance Fund.
13 The clerk of the court shall remit \$5 of the fee assessed to
14 the Circuit Court Clerk Operation and Administrative Fund as
15 provided in Section 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
20 purposes 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
25 arraignment, for the purpose of notification to the Illinois

1 ~~Department of~~ State Police Firearm Owner's Identification Card
2 Office, serve on the defendant and file with the court a notice
3 alleging that conviction of the offense would subject the
4 defendant to the prohibitions of 18 U.S.C. 922(g)(9) because
5 of the relationship between the defendant and the alleged
6 victim and the nature of the alleged offense.

7 (b) The notice shall include the name of the person
8 alleged to be the victim of the crime and shall specify the
9 nature of 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
6 relevant to the determination of the allegation. Facts
7 previously proven at trial or elicited at the time of entry of
8 a plea of guilty shall be deemed established beyond a
9 reasonable doubt and shall not be relitigated. At the
10 conclusion of the hearing, or upon a stipulation or admission,
11 as applicable, the court shall make a specific written
12 determination with respect to the allegation.

13 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 (725 ILCS 5/112A-11.2)

15 Sec. 112A-11.2. Notification to the Illinois ~~Department of~~
16 State Police Firearm Owner's Identification Card Office of
17 determinations in certain misdemeanor cases. Upon judgment of
18 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
19 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 when the defendant has been determined, under
21 Section 112A-11.1, to be subject to the prohibitions of 18
22 U.S.C. 922(g)(9), the circuit court clerk shall include
23 notification and a copy of the written determination in a
24 report of the conviction to the Illinois ~~Department of~~ State
25 Police Firearm Owner's Identification Card Office to enable

1 the office to report that determination to the Federal Bureau
2 of Investigation and assist the Bureau in identifying persons
3 prohibited from purchasing and possessing a firearm pursuant
4 to the provisions of 18 U.S.C. 922.

5 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

6 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

7 Sec. 112A-14. Domestic violence order of protection;
8 remedies.

9 (a) (Blank).

10 (b) The court may order any of the remedies listed in this
11 subsection (b). The remedies listed in this subsection (b)
12 shall be in addition to other civil or criminal remedies
13 available to petitioner.

14 (1) Prohibition of abuse. Prohibit respondent's
15 harassment, interference with personal liberty,
16 intimidation of a dependent, physical abuse, or willful
17 deprivation, as defined in this Article, if such abuse has
18 occurred or otherwise appears likely to occur if not
19 prohibited.

20 (2) Grant of exclusive possession of residence.
21 Prohibit respondent from entering or remaining in any
22 residence, household, or premises of the petitioner,
23 including one owned or leased by respondent, if petitioner
24 has a right to occupancy thereof. The grant of exclusive
25 possession of the residence, household, or premises shall

1 not affect title to real property, nor shall the court be
2 limited by the standard set forth in subsection (c-2) of
3 Section 501 of the Illinois Marriage and Dissolution of
4 Marriage Act.

5 (A) Right to occupancy. A party has a right to
6 occupancy of a residence or household if it is solely
7 or jointly owned or leased by that party, that party's
8 spouse, a person with a legal duty to support that
9 party or a minor child in that party's care, or by any
10 person or entity other than the opposing party that
11 authorizes that party's occupancy (e.g., a domestic
12 violence shelter). Standards set forth in subparagraph
13 (B) shall not preclude equitable relief.

14 (B) Presumption of hardships. If petitioner and
15 respondent each has the right to occupancy of a
16 residence or household, the court shall balance (i)
17 the hardships to respondent and any minor child or
18 dependent adult in respondent's care resulting from
19 entry of this remedy with (ii) the hardships to
20 petitioner and any minor child or dependent adult in
21 petitioner's care resulting from continued exposure to
22 the risk of abuse (should petitioner remain at the
23 residence or household) or from loss of possession of
24 the residence or household (should petitioner leave to
25 avoid the risk of abuse). When determining the balance
26 of hardships, the court shall also take into account

1 the accessibility of the residence or household.
2 Hardships need not be balanced if respondent does not
3 have a right to occupancy.

4 The balance of hardships is presumed to favor
5 possession by petitioner unless the presumption is
6 rebutted by a preponderance of the evidence, showing
7 that the hardships to respondent substantially
8 outweigh the hardships to petitioner and any minor
9 child or dependent adult in petitioner's care. The
10 court, on the request of petitioner or on its own
11 motion, may order respondent to provide suitable,
12 accessible, alternate housing for petitioner instead
13 of excluding respondent from a mutual residence or
14 household.

15 (3) Stay away order and additional prohibitions. Order
16 respondent to stay away from petitioner or any other
17 person protected by the domestic violence order of
18 protection, or prohibit respondent from entering or
19 remaining present at petitioner's school, place of
20 employment, or other specified places at times when
21 petitioner is present, or both, if reasonable, given the
22 balance of hardships. Hardships need not be balanced for
23 the court to enter a stay away order or prohibit entry if
24 respondent has no right to enter the premises.

25 (A) If a domestic violence order of protection
26 grants petitioner exclusive possession of the

1 residence, prohibits respondent from entering the
2 residence, or orders respondent to stay away from
3 petitioner or other protected persons, then the court
4 may allow respondent access to the residence to remove
5 items of clothing and personal adornment used
6 exclusively by respondent, medications, and other
7 items as the court directs. The right to access shall
8 be exercised on only one occasion as the court directs
9 and in the presence of an agreed-upon adult third
10 party or law enforcement officer.

11 (B) When the petitioner and the respondent attend
12 the same public, private, or non-public elementary,
13 middle, or high school, the court when issuing a
14 domestic violence order of protection and providing
15 relief shall consider the severity of the act, any
16 continuing physical danger or emotional distress to
17 the petitioner, the educational rights guaranteed to
18 the petitioner and respondent under federal and State
19 law, the availability of a transfer of the respondent
20 to another school, a change of placement or a change of
21 program of the respondent, the expense, difficulty,
22 and educational disruption that would be caused by a
23 transfer of the respondent to another school, and any
24 other relevant facts of the case. The court may order
25 that the respondent not attend the public, private, or
26 non-public elementary, middle, or high school attended

1 by the petitioner, order that the respondent accept a
2 change of placement or change of program, as
3 determined by the school district or private or
4 non-public school, or place restrictions on the
5 respondent's movements within the school attended by
6 the petitioner. The respondent bears the burden of
7 proving by a preponderance of the evidence that a
8 transfer, change of placement, or change of program of
9 the respondent is not available. The respondent also
10 bears the burden of production with respect to the
11 expense, difficulty, and educational disruption that
12 would be caused by a transfer of the respondent to
13 another school. A transfer, change of placement, or
14 change of program is not unavailable to the respondent
15 solely on the ground that the respondent does not
16 agree with the school district's or private or
17 non-public school's transfer, change of placement, or
18 change of program or solely on the ground that the
19 respondent fails or refuses to consent or otherwise
20 does not take an action required to effectuate a
21 transfer, change of placement, or change of program.
22 When a court orders a respondent to stay away from the
23 public, private, or non-public school attended by the
24 petitioner and the respondent requests a transfer to
25 another attendance center within the respondent's
26 school district or private or non-public school, the

1 school district or private or non-public school shall
2 have sole discretion to determine the attendance
3 center to which the respondent is transferred. If the
4 court order results in a transfer of the minor
5 respondent to another attendance center, a change in
6 the respondent's placement, or a change of the
7 respondent's program, the parents, guardian, or legal
8 custodian of the respondent is responsible for
9 transportation and other costs associated with the
10 transfer or change.

11 (C) The court may order the parents, guardian, or
12 legal custodian of a minor respondent to take certain
13 actions or to refrain from taking certain actions to
14 ensure that the respondent complies with the order. If
15 the court orders a transfer of the respondent to
16 another school, the parents, guardian, or legal
17 custodian of the respondent is responsible for
18 transportation and other costs associated with the
19 change of school by the respondent.

20 (4) Counseling. Require or recommend the respondent to
21 undergo counseling for a specified duration with a social
22 worker, psychologist, clinical psychologist,
23 psychiatrist, family service agency, alcohol or substance
24 abuse program, mental health center guidance counselor,
25 agency providing services to elders, program designed for
26 domestic violence abusers, or any other guidance service

1 the court deems appropriate. The court may order the
2 respondent in any intimate partner relationship to report
3 to an Illinois Department of Human Services protocol
4 approved partner abuse intervention program for an
5 assessment and to follow all recommended treatment.

6 (5) Physical care and possession of the minor child.
7 In order to protect the minor child from abuse, neglect,
8 or unwarranted separation from the person who has been the
9 minor child's primary caretaker, or to otherwise protect
10 the well-being of the minor child, the court may do either
11 or both of the following: (i) grant petitioner physical
12 care or possession of the minor child, or both, or (ii)
13 order respondent to return a minor child to, or not remove
14 a minor child from, the physical care of a parent or person
15 in loco parentis.

16 If the respondent is charged with abuse (as defined in
17 Section 112A-3 of this Code) of a minor child, there shall
18 be a rebuttable presumption that awarding physical care to
19 respondent would not be in the minor child's best
20 interest.

21 (6) Temporary allocation of parental responsibilities
22 and significant decision-making responsibilities. Award
23 temporary significant decision-making responsibility to
24 petitioner in accordance with this Section, the Illinois
25 Marriage and Dissolution of Marriage Act, the Illinois
26 Parentage Act of 2015, and this State's Uniform

1 Child-Custody Jurisdiction and Enforcement Act.

2 If the respondent is charged with abuse (as defined in
3 Section 112A-3 of this Code) of a minor child, there shall
4 be a rebuttable presumption that awarding temporary
5 significant decision-making responsibility to respondent
6 would not be in the child's best interest.

7 (7) Parenting time. Determine the parenting time, if
8 any, of respondent in any case in which the court awards
9 physical care or temporary significant decision-making
10 responsibility of a minor child to petitioner. The court
11 shall restrict or deny respondent's parenting time with a
12 minor child if the court finds that respondent has done or
13 is likely to do any of the following:

14 (i) abuse or endanger the minor child during
15 parenting time;

16 (ii) use the parenting time as an opportunity to
17 abuse or harass petitioner or petitioner's family or
18 household members;

19 (iii) improperly conceal or detain the minor
20 child; or

21 (iv) otherwise act in a manner that is not in the
22 best interests of the minor child.

23 The court shall not be limited by the standards set
24 forth in Section 603.10 of the Illinois Marriage and
25 Dissolution of Marriage Act. If the court grants parenting
26 time, the order shall specify dates and times for the

1 parenting time to take place or other specific parameters
2 or conditions that are appropriate. No order for parenting
3 time shall refer merely to the term "reasonable parenting
4 time". Petitioner may deny respondent access to the minor
5 child if, when respondent arrives for parenting time,
6 respondent is under the influence of drugs or alcohol and
7 constitutes a threat to the safety and well-being of
8 petitioner or petitioner's minor children or is behaving
9 in a violent or abusive manner. If necessary to protect
10 any member of petitioner's family or household from future
11 abuse, respondent shall be prohibited from coming to
12 petitioner's residence to meet the minor child for
13 parenting time, and the petitioner and respondent shall
14 submit to the court their recommendations for reasonable
15 alternative arrangements for parenting time. A person may
16 be approved to supervise parenting time only after filing
17 an affidavit accepting that responsibility and
18 acknowledging accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit
20 respondent from removing a minor child from the State or
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in
23 court, alone or with a minor child, to prevent abuse,
24 neglect, removal or concealment of the child, to return
25 the child to the custody or care of the petitioner, or to
26 permit any court-ordered interview or examination of the

1 child or the respondent.

2 (10) Possession of personal property. Grant petitioner
3 exclusive possession of personal property and, if
4 respondent has possession or control, direct respondent to
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the petitioner and respondent own the
9 property jointly; sharing it would risk abuse of
10 petitioner by respondent or is impracticable; and the
11 balance of hardships favors temporary possession by
12 petitioner.

13 If petitioner's sole claim to ownership of the
14 property is that it is marital property, the court may
15 award petitioner temporary possession thereof under the
16 standards of subparagraph (ii) of this paragraph only if a
17 proper proceeding has been filed under the Illinois
18 Marriage and Dissolution of Marriage Act, as now or
19 hereafter amended.

20 No order under this provision shall affect title to
21 property.

22 (11) Protection of property. Forbid the respondent
23 from taking, transferring, encumbering, concealing,
24 damaging, or otherwise disposing of any real or personal
25 property, except as explicitly authorized by the court,
26 if:

1 (i) petitioner, but not respondent, owns the
2 property; or

3 (ii) the petitioner and respondent own the
4 property jointly, and the balance of hardships favors
5 granting this remedy.

6 If petitioner's sole claim to ownership of the
7 property is that it is marital property, the court may
8 grant petitioner relief under subparagraph (ii) of this
9 paragraph only if a proper proceeding has been filed under
10 the Illinois Marriage and Dissolution of Marriage Act, as
11 now or hereafter amended.

12 The court may further prohibit respondent from
13 improperly using the financial or other resources of an
14 aged member of the family or household for the profit or
15 advantage of respondent or of any other person.

16 (11.5) Protection of animals. Grant the petitioner the
17 exclusive care, custody, or control of any animal owned,
18 possessed, leased, kept, or held by either the petitioner
19 or the respondent or a minor child residing in the
20 residence or household of either the petitioner or the
21 respondent and order the respondent to stay away from the
22 animal and forbid the respondent from taking,
23 transferring, encumbering, concealing, harming, or
24 otherwise disposing of the animal.

25 (12) Order for payment of support. Order respondent to
26 pay temporary support for the petitioner or any child in

1 the petitioner's care or over whom the petitioner has been
2 allocated parental responsibility, when the respondent has
3 a legal obligation to support that person, in accordance
4 with the Illinois Marriage and Dissolution of Marriage
5 Act, which shall govern, among other matters, the amount
6 of support, payment through the clerk and withholding of
7 income to secure payment. An order for child support may
8 be granted to a petitioner with lawful physical care of a
9 child, or an order or agreement for physical care of a
10 child, prior to entry of an order allocating significant
11 decision-making responsibility. Such a support order shall
12 expire upon entry of a valid order allocating parental
13 responsibility differently and vacating petitioner's
14 significant decision-making responsibility unless
15 otherwise provided in the order.

16 (13) Order for payment of losses. Order respondent to
17 pay petitioner for losses suffered as a direct result of
18 the abuse. Such losses shall include, but not be limited
19 to, medical expenses, lost earnings or other support,
20 repair or replacement of property damaged or taken,
21 reasonable attorney's fees, court costs, and moving or
22 other travel expenses, including additional reasonable
23 expenses for temporary shelter and restaurant meals.

24 (i) Losses affecting family needs. If a party is
25 entitled to seek maintenance, child support, or
26 property distribution from the other party under the

1 Illinois Marriage and Dissolution of Marriage Act, as
2 now or hereafter amended, the court may order
3 respondent to reimburse petitioner's actual losses, to
4 the extent that such reimbursement would be
5 "appropriate temporary relief", as authorized by
6 subsection (a) (3) of Section 501 of that Act.

7 (ii) Recovery of expenses. In the case of an
8 improper concealment or removal of a minor child, the
9 court may order respondent to pay the reasonable
10 expenses incurred or to be incurred in the search for
11 and recovery of the minor child, including, but not
12 limited to, legal fees, court costs, private
13 investigator fees, and travel costs.

14 (14) Prohibition of entry. Prohibit the respondent
15 from entering or remaining in the residence or household
16 while the respondent is under the influence of alcohol or
17 drugs and constitutes a threat to the safety and
18 well-being of the petitioner or the petitioner's children.

19 (14.5) Prohibition of firearm possession.

20 (A) A person who is subject to an existing
21 domestic violence order of protection issued under
22 this Code may not lawfully possess weapons under
23 Section 8.2 of the Firearm Owners Identification Card
24 Act.

25 (B) Any firearms in the possession of the
26 respondent, except as provided in subparagraph (C) of

1 this paragraph (14.5), shall be ordered by the court
2 to be turned over to a person with a valid Firearm
3 Owner's Identification Card for safekeeping. The court
4 shall issue an order that the respondent's Firearm
5 Owner's Identification Card be turned over to the
6 local law enforcement agency, which in turn shall
7 immediately mail the card to the Illinois Department
8 ~~of~~ State Police Firearm Owner's Identification Card
9 Office for safekeeping. The period of safekeeping
10 shall be for the duration of the domestic violence
11 order of protection. The firearm or firearms and
12 Firearm Owner's Identification Card, if unexpired,
13 shall at the respondent's request be returned to the
14 respondent at expiration of the domestic violence
15 order of protection.

16 (C) If the respondent is a peace officer as
17 defined in Section 2-13 of the Criminal Code of 2012,
18 the court shall order that any firearms used by the
19 respondent in the performance of his or her duties as a
20 peace officer be surrendered to the chief law
21 enforcement executive of the agency in which the
22 respondent is employed, who shall retain the firearms
23 for safekeeping for the duration of the domestic
24 violence order of protection.

25 (D) Upon expiration of the period of safekeeping,
26 if the firearms or Firearm Owner's Identification Card

1 cannot be returned to respondent because respondent
2 cannot be located, fails to respond to requests to
3 retrieve the firearms, or is not lawfully eligible to
4 possess a firearm, upon petition from the local law
5 enforcement agency, the court may order the local law
6 enforcement agency to destroy the firearms, use the
7 firearms for training purposes, or for any other
8 application as deemed appropriate by the local law
9 enforcement agency; or that the firearms be turned
10 over to a third party who is lawfully eligible to
11 possess firearms, and who does not reside with
12 respondent.

13 (15) Prohibition of access to records. If a domestic
14 violence order of protection prohibits respondent from
15 having contact with the minor child, or if petitioner's
16 address is omitted under subsection (b) of Section 112A-5
17 of this Code, or if necessary to prevent abuse or wrongful
18 removal or concealment of a minor child, the order shall
19 deny respondent access to, and prohibit respondent from
20 inspecting, obtaining, or attempting to inspect or obtain,
21 school or any other records of the minor child who is in
22 the care of petitioner.

23 (16) Order for payment of shelter services. Order
24 respondent to reimburse a shelter providing temporary
25 housing and counseling services to the petitioner for the
26 cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

2 (17) Order for injunctive relief. Enter injunctive
3 relief necessary or appropriate to prevent further abuse
4 of a family or household member or to effectuate one of the
5 granted remedies, if supported by the balance of
6 hardships. If the harm to be prevented by the injunction
7 is abuse or any other harm that one of the remedies listed
8 in paragraphs (1) through (16) of this subsection is
9 designed to prevent, no further evidence is necessary to
10 establish that the harm is an irreparable injury.

11 (18) Telephone services.

12 (A) Unless a condition described in subparagraph
13 (B) of this paragraph exists, the court may, upon
14 request by the petitioner, order a wireless telephone
15 service provider to transfer to the petitioner the
16 right to continue to use a telephone number or numbers
17 indicated by the petitioner and the financial
18 responsibility associated with the number or numbers,
19 as set forth in subparagraph (C) of this paragraph. In
20 this paragraph (18), the term "wireless telephone
21 service provider" means a provider of commercial
22 mobile service as defined in 47 U.S.C. 332. The
23 petitioner may request the transfer of each telephone
24 number that the petitioner, or a minor child in his or
25 her custody, uses. The clerk of the court shall serve
26 the order on the wireless telephone service provider's

1 agent for service of process provided to the Illinois
2 Commerce Commission. The order shall contain all of
3 the following:

4 (i) The name and billing telephone number of
5 the account holder including the name of the
6 wireless telephone service provider that serves
7 the account.

8 (ii) Each telephone number that will be
9 transferred.

10 (iii) A statement that the provider transfers
11 to the petitioner all financial responsibility for
12 and right to the use of any telephone number
13 transferred under this paragraph.

14 (B) A wireless telephone service provider shall
15 terminate the respondent's use of, and shall transfer
16 to the petitioner use of, the telephone number or
17 numbers indicated in subparagraph (A) of this
18 paragraph unless it notifies the petitioner, within 72
19 hours after it receives the order, that one of the
20 following applies:

21 (i) The account holder named in the order has
22 terminated the account.

23 (ii) A difference in network technology would
24 prevent or impair the functionality of a device on
25 a network if the transfer occurs.

26 (iii) The transfer would cause a geographic or

1 other limitation on network or service provision
2 to the petitioner.

3 (iv) Another technological or operational
4 issue would prevent or impair the use of the
5 telephone number if the transfer occurs.

6 (C) The petitioner assumes all financial
7 responsibility for and right to the use of any
8 telephone number transferred under this paragraph. In
9 this paragraph, "financial responsibility" includes
10 monthly service costs and costs associated with any
11 mobile device associated with the number.

12 (D) A wireless telephone service provider may
13 apply to the petitioner its routine and customary
14 requirements for establishing an account or
15 transferring a number, including requiring the
16 petitioner to provide proof of identification,
17 financial information, and customer preferences.

18 (E) Except for willful or wanton misconduct, a
19 wireless telephone service provider is immune from
20 civil liability for its actions taken in compliance
21 with a court order issued under this paragraph.

22 (F) All wireless service providers that provide
23 services to residential customers shall provide to the
24 Illinois Commerce Commission the name and address of
25 an agent for service of orders entered under this
26 paragraph (18). Any change in status of the registered

1 agent must be reported to the Illinois Commerce
2 Commission within 30 days of such change.

3 (G) The Illinois Commerce Commission shall
4 maintain the list of registered agents for service for
5 each wireless telephone service provider on the
6 Commission's website. The Commission may consult with
7 wireless telephone service providers and the Circuit
8 Court Clerks on the manner in which this information
9 is provided and displayed.

10 (c) Relevant factors; findings.

11 (1) In determining whether to grant a specific remedy,
12 other than payment of support, the court shall consider
13 relevant factors, including, but not limited to, the
14 following:

15 (i) the nature, frequency, severity, pattern, and
16 consequences of the respondent's past abuse of the
17 petitioner or any family or household member,
18 including the concealment of his or her location in
19 order to evade service of process or notice, and the
20 likelihood of danger of future abuse to petitioner or
21 any member of petitioner's or respondent's family or
22 household; and

23 (ii) the danger that any minor child will be
24 abused or neglected or improperly relocated from the
25 jurisdiction, improperly concealed within the State,
26 or improperly separated from the child's primary

1 caretaker.

2 (2) In comparing relative hardships resulting to the
3 parties from loss of possession of the family home, the
4 court shall consider relevant factors, including, but not
5 limited to, the following:

6 (i) availability, accessibility, cost, safety,
7 adequacy, location, and other characteristics of
8 alternate housing for each party and any minor child
9 or dependent adult in the party's care;

10 (ii) the effect on the party's employment; and

11 (iii) the effect on the relationship of the party,
12 and any minor child or dependent adult in the party's
13 care, to family, school, church, and community.

14 (3) Subject to the exceptions set forth in paragraph
15 (4) of this subsection (c), the court shall make its
16 findings in an official record or in writing, and shall at
17 a minimum set forth the following:

18 (i) That the court has considered the applicable
19 relevant factors described in paragraphs (1) and (2)
20 of this subsection (c).

21 (ii) Whether the conduct or actions of respondent,
22 unless prohibited, will likely cause irreparable harm
23 or continued abuse.

24 (iii) Whether it is necessary to grant the
25 requested relief in order to protect petitioner or
26 other alleged abused persons.

1 (4) (Blank).

2 (5) Never married parties. No rights or
3 responsibilities for a minor child born outside of
4 marriage attach to a putative father until a father and
5 child relationship has been established under the Illinois
6 Parentage Act of 1984, the Illinois Parentage Act of 2015,
7 the Illinois Public Aid Code, Section 12 of the Vital
8 Records Act, the Juvenile Court Act of 1987, the Probate
9 Act of 1975, the Uniform Interstate Family Support Act,
10 the Expedited Child Support Act of 1990, any judicial,
11 administrative, or other act of another state or
12 territory, any other statute of this State, or by any
13 foreign nation establishing the father and child
14 relationship, any other proceeding substantially in
15 conformity with the federal Personal Responsibility and
16 Work Opportunity Reconciliation Act of 1996, or when both
17 parties appeared in open court or at an administrative
18 hearing acknowledging under oath or admitting by
19 affirmation the existence of a father and child
20 relationship. Absent such an adjudication, no putative
21 father shall be granted temporary allocation of parental
22 responsibilities, including parenting time with the minor
23 child, or physical care and possession of the minor child,
24 nor shall an order of payment for support of the minor
25 child be entered.

26 (d) Balance of hardships; findings. If the court finds

1 that the balance of hardships does not support the granting of
2 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
3 subsection (b) of this Section, which may require such
4 balancing, the court's findings shall so indicate and shall
5 include a finding as to whether granting the remedy will
6 result in hardship to respondent that would substantially
7 outweigh the hardship to petitioner from denial of the remedy.
8 The findings shall be an official record or in writing.

9 (e) Denial of remedies. Denial of any remedy shall not be
10 based, in whole or in part, on evidence that:

11 (1) respondent has cause for any use of force, unless
12 that cause satisfies the standards for justifiable use of
13 force provided by Article 7 of the Criminal Code of 2012;

14 (2) respondent was voluntarily intoxicated;

15 (3) petitioner acted in self-defense or defense of
16 another, provided that, if petitioner utilized force, such
17 force was justifiable under Article 7 of the Criminal Code
18 of 2012;

19 (4) petitioner did not act in self-defense or defense
20 of another;

21 (5) petitioner left the residence or household to
22 avoid further abuse by respondent;

23 (6) petitioner did not leave the residence or
24 household to avoid further abuse by respondent; or

25 (7) conduct by any family or household member excused
26 the abuse by respondent, unless that same conduct would

1 have excused such abuse if the parties had not been family
2 or household members.

3 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
4 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
5 1-1-19; 101-81, eff. 7-12-19.)

6 (725 ILCS 5/112A-14.7)

7 Sec. 112A-14.7. Stalking no contact order; remedies.

8 (a) The court may order any of the remedies listed in this
9 Section. The remedies listed in this Section shall be in
10 addition to other civil or criminal remedies available to
11 petitioner. A stalking no contact order shall order one or
12 more of the following:

13 (1) prohibit the respondent from threatening to commit
14 or committing stalking;

15 (2) order the respondent not to have any contact with
16 the petitioner or a third person specifically named by the
17 court;

18 (3) prohibit the respondent from knowingly coming
19 within, or knowingly remaining within a specified distance
20 of the petitioner or the petitioner's residence, school,
21 daycare, or place of employment, or any specified place
22 frequented by the petitioner; however, the court may order
23 the respondent to stay away from the respondent's own
24 residence, school, or place of employment only if the
25 respondent has been provided actual notice of the

1 opportunity to appear and be heard on the petition;

2 (4) prohibit the respondent from possessing a Firearm
3 Owners Identification Card, or possessing or buying
4 firearms; and

5 (5) order other injunctive relief the court determines
6 to be necessary to protect the petitioner or third party
7 specifically named by the court.

8 (b) When the petitioner and the respondent attend the same
9 public, private, or non-public elementary, middle, or high
10 school, the court when issuing a stalking no contact order and
11 providing relief shall consider the severity of the act, any
12 continuing physical danger or emotional distress to the
13 petitioner, the educational rights guaranteed to the
14 petitioner and respondent under federal and State law, the
15 availability of a transfer of the respondent to another
16 school, a change of placement or a change of program of the
17 respondent, the expense, difficulty, and educational
18 disruption that would be caused by a transfer of the
19 respondent to another school, and any other relevant facts of
20 the case. The court may order that the respondent not attend
21 the public, private, or non-public elementary, middle, or high
22 school attended by the petitioner, order that the respondent
23 accept a change of placement or program, as determined by the
24 school district or private or non-public school, or place
25 restrictions on the respondent's movements within the school
26 attended by the petitioner. The respondent bears the burden of

1 proving by a preponderance of the evidence that a transfer,
2 change of placement, or change of program of the respondent is
3 not available. The respondent also bears the burden of
4 production with respect to the expense, difficulty, and
5 educational disruption that would be caused by a transfer of
6 the respondent to another school. A transfer, change of
7 placement, or change of program is not unavailable to the
8 respondent solely on the ground that the respondent does not
9 agree with the school district's or private or non-public
10 school's transfer, change of placement, or change of program
11 or solely on the ground that the respondent fails or refuses to
12 consent to or otherwise does not take an action required to
13 effectuate a transfer, change of placement, or change of
14 program. When a court orders a respondent to stay away from the
15 public, private, or non-public school attended by the
16 petitioner and the respondent requests a transfer to another
17 attendance center within the respondent's school district or
18 private or non-public school, the school district or private
19 or non-public school shall have sole discretion to determine
20 the attendance center to which the respondent is transferred.
21 If the court order results in a transfer of the minor
22 respondent to another attendance center, a change in the
23 respondent's placement, or a change of the respondent's
24 program, the parents, guardian, or legal custodian of the
25 respondent is responsible for transportation and other costs
26 associated with the transfer or change.

1 (c) The court may order the parents, guardian, or legal
2 custodian of a minor respondent to take certain actions or to
3 refrain from taking certain actions to ensure that the
4 respondent complies with the order. If the court orders a
5 transfer of the respondent to another school, the parents,
6 guardian, or legal custodian of the respondent are responsible
7 for transportation and other costs associated with the change
8 of school by the respondent.

9 (d) The court shall not hold a school district or private
10 or non-public school or any of its employees in civil or
11 criminal contempt unless the school district or private or
12 non-public school has been allowed to intervene.

13 (e) The court may hold the parents, guardian, or legal
14 custodian of a minor respondent in civil or criminal contempt
15 for a violation of any provision of any order entered under
16 this Article for conduct of the minor respondent in violation
17 of this Article if the parents, guardian, or legal custodian
18 directed, encouraged, or assisted the respondent minor in the
19 conduct.

20 (f) Monetary damages are not recoverable as a remedy.

21 (g) If the stalking no contact order prohibits the
22 respondent from possessing a Firearm Owner's Identification
23 Card, or possessing or buying firearms; the court shall
24 confiscate the respondent's Firearm Owner's Identification
25 Card and immediately return the card to the Illinois
26 ~~Department of~~ State Police Firearm Owner's Identification Card

1 Office.

2 (Source: P.A. 100-199, eff. 1-1-18.)

3 (725 ILCS 5/112A-17.5)

4 Sec. 112A-17.5. Ex parte protective orders.

5 (a) The petitioner may request expedited consideration of
6 the petition for an ex parte protective order. The court shall
7 consider the request on an expedited basis without requiring
8 the respondent's presence or requiring notice to the
9 respondent.

10 (b) Issuance of ex parte protective orders in cases
11 involving domestic violence. An ex parte domestic violence
12 order of protection shall be issued if petitioner satisfies
13 the requirements of this subsection (b) for one or more of the
14 requested remedies. For each remedy requested, petitioner
15 shall establish that:

16 (1) the court has jurisdiction under Section 112A-9 of
17 this Code;

18 (2) the requirements of subsection (a) of Section
19 112A-11.5 of this Code are satisfied; and

20 (3) there is good cause to grant the remedy,
21 regardless of prior service of process or notice upon the
22 respondent, because:

23 (A) for the remedy of prohibition of abuse
24 described in paragraph (1) of subsection (b) of
25 Section 112A-14 of this Code; stay away order and

1 additional prohibitions described in paragraph (3) of
2 subsection (b) of Section 112A-14 of this Code;
3 removal or concealment of minor child described in
4 paragraph (8) of subsection (b) of Section 112A-14 of
5 this Code; order to appear described in paragraph (9)
6 of subsection (b) of Section 112A-14 of this Code;
7 physical care and possession of the minor child
8 described in paragraph (5) of subsection (b) of
9 Section 112A-14 of this Code; protection of property
10 described in paragraph (11) of subsection (b) of
11 Section 112A-14 of this Code; prohibition of entry
12 described in paragraph (14) of subsection (b) of
13 Section 112A-14 of this Code; prohibition of firearm
14 possession described in paragraph (14.5) of subsection
15 (b) of Section 112A-14 of this Code; prohibition of
16 access to records described in paragraph (15) of
17 subsection (b) of Section 112A-14 of this Code;
18 injunctive relief described in paragraph (16) of
19 subsection (b) of Section 112A-14 of this Code; and
20 telephone services described in paragraph (18) of
21 subsection (b) of Section 112A-14 of this Code, the
22 harm which that remedy is intended to prevent would be
23 likely to occur if the respondent were given any prior
24 notice, or greater notice than was actually given, of
25 the petitioner's efforts to obtain judicial relief;

26 (B) for the remedy of grant of exclusive

1 possession of residence described in paragraph (2) of
2 subsection (b) of Section 112A-14 of this Code; the
3 immediate danger of further abuse of the petitioner by
4 the respondent, if the petitioner chooses or had
5 chosen to remain in the residence or household while
6 the respondent was given any prior notice or greater
7 notice than was actually given of the petitioner's
8 efforts to obtain judicial relief outweighs the
9 hardships to the respondent of an emergency order
10 granting the petitioner exclusive possession of the
11 residence or household; and the remedy shall not be
12 denied because the petitioner has or could obtain
13 temporary shelter elsewhere while prior notice is
14 given to the respondent, unless the hardship to the
15 respondent from exclusion from the home substantially
16 outweigh the hardship to the petitioner; or

17 (C) for the remedy of possession of personal
18 property described in paragraph (10) of subsection (b)
19 of Section 112A-14 of this Code; improper disposition
20 of the personal property would be likely to occur if
21 the respondent were given any prior notice, or greater
22 notice than was actually given, of the petitioner's
23 efforts to obtain judicial relief or the petitioner
24 has an immediate and pressing need for the possession
25 of that property.

26 An ex parte domestic violence order of protection may not

1 include the counseling, custody, or payment of support or
2 monetary compensation remedies provided by paragraphs (4),
3 (12), (13), and (16) of subsection (b) of Section 112A-14 of
4 this Code.

5 (c) Issuance of ex parte civil no contact order in cases
6 involving sexual offenses. An ex parte civil no contact order
7 shall be issued if the petitioner establishes that:

8 (1) the court has jurisdiction under Section 112A-9 of
9 this Code;

10 (2) the requirements of subsection (a) of Section
11 112A-11.5 of this Code are satisfied; and

12 (3) there is good cause to grant the remedy,
13 regardless of prior service of process or of notice upon
14 the respondent, because the harm which that remedy is
15 intended to prevent would be likely to occur if the
16 respondent were given any prior notice, or greater notice
17 than was actually given, of the petitioner's efforts to
18 obtain judicial relief.

19 The court may order any of the remedies under Section
20 112A-14.5 of this Code.

21 (d) Issuance of ex parte stalking no contact order in
22 cases involving stalking offenses. An ex parte stalking no
23 contact order shall be issued if the petitioner establishes
24 that:

25 (1) the court has jurisdiction under Section 112A-9 of
26 this Code;

1 (2) the requirements of subsection (a) of Section
2 112A-11.5 of this Code are satisfied; and

3 (3) there is good cause to grant the remedy,
4 regardless of prior service of process or of notice upon
5 the respondent, because the harm which that remedy is
6 intended to prevent would be likely to occur if the
7 respondent were given any prior notice, or greater notice
8 than was actually given, of the petitioner's efforts to
9 obtain judicial relief.

10 The court may order any of the remedies under Section
11 112A-14.7 of this Code.

12 (e) Issuance of ex parte protective orders on court
13 holidays and evenings.

14 When the court is unavailable at the close of business,
15 the petitioner may file a petition for an ex parte protective
16 order before any available circuit judge or associate judge
17 who may grant relief under this Article. If the judge finds
18 that petitioner has satisfied the prerequisites in subsection
19 (b), (c), or (d) of this Section, the judge shall issue an ex
20 parte protective order.

21 The chief judge of the circuit court may designate for
22 each county in the circuit at least one judge to be reasonably
23 available to issue orally, by telephone, by facsimile, or
24 otherwise, an ex parte protective order at all times, whether
25 or not the court is in session.

26 The judge who issued the order under this Section shall

1 promptly communicate or convey the order to the sheriff to
2 facilitate the entry of the order into the Law Enforcement
3 Agencies Data System by the Illinois ~~Department of~~ State
4 Police under Section 112A-28 of this Code. Any order issued
5 under this Section and any documentation in support of it
6 shall be certified on the next court day to the appropriate
7 court. The clerk of that court shall immediately assign a case
8 number, file the petition, order, and other documents with the
9 court and enter the order of record and file it with the
10 sheriff for service under subsection (f) of this Section.
11 Failure to comply with the requirements of this subsection (e)
12 shall not affect the validity of the order.

13 (f) Service of ex parte protective order on respondent.

14 (1) If an ex parte protective order is entered at the
15 time a summons or arrest warrant is issued for the
16 criminal charge, the petition for the protective order,
17 any supporting affidavits, if any, and the ex parte
18 protective order that has been issued shall be served with
19 the summons or arrest warrant. The enforcement of a
20 protective order under Section 112A-23 of this Code shall
21 not be affected by the lack of service or delivery,
22 provided the requirements of subsection (a) of Section
23 112A-23 of this Code are otherwise met.

24 (2) If an ex parte protective order is entered after a
25 summons or arrest warrant is issued and before the
26 respondent makes an initial appearance in the criminal

1 case, the summons shall be in the form prescribed by
2 subsection (d) of Supreme Court Rule 101, except that it
3 shall require respondent to answer or appear within 7 days
4 and shall be accompanied by the petition for the
5 protective order, any supporting affidavits, if any, and
6 the ex parte protective order that has been issued.

7 (3) If an ex parte protective order is entered after
8 the respondent has been served notice of a petition for a
9 final protective order and the respondent has requested a
10 continuance to respond to the petition, the ex parte
11 protective order shall be served: (A) in open court if the
12 respondent is present at the proceeding at which the order
13 was entered; or (B) by summons in the form prescribed by
14 subsection (d) of Supreme Court Rule 101.

15 (4) No fee shall be charged for service of summons.

16 (5) The summons shall be served by the sheriff or
17 other law enforcement officer at the earliest time and
18 shall take precedence over other summonses except those of
19 a similar emergency nature. Special process servers may be
20 appointed at any time, and their designation shall not
21 affect the responsibilities and authority of the sheriff
22 or other official process servers. In a county with a
23 population over 3,000,000, a special process server may
24 not be appointed if an ex parte protective order grants
25 the surrender of a child, the surrender of a firearm or
26 Firearm Owner's Identification Card, or the exclusive

1 possession of a shared residence. Process may be served in
2 court.

3 (g) Upon 7 days' notice to the petitioner, or a shorter
4 notice period as the court may prescribe, a respondent subject
5 to an ex parte protective order may appear and petition the
6 court to re-hear the petition. Any petition to re-hear shall
7 be verified and shall allege the following:

8 (1) that respondent did not receive prior notice of
9 the initial hearing in which the ex parte protective order
10 was entered under Section 112A-17.5 of this Code; and

11 (2) that respondent had a meritorious defense to the
12 order or any of its remedies or that the order or any of
13 its remedies was not authorized under this Article.

14 The verified petition and affidavit shall set forth the
15 evidence of the meritorious defense that will be presented at
16 a hearing. If the court finds that the evidence presented at
17 the hearing on the petition establishes a meritorious defense
18 by a preponderance of the evidence, the court may decide to
19 vacate the protective order or modify the remedies.

20 (h) If the ex parte protective order granted petitioner
21 exclusive possession of the residence and the petitioner of
22 respondent seeks to re-open or vacate that grant, the court
23 shall set a date for hearing within 14 days on all issues
24 relating to exclusive possession. Under no circumstances shall
25 a court continue a hearing concerning exclusive possession
26 beyond the 14th day except by agreement of the petitioner and

1 the respondent. Other issues raised by the pleadings may be
2 consolidated for the hearing if the petitioner, the
3 respondent, and the court do not object.

4 (i) Duration of ex parte protective order. An ex parte
5 order shall remain in effect until the court considers the
6 request for a final protective order after notice has been
7 served on the respondent or a default final protective order
8 is entered, whichever occurs first. If a court date is
9 scheduled for the issuance of a default protective order and
10 the petitioner fails to personally appear or appear through
11 counsel or the prosecuting attorney, the petition shall be
12 dismissed and the ex parte order terminated.

13 (Source: P.A. 100-597, eff. 6-29-18.)

14 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

15 Sec. 112A-20. Duration and extension of final protective
16 orders.

17 (a) (Blank).

18 (b) A final protective order shall remain in effect as
19 follows:

20 (1) if entered during pre-trial release, until
21 disposition, withdrawal, or dismissal of the underlying
22 charge; if, however, the case is continued as an
23 independent cause of action, the order's duration may be
24 for a fixed period of time not to exceed 2 years;

25 (2) if in effect in conjunction with a bond forfeiture

1 warrant, until final disposition or an additional period
2 of time not exceeding 2 years; no domestic violence order
3 of protection, however, shall be terminated by a dismissal
4 that is accompanied by the issuance of a bond forfeiture
5 warrant;

6 (3) until 2 years after the expiration of any
7 supervision, conditional discharge, probation, periodic
8 imprisonment, parole, aftercare release, or mandatory
9 supervised release for domestic violence orders of
10 protection and civil no contact orders; or

11 (4) until 2 years after the date set by the court for
12 expiration of any sentence of imprisonment and subsequent
13 parole, aftercare release, or mandatory supervised release
14 for domestic violence orders of protection and civil no
15 contact orders; and

16 (5) permanent for a stalking no contact order if a
17 judgment of conviction for stalking is entered.

18 (c) Computation of time. The duration of a domestic
19 violence order of protection shall not be reduced by the
20 duration of any prior domestic violence order of protection.

21 (d) Law enforcement records. When a protective order
22 expires upon the occurrence of a specified event, rather than
23 upon a specified date as provided in subsection (b), no
24 expiration date shall be entered in Illinois ~~Department of~~
25 State Police records. To remove the protective order from
26 those records, either the petitioner or the respondent shall

1 request the clerk of the court to file a certified copy of an
2 order stating that the specified event has occurred or that
3 the protective order has been vacated or modified with the
4 sheriff, and the sheriff shall direct that law enforcement
5 records shall be promptly corrected in accordance with the
6 filed order.

7 (e) Extension of Orders. Any domestic violence order of
8 protection or civil no contact order that expires 2 years
9 after the expiration of the defendant's sentence under
10 paragraph (2), (3), or (4) of subsection (b) of Section
11 112A-20 of this Article may be extended one or more times, as
12 required. The petitioner, petitioner's counsel, or the State's
13 Attorney on the petitioner's behalf shall file the motion for
14 an extension of the final protective order in the criminal
15 case and serve the motion in accordance with Supreme Court
16 Rules 11 and 12. The court shall transfer the motion to the
17 appropriate court or division for consideration under
18 subsection (e) of Section 220 of the Illinois Domestic
19 Violence Act of 1986, subsection (c) of Section 216 of the
20 Civil No Contact Order Act, or subsection (c) of Section 105 of
21 the Stalking No Contact Order as appropriate.

22 (f) Termination date. Any final protective order which
23 would expire on a court holiday shall instead expire at the
24 close of the next court business day.

25 (g) Statement of purpose. The practice of dismissing or
26 suspending a criminal prosecution in exchange for issuing a

1 protective order undermines the purposes of this Article. This
2 Section shall not be construed as encouraging that practice.
3 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

4 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

5 Sec. 112A-22. Notice of orders.

6 (a) Entry and issuance. Upon issuance of any protective
7 order, the clerk shall immediately, or on the next court day if
8 an ex parte order is issued under subsection (e) of Section
9 112A-17.5 of this Code, (i) enter the order on the record and
10 file it in accordance with the circuit court procedures and
11 (ii) provide a file stamped copy of the order to respondent and
12 to petitioner, if present, and to the State's Attorney. If the
13 victim is not present the State's Attorney shall (i) as soon as
14 practicable notify the petitioner the order has been entered
15 and (ii) provide a file stamped copy of the order to the
16 petitioner within 3 days.

17 (b) Filing with sheriff. The clerk of the issuing judge
18 shall, on the same day that a protective order is issued, file
19 a copy of that order with the sheriff or other law enforcement
20 officials charged with maintaining Illinois ~~Department of~~
21 State Police records or charged with serving the order upon
22 respondent. If the order was issued under subsection (e) of
23 Section 112A-17.5 of this Code, the clerk on the next court day
24 shall file a certified copy of the order with the sheriff or
25 other law enforcement officials charged with maintaining

1 Illinois Department of State Police records.

2 (c) (Blank).

3 (c-2) Service by sheriff. Unless respondent was present in
4 court when the order was issued, the sheriff, other law
5 enforcement official, or special process server shall promptly
6 serve that order upon respondent and file proof of the
7 service, in the manner provided for service of process in
8 civil proceedings. Instead of serving the order upon the
9 respondent; however, the sheriff, other law enforcement
10 official, special process server, or other persons defined in
11 Section 112A-22.1 of this Code may serve the respondent with a
12 short form notification as provided in Section 112A-22.1 of
13 this Code. If process has not yet been served upon the
14 respondent, process shall be served with the order or short
15 form notification if the service is made by the sheriff, other
16 law enforcement official, or special process server.

17 (c-3) If the person against whom the protective order is
18 issued is arrested and the written order is issued under
19 subsection (e) of Section 112A-17.5 of this Code and received
20 by the custodial law enforcement agency before the respondent
21 or arrestee is released from custody, the custodial law
22 enforcement agency shall promptly serve the order upon the
23 respondent or arrestee before the respondent or arrestee is
24 released from custody. In no event shall detention of the
25 respondent or arrestee be extended for a hearing on the
26 petition for protective order or receipt of the order issued

1 under Section 112A-17 of this Code.

2 (c-4) Extensions, modifications, and revocations. Any
3 order extending, modifying, or revoking any protective order
4 shall be promptly recorded, issued, and served as provided in
5 this Section.

6 (c-5) (Blank).

7 (d) (Blank).

8 (e) Notice to health care facilities and health care
9 practitioners. Upon the request of the petitioner, the clerk
10 of the circuit court shall send a certified copy of the
11 protective order to any specified health care facility or
12 health care practitioner requested by the petitioner at the
13 mailing address provided by the petitioner.

14 (f) Disclosure by health care facilities and health care
15 practitioners. After receiving a certified copy of a
16 protective order that prohibits a respondent's access to
17 records, no health care facility or health care practitioner
18 shall allow a respondent access to the records of any child who
19 is a protected person under the protective order, or release
20 information in those records to the respondent, unless the
21 order has expired or the respondent shows a certified copy of
22 the court order vacating the corresponding protective order
23 that was sent to the health care facility or practitioner.
24 Nothing in this Section shall be construed to require health
25 care facilities or health care practitioners to alter
26 procedures related to billing and payment. The health care

1 facility or health care practitioner may file the copy of the
2 protective order in the records of a child who is a protected
3 person under the protective order, or may employ any other
4 method to identify the records to which a respondent is
5 prohibited access. No health care facility or health care
6 practitioner shall be civilly or professionally liable for
7 reliance on a copy of a protective order, except for willful
8 and wanton misconduct.

9 (g) Notice to schools. Upon the request of the petitioner,
10 within 24 hours of the issuance of a protective order, the
11 clerk of the issuing judge shall send a certified copy of the
12 protective order to the day-care facility, pre-school or
13 pre-kindergarten, or private school or the principal office of
14 the public school district or any college or university in
15 which any child who is a protected person under the protective
16 order or any child of the petitioner is enrolled as requested
17 by the petitioner at the mailing address provided by the
18 petitioner. If the child transfers enrollment to another
19 day-care facility, pre-school, pre-kindergarten, private
20 school, public school, college, or university, the petitioner
21 may, within 24 hours of the transfer, send to the clerk written
22 notice of the transfer, including the name and address of the
23 institution to which the child is transferring. Within 24
24 hours of receipt of notice from the petitioner that a child is
25 transferring to another day-care facility, pre-school,
26 pre-kindergarten, private school, public school, college, or

1 university, the clerk shall send a certified copy of the order
2 to the institution to which the child is transferring.

3 (h) Disclosure by schools. After receiving a certified
4 copy of a protective order that prohibits a respondent's
5 access to records, neither a day-care facility, pre-school,
6 pre-kindergarten, public or private school, college, or
7 university nor its employees shall allow a respondent access
8 to a protected child's records or release information in those
9 records to the respondent. The school shall file the copy of
10 the protective order in the records of a child who is a
11 protected person under the order. When a child who is a
12 protected person under the protective order transfers to
13 another day-care facility, pre-school, pre-kindergarten,
14 public or private school, college, or university, the
15 institution from which the child is transferring may, at the
16 request of the petitioner, provide, within 24 hours of the
17 transfer, written notice of the protective order, along with a
18 certified copy of the order, to the institution to which the
19 child is transferring.

20 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

21 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

22 Sec. 112A-28. Data maintenance by law enforcement
23 agencies.

24 (a) All sheriffs shall furnish to the Illinois ~~Department~~
25 ~~of~~ State Police, daily, in the form and detail the Department

1 requires, copies of any recorded protective orders issued by
2 the court, and any foreign protective orders filed by the
3 clerk of the court, and transmitted to the sheriff by the clerk
4 of the court. Each protective order shall be entered in the Law
5 Enforcement Agencies Data System on the same day it is issued
6 by the court.

7 (b) The Illinois ~~Department of~~ State Police shall maintain
8 a complete and systematic record and index of all valid and
9 recorded protective orders issued or filed under this Act. The
10 data shall be used to inform all dispatchers and law
11 enforcement officers at the scene of an alleged incident of
12 abuse or violation of a protective order of any recorded prior
13 incident of abuse involving the abused party and the effective
14 dates and terms of any recorded protective order.

15 (c) The data, records and transmittals required under this
16 Section shall pertain to:

17 (1) any valid emergency, interim or plenary domestic
18 violence order of protection, civil no contact or stalking
19 no contact order issued in a civil proceeding; and

20 (2) any valid ex parte or final protective order
21 issued in a criminal proceeding or authorized under the
22 laws of another state, tribe, or United States territory.

23 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

24 (725 ILCS 5/115-15)

25 Sec. 115-15. Laboratory reports.

1 (a) In any criminal prosecution for a violation of the
2 Cannabis Control Act, the Illinois Controlled Substances Act,
3 or the Methamphetamine Control and Community Protection Act, a
4 laboratory report from the Illinois ~~Department of~~ State
5 Police, Division of Forensic Services, that is signed and
6 sworn to by the person performing an analysis and that states
7 (1) that the substance that is the basis of the alleged
8 violation has been weighed and analyzed, and (2) the person's
9 findings as to the contents, weight and identity of the
10 substance, and (3) that it contains any amount of a controlled
11 substance or cannabis is prima facie evidence of the contents,
12 identity and weight of the substance. Attached to the report
13 shall be a copy of a notarized statement by the signer of the
14 report giving the name of the signer and stating (i) that he or
15 she is an employee of the Illinois ~~Department of~~ State Police,
16 Division of Forensic Services, (ii) the name and location of
17 the laboratory where the analysis was performed, (iii) that
18 performing the analysis is a part of his or her regular duties,
19 and (iv) that the signer is qualified by education, training
20 and experience to perform the analysis. The signer shall also
21 allege that scientifically accepted tests were performed with
22 due caution and that the evidence was handled in accordance
23 with established and accepted procedures while in the custody
24 of the laboratory.

25 (a-5) In any criminal prosecution for reckless homicide
26 under Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, or driving under the influence of alcohol, other
2 drug, or combination of both, in violation of Section 11-501
3 of the Illinois Vehicle Code or in any civil action held under
4 a statutory summary suspension or revocation hearing under
5 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
6 report from the Illinois ~~Department of~~ State Police, Division
7 of Forensic Services, that is signed and sworn to by the person
8 performing an analysis, and that states that the sample of
9 blood, other bodily substance, or urine was tested for alcohol
10 or drugs, and contains the person's findings as to the
11 presence and amount of alcohol or drugs and type of drug is
12 prima facie evidence of the presence, content, and amount of
13 the alcohol or drugs analyzed in the blood, other bodily
14 substance, or urine. Attached to the report must be a copy of a
15 notarized statement by the signer of the report giving the
16 name of the signer and stating (1) that he or she is an
17 employee of the Illinois ~~Department of~~ State Police, Division
18 of Forensic Services, (2) the name and location of the
19 laboratory where the analysis was performed, (3) that
20 performing the analysis is a part of his or her regular duties,
21 (4) that the signer is qualified by education, training, and
22 experience to perform the analysis, and (5) that
23 scientifically accepted tests were performed with due caution
24 and that the evidence was handled in accordance with
25 established and accepted procedures while in the custody of
26 the laboratory.

1 (b) The State's Attorney shall serve a copy of the report
2 on the attorney of record for the accused, or on the accused if
3 he or she has no attorney, before any proceeding in which the
4 report is to be used against the accused other than at a
5 preliminary hearing or grand jury hearing when the report may
6 be used without having been previously served upon the
7 accused.

8 (c) The report shall not be prima facie evidence if the
9 accused or his or her attorney demands the testimony of the
10 person signing the report by serving the demand upon the
11 State's Attorney within 7 days from the accused or his or her
12 attorney's receipt of the report.

13 (Source: P.A. 99-697, eff. 7-29-16.)

14 (725 ILCS 5/116-3)

15 Sec. 116-3. Motion for fingerprint, Integrated Ballistic
16 Identification System, or forensic testing not available at
17 trial or guilty plea regarding actual innocence.

18 (a) A defendant may make a motion before the trial court
19 that entered the judgment of conviction in his or her case for
20 the performance of fingerprint, Integrated Ballistic
21 Identification System, or forensic DNA testing, including
22 comparison analysis of genetic marker groupings of the
23 evidence collected by criminal justice agencies pursuant to
24 the alleged offense, to those of the defendant, to those of
25 other forensic evidence, and to those maintained under

1 subsection (f) of Section 5-4-3 of the Unified Code of
2 Corrections, on evidence that was secured in relation to the
3 trial or guilty plea which resulted in his or her conviction,
4 and:

5 (1) was not subject to the testing which is now
6 requested at the time of trial; or

7 (2) although previously subjected to testing, can be
8 subjected to additional testing utilizing a method that
9 was not scientifically available at the time of trial that
10 provides a reasonable likelihood of more probative
11 results.

12 Reasonable notice of the motion shall be served upon the
13 State.

14 (b) The defendant must present a prima facie case that:

15 (1) identity was the issue in the trial or guilty plea
16 which resulted in his or her conviction; and

17 (2) the evidence to be tested has been subject to a
18 chain of custody sufficient to establish that it has not
19 been substituted, tampered with, replaced, or altered in
20 any material aspect.

21 (c) The trial court shall allow the testing under
22 reasonable conditions designed to protect the State's
23 interests in the integrity of the evidence and the testing
24 process upon a determination that:

25 (1) the result of the testing has the scientific
26 potential to produce new, noncumulative evidence (i)

1 materially relevant to the defendant's assertion of actual
2 innocence when the defendant's conviction was the result
3 of a trial, even though the results may not completely
4 exonerate the defendant, or (ii) that would raise a
5 reasonable probability that the defendant would have been
6 acquitted if the results of the evidence to be tested had
7 been available prior to the defendant's guilty plea and
8 the petitioner had proceeded to trial instead of pleading
9 guilty, even though the results may not completely
10 exonerate the defendant; and

11 (2) the testing requested employs a scientific method
12 generally accepted within the relevant scientific
13 community.

14 (d) If evidence previously tested pursuant to this Section
15 reveals an unknown fingerprint from the crime scene that does
16 not match the defendant or the victim, the order of the Court
17 shall direct the prosecuting authority to request the Illinois
18 State Police Bureau of Forensic Science to submit the unknown
19 fingerprint evidence into the FBI's Integrated Automated
20 Fingerprint Identification System (AIFIS) for identification.

21 (e) In the court's order to allow testing, the court shall
22 order the investigating authority to prepare an inventory of
23 the evidence related to the case and issue a copy of the
24 inventory to the prosecution, the petitioner, and the court.

25 (f) When a motion is filed to vacate based on favorable
26 post-conviction testing results, the State may, upon request,

1 reactivate victim services for the victim of the crime during
2 the pendency of the proceedings, and, as determined by the
3 court after consultation with the victim or victim advocate,
4 or both, following final adjudication of the case.

5 (Source: P.A. 98-948, eff. 8-15-14.)

6 (725 ILCS 5/116-4)

7 Sec. 116-4. Preservation of evidence for forensic testing.

8 (a) Before or after the trial in a prosecution for a
9 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
10 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 or in a
12 prosecution for an offense defined in Article 9 of that Code,
13 or in a prosecution for an attempt in violation of Section 8-4
14 of that Code of any of the above-enumerated offenses, unless
15 otherwise provided herein under subsection (b) or (c), a law
16 enforcement agency or an agent acting on behalf of the law
17 enforcement agency shall preserve, subject to a continuous
18 chain of custody, any physical evidence in their possession or
19 control that is reasonably likely to contain forensic
20 evidence, including, but not limited to, fingerprints or
21 biological material secured in relation to a trial and with
22 sufficient documentation to locate that evidence.

23 (b) After a judgment of conviction is entered, the
24 evidence shall either be impounded with the Clerk of the
25 Circuit Court or shall be securely retained by a law

1 enforcement agency. Retention shall be permanent in cases
2 where a sentence of death is imposed. Retention shall be until
3 the completion of the sentence, including the period of
4 mandatory supervised release for the offense, or January 1,
5 2006, whichever is later, for any conviction for an offense or
6 an attempt of an offense defined in Article 9 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 or in Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
9 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 or for 7 years following any conviction
11 for any other felony for which the defendant's genetic profile
12 may be taken by a law enforcement agency and submitted for
13 comparison in a forensic DNA database for unsolved offenses.

14 (c) After a judgment of conviction is entered, the law
15 enforcement agency required to retain evidence described in
16 subsection (a) may petition the court with notice to the
17 defendant or, in cases where the defendant has died, his
18 estate, his attorney of record, or an attorney appointed for
19 that purpose by the court for entry of an order allowing it to
20 dispose of evidence if, after a hearing, the court determines
21 by a preponderance of the evidence that:

22 (1) it has no significant value for forensic science
23 analysis and should be returned to its rightful owner,
24 destroyed, used for training purposes, or as otherwise
25 provided by law; or

26 (2) it has no significant value for forensic science

1 analysis and is of a size, bulk, or physical character not
2 usually retained by the law enforcement agency and cannot
3 practicably be retained by the law enforcement agency; or

4 (3) there no longer exists a reasonable basis to
5 require the preservation of the evidence because of the
6 death of the defendant; however, this paragraph (3) does
7 not apply if a sentence of death was imposed.

8 (d) The court may order the disposition of the evidence if
9 the defendant is allowed the opportunity to take reasonable
10 measures to remove or preserve portions of the evidence in
11 question for future testing.

12 (d-5) Any order allowing the disposition of evidence
13 pursuant to subsection (c) or (d) shall be a final and
14 appealable order. No evidence shall be disposed of until 30
15 days after the order is entered, and if a notice of appeal is
16 filed, no evidence shall be disposed of until the mandate has
17 been received by the circuit court from the appellate court.

18 (d-10) All records documenting the possession, control,
19 storage, and destruction of evidence and all police reports,
20 evidence control or inventory records, and other reports cited
21 in this Section, including computer records, must be retained
22 for as long as the evidence exists and may not be disposed of
23 without the approval of the Local Records Commission.

24 (e) In this Section, "law enforcement agency" includes any
25 of the following or an agent acting on behalf of any of the
26 following: a municipal police department, county sheriff's

1 office, any prosecuting authority, the Illinois ~~Department of~~
2 State Police, or any other State, university, county, federal,
3 or municipal police unit or police force.

4 "Biological material" includes, but is not limited to, any
5 blood, hair, saliva, or semen from which genetic marker
6 groupings may be obtained.

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

8 (725 ILCS 5/116-5)

9 Sec. 116-5. Motion for DNA database search (genetic marker
10 groupings comparison analysis).

11 (a) Upon motion by a defendant charged with any offense
12 where DNA evidence may be material to the defense
13 investigation or relevant at trial, a court may order a DNA
14 database search by the Illinois ~~Department of~~ State Police.
15 Such analysis may include comparing:

16 (1) the genetic profile from forensic evidence that
17 was secured in relation to the trial against the genetic
18 profile of the defendant,

19 (2) the genetic profile of items of forensic evidence
20 secured in relation to trial to the genetic profile of
21 other forensic evidence secured in relation to trial, or

22 (3) the genetic profiles referred to in subdivisions
23 (1) and (2) against:

24 (i) genetic profiles of offenders maintained under
25 subsection (f) of Section 5-4-3 of the Unified Code of

1 Corrections, or

2 (ii) genetic profiles, including but not limited
3 to, profiles from unsolved crimes maintained in state
4 or local DNA databases by law enforcement agencies.

5 (b) If appropriate federal criteria are met, the court may
6 order the Illinois ~~Department of~~ State Police to request the
7 National DNA index system to search its database of genetic
8 profiles.

9 (c) If requested by the defense, a defense representative
10 shall be allowed to view any genetic marker grouping analysis
11 conducted by the Illinois ~~Department of~~ State Police. The
12 defense shall be provided with copies of all documentation,
13 correspondence, including digital correspondence, notes,
14 memoranda, and reports generated in relation to the analysis.

15 (d) Reasonable notice of the motion shall be served upon
16 the State.

17 (Source: P.A. 93-605, eff. 11-19-03.)

18 (725 ILCS 5/124B-605)

19 Sec. 124B-605. Distribution of property and sale proceeds.

20 (a) All moneys and the sale proceeds of all other property
21 forfeited and seized under this Part 600 shall be distributed
22 as follows:

23 (1) 50% shall be distributed to the unit of local
24 government whose officers or employees conducted the
25 investigation into computer fraud and caused the arrest or

1 arrests and prosecution leading to the forfeiture. Amounts
2 distributed to units of local government shall be used for
3 training or enforcement purposes relating to detection,
4 investigation, or prosecution of financial crimes,
5 including computer fraud. If, however, the investigation,
6 arrest or arrests, and prosecution leading to the
7 forfeiture were undertaken solely by a State agency, the
8 portion provided under this paragraph (1) shall be paid
9 into the State Police Services Fund of the Illinois
10 ~~Department of~~ State Police to be used for training or
11 enforcement purposes relating to detection, investigation,
12 or prosecution of financial crimes, including computer
13 fraud.

14 (2) 50% shall be distributed to the county in which
15 the prosecution and petition for forfeiture resulting in
16 the forfeiture was instituted by the State's Attorney and
17 shall be deposited into a special fund in the county
18 treasury and appropriated to the State's Attorney for use
19 in training or enforcement purposes relating to detection,
20 investigation, or prosecution of financial crimes,
21 including computer fraud. If a prosecution and petition
22 for forfeiture resulting in the forfeiture has been
23 maintained by the Attorney General, 50% of the proceeds
24 shall be paid into the Attorney General's Financial Crime
25 Prevention Fund. If the Attorney General and the State's
26 Attorney have participated jointly in any part of the

1 proceedings, 25% of the proceeds forfeited shall be paid
2 to the county in which the prosecution and petition for
3 forfeiture resulting in the forfeiture occurred, and 25%
4 shall be paid into the Attorney General's Financial Crime
5 Prevention Fund to be used for the purposes stated in this
6 paragraph (2).

7 (b) Before any distribution under subsection (a), the
8 Attorney General or State's Attorney shall retain from the
9 forfeited moneys or sale proceeds, or both, sufficient moneys
10 to cover expenses related to the administration and sale of
11 the forfeited property.

12 (Source: P.A. 96-712, eff. 1-1-10.)

13 (725 ILCS 5/124B-705)

14 Sec. 124B-705. Seizure and inventory of property subject
15 to forfeiture. Property taken or detained under this Part
16 shall not be subject to replevin, but is deemed to be in the
17 custody of the Director of the Illinois State Police subject
18 only to the order and judgments of the circuit court having
19 jurisdiction over the forfeiture proceedings and the decisions
20 of the Attorney General or State's Attorney under this
21 Article. When property is seized under this Article, the
22 seizing agency shall promptly conduct an inventory of the
23 seized property and estimate the property's value and shall
24 forward a copy of the estimate of the property's value to the
25 Director of the Illinois State Police. Upon receiving the

1 notice of seizure, the Director may do any of the following:

2 (1) Place the property under seal.

3 (2) Remove the property to a place designated by the
4 Director.

5 (3) Keep the property in the possession of the seizing
6 agency.

7 (4) Remove the property to a storage area for
8 safekeeping or, if the property is a negotiable instrument
9 or money and is not needed for evidentiary purposes,
10 deposit it in an interest bearing account.

11 (5) Place the property under constructive seizure by
12 posting notice of the pending forfeiture on it, by giving
13 notice of the pending forfeiture to its owners and
14 interest holders, or by filing a notice of the pending
15 forfeiture in any appropriate public record relating to
16 the property.

17 (6) Provide for another agency or custodian, including
18 an owner, secured party, or lienholder, to take custody of
19 the property on terms and conditions set by the Director.

20 (Source: P.A. 96-712, eff. 1-1-10.)

21 (725 ILCS 5/124B-710)

22 Sec. 124B-710. Sale of forfeited property by Director of
23 the Illinois State Police.

24 (a) The court shall authorize the Director of the Illinois
25 State Police to seize any property declared forfeited under

1 this Article on terms and conditions the court deems proper.

2 (b) When property is forfeited under this Part 700, the
3 Director of the Illinois State Police shall sell the property
4 unless the property is required by law to be destroyed or is
5 harmful to the public. The Director shall distribute the
6 proceeds of the sale, together with any moneys forfeited or
7 seized, in accordance with Section 124B-715.

8 (c) (Blank).

9 (Source: P.A. 100-512, eff. 7-1-18.)

10 (725 ILCS 5/124B-930)

11 Sec. 124B-930. Disposal of property.

12 (a) Real property taken or detained under this Part is not
13 subject to replevin, but is deemed to be in the custody of the
14 Director of the Illinois State Police subject only to the
15 order and judgments of the circuit court having jurisdiction
16 over the forfeiture proceedings and the decisions of the
17 State's Attorney or Attorney General under this Article.

18 (b) When property is forfeited under this Article, the
19 Director of the Illinois State Police shall sell all such
20 property and shall distribute the proceeds of the sale,
21 together with any moneys forfeited or seized, in accordance
22 with Section 124B-935.

23 (Source: P.A. 96-712, eff. 1-1-10.)

24 (725 ILCS 5/124B-935)

1 Sec. 124B-935. Distribution of property and sale proceeds.
2 All moneys and the sale proceeds of all other property
3 forfeited and seized under this Part 900 shall be distributed
4 as follows:

5 (1) 65% shall be distributed to the local, municipal,
6 county, or State law enforcement agency or agencies that
7 conducted or participated in the investigation resulting
8 in the forfeiture. The distribution shall bear a
9 reasonable relationship to the degree of direct
10 participation of the law enforcement agency in the effort
11 resulting in the forfeiture, taking into account the total
12 value of the property forfeited and the total law
13 enforcement effort with respect to the violation of the
14 law upon which the forfeiture is based.

15 (2) 12.5% shall be distributed to the Office of the
16 State's Attorney of the county in which the prosecution
17 resulting in the forfeiture was instituted for use in the
18 enforcement of laws, including laws governing animal
19 fighting.

20 (3) 12.5% shall be distributed to the Illinois
21 Department of Agriculture for reimbursement of expenses
22 incurred in the investigation, prosecution, and appeal of
23 cases arising under laws governing animal fighting.

24 (4) 10% shall be retained by the Illinois Department
25 ~~of~~ State Police for expenses related to the administration
26 and sale of seized and forfeited property.

1 (Source: P.A. 96-712, eff. 1-1-10.)

2 Section 1025. The Drug Asset Forfeiture Procedure Act is
3 amended by changing Sections 3.1, 3.3, 4, 5.1, 6, 11, 13.1, and
4 13.2 as follows:

5 (725 ILCS 150/3.1)

6 Sec. 3.1. Seizure.

7 (a) Actual physical seizure of real property subject to
8 forfeiture under this Act requires the issuance of a seizure
9 warrant. Nothing in this Section prohibits the constructive
10 seizure of real property through the filing of a complaint for
11 forfeiture in circuit court and the recording of a lis pendens
12 against the real property without a hearing, warrant
13 application, or judicial approval.

14 (b) Personal property subject to forfeiture under the
15 Illinois Controlled Substances Act, the Cannabis Control Act,
16 the Illinois Food, Drug and Cosmetic Act, or the
17 Methamphetamine Control and Community Protection Act may be
18 seized by the Director of the Illinois State Police or any
19 peace officer upon process or seizure warrant issued by any
20 court having jurisdiction over the property.

21 (c) Personal property subject to forfeiture under the
22 Illinois Controlled Substances Act, the Cannabis Control Act,
23 the Illinois Food, Drug and Cosmetic Act, or the
24 Methamphetamine Control and Community Protection Act may be

1 seized by the Director of the Illinois State Police or any
2 peace officer without process:

3 (1) if the seizure is incident to inspection under an
4 administrative inspection warrant;

5 (2) if the property subject to seizure has been the
6 subject of a prior judgment in favor of the State in a
7 criminal proceeding or in an injunction or forfeiture
8 proceeding based upon this Act;

9 (3) if there is probable cause to believe that the
10 property is directly or indirectly dangerous to health or
11 safety;

12 (4) if there is probable cause to believe that the
13 property is subject to forfeiture under the Illinois
14 Controlled Substances Act, the Cannabis Control Act, the
15 Illinois Food, Drug and Cosmetic Act, or the
16 Methamphetamine Control and Community Protection Act, and
17 the property is seized under circumstances in which a
18 warrantless seizure or arrest would be reasonable; or

19 (5) under the Code of Criminal Procedure of 1963.

20 (d) If a conveyance is seized under this Act, an
21 investigation shall be made by the law enforcement agency as
22 to any person whose right, title, interest, or lien is of
23 record in the office of the agency or official in which title
24 to or interest in the conveyance is required by law to be
25 recorded.

26 (e) After seizure under this Section, notice shall be

1 given to all known interest holders that forfeiture
2 proceedings, including a preliminary review, may be instituted
3 and the proceedings may be instituted under this Act. Upon a
4 showing of good cause related to an ongoing investigation, the
5 notice required for a preliminary review under this Section
6 may be postponed.

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

8 (725 ILCS 150/3.3)

9 Sec. 3.3. Safekeeping of seized property pending
10 disposition.

11 (a) Property seized under this Act is deemed to be in the
12 custody of the Director of the Illinois State Police, subject
13 only to the order and judgments of the circuit court having
14 jurisdiction over the forfeiture proceedings and the decisions
15 of the State's Attorney under this Act.

16 (b) If property is seized under this Act, the seizing
17 agency shall promptly conduct an inventory of the seized
18 property and estimate the property's value and shall forward a
19 copy of the inventory of seized property and the estimate of
20 the property's value to the Director of the Illinois State
21 Police. Upon receiving notice of seizure, the Director of the
22 Illinois State Police may:

23 (1) place the property under seal;

24 (2) remove the property to a place designated by the
25 seizing agency;

1 (3) keep the property in the possession of the
2 Director of the Illinois State Police;

3 (4) remove the property to a storage area for
4 safekeeping;

5 (5) place the property under constructive seizure by
6 posting notice of pending forfeiture on it, by giving
7 notice of pending forfeiture to its owners and interest
8 holders, or by filing notice of pending forfeiture in any
9 appropriate public record relating to the property; or

10 (6) provide for another agency or custodian, including
11 an owner, secured party, or lienholder, to take custody of
12 the property upon the terms and conditions set by the
13 seizing agency.

14 (c) The seizing agency is required to exercise ordinary
15 care to protect the seized property from negligent loss,
16 damage, or destruction.

17 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
18 100-1163, eff. 12-20-18.)

19 (725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

20 Sec. 4. Notice to owner or interest holder. The first
21 attempted service of notice shall be commenced within 28 days
22 of the filing of the verified claim or the receipt of the
23 notice from the seizing agency by Illinois State Police
24 Notice/Inventory of Seized Property (Form 4-64), whichever
25 occurs sooner. A complaint for forfeiture or a notice of

1 pending forfeiture shall be served upon the property owner or
2 interest holder in the following manner:

3 (1) If the owner's or interest holder's name and
4 current address are known, then by either:

5 (A) personal service; or

6 (B) mailing a copy of the notice by certified
7 mail, return receipt requested, and first class mail
8 to that address.

9 (i) If notice is sent by certified mail and no
10 signed return receipt is received by the State's
11 Attorney within 28 days of mailing, and no
12 communication from the owner or interest holder is
13 received by the State's Attorney documenting
14 actual notice by said parties, then the State's
15 Attorney shall, within a reasonable period of
16 time, mail a second copy of the notice by
17 certified mail, return receipt requested, and
18 first class mail to that address.

19 (ii) If no signed return receipt is received
20 by the State's Attorney within 28 days of the
21 second attempt at service by certified mail, and
22 no communication from the owner or interest holder
23 is received by the State's Attorney documenting
24 actual notice by said parties, then the State's
25 Attorney shall have 60 days to attempt to serve
26 the notice by personal service, which also

1 includes substitute service by leaving a copy at
2 the usual place of abode, with some person of the
3 family or a person residing there, of the age of 13
4 years or upwards. If, after 3 attempts at service
5 in this manner, no service of the notice is
6 accomplished, then the notice shall be posted in a
7 conspicuous manner at this address and service
8 shall be made by posting.

9 The attempts at service and the posting, if
10 required, shall be documented by the person
11 attempting service and said documentation shall be
12 made part of a return of service returned to the
13 State's Attorney.

14 The State's Attorney may utilize any Sheriff
15 or Deputy Sheriff, any peace officer, a private
16 process server or investigator, or any employee,
17 agent, or investigator of the State's Attorney's
18 Office to attempt service without seeking leave of
19 court.

20 After the procedures set forth are followed,
21 service shall be effective on an owner or interest
22 holder on the date of receipt by the State's
23 Attorney of a return receipt, or on the date of
24 receipt of a communication from an owner or
25 interest holder documenting actual notice,
26 whichever is first in time, or on the date of the

1 last act performed by the State's Attorney in
2 attempting personal service under subparagraph
3 (ii) above. If notice is to be shown by actual
4 notice from communication with a claimant, then
5 the State's Attorney shall file an affidavit
6 providing details of the communication, which may
7 be accepted as sufficient proof of service by the
8 court.

9 After a claimant files a verified claim with
10 the State's Attorney and provides an address at
11 which the claimant will accept service, the
12 complaint shall be served and notice shall be
13 perfected upon mailing of the complaint to the
14 claimant at the address the claimant provided via
15 certified mail, return receipt requested, and
16 first class mail. No return receipt need be
17 received, or any other attempts at service need be
18 made to comply with service and notice
19 requirements under this Act. This certified
20 mailing, return receipt requested, shall be proof
21 of service of the complaint on the claimant.

22 For purposes of notice under this Section, if
23 a person has been arrested for the conduct giving
24 rise to the forfeiture, then the address provided
25 to the arresting agency at the time of arrest
26 shall be deemed to be that person's known address.

1 Provided, however, if an owner or interest
2 holder's address changes prior to the effective
3 date of the notice of pending forfeiture, the
4 owner or interest holder shall promptly notify the
5 seizing agency of the change in address or, if the
6 owner or interest holder's address changes
7 subsequent to the effective date of the notice of
8 pending forfeiture, the owner or interest holder
9 shall promptly notify the State's Attorney of the
10 change in address; or if the property seized is a
11 conveyance, to the address reflected in the office
12 of the agency or official in which title to or
13 interest in the conveyance is required by law to
14 be recorded.

15 (2) If the owner's or interest holder's address is not
16 known, and is not on record, then notice shall be served by
17 publication for 3 successive weeks in a newspaper of
18 general circulation in the county in which the seizure
19 occurred.

20 (3) After a claimant files a verified claim with the
21 State's Attorney and provides an address at which the
22 claimant will accept service, the complaint shall be
23 served and notice shall be perfected upon mailing of the
24 complaint to the claimant at the address the claimant
25 provided via certified mail, return receipt requested, and
26 first class mail. No return receipt need be received or

1 any other attempts at service need be made to comply with
2 service and notice requirements under this Act. This
3 certified mailing, return receipt requested, shall be
4 proof of service of the complaint on the claimant.

5 (4) Notice to any business entity, corporation,
6 limited liability company, limited liability partnership,
7 or partnership shall be completed by a single mailing of a
8 copy of the notice by certified mail, return receipt
9 requested, and first class mail to that address. This
10 notice is complete regardless of the return of a signed
11 return receipt.

12 (5) Notice to a person whose address is not within the
13 State shall be completed by a single mailing of a copy of
14 the notice by certified mail, return receipt requested,
15 and first class mail to that address. This notice is
16 complete regardless of the return of a signed return
17 receipt.

18 (6) Notice to a person whose address is not within the
19 United States shall be completed by a single mailing of a
20 copy of the notice by certified mail, return receipt
21 requested, and first class mail to that address. This
22 notice shall be complete regardless of the return of a
23 signed return receipt. If certified mail is not available
24 in the foreign country where the person has an address,
25 then notice shall proceed by publication under paragraph
26 (2) of this Section.

1 (7) Notice to any person whom the State's Attorney
2 reasonably should know is incarcerated within the State
3 shall also include the mailing a copy of the notice by
4 certified mail, return receipt requested, and first class
5 mail to the address of the detention facility with the
6 inmate's name clearly marked on the envelope.

7 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
8 100-1163, eff. 12-20-18.)

9 (725 ILCS 150/5.1)

10 Sec. 5.1. Replevin prohibited; return of personal property
11 inside seized conveyance.

12 (a) Property seized under this Act shall not be subject to
13 replevin, but is deemed to be in the custody of the Director of
14 the Illinois State Police, subject only to the order and
15 judgments of the circuit court having jurisdiction over the
16 forfeiture proceedings and the decisions of the State's
17 Attorney.

18 (b) A claimant or a party interested in personal property
19 contained within a seized conveyance may file a request with
20 the State's Attorney in an administrative forfeiture action,
21 or a motion with the court in a judicial forfeiture action, for
22 the return of any personal property contained within a
23 conveyance seized under this Act. The return of personal
24 property shall not be unreasonably withheld if the personal
25 property is not mechanically or electrically coupled to the

1 conveyance, needed for evidentiary purposes, or otherwise
2 contraband. A law enforcement agency that returns property
3 under a court order under this Section shall not be liable to
4 any person who claims ownership to the property if the
5 property is returned to an improper party.

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

7 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

8 Sec. 6. Non-judicial forfeiture. If non-real property that
9 exceeds \$150,000 in value excluding the value of any
10 conveyance, or if real property is seized under the provisions
11 of the Illinois Controlled Substances Act, the Cannabis
12 Control Act, or the Methamphetamine Control and Community
13 Protection Act, the State's Attorney shall institute judicial
14 in rem forfeiture proceedings as described in Section 9 of
15 this Act within 28 days from receipt of notice of seizure from
16 the seizing agency under Section 5 of this Act. However, if
17 non-real property that does not exceed \$150,000 in value
18 excluding the value of any conveyance is seized, the following
19 procedure shall be used:

20 (A) If, after review of the facts surrounding the
21 seizure, the State's Attorney is of the opinion that the
22 seized property is subject to forfeiture, then, within 28
23 days of the receipt of notice of seizure from the seizing
24 agency, the State's Attorney shall cause notice of pending
25 forfeiture to be given to the owner of the property and all

1 known interest holders of the property in accordance with
2 Section 4 of this Act.

3 (B) The notice of pending forfeiture must include a
4 description of the property, the estimated value of the
5 property, the date and place of seizure, the conduct
6 giving rise to forfeiture or the violation of law alleged,
7 and a summary of procedures and procedural rights
8 applicable to the forfeiture action.

9 (C) (1) Any person claiming an interest in property
10 which is the subject of notice under subsection (A) of
11 this Section may, within 45 days after the effective date
12 of notice as described in Section 4 of this Act, file a
13 verified claim with the State's Attorney expressing his or
14 her interest in the property. The claim must set forth:

15 (i) the caption of the proceedings as set forth on
16 the notice of pending forfeiture and the name of the
17 claimant;

18 (ii) the address at which the claimant will accept
19 mail;

20 (iii) the nature and extent of the claimant's
21 interest in the property;

22 (iv) the date, identity of the transferor, and
23 circumstances of the claimant's acquisition of the
24 interest in the property;

25 (v) the names and addresses of all other persons
26 known to have an interest in the property;

1 (vi) the specific provision of law relied on in
2 asserting the property is not subject to forfeiture;

3 (vii) all essential facts supporting each
4 assertion; and

5 (viii) the relief sought.

6 (2) If a claimant files the claim then the State's
7 Attorney shall institute judicial in rem forfeiture
8 proceedings within 28 days after receipt of the claim.

9 (D) If no claim is filed within the 45-day period as
10 described in subsection (C) of this Section, the State's
11 Attorney shall declare the property forfeited and shall
12 promptly notify the owner and all known interest holders
13 of the property and the Director of the Illinois
14 ~~Department~~ of State Police of the declaration of
15 forfeiture and the Director shall dispose of the property
16 in accordance with law.

17 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
18 100-1163, eff. 12-20-18.)

19 (725 ILCS 150/11) (from Ch. 56 1/2, par. 1681)

20 Sec. 11. Settlement of claims. Notwithstanding other
21 provisions of this Act, the State's Attorney and a claimant of
22 seized property may enter into an agreed-upon settlement
23 concerning the seized property in such an amount and upon such
24 terms as are set out in writing in a settlement agreement. All
25 proceeds from a settlement agreement shall be tendered to the

1 Illinois ~~Department of~~ State Police and distributed in
2 accordance with the provisions of Section 13.2 of this Act.
3 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

4 (725 ILCS 150/13.1) (was 725 ILCS 150/15)

5 Sec. 13.1. Return of property, damages, and costs.

6 (a) The law enforcement agency that holds custody of
7 property seized for forfeiture shall deliver property ordered
8 by the court to be returned or conveyed to the claimant within
9 a reasonable time not to exceed 7 days, unless the order is
10 stayed by the trial court or a reviewing court pending an
11 appeal, motion to reconsider, or other reason.

12 (b) The law enforcement agency that holds custody of
13 property described in subsection (a) of this Section is
14 responsible for any damages, storage fees, and related costs
15 applicable to property returned. The claimant shall not be
16 subject to any charges by the State for storage of the property
17 or expenses incurred in the preservation of the property.
18 Charges for the towing of a conveyance shall be borne by the
19 claimant unless the conveyance was towed for the sole reason
20 of seizure for forfeiture. This Section does not prohibit the
21 imposition of any fees or costs by a home rule unit of local
22 government related to the impoundment of a conveyance pursuant
23 to an ordinance enacted by the unit of government.

24 (c) A law enforcement agency shall not retain forfeited
25 property for its own use or transfer the property to any person

1 or entity, except as provided under this Section. A law
2 enforcement agency may apply in writing to the Director of the
3 Illinois State Police to request that forfeited property be
4 awarded to the agency for a specifically articulated official
5 law enforcement use in an investigation. The Director of the
6 Illinois State Police shall provide a written justification in
7 each instance detailing the reasons why the forfeited property
8 was placed into official use and the justification shall be
9 retained for a period of not less than 3 years.

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

11 (725 ILCS 150/13.2) (was 725 ILCS 150/17)

12 Sec. 13.2. Distribution of proceeds; selling or retaining
13 seized property prohibited.

14 (a) Except as otherwise provided in this Section, the
15 court shall order that property forfeited under this Act be
16 delivered to the Illinois ~~Department of~~ State Police within 60
17 days.

18 (b) All moneys and the sale proceeds of all other property
19 forfeited and seized under this Act shall be distributed as
20 follows:

21 (1) (i) 65% shall be distributed to the metropolitan
22 enforcement group, local, municipal, county, or State law
23 enforcement agency or agencies that conducted or
24 participated in the investigation resulting in the
25 forfeiture. The distribution shall bear a reasonable

1 relationship to the degree of direct participation of the
2 law enforcement agency in the effort resulting in the
3 forfeiture, taking into account the total value of the
4 property forfeited and the total law enforcement effort
5 with respect to the violation of the law upon which the
6 forfeiture is based. Amounts distributed to the agency or
7 agencies shall be used for the enforcement of laws
8 governing cannabis and controlled substances; for public
9 education in the community or schools in the prevention or
10 detection of the abuse of drugs or alcohol; or for
11 security cameras used for the prevention or detection of
12 violence, except that amounts distributed to the Secretary
13 of State shall be deposited into the Secretary of State
14 Evidence Fund to be used as provided in Section 2-115 of
15 the Illinois Vehicle Code.

16 (ii) Any local, municipal, or county law enforcement
17 agency entitled to receive a monetary distribution of
18 forfeiture proceeds may share those forfeiture proceeds
19 pursuant to the terms of an intergovernmental agreement
20 with a municipality that has a population in excess of
21 20,000 if:

22 (A) the receiving agency has entered into an
23 intergovernmental agreement with the municipality to
24 provide police services;

25 (B) the intergovernmental agreement for police
26 services provides for consideration in an amount of

1 not less than \$1,000,000 per year;

2 (C) the seizure took place within the geographical
3 limits of the municipality; and

4 (D) the funds are used only for the enforcement of
5 laws governing cannabis and controlled substances; for
6 public education in the community or schools in the
7 prevention or detection of the abuse of drugs or
8 alcohol; or for security cameras used for the
9 prevention or detection of violence or the
10 establishment of a municipal police force, including
11 the training of officers, construction of a police
12 station, or the purchase of law enforcement equipment
13 or vehicles.

14 (2) (i) 12.5% shall be distributed to the Office of the
15 State's Attorney of the county in which the prosecution
16 resulting in the forfeiture was instituted, deposited in a
17 special fund in the county treasury and appropriated to
18 the State's Attorney for use in the enforcement of laws
19 governing cannabis and controlled substances; for public
20 education in the community or schools in the prevention or
21 detection of the abuse of drugs or alcohol; or, at the
22 discretion of the State's Attorney, in addition to other
23 authorized purposes, to make grants to local substance
24 abuse treatment facilities and half-way houses. In
25 counties over 3,000,000 population, 25% shall be
26 distributed to the Office of the State's Attorney for use

1 in the enforcement of laws governing cannabis and
2 controlled substances; for public education in the
3 community or schools in the prevention or detection of the
4 abuse of drugs or alcohol; or at the discretion of the
5 State's Attorney, in addition to other authorized
6 purposes, to make grants to local substance abuse
7 treatment facilities and half-way houses. If the
8 prosecution is undertaken solely by the Attorney General,
9 the portion provided shall be distributed to the Attorney
10 General for use in the enforcement of laws governing
11 cannabis and controlled substances or for public education
12 in the community or schools in the prevention or detection
13 of the abuse of drugs or alcohol.

14 (ii) 12.5% shall be distributed to the Office of the
15 State's Attorneys Appellate Prosecutor and deposited in
16 the Narcotics Profit Forfeiture Fund of that office to be
17 used for additional expenses incurred in the
18 investigation, prosecution and appeal of cases arising
19 under laws governing cannabis and controlled substances,
20 together with administrative expenses, and for legal
21 education or for public education in the community or
22 schools in the prevention or detection of the abuse of
23 drugs or alcohol. The Office of the State's Attorneys
24 Appellate Prosecutor shall not receive distribution from
25 cases brought in counties with over 3,000,000 population.

26 (3) 10% shall be retained by the Illinois ~~Department~~

1 ~~of~~ State Police for expenses related to the administration
2 and sale of seized and forfeited property.

3 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
4 101-10, eff. 6-5-19.)

5 Section 1030. The Narcotics Profit Forfeiture Act is
6 amended by changing Sections 5 and 5.2 as follows:

7 (725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

8 Sec. 5. (a) A person who commits the offense of narcotics
9 racketeering shall:

10 (1) be guilty of a Class 1 felony; and

11 (2) be subject to a fine of up to \$250,000.

12 A person who commits the offense of narcotics racketeering
13 or who violates Section 3 of the Drug Paraphernalia Control
14 Act shall forfeit to the State of Illinois: (A) any profits or
15 proceeds and any property or property interest he has acquired
16 or maintained in violation of this Act or Section 3 of the Drug
17 Paraphernalia Control Act or has used to facilitate a
18 violation of this Act that the court determines, after a
19 forfeiture hearing, under subsection (b) of this Section to
20 have been acquired or maintained as a result of narcotics
21 racketeering or violating Section 3 of the Drug Paraphernalia
22 Control Act, or used to facilitate narcotics racketeering; and
23 (B) any interest in, security of, claim against, or property
24 or contractual right of any kind affording a source of

1 influence over, any enterprise which he has established,
2 operated, controlled, conducted, or participated in the
3 conduct of, in violation of this Act or Section 3 of the Drug
4 Paraphernalia Control Act, that the court determines, after a
5 forfeiture hearing, under subsection (b) of this Section to
6 have been acquired or maintained as a result of narcotics
7 racketeering or violating Section 3 of the Drug Paraphernalia
8 Control Act or used to facilitate narcotics racketeering.

9 (b) The court shall, upon petition by the Attorney General
10 or State's Attorney, at any time subsequent to the filing of an
11 information or return of an indictment, conduct a hearing to
12 determine whether any property or property interest is subject
13 to forfeiture under this Act. At the forfeiture hearing the
14 people shall have the burden of establishing, by a
15 preponderance of the evidence, that property or property
16 interests are subject to forfeiture under this Act. There is a
17 rebuttable presumption at such hearing that any property or
18 property interest of a person charged by information or
19 indictment with narcotics racketeering or who is convicted of
20 a violation of Section 3 of the Drug Paraphernalia Control Act
21 is subject to forfeiture under this Section if the State
22 establishes by a preponderance of the evidence that:

23 (1) such property or property interest was acquired by
24 such person during the period of the violation of this Act
25 or Section 3 of the Drug Paraphernalia Control Act or
26 within a reasonable time after such period; and

1 (2) there was no likely source for such property or
2 property interest other than the violation of this Act or
3 Section 3 of the Drug Paraphernalia Control Act.

4 (c) In an action brought by the People of the State of
5 Illinois under this Act, wherein any restraining order,
6 injunction or prohibition or any other action in connection
7 with any property or property interest subject to forfeiture
8 under this Act is sought, the circuit court which shall
9 preside over the trial of the person or persons charged with
10 narcotics racketeering as defined in Section 4 of this Act or
11 violating Section 3 of the Drug Paraphernalia Control Act
12 shall first determine whether there is probable cause to
13 believe that the person or persons so charged has committed
14 the offense of narcotics racketeering as defined in Section 4
15 of this Act or a violation of Section 3 of the Drug
16 Paraphernalia Control Act and whether the property or property
17 interest is subject to forfeiture pursuant to this Act.

18 In order to make such a determination, prior to entering
19 any such order, the court shall conduct a hearing without a
20 jury, wherein the People shall establish that there is: (i)
21 probable cause that the person or persons so charged have
22 committed the offense of narcotics racketeering or violating
23 Section 3 of the Drug Paraphernalia Control Act and (ii)
24 probable cause that any property or property interest may be
25 subject to forfeiture pursuant to this Act. Such hearing may
26 be conducted simultaneously with a preliminary hearing, if the

1 prosecution is commenced by information or complaint, or by
2 motion of the People, at any stage in the proceedings. The
3 court may accept a finding of probable cause at a preliminary
4 hearing following the filing of an information charging the
5 offense of narcotics racketeering as defined in Section 4 of
6 this Act or the return of an indictment by a grand jury
7 charging the offense of narcotics racketeering as defined in
8 Section 4 of this Act or after a charge is filed for violating
9 Section 3 of the Drug Paraphernalia Control Act as sufficient
10 evidence of probable cause as provided in item (i) above.

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

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

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

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

22 (f) The Attorney General or his designee is authorized to
23 sell all property forfeited and seized pursuant to this Act,
24 unless such property is required by law to be destroyed or is
25 harmful to the public, and, after the deduction of all
26 requisite expenses of administration and sale, shall

1 distribute the proceeds of such sale, along with any moneys
2 forfeited or seized, in accordance with subsection (g) or (h),
3 whichever is applicable.

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

7 (1) An amount equal to 50% shall be distributed to the
8 unit of local government whose officers or employees
9 conducted the investigation into narcotics racketeering
10 and caused the arrest or arrests and prosecution leading
11 to the forfeiture. Amounts distributed to units of local
12 government shall be used for enforcement of laws governing
13 narcotics activity or for public education in the
14 community or schools in the prevention or detection of the
15 abuse of drugs or alcohol. In the event, however, that the
16 investigation, arrest or arrests and prosecution leading
17 to the forfeiture were undertaken solely by a State
18 agency, the portion provided hereunder shall be paid into
19 the Drug Traffic Prevention Fund in the State treasury to
20 be used for enforcement of laws governing narcotics
21 activity.

22 (2) An amount equal to 12.5% shall be distributed to
23 the county in which the prosecution resulting in the
24 forfeiture was instituted, deposited in a special fund in
25 the county treasury and appropriated to the State's
26 Attorney for use in the enforcement of laws governing

1 narcotics activity or for public education in the
2 community or schools in the prevention or detection of the
3 abuse of drugs or alcohol.

4 An amount equal to 12.5% shall be distributed to the
5 Office of the State's Attorneys Appellate Prosecutor and
6 deposited in the Narcotics Profit Forfeiture Fund, which
7 is hereby created in the State treasury, to be used by the
8 Office of the State's Attorneys Appellate Prosecutor for
9 additional expenses incurred in prosecuting appeals
10 arising under this Act. Any amounts remaining in the Fund
11 after all additional expenses have been paid shall be used
12 by the Office to reduce the participating county
13 contributions to the Office on a pro-rated basis as
14 determined by the board of governors of the Office of the
15 State's Attorneys Appellate Prosecutor based on the
16 populations of the participating counties.

17 (3) An amount equal to 25% shall be paid into the Drug
18 Traffic Prevention Fund in the State treasury to be used
19 by the Illinois ~~Department of~~ State Police for funding
20 Metropolitan Enforcement Groups created pursuant to the
21 Intergovernmental Drug Laws Enforcement Act. Any amounts
22 remaining in the Fund after full funding of Metropolitan
23 Enforcement Groups shall be used for enforcement, by the
24 State or any unit of local government, of laws governing
25 narcotics activity or for public education in the
26 community or schools in the prevention or detection of the

1 abuse of drugs or alcohol.

2 (h) Where the investigation or indictment for the offense
3 of narcotics racketeering or a violation of Section 3 of the
4 Drug Paraphernalia Control Act has occurred under the
5 provisions of the Statewide Grand Jury Act, all monies and the
6 sale proceeds of all other property shall be distributed as
7 follows:

8 (1) 60% shall be distributed to the metropolitan
9 enforcement group, local, municipal, county, or State law
10 enforcement agency or agencies which conducted or
11 participated in the investigation resulting in the
12 forfeiture. The distribution shall bear a reasonable
13 relationship to the degree of direct participation of the
14 law enforcement agency in the effort resulting in the
15 forfeiture, taking into account the total value of the
16 property forfeited and the total law enforcement effort
17 with respect to the violation of the law on which the
18 forfeiture is based. Amounts distributed to the agency or
19 agencies shall be used for the enforcement of laws
20 governing cannabis and controlled substances or for public
21 education in the community or schools in the prevention or
22 detection of the abuse of drugs or alcohol.

23 (2) 25% shall be distributed by the Attorney General
24 as grants to drug education, treatment and prevention
25 programs licensed or approved by the Department of Human
26 Services. In making these grants, the Attorney General

1 shall take into account the plans and service priorities
2 of, and the needs identified by, the Department of Human
3 Services.

4 (3) 15% shall be distributed to the Attorney General
5 and the State's Attorney, if any, participating in the
6 prosecution resulting in the forfeiture. The distribution
7 shall bear a reasonable relationship to the degree of
8 direct participation in the prosecution of the offense,
9 taking into account the total value of the property
10 forfeited and the total amount of time spent in preparing
11 and presenting the case, the complexity of the case and
12 other similar factors. Amounts distributed to the Attorney
13 General under this paragraph shall be retained in a fund
14 held by the State Treasurer as ex-officio custodian to be
15 designated as the Statewide Grand Jury Prosecution Fund
16 and paid out upon the direction of the Attorney General
17 for expenses incurred in criminal prosecutions arising
18 under the Statewide Grand Jury Act. Amounts distributed to
19 a State's Attorney shall be deposited in a special fund in
20 the county treasury and appropriated to the State's
21 Attorney for use in the enforcement of laws governing
22 narcotics activity or for public education in the
23 community or schools in the prevention or detection of the
24 abuse of drugs or alcohol.

25 (i) All monies deposited pursuant to this Act in the Drug
26 Traffic Prevention Fund established under Section 5-9-1.2 of

1 the Unified Code of Corrections are appropriated, on a
2 continuing basis, to the Illinois ~~Department of~~ State Police
3 to be used for funding Metropolitan Enforcement Groups created
4 pursuant to the Intergovernmental Drug Laws Enforcement Act or
5 otherwise for the enforcement of laws governing narcotics
6 activity or for public education in the community or schools
7 in the prevention or detection of the abuse of drugs or
8 alcohol.

9 (Source: P.A. 99-686, eff. 7-29-16.)

10 (725 ILCS 175/5.2) (from Ch. 56 1/2, par. 1655.2)

11 Sec. 5.2. (a) Twelve and one-half percent of all amounts
12 collected as fines pursuant to the provisions of this Act
13 shall be paid into the Youth Drug Abuse Prevention Fund, which
14 is 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
24 units of local government which conducted the seizure and
25 shall 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
5 and cannabis. The proceeds of fines awarded to the State
6 treasury shall be deposited in a special fund known as the Drug
7 Traffic Prevention Fund. Monies from this fund may be used by
8 the Illinois ~~Department of~~ State Police for use in the
9 enforcement of laws regulating controlled substances and
10 cannabis; to satisfy funding provisions of the
11 Intergovernmental Drug Laws Enforcement Act; to defray costs
12 and expenses associated with returning violators of the
13 Cannabis Control Act and the Illinois Controlled Substances
14 Act only, as provided in those Acts, when punishment of the
15 crime shall be confinement of the criminal in the
16 penitentiary; and all other monies shall be paid into the
17 general revenue fund in the State treasury.

18 (Source: P.A. 89-507, eff. 7-1-97.)

19 Section 1035. The Sexual Assault Evidence Submission Act
20 is amended by changing Sections 5, 10, 15, 20, 25, 35, 42, 45,
21 and 50 as follows:

22 (725 ILCS 202/5)

23 Sec. 5. Definitions. In this Act:

24 "Commission" means the Sexual Assault Evidence Tracking

1 and Reporting Commission.

2 ~~"Department" means the Department of State Police or~~
3 ~~Illinois State Police.~~

4 "Law enforcement agencies" means local, county, State or
5 federal law enforcement agencies involved in the investigation
6 of sexual assault cases in Illinois.

7 "Sexual assault evidence" means evidence collected in
8 connection with a sexual assault investigation, including, but
9 not limited to, evidence collected using the Illinois State
10 Police Evidence Collection Kits.

11 (Source: P.A. 100-336, eff. 8-25-17.)

12 (725 ILCS 202/10)

13 Sec. 10. Submission of evidence. Law enforcement agencies
14 that receive sexual assault evidence that the victim of a
15 sexual assault or sexual abuse or a person authorized under
16 Section 6.5 of the Sexual Assault Survivors Emergency
17 Treatment Act has consented to allow law enforcement to test
18 in connection with the investigation of a criminal case on or
19 after the effective date of this Act must submit evidence from
20 the case within 10 business days of receipt of the consent to
21 test to an Illinois ~~a Department of~~ State Police forensic
22 laboratory or a laboratory approved and designated by the
23 Director of the Illinois State Police. The written report
24 required under Section 20 of the Sexual Assault Incident
25 Procedure Act shall include the date and time the sexual

1 assault evidence was picked up from the hospital, the date
2 consent to test the sexual assault evidence was given, and the
3 date and time the sexual assault evidence was sent to the
4 laboratory. Sexual assault evidence received by a law
5 enforcement agency within 30 days prior to the effective date
6 of this Act shall be submitted pursuant to this Section.

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

8 (725 ILCS 202/15)

9 Sec. 15. Analysis of evidence; notification.

10 (a) All sexual assault evidence submitted pursuant to
11 Section 10 of this Act on or after the effective date of this
12 Act shall be analyzed within 6 months after receipt of all
13 necessary evidence and standards by the Illinois State Police
14 Laboratory or other designated laboratory if sufficient
15 staffing and resources are available.

16 (b) If a consistent DNA profile has been identified by
17 comparing the submitted sexual assault evidence with a known
18 standard from a suspect or with DNA profiles in the CODIS
19 database, the Illinois State Police ~~Department~~ shall notify
20 the investigating law enforcement agency of the results in
21 writing, and the Illinois State Police ~~Department~~ shall
22 provide an automatic courtesy copy of the written notification
23 to the appropriate State's Attorney's Office for tracking and
24 further action, as necessary.

25 (Source: P.A. 99-617, eff. 7-22-16.)

1 (725 ILCS 202/20)

2 Sec. 20. Inventory of evidence.

3 (a) By October 15, 2010, each Illinois law enforcement
4 agency shall provide written notice to the Illinois Department
5 ~~of State Police~~, in a form and manner prescribed by the
6 Illinois State Police Department, stating the number of sexual
7 assault cases in the custody of the law enforcement agency
8 that have not been previously submitted to a laboratory for
9 analysis. Within 180 days after the effective date of this
10 Act, appropriate arrangements shall be made between the law
11 enforcement agency and the Illinois Department ~~of State~~
12 ~~Police~~, or a laboratory approved and designated by the
13 Director of the Illinois State Police, to ensure that all
14 cases that were collected prior to the effective date of this
15 Act and are, or were at the time of collection, the subject of
16 a criminal investigation, are submitted to the Illinois
17 ~~Department~~ ~~of State Police~~, or a laboratory approved and
18 designated by the Director of the Illinois State Police.

19 (b) By February 15, 2011, the Illinois Department ~~of State~~
20 ~~Police~~ shall submit to the Governor, the Attorney General, and
21 both houses of the General Assembly a plan for analyzing cases
22 submitted pursuant to this Section. The plan shall include but
23 not be limited to a timeline for completion of analysis and a
24 summary of the inventory received, as well as requests for
25 funding and resources necessary to meet the established

1 timeline. Should the Illinois State Police ~~Department~~
2 determine it is necessary to outsource the forensic testing of
3 the cases submitted in accordance with this Section, all such
4 cases will be exempt from the provisions of subsection (n) of
5 Section 5-4-3 of the Unified Code of Corrections.

6 (c) Beginning June 1, 2016 or on and after the effective
7 date of this amendatory Act of the 99th General Assembly,
8 whichever is later, each law enforcement agency must conduct
9 an annual inventory of all sexual assault cases in the custody
10 of the law enforcement agency and provide written notice of
11 its annual findings to the State's Attorney's Office having
12 jurisdiction to ensure sexual assault cases are being
13 submitted as provided by law.

14 (Source: P.A. 99-617, eff. 7-22-16.)

15 (725 ILCS 202/25)

16 Sec. 25. Failure of a law enforcement agency to submit the
17 sexual assault evidence. The failure of a law enforcement
18 agency to submit the sexual assault evidence collected on or
19 after the effective date of this Act within 10 business days
20 after receipt shall in no way alter the authority of the law
21 enforcement agency to submit the evidence or the authority of
22 the Illinois ~~Department of~~ State Police forensic laboratory or
23 designated laboratory to accept and analyze the evidence or
24 specimen or to maintain or upload the results of genetic
25 marker grouping analysis information into a local, State, or

1 national database in accordance with established protocol.

2 (Source: P.A. 96-1011, eff. 9-1-10.)

3 (725 ILCS 202/35)

4 Sec. 35. Expungement. If the Illinois State Police
5 ~~Department~~ receives written confirmation from the
6 investigating law enforcement agency or State's Attorney's
7 office that a DNA record that has been uploaded pursuant to
8 this Act into a local, State or national DNA database was not
9 connected to a criminal investigation, the DNA record shall be
10 expunged from the DNA database and the Illinois State Police
11 ~~Department~~ shall, by rule, prescribe procedures to ensure that
12 written confirmation is sent to the submitting law enforcement
13 agency verifying the expungement.

14 (Source: P.A. 96-1011, eff. 9-1-10.)

15 (725 ILCS 202/42)

16 Sec. 42. Reporting. Beginning January 1, 2017 and each
17 year thereafter, the Illinois State Police ~~Department~~ shall
18 publish a quarterly report on its website, indicating a
19 breakdown of the number of sexual assault case submissions
20 from every law enforcement agency.

21 (Source: P.A. 99-617, eff. 7-22-16.)

22 (725 ILCS 202/45)

23 Sec. 45. Rules. The Illinois ~~Department of~~ State Police

1 shall promulgate rules that prescribe the procedures for the
2 operation of this Act, including expunging a DNA record.

3 (Source: P.A. 96-1011, eff. 9-1-10.)

4 (725 ILCS 202/50)

5 Sec. 50. Sexual assault evidence tracking system.

6 (a) On June 26, 2018, the Sexual Assault Evidence Tracking
7 and Reporting Commission issued its report as required under
8 Section 43. It is the intention of the General Assembly in
9 enacting the provisions of this amendatory Act of the 101st
10 General Assembly to implement the recommendations of the
11 Sexual Assault Evidence Tracking and Reporting Commission set
12 forth in that report in a manner that utilizes the current
13 resources of law enforcement agencies whenever possible and
14 that is adaptable to changing technologies and circumstances.

15 (a-1) Due to the complex nature of a statewide tracking
16 system for sexual assault evidence and to ensure all
17 stakeholders, including, but not limited to, victims and their
18 designees, health care facilities, law enforcement agencies,
19 forensic labs, and State's Attorneys offices are integrated,
20 the Commission recommended the purchase of an electronic
21 off-the-shelf tracking system. The system must be able to
22 communicate with all stakeholders and provide real-time
23 information to a victim or his or her designee on the status of
24 the evidence that was collected. The sexual assault evidence
25 tracking system must:

- 1 (1) be electronic and web-based;
- 2 (2) be administered by the Illinois ~~Department of~~
3 State Police;
- 4 (3) have help desk availability at all times;
- 5 (4) ensure the law enforcement agency contact
6 information is accessible to the victim or his or her
7 designee through the tracking system, so there is contact
8 information for questions;
- 9 (5) have the option for external connectivity to
10 evidence management systems, laboratory information
11 management systems, or other electronic data systems
12 already in existence by any of the stakeholders to
13 minimize additional burdens or tasks on stakeholders;
- 14 (6) allow for the victim to opt in for automatic
15 notifications when status updates are entered in the
16 system, if the system allows;
- 17 (7) include at each step in the process, a brief
18 explanation of the general purpose of that step and a
19 general indication of how long the step may take to
20 complete;
- 21 (8) contain minimum fields for tracking and reporting,
22 as follows:
 - 23 (A) for sexual assault evidence kit vendor fields:
 - 24 (i) each sexual evidence kit identification
25 number provided to each health care facility; and
 - 26 (ii) the date the sexual evidence kit was sent

1 to the health care facility.

2 (B) for health care facility fields:

3 (i) the date sexual assault evidence was
4 collected; and

5 (ii) the date notification was made to the law
6 enforcement agency that the sexual assault
7 evidence was collected.

8 (C) for law enforcement agency fields:

9 (i) the date the law enforcement agency took
10 possession of the sexual assault evidence from the
11 health care facility, another law enforcement
12 agency, or victim if he or she did not go through a
13 health care facility;

14 (ii) the law enforcement agency complaint
15 number;

16 (iii) if the law enforcement agency that takes
17 possession of the sexual assault evidence from a
18 health care facility is not the law enforcement
19 agency with jurisdiction in which the offense
20 occurred, the date when the law enforcement agency
21 notified the law enforcement agency having
22 jurisdiction that the agency has sexual assault
23 evidence required under subsection (c) of Section
24 20 of the Sexual Assault Incident Procedure Act;

25 (iv) an indication if the victim consented for
26 analysis of the sexual assault evidence;

1 (v) if the victim did not consent for analysis
2 of the sexual assault evidence, the date on which
3 the law enforcement agency is no longer required
4 to store the sexual assault evidence;

5 (vi) a mechanism for the law enforcement
6 agency to document why the sexual assault evidence
7 was not submitted to the laboratory for analysis,
8 if applicable;

9 (vii) the date the law enforcement agency
10 received the sexual assault evidence results back
11 from the laboratory;

12 (viii) the date statutory notifications were
13 made to the victim or documentation of why
14 notification was not made; and

15 (ix) the date the law enforcement agency
16 turned over the case information to the State's
17 Attorney office, if applicable.

18 (D) for forensic lab fields:

19 (i) the date the sexual assault evidence is
20 received from the law enforcement agency by the
21 forensic lab for analysis;

22 (ii) the laboratory case number, visible to
23 the law enforcement agency and State's Attorney
24 office; and

25 (iii) the date the laboratory completes the
26 analysis of the sexual assault evidence.

1 (E) for State's Attorney office fields:

2 (i) the date the State's Attorney office
3 received the sexual assault evidence results from
4 the laboratory, if applicable; and

5 (ii) the disposition or status of the case.

6 (a-2) The Commission also developed guidelines for secure
7 electronic access to a tracking system for a victim, or his or
8 her designee to access information on the status of the
9 evidence collected. The Commission recommended minimum
10 guidelines in order to safeguard confidentiality of the
11 information contained within this statewide tracking system.
12 These recommendations are that the sexual assault evidence
13 tracking system must:

14 (1) allow for secure access, controlled by an
15 administering body who can restrict user access and allow
16 different permissions based on the need of that particular
17 user and health care facility users may include
18 out-of-state border hospitals, if authorized by the
19 Illinois ~~Department of~~ State Police to obtain this State's
20 kits from vendor;

21 (2) provide for users, other than victims, the ability
22 to provide for any individual who is granted access to the
23 program their own unique user ID and password;

24 (3) provide for a mechanism for a victim to enter the
25 system and only access his or her own information;

26 (4) enable a sexual assault evidence to be tracked and

1 identified through the unique sexual assault evidence kit
2 identification number or barcode that the vendor applies
3 to each sexual assault evidence kit per the Illinois
4 ~~Department of State Police's~~ contract;

5 (5) have a mechanism to inventory unused kits provided
6 to a health care facility from the vendor;

7 (6) provide users the option to either scan the bar
8 code or manually enter the sexual assault evidence kit
9 number into the tracking program;

10 (7) provide a mechanism to create a separate unique
11 identification number for cases in which a sexual evidence
12 kit was not collected, but other evidence was collected;

13 (8) provide the ability to record date, time, and user
14 ID whenever any user accesses the system;

15 (9) provide for real-time entry and update of data;

16 (10) contain report functions including:

17 (A) health care facility compliance with
18 applicable laws;

19 (B) law enforcement agency compliance with
20 applicable laws;

21 (C) law enforcement agency annual inventory of
22 cases to each State's Attorney office; and

23 (D) forensic lab compliance with applicable laws;

24 and

25 (11) provide automatic notifications to the law
26 enforcement agency when:

1 (A) a health care facility has collected sexual
2 assault evidence;

3 (B) unreleased sexual assault evidence that is
4 being stored by the law enforcement agency has met the
5 minimum storage requirement by law; and

6 (C) timelines as required by law are not met for a
7 particular case, if not otherwise documented.

8 (b) The Illinois State Police ~~Department~~ shall develop
9 rules to implement a sexual assault evidence tracking system
10 that conforms with subsections (a-1) and (a-2) of this
11 Section. The Illinois State Police ~~Department~~ shall design the
12 criteria for the sexual assault evidence tracking system so
13 that, to the extent reasonably possible, the system can use
14 existing technologies and products, including, but not limited
15 to, currently available tracking systems. The sexual assault
16 evidence tracking system shall be operational and shall begin
17 tracking and reporting sexual assault evidence no later than
18 one year after the effective date of this amendatory Act of the
19 101st General Assembly. The Illinois State Police ~~Department~~
20 may adopt additional rules as it deems necessary to ensure
21 that the sexual assault evidence tracking system continues to
22 be a useful tool for law enforcement.

23 (c) A treatment hospital, a treatment hospital with
24 approved pediatric transfer, an out-of-state hospital approved
25 by the Department of Public Health to receive transfers of
26 Illinois sexual assault survivors, or an approved pediatric

1 health care facility defined in Section 1a of the Sexual
2 Assault Survivors Emergency Treatment Act shall participate in
3 the sexual assault evidence tracking system created under this
4 Section and in accordance with rules adopted under subsection
5 (b), including, but not limited to, the collection of sexual
6 assault evidence and providing information regarding that
7 evidence, including, but not limited to, providing notice to
8 law enforcement that the evidence has been collected.

9 (d) The operations of the sexual assault evidence tracking
10 system shall be funded by moneys appropriated for that purpose
11 from the State Crime Laboratory Fund and funds provided to the
12 Illinois State Police Department through asset forfeiture,
13 together with such other funds as the General Assembly may
14 appropriate.

15 (e) To ensure that the sexual assault evidence tracking
16 system is operational, the Illinois State Police Department
17 may adopt emergency rules to implement the provisions of this
18 Section under subsection (ff) of Section 5-45 of the Illinois
19 Administrative Procedure Act.

20 (f) Information, including, but not limited to, evidence
21 and records in the sexual assault evidence tracking system is
22 exempt from disclosure under the Freedom of Information Act.

23 (Source: P.A. 101-377, eff. 8-16-19.)

24 Section 1045. The Sexual Assault Incident Procedure Act is
25 amended by changing Sections 15, 20, and 35 as follows:

1 (725 ILCS 203/15)

2 Sec. 15. Sexual assault incident policies.

3 (a) On or before January 1, 2018, every law enforcement
4 agency shall develop, adopt, and implement written policies
5 regarding procedures for incidents of sexual assault or sexual
6 abuse consistent with the guidelines developed under
7 subsection (b) of this Section. In developing these policies,
8 each law enforcement agency is encouraged to consult with
9 other law enforcement agencies, sexual assault advocates, and
10 sexual assault nurse examiners with expertise in recognizing
11 and handling sexual assault and sexual abuse incidents. These
12 policies must include mandatory sexual assault and sexual
13 abuse response training as required in Section 10.21 of the
14 Illinois Police Training Act and Sections 2605-51 and 2605-53
15 ~~and 2605-98~~ of the Illinois ~~Department of~~ State Police Law of
16 the Civil Administrative Code of Illinois.

17 (a-5) On or before January 1, 2021, every law enforcement
18 agency shall revise and implement its written policies
19 regarding procedures for incidents of sexual assault or sexual
20 abuse consistent with the guideline revisions developed under
21 subsection (b-5) of this Section.

22 (b) On or before July 1, 2017, the Office of the Attorney
23 General, in consultation with the Illinois Law Enforcement
24 Training Standards Board and the Illinois ~~Department of~~ State
25 Police, shall develop and make available to each law

1 enforcement agency, comprehensive guidelines for creation of a
2 law enforcement agency policy on evidence-based,
3 trauma-informed, victim-centered sexual assault and sexual
4 abuse response and investigation.

5 These guidelines shall include, but not be limited to the
6 following:

- 7 (1) dispatcher or call taker response;
- 8 (2) responding officer duties;
- 9 (3) duties of officers investigating sexual assaults
10 and sexual abuse;
- 11 (4) supervisor duties;
- 12 (5) report writing;
- 13 (6) reporting methods;
- 14 (7) victim interviews;
- 15 (8) evidence collection;
- 16 (9) sexual assault medical forensic examinations;
- 17 (10) suspect interviews;
- 18 (11) suspect forensic exams;
- 19 (12) witness interviews;
- 20 (13) sexual assault response and resource teams, if
21 applicable;
- 22 (14) working with victim advocates;
- 23 (15) working with prosecutors;
- 24 (16) victims' rights;
- 25 (17) victim notification; and
- 26 (18) consideration for specific populations or

1 communities.

2 (b-5) On or before January 1, 2020, the Office of the
3 Attorney General, in consultation with the Illinois Law
4 Enforcement Training Standards Board and the Illinois
5 ~~Department of~~ State Police, shall revise the comprehensive
6 guidelines developed under subsection (b) to include
7 responding to victims who are under 13 years of age at the time
8 the sexual assault or sexual abuse occurred.

9 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;
10 100-910, eff. 1-1-19.)

11 (725 ILCS 203/20)

12 Sec. 20. Reports by law enforcement officers.

13 (a) A law enforcement officer shall complete a written
14 police report upon receiving the following, regardless of
15 where the incident occurred:

16 (1) an allegation by a person that the person has been
17 sexually assaulted or sexually abused regardless of
18 jurisdiction;

19 (2) information from hospital or medical personnel
20 provided under Section 3.2 of the Criminal Identification
21 Act; or

22 (3) information from a witness who personally observed
23 what appeared to be a sexual assault or sexual abuse or
24 attempted sexual assault or sexual abuse.

25 (b) The written report shall include the following, if

1 known:

2 (1) the victim's name or other identifier;

3 (2) the victim's contact information;

4 (3) time, date, and location of offense;

5 (4) information provided by the victim;

6 (5) the suspect's description and name, if known;

7 (6) names of persons with information relevant to the
8 time before, during, or after the sexual assault or sexual
9 abuse, and their contact information;

10 (7) names of medical professionals who provided a
11 medical forensic examination of the victim and any
12 information they provided about the sexual assault or
13 sexual abuse;

14 (8) whether an Illinois State Police Sexual Assault
15 Evidence Collection Kit was completed, the name and
16 contact information for the hospital, and whether the
17 victim consented to testing of the Evidence Collection Kit
18 by law enforcement;

19 (9) whether a urine or blood sample was collected and
20 whether the victim consented to testing of a toxicology
21 screen by law enforcement;

22 (10) information the victim related to medical
23 professionals during a medical forensic examination which
24 the victim consented to disclosure to law enforcement; and

25 (11) other relevant information.

26 (c) If the sexual assault or sexual abuse occurred in

1 another jurisdiction, the law enforcement officer taking the
2 report must submit the report to the law enforcement agency
3 having jurisdiction in person or via fax or email within 24
4 hours of receiving information about the sexual assault or
5 sexual abuse.

6 (d) Within 24 hours of receiving a report from a law
7 enforcement agency in another jurisdiction in accordance with
8 subsection (c), the law enforcement agency having jurisdiction
9 shall submit a written confirmation to the law enforcement
10 agency that wrote the report. The written confirmation shall
11 contain the name and identifier of the person and confirming
12 receipt of the report and a name and contact phone number that
13 will be given to the victim. The written confirmation shall be
14 delivered in person or via fax or email.

15 (e) No law enforcement officer shall require a victim of
16 sexual assault or sexual abuse to submit to an interview.

17 (f) No law enforcement agency may refuse to complete a
18 written report as required by this Section on any ground.

19 (g) All law enforcement agencies shall ensure that all
20 officers responding to or investigating a complaint of sexual
21 assault or sexual abuse have successfully completed training
22 under Section 10.21 of the Illinois Police Training Act and
23 Section 2605-51 ~~2605-98~~ of the Illinois Department of State ~~Department of~~ State
24 Police Law of the Civil Administrative Code of Illinois.

25 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17.)

1 (725 ILCS 203/35)

2 Sec. 35. Release of information.

3 (a) Upon the request of the victim who has consented to the
4 release of sexual assault evidence for testing, the law
5 enforcement agency having jurisdiction shall provide the
6 following information in writing:

7 (1) the date the sexual assault evidence was sent to
8 an Illinois ~~a Department of~~ State Police forensic
9 laboratory or designated laboratory;

10 (2) test results provided to the law enforcement
11 agency by an Illinois ~~a Department of~~ State Police
12 forensic laboratory or designated laboratory, including,
13 but not limited to:

14 (A) whether a DNA profile was obtained from the
15 testing of the sexual assault evidence from the
16 victim's case;

17 (B) whether the DNA profile developed from the
18 sexual assault evidence has been searched against the
19 DNA Index System or any state or federal DNA database;

20 (C) whether an association was made to an
21 individual whose DNA profile is consistent with the
22 sexual assault evidence DNA profile, provided that
23 disclosure would not impede or compromise an ongoing
24 investigation; and

25 (D) whether any drugs were detected in a urine or
26 blood sample analyzed for drug facilitated sexual

1 assault and information about any drugs detected.

2 (b) The information listed in paragraph (1) of subsection
3 (a) of this Section shall be provided to the victim within 7
4 days of the transfer of the evidence to the laboratory. The
5 information listed in paragraph (2) of subsection (a) of this
6 Section shall be provided to the victim within 7 days of the
7 receipt of the information by the law enforcement agency
8 having jurisdiction.

9 (c) At the time the sexual assault evidence is released
10 for testing, the victim shall be provided written information
11 by the law enforcement agency having jurisdiction or the
12 hospital providing emergency services and forensic services to
13 the victim informing him or her of the right to request
14 information under subsection (a) of this Section. A victim may
15 designate another person or agency to receive this
16 information.

17 (d) The victim or the victim's designee shall keep the law
18 enforcement agency having jurisdiction informed of the name,
19 address, telephone number, and email address of the person to
20 whom the information should be provided, and any changes of
21 the name, address, telephone number, and email address, if an
22 email address is available.

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

24 Section 1050. The Sexually Violent Persons Commitment Act
25 is amended by changing Section 45 as follows:

1 (725 ILCS 207/45)

2 Sec. 45. Deoxyribonucleic acid analysis requirements.

3 (a) (1) If a person is found to be a sexually violent person
4 under this Act, the court shall require the person to provide a
5 biological specimen for deoxyribonucleic acid analysis in
6 accordance with Section 5-4-3 of the Unified Code of
7 Corrections.

8 (2) The results from deoxyribonucleic acid analysis of a
9 specimen under paragraph (a) (1) of this Section may be used
10 only as authorized by Section 5-4-3 of the Unified Code of
11 Corrections.

12 (b) The rules adopted by the Illinois ~~Department of~~ State
13 Police under Section 5-4-3 of the Unified Code of Corrections
14 are the procedures that must be followed for persons to
15 provide specimens under paragraph (a) (1) of this Section.

16 (Source: P.A. 90-40, eff. 1-1-98; 91-227, eff. 1-1-00.)

17 Section 1055. The Unified Code of Corrections is amended
18 by changing Sections 3-2-2, 3-2.7-25, 3-3-2, 3-14-1, 3-14-1.5,
19 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,
20 5-9-1.2, 5-9-1.4, and 5-9-1.9 as follows:

21 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

22 Sec. 3-2-2. Powers and duties of the Department.

23 (1) In addition to the powers, duties, and

1 responsibilities which are otherwise provided by law, the
2 Department shall have the following powers:

3 (a) To accept persons committed to it by the courts of
4 this State for care, custody, treatment and
5 rehabilitation, and to accept federal prisoners and aliens
6 over whom the Office of the Federal Detention Trustee is
7 authorized to exercise the federal detention function for
8 limited purposes and periods of time.

9 (b) To develop and maintain reception and evaluation
10 units for purposes of analyzing the custody and
11 rehabilitation needs of persons committed to it and to
12 assign such persons to institutions and programs under its
13 control or transfer them to other appropriate agencies. In
14 consultation with the Department of Alcoholism and
15 Substance Abuse (now the Department of Human Services),
16 the Department of Corrections shall develop a master plan
17 for the screening and evaluation of persons committed to
18 its custody who have alcohol or drug abuse problems, and
19 for making appropriate treatment available to such
20 persons; the Department shall report to the General
21 Assembly on such plan not later than April 1, 1987. The
22 maintenance and implementation of such plan shall be
23 contingent upon the availability of funds.

24 (b-1) To create and implement, on January 1, 2002, a
25 pilot program to establish the effectiveness of
26 pupillometer technology (the measurement of the pupil's

1 reaction to light) as an alternative to a urine test for
2 purposes of screening and evaluating persons committed to
3 its custody who have alcohol or drug problems. The pilot
4 program shall require the pupillometer technology to be
5 used in at least one Department of Corrections facility.
6 The Director may expand the pilot program to include an
7 additional facility or facilities as he or she deems
8 appropriate. A minimum of 4,000 tests shall be included in
9 the pilot program. The Department must report to the
10 General Assembly on the effectiveness of the program by
11 January 1, 2003.

12 (b-5) To develop, in consultation with the Illinois
13 ~~Department of~~ State Police, a program for tracking and
14 evaluating each inmate from commitment through release for
15 recording his or her gang affiliations, activities, or
16 ranks.

17 (c) To maintain and administer all State correctional
18 institutions and facilities under its control and to
19 establish new ones as needed. Pursuant to its power to
20 establish new institutions and facilities, the Department
21 may, with the written approval of the Governor, authorize
22 the Department of Central Management Services to enter
23 into an agreement of the type described in subsection (d)
24 of Section 405-300 of the Department of Central Management
25 Services Law ~~(20 ILCS 405/405-300)~~. The Department shall
26 designate those institutions which shall constitute the

1 State Penitentiary System.

2 Pursuant to its power to establish new institutions
3 and facilities, the Department may authorize the
4 Department of Central Management Services to accept bids
5 from counties and municipalities for the construction,
6 remodeling or conversion of a structure to be leased to
7 the Department of Corrections for the purposes of its
8 serving as a correctional institution or facility. Such
9 construction, remodeling or conversion may be financed
10 with revenue bonds issued pursuant to the Industrial
11 Building Revenue Bond Act by the municipality or county.
12 The lease specified in a bid shall be for a term of not
13 less than the time needed to retire any revenue bonds used
14 to finance the project, but not to exceed 40 years. The
15 lease may grant to the State the option to purchase the
16 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
20 to 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
26 the 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
7 shall be selected by the Director of Corrections on
8 whatever basis he deems proper in consideration of their
9 term, behavior and earned eligibility to participate in
10 such program - where they will be outside of the prison
11 facility but still in the custody of the Department of
12 Corrections. Prisoners convicted of first degree murder,
13 or a Class X felony, or armed violence, or aggravated
14 kidnapping, or criminal sexual assault, aggravated
15 criminal sexual abuse or a subsequent conviction for
16 criminal sexual abuse, or forcible detention, or arson, or
17 a prisoner adjudged a Habitual Criminal shall not be
18 eligible for selection to participate in such program. The
19 prisoners shall remain as prisoners in the custody of the
20 Department of Corrections and such Department shall
21 furnish whatever security is necessary. The Department of
22 Transportation shall furnish trucks and equipment for the
23 highway cleanup program and personnel to supervise and
24 direct the program. Neither the Department of Corrections
25 nor the Department of Transportation shall replace any
26 regular employee with a 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
6 alleged misconduct by employees or committed persons; and
7 for these purposes it may issue subpoenas and compel the
8 attendance of witnesses and the production of writings and
9 papers, and may examine under oath any witnesses who may
10 appear before it; to also investigate alleged violations
11 of a parolee's or releasee's conditions of parole or
12 release; and for this purpose it may issue subpoenas and
13 compel the attendance of witnesses and the production of
14 documents only if there is reason to believe that such
15 procedures would provide evidence that such violations
16 have occurred.

17 If any person fails to obey a subpoena issued under
18 this subsection, the Director may apply to any circuit
19 court to secure compliance with the subpoena. The failure
20 to comply with the order of the court issued in response
21 thereto shall be punishable as contempt of court.

22 (i) To appoint and remove the chief administrative
23 officers, and administer programs of training and
24 development of personnel of the Department. Personnel
25 assigned by the Department to be responsible for the
26 custody and control of committed persons or to investigate

1 the alleged misconduct of committed persons or employees
2 or alleged violations of a parolee's or releasee's
3 conditions of parole shall be conservators of the peace
4 for those purposes, and shall have the full power of peace
5 officers outside of the facilities of the Department in
6 the protection, arrest, retaking and reconfining of
7 committed persons or where the exercise of such power is
8 necessary to the investigation of such misconduct or
9 violations. This subsection shall not apply to persons
10 committed to the Department of Juvenile Justice under the
11 Juvenile Court Act of 1987 on aftercare release.

12 (j) To cooperate with other departments and agencies
13 and with local communities for the development of
14 standards and programs for better correctional services in
15 this State.

16 (k) To administer all moneys and properties of the
17 Department.

18 (l) To report annually to the Governor on the
19 committed persons, institutions and programs of the
20 Department.

21 (l-5) (Blank).

22 (m) To make all rules and regulations and exercise all
23 powers and duties vested by law in the Department.

24 (n) To establish rules and regulations for
25 administering a system of sentence credits, established in
26 accordance with Section 3-6-3, subject to review by the

1 Prisoner Review Board.

2 (o) To administer the distribution of funds from the
3 State Treasury to reimburse counties where State penal
4 institutions are located for the payment of assistant
5 state's attorneys' salaries under Section 4-2001 of the
6 Counties Code.

7 (p) To exchange information with the Department of
8 Human Services and the Department of Healthcare and Family
9 Services for the purpose of verifying living arrangements
10 and for other purposes directly connected with the
11 administration of this Code and the Illinois Public Aid
12 Code.

13 (q) To establish a diversion program.

14 The program shall provide a structured environment for
15 selected technical parole or mandatory supervised release
16 violators and committed persons who have violated the
17 rules governing their conduct while in work release. This
18 program shall not apply to those persons who have
19 committed a new offense while serving on parole or
20 mandatory supervised release or while committed to work
21 release.

22 Elements of the program shall include, but shall not
23 be limited to, the following:

24 (1) The staff of a diversion facility shall
25 provide supervision in accordance with required
26 objectives set by the facility.

1 (2) Participants shall be required to maintain
2 employment.

3 (3) Each participant shall pay for room and board
4 at the facility on a sliding-scale basis according to
5 the participant's income.

6 (4) Each participant shall:

7 (A) provide restitution to victims in
8 accordance with any court order;

9 (B) provide financial support to his
10 dependents; and

11 (C) make appropriate payments toward any other
12 court-ordered obligations.

13 (5) Each participant shall complete community
14 service in addition to employment.

15 (6) Participants shall take part in such
16 counseling, educational and other programs as the
17 Department may deem appropriate.

18 (7) Participants shall submit to drug and alcohol
19 screening.

20 (8) The Department shall promulgate rules
21 governing the administration of the program.

22 (r) To enter into intergovernmental cooperation
23 agreements under which persons in the custody of the
24 Department may participate in a county impact
25 incarceration program established under Section 3-6038 or
26 3-15003.5 of the Counties Code.

1 (r-5) (Blank).

2 (r-10) To systematically and routinely identify with
3 respect to each streetgang active within the correctional
4 system: (1) each active gang; (2) every existing
5 inter-gang affiliation or alliance; and (3) the current
6 leaders in each gang. The Department shall promptly
7 segregate leaders from inmates who belong to their gangs
8 and allied gangs. "Segregate" means no physical contact
9 and, to the extent possible under the conditions and space
10 available at the correctional facility, prohibition of
11 visual and sound communication. For the purposes of this
12 paragraph (r-10), "leaders" means persons who:

13 (i) are members of a criminal streetgang;

14 (ii) with respect to other individuals within the
15 streetgang, occupy a position of organizer,
16 supervisor, or other position of management or
17 leadership; and

18 (iii) are actively and personally engaged in
19 directing, ordering, authorizing, or requesting
20 commission of criminal acts by others, which are
21 punishable as a felony, in furtherance of streetgang
22 related activity both within and outside of the
23 Department of Corrections.

24 "Streetgang", "gang", and "streetgang related" have the
25 meanings ascribed to them in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (s) To operate a super-maximum security institution,
2 in order to manage and supervise inmates who are
3 disruptive or dangerous and provide for the safety and
4 security of the staff and the other inmates.

5 (t) To monitor any unprivileged conversation or any
6 unprivileged communication, whether in person or by mail,
7 telephone, or other means, between an inmate who, before
8 commitment to the Department, was a member of an organized
9 gang and any other person without the need to show cause or
10 satisfy any other requirement of law before beginning the
11 monitoring, except as constitutionally required. The
12 monitoring may be by video, voice, or other method of
13 recording or by any other means. As used in this
14 subdivision (1)(t), "organized gang" has the meaning
15 ascribed to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 As used in this subdivision (1)(t), "unprivileged
18 conversation" or "unprivileged communication" means a
19 conversation or communication that is not protected by any
20 privilege recognized by law or by decision, rule, or order
21 of the Illinois Supreme Court.

22 (u) To establish a Women's and Children's Pre-release
23 Community Supervision Program for the purpose of providing
24 housing and services to eligible female inmates, as
25 determined by the Department, and their newborn and young
26 children.

1 (u-5) To issue an order, whenever a person committed
2 to the Department absconds or absents himself or herself,
3 without authority to do so, from any facility or program
4 to which he or she is assigned. The order shall be
5 certified by the Director, the Supervisor of the
6 Apprehension Unit, or any person duly designated by the
7 Director, with the seal of the Department affixed. The
8 order shall be directed to all sheriffs, coroners, and
9 police officers, or to any particular person named in the
10 order. Any order issued pursuant to this subdivision (1)
11 (u-5) shall be sufficient warrant for the officer or
12 person named in the order to arrest and deliver the
13 committed person to the proper correctional officials and
14 shall be executed the same as criminal process.

15 (v) To do all other acts necessary to carry out the
16 provisions of this Chapter.

17 (2) The Department of Corrections shall by January 1,
18 1998, consider building and operating a correctional facility
19 within 100 miles of a county of over 2,000,000 inhabitants,
20 especially a facility designed to house juvenile participants
21 in the impact incarceration program.

22 (3) When the Department lets bids for contracts for
23 medical services to be provided to persons committed to
24 Department facilities by a health maintenance organization,
25 medical service corporation, or other health care provider,
26 the bid may only be let to a health care provider that has

1 obtained an irrevocable letter of credit or performance bond
2 issued by a company whose bonds have an investment grade or
3 higher rating by a bond rating organization.

4 (4) When the Department lets bids for contracts for food
5 or commissary services to be provided to Department
6 facilities, the bid may only be let to a food or commissary
7 services provider that has obtained an irrevocable letter of
8 credit or performance bond issued by a company whose bonds
9 have an investment grade or higher rating by a bond rating
10 organization.

11 (5) On and after the date 6 months after August 16, 2013
12 (the effective date of Public Act 98-488), as provided in the
13 Executive Order 1 (2012) Implementation Act, all of the
14 powers, duties, rights, and responsibilities related to State
15 healthcare purchasing under this Code that were transferred
16 from the Department of Corrections to the Department of
17 Healthcare and Family Services by Executive Order 3 (2005) are
18 transferred back to the Department of Corrections; however,
19 powers, duties, rights, and responsibilities related to State
20 healthcare purchasing under this Code that were exercised by
21 the Department of Corrections before the effective date of
22 Executive Order 3 (2005) but that pertain to individuals
23 resident in facilities operated by the Department of Juvenile
24 Justice are transferred to the Department of Juvenile Justice.
25 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
26 101-235, eff. 1-1-20.)

1 (730 ILCS 5/3-2.7-25)

2 Sec. 3-2.7-25. Duties and powers.

3 (a) The Independent Juvenile Ombudsman shall function
4 independently within the Department of Juvenile Justice with
5 respect to the operations of the Office in performance of his
6 or her duties under this Article and shall report to the
7 Governor. The Ombudsman shall adopt rules and standards as may
8 be necessary or desirable to carry out his or her duties.
9 Funding for the Office shall be designated separately within
10 Department funds. The Department shall provide necessary
11 administrative services and facilities to the Office of the
12 Independent Juvenile Ombudsman.

13 (b) The Office of Independent Juvenile Ombudsman shall
14 have the following duties:

15 (1) review and monitor the implementation of the rules
16 and standards established by the Department of Juvenile
17 Justice and evaluate the delivery of services to youth to
18 ensure that the rights of youth are fully observed;

19 (2) provide assistance to a youth or family whom the
20 Ombudsman determines is in need of assistance, including
21 advocating with an agency, provider, or other person in
22 the best interests of the youth;

23 (3) investigate and attempt to resolve complaints made
24 by or on behalf of youth, other than complaints alleging
25 criminal behavior or violations of the State Officials and

1 Employees Ethics Act, if the Office determines that the
2 investigation and resolution would further the purpose of
3 the Office, and:

4 (A) a youth committed to the Department of
5 Juvenile Justice or the youth's family is in need of
6 assistance from the Office; or

7 (B) a systemic issue in the Department of Juvenile
8 Justice's provision of services is raised by a
9 complaint;

10 (4) review or inspect periodically the facilities and
11 procedures of any facility in which a youth has been
12 placed by the Department of Juvenile Justice to ensure
13 that the rights of youth are fully observed; and

14 (5) be accessible to and meet confidentially and
15 regularly with youth committed to the Department and serve
16 as a resource by informing them of pertinent laws, rules,
17 and policies, and their rights thereunder.

18 (c) The following cases shall be reported immediately to
19 the Director of Juvenile Justice and the Governor:

20 (1) cases of severe abuse or injury of a youth;

21 (2) serious misconduct, misfeasance, malfeasance, or
22 serious violations of policies and procedures concerning
23 the administration of a Department of Juvenile Justice
24 program or operation;

25 (3) serious problems concerning the delivery of
26 services in a facility operated by or under contract with

1 the Department of Juvenile Justice;

2 (4) interference by the Department of Juvenile Justice
3 with an investigation conducted by the Office; and

4 (5) other cases as deemed necessary by the Ombudsman.

5 (d) Notwithstanding any other provision of law, the
6 Ombudsman may not investigate alleged criminal behavior or
7 violations of the State Officials and Employees Ethics Act. If
8 the Ombudsman determines that a possible criminal act has been
9 committed, or that special expertise is required in the
10 investigation, he or she shall immediately notify the Illinois
11 ~~Department of~~ State Police. If the Ombudsman determines that a
12 possible violation of the State Officials and Employees Ethics
13 Act has occurred, he or she shall immediately refer the
14 incident to the Office of the Governor's Executive Inspector
15 General for investigation. If the Ombudsman receives a
16 complaint from a youth or third party regarding suspected
17 abuse or neglect of a child, the Ombudsman shall refer the
18 incident to the Child Abuse and Neglect Hotline or to the
19 Illinois State Police as mandated by the Abused and Neglected
20 Child Reporting Act. Any investigation conducted by the
21 Ombudsman shall not be duplicative and shall be separate from
22 any investigation mandated by the Abused and Neglected Child
23 Reporting Act. All investigations conducted by the Ombudsman
24 shall be conducted in a manner designed to ensure the
25 preservation of evidence for possible use in a criminal
26 prosecution.

1 (e) In performance of his or her duties, the Ombudsman
2 may:

3 (1) review court files of youth;

4 (2) recommend policies, rules, and legislation
5 designed to protect youth;

6 (3) make appropriate referrals under any of the duties
7 and powers listed in this Section;

8 (4) attend internal administrative and disciplinary
9 hearings to ensure the rights of youth are fully observed
10 and advocate for the best interest of youth when deemed
11 necessary; and

12 (5) perform other acts, otherwise permitted or
13 required by law, in furtherance of the purpose of the
14 Office.

15 (f) To assess if a youth's rights have been violated, the
16 Ombudsman may, in any matter that does not involve alleged
17 criminal behavior, contact or consult with an administrator,
18 employee, youth, parent, expert, or any other individual in
19 the course of his or her investigation or to secure
20 information as necessary to fulfill his or her duties.

21 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

22 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

23 Sec. 3-3-2. Powers and duties.

24 (a) The Parole and Pardon Board is abolished and the term
25 "Parole and Pardon Board" as used in any law of Illinois, shall

1 read "Prisoner Review Board." After February 1, 1978 (the
2 effective date of Public Act 81-1099) ~~this amendatory Act of~~
3 ~~1977~~, the Prisoner Review Board shall provide by rule for the
4 orderly transition of all files, records, and documents of the
5 Parole and Pardon Board and for such other steps as may be
6 necessary to effect an orderly transition and shall:

7 (1) hear by at least one member and through a panel of
8 at least 3 members decide, cases of prisoners who were
9 sentenced under the law in effect prior to February 1,
10 1978 (the effective date of Public Act 81-1099) ~~this~~
11 ~~amendatory Act of 1977~~, and who are eligible for parole;

12 (2) hear by at least one member and through a panel of
13 at least 3 members decide, the conditions of parole and
14 the time of discharge from parole, impose sanctions for
15 violations of parole, and revoke parole for those
16 sentenced under the law in effect prior to February 1,
17 1978 (the effective date of Public Act 81-1099) ~~this~~
18 ~~amendatory Act of 1977~~; provided that the decision to
19 parole and the conditions of parole for all prisoners who
20 were sentenced for first degree murder or who received a
21 minimum sentence of 20 years or more under the law in
22 effect prior to February 1, 1978 shall be determined by a
23 majority vote of the Prisoner Review Board. One
24 representative supporting parole and one representative
25 opposing parole will be allowed to speak. Their comments
26 shall be limited to making corrections and filling in

1 omissions to the Board's presentation and discussion;

2 (3) hear by at least one member and through a panel of
3 at least 3 members decide, the conditions of mandatory
4 supervised release and the time of discharge from
5 mandatory supervised release, impose sanctions for
6 violations of mandatory supervised release, and revoke
7 mandatory supervised release for those sentenced under the
8 law in effect after February 1, 1978 (the effective date
9 of Public Act 81-1099) ~~this amendatory Act of 1977~~;

10 (3.5) hear by at least one member and through a panel
11 of at least 3 members decide, the conditions of mandatory
12 supervised release and the time of discharge from
13 mandatory supervised release, to impose sanctions for
14 violations of mandatory supervised release and revoke
15 mandatory supervised release for those serving extended
16 supervised release terms pursuant to paragraph (4) of
17 subsection (d) of Section 5-8-1;

18 (3.6) hear by at least one member and through a panel
19 of at least 3 members decide whether to revoke aftercare
20 release for those committed to the Department of Juvenile
21 Justice under the Juvenile Court Act of 1987;

22 (4) hear by at least one member and through a panel of
23 at least 3 members, decide cases brought by the Department
24 of Corrections against a prisoner in the custody of the
25 Department for alleged violation of Department rules with
26 respect to sentence credits under Section 3-6-3 of this

1 Code in which the Department seeks to revoke sentence
2 credits, if the amount of time at issue exceeds 30 days or
3 when, during any 12-month ~~12-month~~ period, the cumulative
4 amount of credit revoked exceeds 30 days except where the
5 infraction is committed or discovered within 60 days of
6 scheduled release. In such cases, the Department of
7 Corrections may revoke up to 30 days of sentence credit.
8 The Board may subsequently approve the revocation of
9 additional sentence credit, if the Department seeks to
10 revoke sentence credit in excess of 30 ~~thirty~~ days.
11 However, the Board shall not be empowered to review the
12 Department's decision with respect to the loss of 30 days
13 of sentence credit for any prisoner or to increase any
14 penalty beyond the length requested by the Department;

15 (5) hear by at least one member and through a panel of
16 at least 3 members decide, the release dates for certain
17 prisoners sentenced under the law in existence prior to
18 February 1, 1978 (the effective date of Public Act
19 81-1099) ~~this amendatory Act of 1977~~, in accordance with
20 Section 3-3-2.1 of this Code;

21 (6) hear by at least one member and through a panel of
22 at least 3 members decide, all requests for pardon,
23 reprieve or commutation, and make confidential
24 recommendations to the Governor;

25 (6.5) hear by at least one member who is qualified in
26 the field of juvenile matters and through a panel of at

1 least 3 members, 2 of whom are qualified in the field of
2 juvenile matters, decide parole review cases in accordance
3 with Section 5-4.5-115 of this Code and make release
4 determinations of persons under the age of 21 at the time
5 of the commission of an offense or offenses, other than
6 those persons serving sentences for first degree murder or
7 aggravated criminal sexual assault;

8 (6.6) hear by at least a quorum of the Prisoner Review
9 Board and decide by a majority of members present at the
10 hearing, in accordance with Section 5-4.5-115 of this
11 Code, release determinations of persons under the age of
12 21 at the time of the commission of an offense or offenses
13 of those persons serving sentences for first degree murder
14 or aggravated criminal sexual assault;

15 (7) comply with the requirements of the Open Parole
16 Hearings Act;

17 (8) hear by at least one member and, through a panel of
18 at least 3 members, decide cases brought by the Department
19 of Corrections against a prisoner in the custody of the
20 Department for court dismissal of a frivolous lawsuit
21 pursuant to Section 3-6-3(d) of this Code in which the
22 Department seeks to revoke up to 180 days of sentence
23 credit, and if the prisoner has not accumulated 180 days
24 of sentence credit at the time of the dismissal, then all
25 sentence credit accumulated by the prisoner shall be
26 revoked;

1 (9) hear by at least 3 members, and, through a panel of
2 at least 3 members, decide whether to grant certificates
3 of relief from disabilities or certificates of good
4 conduct as provided in Article 5.5 of Chapter V;

5 (10) upon a petition by a person who has been
6 convicted of a Class 3 or Class 4 felony and who meets the
7 requirements of this paragraph, hear by at least 3 members
8 and, with the unanimous vote of a panel of 3 members, issue
9 a certificate of eligibility for sealing recommending that
10 the court order the sealing of all official records of the
11 arresting authority, the circuit court clerk, and the
12 Illinois ~~Department of~~ State Police concerning the arrest
13 and conviction for the Class 3 or 4 felony. A person may
14 not apply to the Board for a certificate of eligibility
15 for sealing:

16 (A) until 5 years have elapsed since the
17 expiration of his or her sentence;

18 (B) until 5 years have elapsed since any arrests
19 or detentions by a law enforcement officer for an
20 alleged violation of law, other than a petty offense,
21 traffic offense, conservation offense, or local
22 ordinance offense;

23 (C) if convicted of a violation of the Cannabis
24 Control Act, Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act,
26 the Methamphetamine Precursor Control Act, or the

1 Methamphetamine Precursor Tracking Act unless the
2 petitioner has completed a drug abuse program for the
3 offense on which sealing is sought and provides proof
4 that he or she has completed the program successfully;

5 (D) if convicted of:

6 (i) a sex offense described in Article 11 or
7 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
8 the Criminal Code of 1961 or the Criminal Code of
9 2012;

10 (ii) aggravated assault;

11 (iii) aggravated battery;

12 (iv) domestic battery;

13 (v) aggravated domestic battery;

14 (vi) violation of an order of protection;

15 (vii) an offense under the Criminal Code of
16 1961 or the Criminal Code of 2012 involving a
17 firearm;

18 (viii) driving while under the influence of
19 alcohol, other drug or drugs, intoxicating
20 compound or compounds, or any combination thereof;

21 (ix) aggravated driving while under the
22 influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or any
24 combination thereof; or

25 (x) any crime defined as a crime of violence
26 under Section 2 of the Crime Victims Compensation

1 Act.

2 If a person has applied to the Board for a certificate
3 of eligibility for sealing and the Board denies the
4 certificate, the person must wait at least 4 years before
5 filing again or filing for pardon from the Governor unless
6 the Chairman of the Prisoner Review Board grants a waiver.

7 The decision to issue or refrain from issuing a
8 certificate of eligibility for sealing shall be at the
9 Board's sole discretion, and shall not give rise to any
10 cause of action against either the Board or its members.

11 The Board may only authorize the sealing of Class 3
12 and 4 felony convictions of the petitioner from one
13 information or indictment under this paragraph (10). A
14 petitioner may only receive one certificate of eligibility
15 for sealing under this provision for life; and

16 (11) upon a petition by a person who after having been
17 convicted of a Class 3 or Class 4 felony thereafter served
18 in the United States Armed Forces or National Guard of
19 this or any other state and had received an honorable
20 discharge from the United States Armed Forces or National
21 Guard or who at the time of filing the petition is enlisted
22 in the United States Armed Forces or National Guard of
23 this or any other state and served one tour of duty and who
24 meets the requirements of this paragraph, hear by at least
25 3 members and, with the unanimous vote of a panel of 3
26 members, issue a certificate of eligibility for

1 expungement recommending that the court order the
2 expungement of all official records of the arresting
3 authority, the circuit court clerk, and the Illinois
4 ~~Department of~~ State Police concerning the arrest and
5 conviction for the Class 3 or 4 felony. A person may not
6 apply to the Board for a certificate of eligibility for
7 expungement:

8 (A) if convicted of:

9 (i) a sex offense described in Article 11 or
10 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
11 the Criminal Code of 1961 or Criminal Code of
12 2012;

13 (ii) an offense under the Criminal Code of
14 1961 or Criminal Code of 2012 involving a firearm;
15 or

16 (iii) a crime of violence as defined in
17 Section 2 of the Crime Victims Compensation Act;
18 or

19 (B) if the person has not served in the United
20 States Armed Forces or National Guard of this or any
21 other state or has not received an honorable discharge
22 from the United States Armed Forces or National Guard
23 of this or any other state or who at the time of the
24 filing of the petition is serving in the United States
25 Armed Forces or National Guard of this or any other
26 state and has not completed one tour of duty.

1 If a person has applied to the Board for a certificate
2 of eligibility for expungement and the Board denies the
3 certificate, the person must wait at least 4 years before
4 filing again or filing for a pardon with authorization for
5 expungement from the Governor unless the Governor or
6 Chairman of the Prisoner Review Board grants a waiver.

7 (a-5) The Prisoner Review Board, with the cooperation of
8 and in coordination with the Department of Corrections and the
9 Department of Central Management Services, shall implement a
10 pilot project in 3 correctional institutions providing for the
11 conduct of hearings under paragraphs (1) and (4) of subsection
12 (a) of this Section through interactive video conferences. The
13 project shall be implemented within 6 months after January 1,
14 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
15 ~~Act of 1996~~. Within 6 months after the implementation of the
16 pilot project, the Prisoner Review Board, with the cooperation
17 of and in coordination with the Department of Corrections and
18 the Department of Central Management Services, shall report to
19 the Governor and the General Assembly regarding the use,
20 costs, effectiveness, and future viability of interactive
21 video conferences for Prisoner Review Board hearings.

22 (b) Upon recommendation of the Department the Board may
23 restore sentence credit previously revoked.

24 (c) The Board shall cooperate with the Department in
25 promoting an effective system of parole and mandatory
26 supervised release.

1 (d) The Board shall promulgate rules for the conduct of
2 its work, and the Chairman shall file a copy of such rules and
3 any amendments thereto with the Director and with the
4 Secretary of State.

5 (e) The Board shall keep records of all of its official
6 actions and shall make them accessible in accordance with law
7 and the rules of the Board.

8 (f) The Board or one who has allegedly violated the
9 conditions of his or her parole, aftercare release, or
10 mandatory supervised release may require by subpoena the
11 attendance and testimony of witnesses and the production of
12 documentary evidence relating to any matter under
13 investigation or hearing. The Chairman of the Board may sign
14 subpoenas which shall be served by any agent or public
15 official authorized by the Chairman of the Board, or by any
16 person lawfully authorized to serve a subpoena under the laws
17 of the State of Illinois. The attendance of witnesses, and the
18 production of documentary evidence, may be required from any
19 place in the State to a hearing location in the State before
20 the Chairman of the Board or his or her designated agent or
21 agents or any duly constituted Committee or Subcommittee of
22 the Board. Witnesses so summoned shall be paid the same fees
23 and mileage that are paid witnesses in the circuit courts of
24 the State, and witnesses whose depositions are taken and the
25 persons taking those depositions are each entitled to the same
26 fees as are paid for like services in actions in the circuit

1 courts of the State. Fees and mileage shall be vouchered for
2 payment when the witness is discharged from further
3 attendance.

4 In case of disobedience to a subpoena, the Board may
5 petition any circuit court of the State for an order requiring
6 the attendance and testimony of witnesses or the production of
7 documentary evidence or both. A copy of such petition shall be
8 served by personal service or by registered or certified mail
9 upon the person who has failed to obey the subpoena, and such
10 person shall be advised in writing that a hearing upon the
11 petition will be requested in a court room to be designated in
12 such notice before the judge hearing motions or extraordinary
13 remedies at a specified time, on a specified date, not less
14 than 10 nor more than 15 days after the deposit of the copy of
15 the written notice and petition in the U.S. mail ~~maile~~
16 addressed to the person at his or her last known address or
17 after the personal service of the copy of the notice and
18 petition upon such person. The court upon the filing of such a
19 petition, may order the person refusing to obey the subpoena
20 to appear at an investigation or hearing, or to there produce
21 documentary evidence, if so ordered, or to give evidence
22 relative to the subject matter of that investigation or
23 hearing. Any failure to obey such order of the circuit court
24 may be punished by that court as a contempt of court.

25 Each member of the Board and any hearing officer
26 designated by the Board shall have the power to administer

1 oaths and to take the testimony of persons under oath.

2 (g) Except under subsection (a) of this Section, a
3 majority of the members then appointed to the Prisoner Review
4 Board shall constitute a quorum for the transaction of all
5 business of the Board.

6 (h) The Prisoner Review Board shall annually transmit to
7 the Director a detailed report of its work for the preceding
8 calendar year. The annual report shall also be transmitted to
9 the Governor for submission to the Legislature.

10 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;
11 revised 8-19-20.)

12 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

13 Sec. 3-14-1. Release from the institution.

14 (a) Upon release of a person on parole, mandatory release,
15 final discharge or pardon the Department shall return all
16 property held for him, provide him with suitable clothing and
17 procure necessary transportation for him to his designated
18 place of residence and employment. It may provide such person
19 with a grant of money for travel and expenses which may be paid
20 in installments. The amount of the money grant shall be
21 determined by the Department.

22 (a-1) The Department shall, before a wrongfully imprisoned
23 person, as defined in Section 3-1-2 of this Code, is
24 discharged from the Department, provide him or her with any
25 documents necessary after discharge.

1 (a-2) The Department of Corrections may establish and
2 maintain, in any institution it administers, revolving funds
3 to be known as "Travel and Allowances Revolving Funds". These
4 revolving funds shall be used for advancing travel and expense
5 allowances to committed, paroled, and discharged prisoners.
6 The moneys paid into such revolving funds shall be from
7 appropriations to the Department for Committed, Paroled, and
8 Discharged Prisoners.

9 (a-3) Upon release of a person who is eligible to vote on
10 parole, mandatory release, final discharge, or pardon, the
11 Department shall provide the person with a form that informs
12 him or her that his or her voting rights have been restored and
13 a voter registration application. The Department shall have
14 available voter registration applications in the languages
15 provided by the Illinois State Board of Elections. The form
16 that informs the person that his or her rights have been
17 restored shall include the following information:

18 (1) All voting rights are restored upon release from
19 the Department's custody.

20 (2) A person who is eligible to vote must register in
21 order to be able to vote.

22 The Department of Corrections shall confirm that the
23 person received the voter registration application and has
24 been informed that his or her voting rights have been
25 restored.

26 (a-4) ~~(a-3)~~ Prior to release of a person on parole,

1 mandatory supervised release, final discharge, or pardon, the
2 Department shall screen every person for Medicaid eligibility.
3 Officials of the correctional institution or facility where
4 the committed person is assigned shall assist an eligible
5 person to complete a Medicaid application to ensure that the
6 person begins receiving benefits as soon as possible after his
7 or her release. The application must include the eligible
8 person's address associated with his or her residence upon
9 release from the facility. If the residence is temporary, the
10 eligible person must notify the Department of Human Services
11 of his or her change in address upon transition to permanent
12 housing.

13 (b) (Blank).

14 (c) Except as otherwise provided in this Code, the
15 Department shall establish procedures to provide written
16 notification of any release of any person who has been
17 convicted of a felony to the State's Attorney and sheriff of
18 the county from which the offender was committed, and the
19 State's Attorney and sheriff of the county into which the
20 offender is to be paroled or released. Except as otherwise
21 provided in this Code, the Department shall establish
22 procedures to provide written notification to the proper law
23 enforcement agency for any municipality of any release of any
24 person who has been convicted of a felony if the arrest of the
25 offender or the commission of the offense took place in the
26 municipality, if the offender is to be paroled or released

1 into the municipality, or if the offender resided in the
2 municipality at the time of the commission of the offense. If a
3 person convicted of a felony who is in the custody of the
4 Department of Corrections or on parole or mandatory supervised
5 release informs the Department that he or she has resided,
6 resides, or will reside at an address that is a housing
7 facility owned, managed, operated, or leased by a public
8 housing agency, the Department must send written notification
9 of that information to the public housing agency that owns,
10 manages, operates, or leases the housing facility. The written
11 notification shall, when possible, be given at least 14 days
12 before release of the person from custody, or as soon
13 thereafter as possible. The written notification shall be
14 provided electronically if the State's Attorney, sheriff,
15 proper law enforcement agency, or public housing agency has
16 provided the Department with an accurate and up to date email
17 address.

18 (c-1) (Blank).

19 (c-2) The Department shall establish procedures to provide
20 notice to the Illinois ~~Department of~~ State Police of the
21 release or discharge of persons convicted of violations of the
22 Methamphetamine Control and Community Protection Act or a
23 violation of the Methamphetamine Precursor Control Act. The
24 Illinois ~~Department of~~ State Police shall make this
25 information available to local, State, or federal law
26 enforcement agencies upon request.

1 (c-5) If a person on parole or mandatory supervised
2 release becomes a resident of a facility licensed or regulated
3 by the Department of Public Health, the Illinois Department of
4 Public Aid, or the Illinois Department of Human Services, the
5 Department of Corrections shall provide copies of the
6 following information to the appropriate licensing or
7 regulating Department and the licensed or regulated facility
8 where the person becomes a resident:

9 (1) The mittimus and any pre-sentence investigation
10 reports.

11 (2) The social evaluation prepared pursuant to Section
12 3-8-2.

13 (3) Any pre-release evaluation conducted pursuant to
14 subsection (j) of Section 3-6-2.

15 (4) Reports of disciplinary infractions and
16 dispositions.

17 (5) Any parole plan, including orders issued by the
18 Prisoner Review Board, and any violation reports and
19 dispositions.

20 (6) The name and contact information for the assigned
21 parole agent and parole supervisor.

22 This information shall be provided within 3 days of the
23 person becoming a resident of the facility.

24 (c-10) If a person on parole or mandatory supervised
25 release becomes a resident of a facility licensed or regulated
26 by the Department of Public Health, the Illinois Department of

1 Public Aid, or the Illinois Department of Human Services, the
2 Department of Corrections shall provide written notification
3 of such residence to the following:

4 (1) The Prisoner Review Board.

5 (2) The chief of police and sheriff in the
6 municipality and county in which the licensed facility is
7 located.

8 The notification shall be provided within 3 days of the
9 person becoming a resident of the facility.

10 (d) Upon the release of a committed person on parole,
11 mandatory supervised release, final discharge or pardon, the
12 Department shall provide such person with information
13 concerning programs and services of the Illinois Department of
14 Public Health to ascertain whether such person has been
15 exposed to the human immunodeficiency virus (HIV) or any
16 identified causative agent of Acquired Immunodeficiency
17 Syndrome (AIDS).

18 (e) Upon the release of a committed person on parole,
19 mandatory supervised release, final discharge, pardon, or who
20 has been wrongfully imprisoned, the Department shall verify
21 the released person's full name, date of birth, and social
22 security number. If verification is made by the Department by
23 obtaining a certified copy of the released person's birth
24 certificate and the released person's social security card or
25 other documents authorized by the Secretary, the Department
26 shall provide the birth certificate and social security card

1 or other documents authorized by the Secretary to the released
2 person. If verification by the Department is done by means
3 other than obtaining a certified copy of the released person's
4 birth certificate and the released person's social security
5 card or other documents authorized by the Secretary, the
6 Department shall complete a verification form, prescribed by
7 the Secretary of State, and shall provide that verification
8 form to the released person.

9 (f) Forty-five days prior to the scheduled discharge of a
10 person committed to the custody of the Department of
11 Corrections, the Department shall give the person who is
12 otherwise uninsured an opportunity to apply for health care
13 coverage including medical assistance under Article V of the
14 Illinois Public Aid Code in accordance with subsection (b) of
15 Section 1-8.5 of the Illinois Public Aid Code, and the
16 Department of Corrections shall provide assistance with
17 completion of the application for health care coverage
18 including medical assistance. The Department may adopt rules
19 to implement this Section.

20 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
21 revised 9-9-19.)

22 (730 ILCS 5/3-14-1.5)

23 Sec. 3-14-1.5. Parole agents and parole supervisors;
24 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and
25 Section 24-1.6 of the Criminal Code of 2012 do not apply to

1 parole agents and parole supervisors who meet the following
2 conditions:

3 (1) The parole agent or parole supervisor must receive
4 training in the use of firearms while off-duty conducted by
5 the Illinois Law Enforcement Training Standards Board and be
6 certified as having successfully completing such training by
7 the Board. The Board shall determine the amount of such
8 training and the course content for such training. The parole
9 agent or parole supervisor shall requalify for the firearms
10 training annually at a State range certified by the Illinois
11 Law Enforcement Training Standards Board. The expenses of such
12 retraining shall be paid by the parole agent or parole
13 supervisor and moneys for such requalification shall be
14 expended at the request of the Illinois Law Enforcement
15 Training Standards Board.

16 (2) The parole agent or parole supervisor shall purchase
17 such firearm at his or her own expense and shall register the
18 firearm with the Illinois ~~Department of~~ State Police and with
19 any other local law enforcement agencies that require such
20 registration.

21 (3) The parole agent or parole supervisor may not carry
22 any Illinois Department of Corrections State issued firearm
23 while off-duty. A person who violates this paragraph (3) is
24 subject to disciplinary action by the Illinois Department of
25 Corrections.

26 (4) Parole agents and supervisors who are discharged from

1 employment of the Illinois Department of Corrections shall no
2 longer be considered law enforcement officials and all their
3 rights as law enforcement officials shall be revoked
4 permanently.

5 (Source: P.A. 96-230, eff. 1-1-10; 97-333, eff. 8-12-11;
6 97-1150, eff. 1-25-13.)

7 (730 ILCS 5/3-17-5)

8 Sec. 3-17-5. Transitional housing; licensing.

9 (a) The Department of Corrections shall license
10 transitional housing facilities for persons convicted of or
11 placed on supervision for sex offenses as defined in the Sex
12 Offender Management Board Act.

13 (b) A transitional housing facility must meet the
14 following criteria to be licensed by the Department:

15 (1) The facility shall provide housing to a sex
16 offender who is in compliance with his or her parole,
17 mandatory supervised release, probation, or supervision
18 order for a period not to exceed 90 days, unless extended
19 with approval from the Director or his or her designee.
20 Notice of any extension approved shall be provided to the
21 Prisoner Review Board.

22 (2) The Department of Corrections must approve a
23 treatment plan and counseling for each sex offender
24 residing in the transitional housing.

25 (3) The transitional housing facility must provide

1 security 24 hours each day and 7 days each week as defined
2 and approved by the Department.

3 (4) The facility must notify the police department,
4 public and private elementary and secondary schools,
5 public libraries, and each residential home and apartment
6 complex located within 500 feet of the transitional
7 housing facility of its initial licensure as a
8 transitional housing facility, and of its continuing
9 operation as a transitional housing facility annually
10 thereafter.

11 (5) Upon its initial licensure as a transitional
12 housing facility and during its licensure, each facility
13 shall maintain at its main entrance a visible and
14 conspicuous exterior sign identifying itself as, in
15 letters at least 4 inches tall, a "Department of
16 Corrections Licensed Transitional Housing Facility".

17 (6) Upon its initial licensure as a transitional
18 housing facility, each facility shall file in the office
19 of the county clerk of the county in which such facility is
20 located, a certificate setting forth the name under which
21 the facility is, or is to be, operated, and the true or
22 real full name or names of the person, persons or entity
23 operating the same, with the address of the facility. The
24 certificate shall be executed and duly acknowledged by the
25 person or persons so operating or intending to operate the
26 facility. Notice of the filing of the certificate shall be

1 published in a newspaper of general circulation published
2 within the county in which the certificate is filed. The
3 notice shall be published once a week for 3 consecutive
4 weeks. The first publication shall be within 15 days after
5 the certificate is filed in the office of the county
6 clerk. Proof of publication shall be filed with the county
7 clerk within 50 days from the date of filing the
8 certificate. Upon receiving proof of publication, the
9 clerk shall issue a receipt to the person filing the
10 certificate, but no additional charge shall be assessed by
11 the clerk for giving such receipt. Unless proof of
12 publication is made to the clerk, the notification is
13 void.

14 (7) Each licensed transitional housing facility shall
15 be identified on the Illinois State Police Sex Offender
16 Registry website, including the address of the facility
17 together with the maximum possible number of sex offenders
18 that the facility could house.

19 (c) The Department of Corrections shall establish rules
20 consistent with this Section establishing licensing procedures
21 and criteria for transitional housing facilities for sex
22 offenders, and may create criteria for, and issue licenses
23 for, different levels of facilities to be licensed. The
24 Department is authorized to set and charge a licensing fee for
25 each application for a transitional housing license. The rules
26 shall be adopted within 60 days after the effective date of

1 this amendatory Act of the 94th General Assembly. Facilities
2 which on the effective date of this amendatory Act of the 94th
3 General Assembly are currently housing and providing sex
4 offender treatment to sex offenders may continue housing more
5 than one sex offender on parole, mandatory supervised release,
6 probation, or supervision for a period of 120 days after the
7 adoption of licensure rules during which time the facility
8 shall apply for a transitional housing license.

9 (d) The Department of Corrections shall maintain a file on
10 each sex offender housed in a transitional housing facility.
11 The file shall contain efforts of the Department in placing a
12 sex offender in non-transitional housing, efforts of the
13 Department to place the sex offender in a county from which he
14 or she was convicted, the anticipated length of stay of each
15 sex offender in the transitional housing facility, the number
16 of sex offenders residing in the transitional housing
17 facility, and the services to be provided the sex offender
18 while he or she resides in the transitional housing facility.

19 (e) The Department of Corrections shall, on or before
20 December 31 of each year, file a report with the General
21 Assembly on the number of transitional housing facilities for
22 sex offenders licensed by the Department, the addresses of
23 each licensed facility, how many sex offenders are housed in
24 each facility, and the particular sex offense that each
25 resident of the transitional housing facility committed.

26 (Source: P.A. 94-161, eff. 7-11-05; 95-331, eff. 8-21-07.)

1 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

2 Sec. 5-2-4. Proceedings after acquittal by reason of
3 insanity.

4 (a) After a finding or verdict of not guilty by reason of
5 insanity under Sections 104-25, 115-3, or 115-4 of the Code of
6 Criminal Procedure of 1963, the defendant shall be ordered to
7 the Department of Human Services for an evaluation as to
8 whether he is in need of mental health services. The order
9 shall specify whether the evaluation shall be conducted on an
10 inpatient or outpatient basis. If the evaluation is to be
11 conducted on an inpatient basis, the defendant shall be placed
12 in a secure setting. With the court order for evaluation shall
13 be sent a copy of the arrest report, criminal charges, arrest
14 record, jail record, any report prepared under Section 115-6
15 of the Code of Criminal Procedure of 1963, and any statement
16 prepared under Section 6 of the Rights of Crime Victims and
17 Witnesses Act. The clerk of the circuit court shall transmit
18 this information to the Department within 5 days. If the court
19 orders that the evaluation be done on an inpatient basis, the
20 Department shall evaluate the defendant to determine to which
21 secure facility the defendant shall be transported and, within
22 20 days of the transmittal by the clerk of the circuit court of
23 the placement court order, notify the sheriff of the
24 designated facility. Upon receipt of that notice, the sheriff
25 shall promptly transport the defendant to the designated

1 facility. During the period of time required to determine the
2 appropriate placement, the defendant shall remain in jail. If,
3 within 20 days of the transmittal by the clerk of the circuit
4 court of the placement court order, the Department fails to
5 notify the sheriff of the identity of the facility to which the
6 defendant shall be transported, the sheriff shall contact a
7 designated person within the Department to inquire about when
8 a placement will become available at the designated facility
9 and bed availability at other facilities. If, within 20 days
10 of the transmittal by the clerk of the circuit court of the
11 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 notify the Department
14 of its intent to transfer the defendant to the nearest secure
15 mental health facility operated by the Department and inquire
16 as to the status of the placement evaluation and availability
17 for admission to the facility operated by the Department by
18 contacting a designated person within the Department. The
19 Department shall respond to the sheriff within 2 business days
20 of the notice and inquiry by the sheriff seeking the transfer
21 and the Department shall provide the sheriff with the status
22 of the placement evaluation, information on bed and placement
23 availability, and an estimated date of admission for the
24 defendant and any changes to that estimated date of admission.
25 If the Department notifies the sheriff during the 2 business
26 day period of a facility operated by the Department with

1 placement availability, the sheriff shall promptly transport
2 the defendant to that facility. Individualized placement
3 evaluations by the Department of Human Services determine the
4 most appropriate setting for forensic treatment based upon a
5 number of factors including mental health diagnosis, proximity
6 to surviving victims, security need, age, gender, and
7 proximity to family.

8 The Department shall provide the Court with a report of
9 its evaluation within 30 days of the date of this order. The
10 Court shall hold a hearing as provided under the Mental Health
11 and Developmental Disabilities Code to determine if the
12 individual is: (a) in need of mental health services on an
13 inpatient basis; (b) in need of mental health services on an
14 outpatient basis; (c) a person not in need of mental health
15 services. The court shall afford the victim the opportunity to
16 make a written or oral statement as guaranteed by Article I,
17 Section 8.1 of the Illinois Constitution and Section 6 of the
18 Rights of Crime Victims and Witnesses Act. The court shall
19 allow a victim to make an oral statement if the victim is
20 present in the courtroom and requests to make an oral
21 statement. An oral statement includes the victim or a
22 representative of the victim reading the written statement.
23 The court may allow persons impacted by the crime who are not
24 victims under subsection (a) of Section 3 of the Rights of
25 Crime Victims and Witnesses Act to present an oral or written
26 statement. A victim and any person making an oral statement

1 shall not be put under oath or subject to cross-examination.
2 The court shall consider any statement presented along with
3 all other appropriate factors in determining the sentence of
4 the defendant or disposition of the juvenile. All statements
5 shall become part of the record of the court.

6 If the defendant is found to be in need of mental health
7 services on an inpatient care basis, the Court shall order the
8 defendant to the Department of Human Services. The defendant
9 shall be placed in a secure setting. Such defendants placed in
10 a secure setting shall not be permitted outside the facility's
11 housing unit unless escorted or accompanied by personnel of
12 the Department of Human Services or with the prior approval of
13 the Court for unsupervised on-grounds privileges as provided
14 herein. Any defendant placed in a secure setting pursuant to
15 this Section, transported to court hearings or other necessary
16 appointments off facility grounds by personnel of the
17 Department of Human Services, shall be placed in security
18 devices or otherwise secured during the period of
19 transportation to assure secure transport of the defendant and
20 the safety of Department of Human Services personnel and
21 others. These security measures shall not constitute restraint
22 as defined in the Mental Health and Developmental Disabilities
23 Code. If the defendant is found to be in need of mental health
24 services, but not on an inpatient care basis, the Court shall
25 conditionally release the defendant, under such conditions as
26 set forth in this Section as will reasonably assure the

1 defendant's satisfactory progress and participation in
2 treatment or rehabilitation and the safety of the defendant,
3 the victim, the victim's family members, and others. If the
4 Court finds the person not in need of mental health services,
5 then the Court shall order the defendant discharged from
6 custody.

7 (a-1) Definitions. For the purposes of this Section:

8 (A) (Blank).

9 (B) "In need of mental health services on an inpatient
10 basis" means: a defendant who has been found not guilty by
11 reason of insanity but who, due to mental illness, is
12 reasonably expected to inflict serious physical harm upon
13 himself or another and who would benefit from inpatient
14 care or is in need of inpatient care.

15 (C) "In need of mental health services on an
16 outpatient basis" means: a defendant who has been found
17 not guilty by reason of insanity who is not in need of
18 mental health services on an inpatient basis, but is in
19 need of outpatient care, drug and/or alcohol
20 rehabilitation programs, community adjustment programs,
21 individual, group, or family therapy, or chemotherapy.

22 (D) "Conditional Release" means: the release from
23 either the custody of the Department of Human Services or
24 the custody of the Court of a person who has been found not
25 guilty by reason of insanity under such conditions as the
26 Court may impose which reasonably assure the defendant's

1 satisfactory progress in treatment or habilitation and the
2 safety of the defendant, the victim, the victim's family,
3 and others. The Court shall consider such terms and
4 conditions which may include, but need not be limited to,
5 outpatient care, alcoholic and drug rehabilitation
6 programs, community adjustment programs, individual,
7 group, family, and chemotherapy, random testing to ensure
8 the defendant's timely and continuous taking of any
9 medicines prescribed to control or manage his or her
10 conduct or mental state, and periodic checks with the
11 legal authorities and/or the Department of Human Services.
12 The Court may order as a condition of conditional release
13 that the defendant not contact the victim of the offense
14 that resulted in the finding or verdict of not guilty by
15 reason of insanity or any other person. The Court may
16 order the Department of Human Services to provide care to
17 any person conditionally released under this Section. The
18 Department may contract with any public or private agency
19 in order to discharge any responsibilities imposed under
20 this Section. The Department shall monitor the provision
21 of services to persons conditionally released under this
22 Section and provide periodic reports to the Court
23 concerning the services and the condition of the
24 defendant. Whenever a person is conditionally released
25 pursuant to this Section, the State's Attorney for the
26 county in which the hearing is held shall designate in

1 writing the name, telephone number, and address of a
2 person employed by him or her who shall be notified in the
3 event that either the reporting agency or the Department
4 decides that the conditional release of the defendant
5 should be revoked or modified pursuant to subsection (i)
6 of this Section. Such conditional release shall be for a
7 period of five years. However, the defendant, the person
8 or facility rendering the treatment, therapy, program or
9 outpatient care, the Department, or the State's Attorney
10 may petition the Court for an extension of the conditional
11 release period for an additional 5 years. Upon receipt of
12 such a petition, the Court shall hold a hearing consistent
13 with the provisions of paragraph (a), this paragraph
14 (a-1), and paragraph (f) of this Section, shall determine
15 whether the defendant should continue to be subject to the
16 terms of conditional release, and shall enter an order
17 either extending the defendant's period of conditional
18 release for an additional 5-year period or discharging the
19 defendant. Additional 5-year periods of conditional
20 release may be ordered following a hearing as provided in
21 this Section. However, in no event shall the defendant's
22 period of conditional release continue beyond the maximum
23 period of commitment ordered by the Court pursuant to
24 paragraph (b) of this Section. These provisions for
25 extension of conditional release shall only apply to
26 defendants conditionally released on or after August 8,

1 2003. However, the extension provisions of Public Act
2 83-1449 apply only to defendants charged with a forcible
3 felony.

4 (E) "Facility director" means the chief officer of a
5 mental health or developmental disabilities facility or
6 his or her designee or the supervisor of a program of
7 treatment or habilitation or his or her designee.
8 "Designee" may include a physician, clinical psychologist,
9 social worker, nurse, or clinical professional counselor.

10 (b) If the Court finds the defendant in need of mental
11 health services on an inpatient basis, the admission,
12 detention, care, treatment or habilitation, treatment plans,
13 review proceedings, including review of treatment and
14 treatment plans, and discharge of the defendant after such
15 order shall be under the Mental Health and Developmental
16 Disabilities Code, except that the initial order for admission
17 of a defendant acquitted of a felony by reason of insanity
18 shall be for an indefinite period of time. Such period of
19 commitment shall not exceed the maximum length of time that
20 the defendant would have been required to serve, less credit
21 for good behavior as provided in Section 5-4-1 of the Unified
22 Code of Corrections, before becoming eligible for release had
23 he been convicted of and received the maximum sentence for the
24 most serious crime for which he has been acquitted by reason of
25 insanity. The Court shall determine the maximum period of
26 commitment by an appropriate order. During this period of

1 time, the defendant shall not be permitted to be in the
2 community in any manner, including, but not limited to,
3 off-grounds privileges, with or without escort by personnel of
4 the Department of Human Services, unsupervised on-grounds
5 privileges, discharge or conditional or temporary release,
6 except by a plan as provided in this Section. In no event shall
7 a defendant's continued unauthorized absence be a basis for
8 discharge. Not more than 30 days after admission and every 90
9 days thereafter so long as the initial order remains in
10 effect, the facility director shall file a treatment plan
11 report in writing with the court and forward a copy of the
12 treatment plan report to the clerk of the court, the State's
13 Attorney, and the defendant's attorney, if the defendant is
14 represented by counsel, or to a person authorized by the
15 defendant under the Mental Health and Developmental
16 Disabilities Confidentiality Act to be sent a copy of the
17 report. The report shall include an opinion as to whether the
18 defendant is currently in need of mental health services on an
19 inpatient basis or in need of mental health services on an
20 outpatient basis. The report shall also summarize the basis
21 for those findings and provide a current summary of the
22 following items from the treatment plan: (1) an assessment of
23 the defendant's treatment needs, (2) a description of the
24 services recommended for treatment, (3) the goals of each type
25 of element of service, (4) an anticipated timetable for the
26 accomplishment of the goals, and (5) a designation of the

1 qualified professional responsible for the implementation of
2 the plan. The report may also include unsupervised on-grounds
3 privileges, off-grounds privileges (with or without escort by
4 personnel of the Department of Human Services), home visits
5 and participation in work programs, but only where such
6 privileges have been approved by specific court order, which
7 order may include such conditions on the defendant as the
8 Court may deem appropriate and necessary to reasonably assure
9 the defendant's satisfactory progress in treatment and the
10 safety of the defendant and others.

11 (c) Every defendant acquitted of a felony by reason of
12 insanity and subsequently found to be in need of mental health
13 services shall be represented by counsel in all proceedings
14 under this Section and under the Mental Health and
15 Developmental Disabilities Code.

16 (1) The Court shall appoint as counsel the public
17 defender or an attorney licensed by this State.

18 (2) Upon filing with the Court of a verified statement
19 of legal services rendered by the private attorney
20 appointed pursuant to paragraph (1) of this subsection,
21 the Court shall determine a reasonable fee for such
22 services. If the defendant is unable to pay the fee, the
23 Court shall enter an order upon the State to pay the entire
24 fee or such amount as the defendant is unable to pay from
25 funds appropriated by the General Assembly for that
26 purpose.

1 (d) When the facility director determines that:

2 (1) the defendant is no longer in need of mental
3 health services on an inpatient basis; and

4 (2) the defendant may be conditionally released
5 because he or she is still in need of mental health
6 services or that the defendant may be discharged as not in
7 need of any mental health services; ~~or~~

8 ~~(3) (blank);~~

9 the facility director shall give written notice to the Court,
10 State's Attorney and defense attorney. Such notice shall set
11 forth in detail the basis for the recommendation of the
12 facility director, and specify clearly the recommendations, if
13 any, of the facility director, concerning conditional release.
14 Any recommendation for conditional release shall include an
15 evaluation of the defendant's need for psychotropic
16 medication, what provisions should be made, if any, to ensure
17 that the defendant will continue to receive psychotropic
18 medication following discharge, and what provisions should be
19 made to assure the safety of the defendant and others in the
20 event the defendant is no longer receiving psychotropic
21 medication. Within 30 days of the notification by the facility
22 director, the Court shall set a hearing and make a finding as
23 to whether the defendant is:

24 (i) (blank); or

25 (ii) in need of mental health services in the form of
26 inpatient care; or

1 (iii) in need of mental health services but not
2 subject to inpatient care; or

3 (iv) no longer in need of mental health services; or

4 (v) (blank).

5 A crime victim shall be allowed to present an oral and
6 written statement. The court shall allow a victim to make an
7 oral statement if the victim is present in the courtroom and
8 requests to make an oral statement. An oral statement includes
9 the victim or a representative of the victim reading the
10 written statement. A victim and any person making an oral
11 statement shall not be put under oath or subject to
12 cross-examination. All statements shall become part of the
13 record of the court.

14 Upon finding by the Court, the Court shall enter its
15 findings and such appropriate order as provided in subsections
16 (a) and (a-1) of this Section.

17 (e) A defendant admitted pursuant to this Section, or any
18 person on his behalf, may file a petition for treatment plan
19 review or discharge or conditional release under the standards
20 of this Section in the Court which rendered the verdict. Upon
21 receipt of a petition for treatment plan review or discharge
22 or conditional release, the Court shall set a hearing to be
23 held within 120 days. Thereafter, no new petition may be filed
24 for 180 days without leave of the Court.

25 (f) The Court shall direct that notice of the time and
26 place of the hearing be served upon the defendant, the

1 facility director, the State's Attorney, and the defendant's
2 attorney. If requested by either the State or the defense or if
3 the Court feels it is appropriate, an impartial examination of
4 the defendant by a psychiatrist or clinical psychologist as
5 defined in Section 1-103 of the Mental Health and
6 Developmental Disabilities Code who is not in the employ of
7 the Department of Human Services shall be ordered, and the
8 report considered at the time of the hearing.

9 (g) The findings of the Court shall be established by
10 clear and convincing evidence. The burden of proof and the
11 burden of going forth with the evidence rest with the
12 defendant or any person on the defendant's behalf when a
13 hearing is held to review a petition filed by or on behalf of
14 the defendant. The evidence shall be presented in open Court
15 with the right of confrontation and cross-examination. Such
16 evidence may include, but is not limited to:

17 (1) whether the defendant appreciates the harm caused
18 by the defendant to others and the community by his or her
19 prior conduct that resulted in the finding of not guilty
20 by reason of insanity;

21 (2) Whether the person appreciates the criminality of
22 conduct similar to the conduct for which he or she was
23 originally charged in this matter;

24 (3) the current state of the defendant's illness;

25 (4) what, if any, medications the defendant is taking
26 to control his or her mental illness;

1 (5) what, if any, adverse physical side effects the
2 medication has on the defendant;

3 (6) the length of time it would take for the
4 defendant's mental health to deteriorate if the defendant
5 stopped taking prescribed medication;

6 (7) the defendant's history or potential for alcohol
7 and drug abuse;

8 (8) the defendant's past criminal history;

9 (9) any specialized physical or medical needs of the
10 defendant;

11 (10) any family participation or involvement expected
12 upon release and what is the willingness and ability of
13 the family to participate or be involved;

14 (11) the defendant's potential to be a danger to
15 himself, herself, or others;

16 (11.5) a written or oral statement made by the victim;
17 and

18 (12) any other factor or factors the Court deems
19 appropriate.

20 (h) Before the court orders that the defendant be
21 discharged or conditionally released, it shall order the
22 facility director to establish a discharge plan that includes
23 a plan for the defendant's shelter, support, and medication.
24 If appropriate, the court shall order that the facility
25 director establish a program to train the defendant in
26 self-medication under standards established by the Department

1 of Human Services. If the Court finds, consistent with the
2 provisions of this Section, that the defendant is no longer in
3 need of mental health services it shall order the facility
4 director to discharge the defendant. If the Court finds,
5 consistent with the provisions of this Section, that the
6 defendant is in need of mental health services, and no longer
7 in need of inpatient care, it shall order the facility
8 director to release the defendant under such conditions as the
9 Court deems appropriate and as provided by this Section. Such
10 conditional release shall be imposed for a period of 5 years as
11 provided in paragraph (D) of subsection (a-1) and shall be
12 subject to later modification by the Court as provided by this
13 Section. If the Court finds consistent with the provisions in
14 this Section that the defendant is in need of mental health
15 services on an inpatient basis, it shall order the facility
16 director not to discharge or release the defendant in
17 accordance with paragraph (b) of this Section.

18 (i) If within the period of the defendant's conditional
19 release the State's Attorney determines that the defendant has
20 not fulfilled the conditions of his or her release, the
21 State's Attorney may petition the Court to revoke or modify
22 the conditional release of the defendant. Upon the filing of
23 such petition the defendant may be remanded to the custody of
24 the Department, or to any other mental health facility
25 designated by the Department, pending the resolution of the
26 petition. Nothing in this Section shall prevent the emergency

1 admission of a defendant pursuant to Article VI of Chapter III
2 of the Mental Health and Developmental Disabilities Code or
3 the voluntary admission of the defendant pursuant to Article
4 IV of Chapter III of the Mental Health and Developmental
5 Disabilities Code. If the Court determines, after hearing
6 evidence, that the defendant has not fulfilled the conditions
7 of release, the Court shall order a hearing to be held
8 consistent with the provisions of paragraph (f) and (g) of
9 this Section. At such hearing, if the Court finds that the
10 defendant is in need of mental health services on an inpatient
11 basis, it shall enter an order remanding him or her to the
12 Department of Human Services or other facility. If the
13 defendant is remanded to the Department of Human Services, he
14 or she shall be placed in a secure setting unless the Court
15 determines that there are compelling reasons that such
16 placement is not necessary. If the Court finds that the
17 defendant continues to be in need of mental health services
18 but not on an inpatient basis, it may modify the conditions of
19 the original release in order to reasonably assure the
20 defendant's satisfactory progress in treatment and his or her
21 safety and the safety of others in accordance with the
22 standards established in paragraph (D) of subsection (a-1).
23 Nothing in this Section shall limit a Court's contempt powers
24 or any other powers of a Court.

25 (j) An order of admission under this Section does not
26 affect the remedy of habeas corpus.

1 (k) In the event of a conflict between this Section and the
2 Mental Health and Developmental Disabilities Code or the
3 Mental Health and Developmental Disabilities Confidentiality
4 Act, the provisions of this Section shall govern.

5 (l) Public Act 90-593 shall apply to all persons who have
6 been found not guilty by reason of insanity and who are
7 presently committed to the Department of Mental Health and
8 Developmental Disabilities (now the Department of Human
9 Services).

10 (m) The Clerk of the Court shall transmit a certified copy
11 of the order of discharge or conditional release to the
12 Department of Human Services, to the sheriff of the county
13 from which the defendant was admitted, to the Illinois
14 ~~Department of~~ State Police, to the proper law enforcement
15 agency for the municipality where the offense took place, and
16 to the sheriff of the county into which the defendant is
17 conditionally discharged. The Illinois ~~Department of~~ State
18 Police shall maintain a centralized record of discharged or
19 conditionally released defendants while they are under court
20 supervision for access and use of appropriate law enforcement
21 agencies.

22 (n) The provisions in this Section which allow ~~allows~~ a
23 crime victim to make a written and oral statement do not apply
24 if the defendant was under 18 years of age at the time the
25 offense was committed.

26 (o) If any provision of this Section or its application to

1 any person or circumstance is held invalid, the invalidity of
2 that provision does not affect any other provision or
3 application of this Section that can be given effect without
4 the invalid provision or application.

5 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;
6 100-863, eff. 8-14-18; 100-961, eff. 1-1-19; 101-81, eff.
7 7-12-19; revised 9-24-19.)

8 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

9 Sec. 5-4-3. Specimens; genetic marker groups.

10 (a) Any person convicted of, found guilty under the
11 Juvenile Court Act of 1987 for, or who received a disposition
12 of court supervision for, a qualifying offense or attempt of a
13 qualifying offense, convicted or found guilty of any offense
14 classified as a felony under Illinois law, convicted or found
15 guilty of any offense requiring registration under the Sex
16 Offender Registration Act, found guilty or given supervision
17 for any offense classified as a felony under the Juvenile
18 Court Act of 1987, convicted or found guilty of, under the
19 Juvenile Court Act of 1987, any offense requiring registration
20 under the Sex Offender Registration Act, or institutionalized
21 as a sexually dangerous person under the Sexually Dangerous
22 Persons Act, or committed as a sexually violent person under
23 the Sexually Violent Persons Commitment Act shall, regardless
24 of the sentence or disposition imposed, be required to submit
25 specimens of blood, saliva, or tissue to the Illinois

1 ~~Department of~~ State Police in accordance with the provisions
2 of this Section, provided such person is:

3 (1) convicted of a qualifying offense or attempt of a
4 qualifying offense on or after July 1, 1990 and sentenced
5 to a term of imprisonment, periodic imprisonment, fine,
6 probation, conditional discharge or any other form of
7 sentence, or given a disposition of court supervision for
8 the offense;

9 (1.5) found guilty or given supervision under the
10 Juvenile Court Act of 1987 for a qualifying offense or
11 attempt of a qualifying offense on or after January 1,
12 1997;

13 (2) ordered institutionalized as a sexually dangerous
14 person on or after July 1, 1990;

15 (3) convicted of a qualifying offense or attempt of a
16 qualifying offense before July 1, 1990 and is presently
17 confined as a result of such conviction in any State
18 correctional facility or county jail or is presently
19 serving a sentence of probation, conditional discharge or
20 periodic imprisonment as a result of such conviction;

21 (3.5) convicted or found guilty of any offense
22 classified as a felony under Illinois law or found guilty
23 or given supervision for such an offense under the
24 Juvenile Court Act of 1987 on or after August 22, 2002;

25 (4) presently institutionalized as a sexually
26 dangerous person or presently institutionalized as a

1 person found guilty but mentally ill of a sexual offense
2 or attempt to commit a sexual offense; or

3 (4.5) ordered committed as a sexually violent person
4 on or after the effective date of the Sexually Violent
5 Persons Commitment Act.

6 (a-1) Any person incarcerated in a facility of the
7 Illinois Department of Corrections or the Illinois Department
8 of Juvenile Justice on or after August 22, 2002, whether for a
9 term of years, natural life, or a sentence of death, who has
10 not yet submitted a specimen of blood, saliva, or tissue shall
11 be required to submit a specimen of blood, saliva, or tissue
12 prior to his or her final discharge, or release on parole,
13 aftercare release, or mandatory supervised release, as a
14 condition of his or her parole, aftercare release, or
15 mandatory supervised release, or within 6 months from August
16 13, 2009 (the effective date of Public Act 96-426), whichever
17 is sooner. A person incarcerated on or after August 13, 2009
18 (the effective date of Public Act 96-426) shall be required to
19 submit a specimen within 45 days of incarceration, or prior to
20 his or her final discharge, or release on parole, aftercare
21 release, or mandatory supervised release, as a condition of
22 his or her parole, aftercare release, or mandatory supervised
23 release, whichever is sooner. These specimens shall be placed
24 into the State or national DNA database, to be used in
25 accordance with other provisions of this Section, by the
26 Illinois State Police.

1 (a-2) Any person sentenced to life imprisonment in a
2 facility of the Illinois Department of Corrections after the
3 effective date of this amendatory Act of the 94th General
4 Assembly or sentenced to death after the effective date of
5 this amendatory Act of the 94th General Assembly shall be
6 required to provide a specimen of blood, saliva, or tissue
7 within 45 days after sentencing or disposition at a collection
8 site designated by the Illinois ~~Department of~~ State Police.
9 Any person serving a sentence of life imprisonment in a
10 facility of the Illinois Department of Corrections on the
11 effective date of this amendatory Act of the 94th General
12 Assembly or any person who is under a sentence of death on the
13 effective date of this amendatory Act of the 94th General
14 Assembly shall be required to provide a specimen of blood,
15 saliva, or tissue upon request at a collection site designated
16 by the Illinois ~~Department of~~ State Police.

17 (a-3) Any person seeking transfer to or residency in
18 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
19 Code, the Interstate Compact for Adult Offender Supervision,
20 or the Interstate Agreements on Sexually Dangerous Persons Act
21 shall be required to provide a specimen of blood, saliva, or
22 tissue within 45 days after transfer to or residency in
23 Illinois at a collection site designated by the Illinois
24 ~~Department of~~ State Police.

25 (a-3.1) Any person required by an order of the court to
26 submit a DNA specimen shall be required to provide a specimen

1 of blood, saliva, or tissue within 45 days after the court
2 order at a collection site designated by the Illinois
3 ~~Department of~~ State Police.

4 (a-3.2) On or after January 1, 2012 (the effective date of
5 Public Act 97-383), any person arrested for any of the
6 following offenses, after an indictment has been returned by a
7 grand jury, or following a hearing pursuant to Section 109-3
8 of the Code of Criminal Procedure of 1963 and a judge finds
9 there is probable cause to believe the arrestee has committed
10 one of the designated offenses, or an arrestee has waived a
11 preliminary hearing shall be required to provide a specimen of
12 blood, saliva, or tissue within 14 days after such indictment
13 or hearing at a collection site designated by the Illinois
14 ~~Department of~~ State Police:

- 15 (A) first degree murder;
16 (B) home invasion;
17 (C) predatory criminal sexual assault of a child;
18 (D) aggravated criminal sexual assault; or
19 (E) criminal sexual assault.

20 (a-3.3) Any person required to register as a sex offender
21 under the Sex Offender Registration Act, regardless of the
22 date of conviction as set forth in subsection (c-5.2) shall be
23 required to provide a specimen of blood, saliva, or tissue
24 within the time period prescribed in subsection (c-5.2) at a
25 collection site designated by the Illinois ~~Department of~~ State
26 Police.

1 (a-5) Any person who was otherwise convicted of or
2 received a disposition of court supervision for any other
3 offense under the Criminal Code of 1961 or the Criminal Code of
4 2012 or who was found guilty or given supervision for such a
5 violation under the Juvenile Court Act of 1987, may,
6 regardless of the sentence imposed, be required by an order of
7 the court to submit specimens of blood, saliva, or tissue to
8 the Illinois ~~Department of~~ State Police in accordance with the
9 provisions of this Section.

10 (b) Any person required by paragraphs (a)(1), (a)(1.5),
11 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
12 saliva, or tissue shall provide specimens of blood, saliva, or
13 tissue within 45 days after sentencing or disposition at a
14 collection site designated by the Illinois ~~Department of~~ State
15 Police.

16 (c) Any person required by paragraphs (a)(3), (a)(4), and
17 (a)(4.5) to provide specimens of blood, saliva, or tissue
18 shall be required to provide such specimens prior to final
19 discharge or within 6 months from August 13, 2009 (the
20 effective date of Public Act 96-426), whichever is sooner.
21 These specimens shall be placed into the State or national DNA
22 database, to be used in accordance with other provisions of
23 this Act, by the Illinois State Police.

24 (c-5) Any person required by paragraph (a-3) to provide
25 specimens of blood, saliva, or tissue shall, where feasible,
26 be required to provide the specimens before being accepted for

1 conditioned residency in Illinois under the interstate compact
2 or agreement, but no later than 45 days after arrival in this
3 State.

4 (c-5.2) Unless it is determined that a registered sex
5 offender has previously submitted a specimen of blood, saliva,
6 or tissue that has been placed into the State DNA database, a
7 person registering as a sex offender shall be required to
8 submit a specimen at the time of his or her initial
9 registration pursuant to the Sex Offender Registration Act or,
10 for a person registered as a sex offender on or prior to
11 January 1, 2012 (the effective date of Public Act 97-383),
12 within one year of January 1, 2012 (the effective date of
13 Public Act 97-383) or at the time of his or her next required
14 registration.

15 (c-6) The Illinois ~~Department of~~ State Police may
16 determine which type of specimen or specimens, blood, saliva,
17 or tissue, is acceptable for submission to the Division of
18 Forensic Services for analysis. The Illinois ~~Department of~~
19 State Police may require the submission of fingerprints from
20 anyone required to give a specimen under this Act.

21 (d) The Illinois ~~Department of~~ State Police shall provide
22 all equipment and instructions necessary for the collection of
23 blood specimens. The collection of specimens shall be
24 performed in a medically approved manner. Only a physician
25 authorized to practice medicine, a registered nurse or other
26 qualified person trained in venipuncture may withdraw blood

1 for the purposes of this Act. The specimens shall thereafter
2 be forwarded to the Illinois ~~Department of~~ State Police,
3 Division of Forensic Services, for analysis and categorizing
4 into genetic marker groupings.

5 (d-1) The Illinois ~~Department of~~ State Police shall
6 provide all equipment and instructions necessary for the
7 collection of saliva specimens. The collection of saliva
8 specimens shall be performed in a medically approved manner.
9 Only a person trained in the instructions promulgated by the
10 Illinois State Police on collecting saliva may collect saliva
11 for the purposes of this Section. The specimens shall
12 thereafter be forwarded to the Illinois ~~Department of~~ State
13 Police, Division of Forensic Services, for analysis and
14 categorizing into genetic marker groupings.

15 (d-2) The Illinois ~~Department of~~ State Police shall
16 provide all equipment and instructions necessary for the
17 collection of tissue specimens. The collection of tissue
18 specimens shall be performed in a medically approved manner.
19 Only a person trained in the instructions promulgated by the
20 Illinois State Police on collecting tissue may collect tissue
21 for the purposes of this Section. The specimens shall
22 thereafter be forwarded to the Illinois ~~Department of~~ State
23 Police, Division of Forensic Services, for analysis and
24 categorizing into genetic marker groupings.

25 (d-5) To the extent that funds are available, the Illinois
26 ~~Department of~~ State Police shall contract with qualified

1 personnel and certified laboratories for the collection,
2 analysis, and categorization of known specimens, except as
3 provided in subsection (n) of this Section.

4 (d-6) Agencies designated by the Illinois ~~Department of~~
5 State Police and the Illinois ~~Department of~~ State Police may
6 contract with third parties to provide for the collection or
7 analysis of DNA, or both, of an offender's blood, saliva, and
8 tissue specimens, except as provided in subsection (n) of this
9 Section.

10 (e) The genetic marker groupings shall be maintained by
11 the Illinois ~~Department of~~ State Police, Division of Forensic
12 Services.

13 (f) The genetic marker grouping analysis information
14 obtained pursuant to this Act shall be confidential and shall
15 be released only to peace officers of the United States, of
16 other states or territories, of the insular possessions of the
17 United States, of foreign countries duly authorized to receive
18 the same, to all peace officers of the State of Illinois and to
19 all prosecutorial agencies, and to defense counsel as provided
20 by Section 116-5 of the Code of Criminal Procedure of 1963. The
21 genetic marker grouping analysis information obtained pursuant
22 to this Act shall be used only for (i) valid law enforcement
23 identification purposes and as required by the Federal Bureau
24 of Investigation for participation in the National DNA
25 database, (ii) technology validation purposes, (iii) a
26 population statistics database, (iv) quality assurance

1 purposes if personally identifying information is removed, (v)
2 assisting in the defense of the criminally accused pursuant to
3 Section 116-5 of the Code of Criminal Procedure of 1963, or
4 (vi) identifying and assisting in the prosecution of a person
5 who is suspected of committing a sexual assault as defined in
6 Section 1a of the Sexual Assault Survivors Emergency Treatment
7 Act. Notwithstanding any other statutory provision to the
8 contrary, all information obtained under this Section shall be
9 maintained in a single State data base, which may be uploaded
10 into a national database, and which information may be subject
11 to expungement only as set forth in subsection (f-1).

12 (f-1) Upon receipt of notification of a reversal of a
13 conviction based on actual innocence, or of the granting of a
14 pardon pursuant to Section 12 of Article V of the Illinois
15 Constitution, if that pardon document specifically states that
16 the reason for the pardon is the actual innocence of an
17 individual whose DNA record has been stored in the State or
18 national DNA identification index in accordance with this
19 Section by the Illinois ~~Department of~~ State Police, the DNA
20 record shall be expunged from the DNA identification index,
21 and the Department shall by rule prescribe procedures to
22 ensure that the record and any specimens, analyses, or other
23 documents relating to such record, whether in the possession
24 of the Department or any law enforcement or police agency, or
25 any forensic DNA laboratory, including any duplicates or
26 copies thereof, are destroyed and a letter is sent to the court

1 verifying the expungement is completed. For specimens required
2 to be collected prior to conviction, unless the individual has
3 other charges or convictions that require submission of a
4 specimen, the DNA record for an individual shall be expunged
5 from the DNA identification databases and the specimen
6 destroyed upon receipt of a certified copy of a final court
7 order for each charge against an individual in which the
8 charge has been dismissed, resulted in acquittal, or that the
9 charge was not filed within the applicable time period. The
10 Department shall by rule prescribe procedures to ensure that
11 the record and any specimens in the possession or control of
12 the Department are destroyed and a letter is sent to the court
13 verifying the expungement is completed.

14 (f-5) Any person who intentionally uses genetic marker
15 grouping analysis information, or any other information
16 derived from a DNA specimen, beyond the authorized uses as
17 provided under this Section, or any other Illinois law, is
18 guilty of a Class 4 felony, and shall be subject to a fine of
19 not less than \$5,000.

20 (f-6) The Illinois ~~Department of~~ State Police may contract
21 with third parties for the purposes of implementing this
22 amendatory Act of the 93rd General Assembly, except as
23 provided in subsection (n) of this Section. Any other party
24 contracting to carry out the functions of this Section shall
25 be subject to the same restrictions and requirements of this
26 Section insofar as applicable, as the Illinois ~~Department of~~

1 State Police, and to any additional restrictions imposed by
2 the Illinois ~~Department of~~ State Police.

3 (g) For the purposes of this Section, "qualifying offense"
4 means any of the following:

5 (1) any violation or inchoate violation of Section
6 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
7 12-16 of the Criminal Code of 1961 or the Criminal Code of
8 2012;

9 (1.1) any violation or inchoate violation of Section
10 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
11 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
12 1961 or the Criminal Code of 2012 for which persons are
13 convicted on or after July 1, 2001;

14 (2) any former statute of this State which defined a
15 felony sexual offense;

16 (3) (blank);

17 (4) any inchoate violation of Section 9-3.1, 9-3.4,
18 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
19 the Criminal Code of 2012; or

20 (5) any violation or inchoate violation of Article 29D
21 of the Criminal Code of 1961 or the Criminal Code of 2012.

22 (g-5) (Blank).

23 (h) The Illinois ~~Department of~~ State Police shall be the
24 State central repository for all genetic marker grouping
25 analysis information obtained pursuant to this Act. The
26 Illinois ~~Department of~~ State Police may promulgate rules for

1 the form and manner of the collection of blood, saliva, or
2 tissue specimens and other procedures for the operation of
3 this Act. The provisions of the Administrative Review Law
4 shall apply to all actions taken under the rules so
5 promulgated.

6 (i) (1) A person required to provide a blood, saliva, or
7 tissue specimen shall cooperate with the collection of the
8 specimen and any deliberate act by that person intended to
9 impede, delay or stop the collection of the blood, saliva,
10 or tissue specimen is a Class 4 felony.

11 (2) In the event that a person's DNA specimen is not
12 adequate for any reason, the person shall provide another
13 DNA specimen for analysis. Duly authorized law enforcement
14 and corrections personnel may employ reasonable force in
15 cases in which an individual refuses to provide a DNA
16 specimen required under this Act.

17 (j) (Blank).

18 (k) All analysis and categorization assessments provided
19 under the Criminal and Traffic Assessments Act to the State
20 Offender DNA Identification System Fund shall be regulated as
21 follows:

22 (1) The State Offender DNA Identification System Fund
23 is hereby created as a special fund in the State Treasury.

24 (2) (Blank).

25 (3) Moneys deposited into the State Offender DNA
26 Identification System Fund shall be used by Illinois State

1 Police crime laboratories as designated by the Director of
2 the Illinois State Police. These funds shall be in
3 addition to any allocations made pursuant to existing laws
4 and shall be designated for the exclusive use of State
5 crime laboratories. These uses may include, but are not
6 limited to, the following:

7 (A) Costs incurred in providing analysis and
8 genetic marker categorization as required by
9 subsection (d).

10 (B) Costs incurred in maintaining genetic marker
11 groupings as required by subsection (e).

12 (C) Costs incurred in the purchase and maintenance
13 of equipment for use in performing analyses.

14 (D) Costs incurred in continuing research and
15 development of new techniques for analysis and genetic
16 marker categorization.

17 (E) Costs incurred in continuing education,
18 training, and professional development of forensic
19 scientists regularly employed by these laboratories.

20 (1) The failure of a person to provide a specimen, or of
21 any person or agency to collect a specimen, shall in no way
22 alter the obligation of the person to submit such specimen, or
23 the authority of the Illinois ~~Department of~~ State Police or
24 persons designated by the Department to collect the specimen,
25 or the authority of the Illinois ~~Department of~~ State Police to
26 accept, analyze and maintain the specimen or to maintain or

1 upload results of genetic marker grouping analysis information
2 into a State or national database.

3 (m) If any provision of this amendatory Act of the 93rd
4 General Assembly is held unconstitutional or otherwise
5 invalid, the remainder of this amendatory Act of the 93rd
6 General Assembly is not affected.

7 (n) Neither the Illinois ~~Department of~~ State Police, the
8 Division of Forensic Services, nor any laboratory of the
9 Division of Forensic Services may contract out forensic
10 testing for the purpose of an active investigation or a matter
11 pending before a court of competent jurisdiction without the
12 written consent of the prosecuting agency. For the purposes of
13 this subsection (n), "forensic testing" includes the analysis
14 of physical evidence in an investigation or other proceeding
15 for the prosecution of a violation of the Criminal Code of 1961
16 or the Criminal Code of 2012 or for matters adjudicated under
17 the Juvenile Court Act of 1987, and includes the use of
18 forensic databases and databanks, including DNA, firearm, and
19 fingerprint databases, and expert testimony.

20 (o) Mistake does not invalidate a database match. The
21 detention, arrest, or conviction of a person based upon a
22 database match or database information is not invalidated if
23 it is determined that the specimen was obtained or placed in
24 the database by mistake.

25 (p) This Section may be referred to as the Illinois DNA
26 Database Law of 2011.

1 (Source: P.A. 100-987, eff. 7-1-19.)

2 (730 ILCS 5/5-4-3a)

3 Sec. 5-4-3a. DNA testing backlog accountability.

4 (a) On or before August 1 of each year, the Illinois
5 ~~Department of~~ State Police shall report to the Governor and
6 both houses of the General Assembly the following information:

7 (1) the extent of the backlog of cases awaiting
8 testing or awaiting DNA analysis by that Department,
9 including but not limited to those tests conducted under
10 Section 5-4-3, as of June 30 of the previous fiscal year,
11 with the backlog being defined as all cases awaiting
12 forensic testing whether in the physical custody of the
13 Illinois State Police or in the physical custody of local
14 law enforcement, provided that the Illinois State Police
15 have written notice of any evidence in the physical
16 custody of local law enforcement prior to June 1 of that
17 year; and

18 (2) what measures have been and are being taken to
19 reduce that backlog and the estimated costs or
20 expenditures 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
5 the 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~~
9 ~~of~~ 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
4 analyses.

5 (2) For DNA submissions, report both total case and
6 sexual assault or abuse case (as defined by the Sexual
7 Assault Evidence Submission Act) figures for:

8 (A) The number of cases received in the preceding
9 quarter.

10 (B) The number of cases completed in the preceding
11 quarter.

12 (C) The number of cases waiting analysis.

13 (D) The number of cases sent for outsourcing.

14 (E) The number of cases waiting analysis that were
15 received within the past 30 days.

16 (F) The number of cases waiting analysis that were
17 received 31 to 90 days prior.

18 (G) The number of cases waiting analysis that were
19 received 91 to 180 days prior.

20 (H) The number of cases waiting analysis that were
21 received 181 to 365 days prior.

22 (I) The number of cases waiting analysis that were
23 received more than 365 days prior.

24 (3) For all other categories of testing (e.g., drug
25 chemistry, firearms/toolmark, footwear/tire track, latent
26 prints, toxicology, and trace chemistry analysis):

1 (A) The number of cases received in the preceding
2 quarter.

3 (B) The number of cases completed in the preceding
4 quarter.

5 (C) The number of cases waiting analysis.

6 (4) For the Combined DNA Index System (CODIS), report
7 both total case and sexual assault or abuse case (as
8 defined by the Sexual Assault Evidence Submission Act)
9 figures for subparagraphs (D), (E), and (F) of this
10 paragraph (4):

11 (A) The number of new offender samples received in
12 the preceding quarter.

13 (B) The number of offender samples uploaded to
14 CODIS in the preceding quarter.

15 (C) The number of offender samples awaiting
16 analysis.

17 (D) The number of unknown DNA case profiles
18 uploaded to CODIS in the preceding quarter.

19 (E) The number of CODIS hits in the preceding
20 quarter.

21 (F) The number of forensic evidence submissions
22 submitted to confirm a previously reported CODIS hit.

23 (5) For each category of testing, report the number of
24 trained forensic scientists and the number of forensic
25 scientists in training.

26 As used in this subsection (c), "completed" means

1 completion of both the analysis of the evidence and the
2 provision of the results to the submitting law enforcement
3 agency.

4 (d) The provisions of this subsection (d), other than this
5 sentence, are inoperative on and after January 1, 2019 or 2
6 years after the effective date of this amendatory Act of the
7 99th General Assembly, whichever is later. In consultation
8 with and subject to the approval of the Chief Procurement
9 Officer, the Illinois ~~Department of~~ State Police may obtain
10 contracts for services, commodities, and equipment to assist
11 in the timely completion of forensic biology, DNA, drug
12 chemistry, firearms/toolmark, footwear/tire track, latent
13 prints, toxicology, microscopy, trace chemistry, and Combined
14 DNA Index System (CODIS) analysis. Contracts to support the
15 delivery of timely forensic science services are not subject
16 to the provisions of the Illinois Procurement Code, except for
17 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
18 that Code, provided that the Chief Procurement Officer may, in
19 writing with justification, waive any certification required
20 under Article 50 of the Illinois Procurement Code. For any
21 contracts for services which are currently provided by members
22 of a collective bargaining agreement, the applicable terms of
23 the collective bargaining agreement concerning subcontracting
24 shall be followed.

25 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

1 (730 ILCS 5/5-4-3b)

2 Sec. 5-4-3b. Electronic Laboratory Information Management
3 System.

4 (a) The Illinois ~~Department of~~ State Police shall obtain,
5 implement, and maintain an Electronic Laboratory Information
6 Management System (LIMS) to efficiently and effectively track
7 all evidence submitted for forensic testing. At a minimum, the
8 LIMS shall record:

9 (1) the criminal offense or suspected criminal offense
10 for which the evidence is being submitted;

11 (2) the law enforcement agency submitting the
12 evidence;

13 (3) the name of the victim;

14 (4) the law enforcement agency case number;

15 (5) the Illinois State Police Laboratory case number;

16 (6) the date the evidence was received by the Illinois
17 State Police Laboratory;

18 (7) if the Illinois State Police Laboratory sent the
19 evidence for analysis to another designated laboratory,
20 the name of the laboratory and the date the evidence was
21 sent to that laboratory; and

22 (8) the date and description of any results or
23 information regarding the analysis sent to the submitting
24 law enforcement agency by the Illinois State Police
25 Laboratory or any other designated laboratory.

26 The LIMS shall also link multiple forensic evidence

1 submissions pertaining to a single criminal investigation such
2 that evidence submitted to confirm a previously reported
3 Combined DNA Index System (CODIS) hit in a State or federal
4 database can be linked to the initial evidence submission. The
5 LIMS shall be such that the system provides ease of
6 interoperability with law enforcement agencies for evidence
7 submission and reporting, as well as supports expansion
8 capabilities for future internal networking and laboratory
9 operations.

10 (b) The Illinois ~~Department~~ of State Police, in
11 consultation with and subject to the approval of the Chief
12 Procurement Officer, may procure a single contract or multiple
13 contracts to implement the provisions of this Section. A
14 contract or contracts under this subsection 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
17 that 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. This
20 exemption is inoperative 2 years from January 1, 2016 (the
21 effective date of Public Act 99-352).

22 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

23 (730 ILCS 5/5-5-4) (from Ch. 38, par. 1005-5-4)

24 Sec. 5-5-4. Resentences.

25 (a) Where a conviction or sentence has been set aside on

1 direct review or on collateral attack, the court shall not
2 impose a new sentence for the same offense or for a different
3 offense based on the same conduct which is more severe than the
4 prior sentence less the portion of the prior sentence
5 previously satisfied unless the more severe sentence is based
6 upon conduct on the part of the defendant occurring after the
7 original sentencing. If a sentence is vacated on appeal or on
8 collateral attack due to the failure of the trier of fact at
9 trial to determine beyond a reasonable doubt the existence of
10 a fact (other than a prior conviction) necessary to increase
11 the punishment for the offense beyond the statutory maximum
12 otherwise applicable, either the defendant may be re-sentenced
13 to a term within the range otherwise provided or, if the State
14 files notice of its intention to again seek the extended
15 sentence, the defendant shall be afforded a new trial.

16 (b) If a conviction or sentence has been set aside on
17 direct review or on collateral attack and the court determines
18 by clear and convincing evidence that the defendant was
19 factually innocent of the charge, the court shall enter an
20 order expunging the record of arrest from the official records
21 of the arresting authority and order that the records of the
22 clerk of the circuit court and Illinois ~~Department of~~ State
23 Police be sealed until further order of the court upon good
24 cause shown or as otherwise provided herein, and the name of
25 the defendant obliterated from the official index requested to
26 be kept by the circuit court clerk under Section 16 of the

1 Clerks of Courts Act in connection with the arrest and
2 conviction for the offense but the order shall not affect any
3 index issued by the circuit court clerk before the entry of the
4 order. The court shall enter the expungement order regardless
5 of whether the defendant has prior criminal convictions.

6 All records sealed by the Illinois ~~Department of State~~
7 Police may be disseminated by the Department only as required
8 by law or to the arresting authority, the State's Attorney,
9 the court upon a later arrest for the same or similar offense,
10 or for the purpose of sentencing for any subsequent felony.
11 Upon conviction for any subsequent offense, the Department of
12 Corrections shall have access to all sealed records of the
13 Department pertaining to that individual.

14 Upon entry of the order of expungement, the clerk of the
15 circuit court shall promptly mail a copy of the order to the
16 person whose records were expunged and sealed.

17 (c) If a conviction has been vacated as a result of a claim
18 of actual innocence based on newly discovered evidence made
19 under Section 122-1 of the Code of Criminal Procedure of 1963
20 or Section 2-1401 of the Code of Civil Procedure, and the
21 provisions of paragraphs (1) and (2) of subsection (g) of
22 Section 2-702 of the Code of Civil Procedure are otherwise
23 satisfied, the court shall enter an order for a certificate of
24 innocence and an order expunging the conviction for which the
25 petitioner has been determined to be innocent as provided in
26 subsection (h) of Section 2-702 of the Code of Civil

1 Procedure.

2 (Source: P.A. 98-133, eff. 1-1-14.)

3 (730 ILCS 5/5-5.5-40)

4 Sec. 5-5.5-40. Forms and filing.

5 (a) All applications, certificates, and orders of
6 revocation necessary for the purposes of this Article shall be
7 upon forms prescribed by the Chief Justice of the Supreme
8 Court or his or her designee. The forms relating to
9 certificates of relief from disabilities and certificates of
10 good conduct shall be distributed by the Director of the
11 Division of Probation Services.

12 (b) Any court or board issuing or revoking any certificate
13 under this Article shall immediately file a copy of the
14 certificate or of the order of revocation with the Director of
15 the Illinois State Police.

16 (Source: P.A. 96-852, eff. 1-1-10.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 Sec. 5-6-3. Conditions of probation and of conditional
19 discharge.

20 (a) The conditions of probation and of conditional
21 discharge shall be that the person:

22 (1) not violate any criminal statute of any
23 jurisdiction;

24 (2) report to or appear in person before such person

1 or agency as directed by the court;

2 (3) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a felony or, if a
4 misdemeanor, the offense involved the intentional or
5 knowing infliction of bodily harm or threat of bodily
6 harm;

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the person's probation
12 officer. Transfer of a person's probation or conditional
13 discharge supervision to another state is subject to
14 acceptance by the other state pursuant to the Interstate
15 Compact for Adult Offender Supervision;

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized
25 gang and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
4 2012 and similar damage to property located within the
5 municipality or county in which the violation occurred.
6 When possible and reasonable, the community service should
7 be performed in the offender's neighborhood. For purposes
8 of this Section, "organized gang" has the meaning ascribed
9 to it in Section 10 of the Illinois Streetgang Terrorism
10 Omnibus Prevention Act. The court may give credit toward
11 the fulfillment of community service hours for
12 participation in activities and treatment as determined by
13 court services;

14 (7) if he or she is at least 17 years of age and has
15 been sentenced to probation or conditional discharge for a
16 misdemeanor or felony in a county of 3,000,000 or more
17 inhabitants and has not been previously convicted of a
18 misdemeanor or felony, may be required by the sentencing
19 court to attend educational courses designed to prepare
20 the defendant for a high school diploma and to work toward
21 a high school diploma or to work toward passing high
22 school equivalency testing or to work toward completing a
23 vocational training program approved by the court. The
24 person on probation or conditional discharge must attend a
25 public institution of education to obtain the educational
26 or vocational training required by this paragraph (7). The

1 court shall revoke the probation or conditional discharge
2 of a person who willfully ~~wilfully~~ fails to comply with
3 this paragraph (7). The person on probation or conditional
4 discharge shall be required to pay for the cost of the
5 educational courses or high school equivalency testing if
6 a fee is charged for those courses or testing. The court
7 shall resentence the offender whose probation or
8 conditional discharge has been revoked as provided in
9 Section 5-6-4. This paragraph (7) does not apply to a
10 person who has a high school diploma or has successfully
11 passed high school equivalency testing. This paragraph (7)
12 does not apply to a person who is determined by the court
13 to be a person with a developmental disability or
14 otherwise mentally incapable of completing the educational
15 or vocational program;

16 (8) if convicted of possession of a substance
17 prohibited by the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act after a previous conviction
20 or disposition of supervision for possession of a
21 substance prohibited by the Cannabis Control Act or
22 Illinois Controlled Substances Act or after a sentence of
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act, or
25 Section 70 of the Methamphetamine Control and Community
26 Protection Act and upon a finding by the court that the

1 person is addicted, undergo treatment at a substance abuse
2 program approved by the court;

3 (8.5) if convicted of a felony sex offense as defined
4 in the Sex Offender Management Board Act, the person shall
5 undergo and successfully complete sex offender treatment
6 by a treatment provider approved by the Board and
7 conducted in conformance with the standards developed
8 under the Sex Offender Management Board Act;

9 (8.6) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, refrain from residing
11 at the same address or in the same condominium unit or
12 apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has
15 been placed on supervision for a sex offense; the
16 provisions of this paragraph do not apply to a person
17 convicted of a sex offense who is placed in a Department of
18 Corrections licensed transitional housing facility for sex
19 offenders;

20 (8.7) if convicted for an offense committed on or
21 after June 1, 2008 (the effective date of Public Act
22 95-464) that would qualify the accused as a child sex
23 offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 refrain from communicating with or contacting, by means of
26 the Internet, a person who is not related to the accused

1 and whom the accused reasonably believes to be under 18
2 years of age; for purposes of this paragraph (8.7),
3 "Internet" has the meaning ascribed to it in Section
4 16-0.1 of the Criminal Code of 2012; and a person is not
5 related to the accused if the person is not: (i) the
6 spouse, brother, or sister of the accused; (ii) a
7 descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (8.8) if convicted for an offense under Section 11-6,
11 11-9.1, 11-14.4 that involves soliciting for a juvenile
12 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 or any attempt to commit any of these offenses, committed
15 on or after June 1, 2009 (the effective date of Public Act
16 95-983):

17 (i) not access or use a computer or any other
18 device with Internet capability without the prior
19 written approval of the offender's probation officer,
20 except in connection with the offender's employment or
21 search for employment with the prior approval of the
22 offender's probation officer;

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's probation
26 officer, a law enforcement officer, or assigned

1 computer or information technology specialist,
2 including the retrieval and copying of all data from
3 the computer or device and any internal or external
4 peripherals and removal of such information,
5 equipment, or device to conduct a more thorough
6 inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 offender's expense, of one or more hardware or
10 software systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a
13 computer or any other device with Internet capability
14 imposed by the offender's probation officer;

15 (8.9) if convicted of a sex offense as defined in the
16 Sex Offender Registration Act committed on or after
17 January 1, 2010 (the effective date of Public Act 96-262),
18 refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code
20 of 2012;

21 (9) if convicted of a felony or of any misdemeanor
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
24 2012 that was determined, pursuant to Section 112A-11.1 of
25 the Code of Criminal Procedure of 1963, to trigger the
26 prohibitions of 18 U.S.C. 922(g)(9), physically surrender

1 at a time and place designated by the court, his or her
2 Firearm Owner's Identification Card and any and all
3 firearms in his or her possession. The Court shall return
4 to the Illinois ~~Department of~~ State Police Firearm Owner's
5 Identification Card Office the person's Firearm Owner's
6 Identification Card;

7 (10) if convicted of a sex offense as defined in
8 subsection (a-5) of Section 3-1-2 of this Code, unless the
9 offender is a parent or guardian of the person under 18
10 years of age present in the home and no non-familial
11 minors are present, not participate in a holiday event
12 involving children under 18 years of age, such as
13 distributing candy or other items to children on
14 Halloween, wearing a Santa Claus costume on or preceding
15 Christmas, being employed as a department store Santa
16 Claus, or wearing an Easter Bunny costume on or preceding
17 Easter;

18 (11) if convicted of a sex offense as defined in
19 Section 2 of the Sex Offender Registration Act committed
20 on or after January 1, 2010 (the effective date of Public
21 Act 96-362) that requires the person to register as a sex
22 offender under that Act, may not knowingly use any
23 computer scrub software on any computer that the sex
24 offender uses;

25 (12) if convicted of a violation of the
26 Methamphetamine Control and Community Protection Act, the

1 Methamphetamine Precursor Control Act, or a
2 methamphetamine related offense:

3 (A) prohibited from purchasing, possessing, or
4 having under his or her control any product containing
5 pseudoephedrine unless prescribed by a physician; and

6 (B) prohibited from purchasing, possessing, or
7 having under his or her control any product containing
8 ammonium nitrate; and

9 (13) if convicted of a hate crime involving the
10 protected class identified in subsection (a) of Section
11 12-7.1 of the Criminal Code of 2012 that gave rise to the
12 offense the offender committed, perform public or
13 community service of no less than 200 hours and enroll in
14 an educational program discouraging hate crimes that
15 includes racial, ethnic, and cultural sensitivity training
16 ordered by the court.

17 (b) The Court may in addition to other reasonable
18 conditions relating to the nature of the offense or the
19 rehabilitation of the defendant as determined for each
20 defendant in the proper discretion of the Court require that
21 the person:

22 (1) serve a term of periodic imprisonment under
23 Article 7 for a period not to exceed that specified in
24 paragraph (d) of Section 5-7-1;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

- 1 training;
- 2 (4) undergo medical, psychological or psychiatric
3 treatment; or treatment for drug addiction or alcoholism;
- 4 (5) attend or reside in a facility established for the
5 instruction or residence of defendants on probation;
- 6 (6) support his dependents;
- 7 (7) and in addition, if a minor:
- 8 (i) reside with his parents or in a foster home;
- 9 (ii) attend school;
- 10 (iii) attend a non-residential program for youth;
- 11 (iv) contribute to his own support at home or in a
12 foster home;
- 13 (v) with the consent of the superintendent of the
14 facility, attend an educational program at a facility
15 other than the school in which the offense was
16 committed if he or she is convicted of a crime of
17 violence as defined in Section 2 of the Crime Victims
18 Compensation Act committed in a school, on the real
19 property comprising a school, or within 1,000 feet of
20 the real property comprising a school;
- 21 (8) make restitution as provided in Section 5-5-6 of
22 this Code;
- 23 (9) perform some reasonable public or community
24 service;
- 25 (10) serve a term of home confinement. In addition to
26 any other applicable condition of probation or conditional

1 discharge, the conditions of home confinement shall be
2 that the offender:

3 (i) remain within the interior premises of the
4 place designated for his confinement during the hours
5 designated by the court;

6 (ii) admit any person or agent designated by the
7 court into the offender's place of confinement at any
8 time for purposes of verifying the offender's
9 compliance with the conditions of his confinement; and

10 (iii) if further deemed necessary by the court or
11 the Probation or Court Services Department, be placed
12 on an approved electronic monitoring device, subject
13 to Article 8A of Chapter V;

14 (iv) for persons convicted of any alcohol,
15 cannabis or controlled substance violation who are
16 placed on an approved monitoring device as a condition
17 of probation or conditional discharge, the court shall
18 impose a reasonable fee for each day of the use of the
19 device, as established by the county board in
20 subsection (g) of this Section, unless after
21 determining the inability of the offender to pay the
22 fee, the court assesses a lesser fee or no fee as the
23 case may be. This fee shall be imposed in addition to
24 the fees imposed under subsections (g) and (i) of this
25 Section. The fee shall be collected by the clerk of the
26 circuit court, except as provided in an administrative

1 order of the Chief Judge of the circuit court. The
2 clerk of the circuit court shall pay all monies
3 collected from this fee to the county treasurer for
4 deposit in the substance abuse services fund under
5 Section 5-1086.1 of the Counties Code, except as
6 provided in an administrative order of the Chief Judge
7 of the circuit court.

8 The Chief Judge of the circuit court of the county
9 may by administrative order establish a program for
10 electronic monitoring of offenders, in which a vendor
11 supplies and monitors the operation of the electronic
12 monitoring device, and collects the fees on behalf of
13 the county. The program shall include provisions for
14 indigent offenders and the collection of unpaid fees.
15 The program shall not unduly burden the offender and
16 shall be subject to review by the Chief Judge.

17 The Chief Judge of the circuit court may suspend
18 any additional charges or fees for late payment,
19 interest, or damage to any device; and

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

1 determining the inability of the defendant to pay the
2 fee, the court assesses a lesser fee or no fee as the
3 case may be. This fee shall be imposed in addition to
4 the fees imposed under subsections (g) and (i) of this
5 Section. The fee shall be collected by the clerk of the
6 circuit court, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The
8 clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer who
10 shall use the monies collected to defray the costs of
11 corrections. The county treasurer shall deposit the
12 fee collected in the probation and court services
13 fund. The Chief Judge of the circuit court of the
14 county may by administrative order establish a program
15 for electronic monitoring of offenders, in which a
16 vendor supplies and monitors the operation of the
17 electronic monitoring device, and collects the fees on
18 behalf of the county. The program shall include
19 provisions for indigent offenders and the collection
20 of unpaid fees. The program shall not unduly burden
21 the offender and shall be subject to review by the
22 Chief Judge.

23 The Chief Judge of the circuit court may suspend
24 any additional charges or fees for late payment,
25 interest, or damage to any device.

26 (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois
2 Domestic Violence Act of 1986, as now or hereafter
3 amended, or an order of protection issued by the court of
4 another state, tribe, or United States territory. A copy
5 of the order of protection shall be transmitted to the
6 probation officer or agency having responsibility for the
7 case;

8 (12) reimburse any "local anti-crime program" as
9 defined in Section 7 of the Anti-Crime Advisory Council
10 Act for any reasonable expenses incurred by the program on
11 the offender's case, not to exceed the maximum amount of
12 the fine authorized for the offense for which the
13 defendant was sentenced;

14 (13) contribute a reasonable sum of money, not to
15 exceed the maximum amount of the fine authorized for the
16 offense for which the defendant was sentenced, (i) to a
17 "local anti-crime program", as defined in Section 7 of the
18 Anti-Crime Advisory Council Act, or (ii) for offenses
19 under the jurisdiction of the Department of Natural
20 Resources, to the fund established by the Department of
21 Natural Resources for the purchase of evidence for
22 investigation purposes and to conduct investigations as
23 outlined in Section 805-105 of the Department of Natural
24 Resources (Conservation) Law;

25 (14) refrain from entering into a designated
26 geographic area except upon such terms as the court finds

1 appropriate. Such terms may include consideration of the
2 purpose of the entry, the time of day, other persons
3 accompanying the defendant, and advance approval by a
4 probation officer, if the defendant has been placed on
5 probation or advance approval by the court, if the
6 defendant was placed on conditional discharge;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of persons, including but not limited to members of
10 street gangs and drug users or dealers;

11 (16) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or
14 the Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of
16 his or her blood or urine or both for tests to determine
17 the presence of any illicit drug;

18 (17) if convicted for an offense committed on or after
19 June 1, 2008 (the effective date of Public Act 95-464)
20 that would qualify the accused as a child sex offender as
21 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, refrain from
23 communicating with or contacting, by means of the
24 Internet, a person who is related to the accused and whom
25 the accused reasonably believes to be under 18 years of
26 age; for purposes of this paragraph (17), "Internet" has

1 the meaning ascribed to it in Section 16-0.1 of the
2 Criminal Code of 2012; and a person is related to the
3 accused if the person is: (i) the spouse, brother, or
4 sister of the accused; (ii) a descendant of the accused;
5 (iii) a first or second cousin of the accused; or (iv) a
6 step-child or adopted child of the accused;

7 (18) if convicted for an offense committed on or after
8 June 1, 2009 (the effective date of Public Act 95-983)
9 that would qualify as a sex offense as defined in the Sex
10 Offender Registration Act:

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the offender's probation officer,
14 except in connection with the offender's employment or
15 search for employment with the prior approval of the
16 offender's probation officer;

17 (ii) submit to periodic unannounced examinations
18 of the offender's computer or any other device with
19 Internet capability by the offender's probation
20 officer, a law enforcement officer, or assigned
21 computer or information technology specialist,
22 including the retrieval and copying of all data from
23 the computer or device and any internal or external
24 peripherals and removal of such information,
25 equipment, or device to conduct a more thorough
26 inspection;

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 subject's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the offender's probation officer; and

9 (19) refrain from possessing a firearm or other
10 dangerous weapon where the offense is a misdemeanor that
11 did not involve the intentional or knowing infliction of
12 bodily harm or threat of bodily harm.

13 (c) The court may as a condition of probation or of
14 conditional discharge require that a person under 18 years of
15 age found guilty of any alcohol, cannabis or controlled
16 substance violation, refrain from acquiring a driver's license
17 during the period of probation or conditional discharge. If
18 such person is in possession of a permit or license, the court
19 may require that the minor refrain from driving or operating
20 any motor vehicle during the period of probation or
21 conditional discharge, except as may be necessary in the
22 course of the minor's lawful employment.

23 (d) An offender sentenced to probation or to conditional
24 discharge shall be given a certificate setting forth the
25 conditions thereof.

26 (e) Except where the offender has committed a fourth or

1 subsequent violation of subsection (c) of Section 6-303 of the
2 Illinois Vehicle Code, the court shall not require as a
3 condition of the sentence of probation or conditional
4 discharge that the offender be committed to a period of
5 imprisonment in excess of 6 months. This 6-month limit shall
6 not include periods of confinement given pursuant to a
7 sentence of county impact incarceration under Section 5-8-1.2.

8 Persons committed to imprisonment as a condition of
9 probation or conditional discharge shall not be committed to
10 the Department of Corrections.

11 (f) The court may combine a sentence of periodic
12 imprisonment under Article 7 or a sentence to a county impact
13 incarceration program under Article 8 with a sentence of
14 probation or conditional discharge.

15 (g) An offender sentenced to probation or to conditional
16 discharge and who during the term of either undergoes
17 mandatory drug or alcohol testing, or both, or is assigned to
18 be placed on an approved electronic monitoring device, shall
19 be ordered to pay all costs incidental to such mandatory drug
20 or alcohol testing, or both, and all costs incidental to such
21 approved electronic monitoring in accordance with the
22 defendant's ability to pay those costs. The county board with
23 the concurrence of the Chief Judge of the judicial circuit in
24 which the county is located shall establish reasonable fees
25 for the cost of maintenance, testing, and incidental expenses
26 related to the mandatory drug or alcohol testing, or both, and

1 all costs incidental to approved electronic monitoring,
2 involved in a successful probation program for the county. The
3 concurrence of the Chief Judge shall be in the form of an
4 administrative order. The fees shall be collected by the clerk
5 of the circuit court, except as provided in an administrative
6 order of the Chief Judge of the circuit court. The clerk of the
7 circuit court shall pay all moneys collected from these fees
8 to the county treasurer who shall use the moneys collected to
9 defray the costs of drug testing, alcohol testing, and
10 electronic monitoring. The county treasurer shall deposit the
11 fees collected in the county working cash fund under Section
12 6-27001 or Section 6-29002 of the Counties Code, as the case
13 may be. The Chief Judge of the circuit court of the county may
14 by administrative order establish a program for electronic
15 monitoring of offenders, in which a vendor supplies and
16 monitors the operation of the electronic monitoring device,
17 and collects the fees on behalf of the county. The program
18 shall include provisions for indigent offenders and the
19 collection of unpaid fees. The program shall not unduly burden
20 the offender and shall be subject to review by the Chief Judge.

21 The Chief Judge of the circuit court may suspend any
22 additional charges or fees for late payment, interest, or
23 damage to any device.

24 (h) Jurisdiction over an offender may be transferred from
25 the sentencing court to the court of another circuit with the
26 concurrence of both courts. Further transfers or retransfers

1 of jurisdiction are also authorized in the same manner. The
2 court to which jurisdiction has been transferred shall have
3 the same powers as the sentencing court. The probation
4 department within the circuit to which jurisdiction has been
5 transferred, or which has agreed to provide supervision, may
6 impose probation fees upon receiving the transferred offender,
7 as provided in subsection (i). For all transfer cases, as
8 defined in Section 9b of the Probation and Probation Officers
9 Act, the probation department from the original sentencing
10 court shall retain all probation fees collected prior to the
11 transfer. After the transfer, all probation fees shall be paid
12 to the probation department within the circuit to which
13 jurisdiction has been transferred.

14 (i) The court shall impose upon an offender sentenced to
15 probation after January 1, 1989 or to conditional discharge
16 after January 1, 1992 or to community service under the
17 supervision of a probation or court services department after
18 January 1, 2004, as a condition of such probation or
19 conditional discharge or supervised community service, a fee
20 of \$50 for each month of probation or conditional discharge
21 supervision or supervised community service ordered by the
22 court, unless after determining the inability of the person
23 sentenced to probation or conditional discharge or supervised
24 community service to pay the fee, the court assesses a lesser
25 fee. The court may not impose the fee on a minor who is placed
26 in the guardianship or custody of the Department of Children

1 and Family Services under the Juvenile Court Act of 1987 while
2 the minor is in placement. The fee shall be imposed only upon
3 an offender who is actively supervised by the probation and
4 court services department. The fee shall be collected by the
5 clerk of the circuit court. The clerk of the circuit court
6 shall pay all monies collected from this fee to the county
7 treasurer for deposit in the probation and court services fund
8 under Section 15.1 of the Probation and Probation Officers
9 Act.

10 A circuit court may not impose a probation fee under this
11 subsection (i) in excess of \$25 per month unless the circuit
12 court has adopted, by administrative order issued by the chief
13 judge, a standard probation fee guide determining an
14 offender's ability to pay. Of the amount collected as a
15 probation fee, up to \$5 of that fee collected per month may be
16 used to provide services to crime victims and their families.

17 The Court may only waive probation fees based on an
18 offender's ability to pay. The probation department may
19 re-evaluate an offender's ability to pay every 6 months, and,
20 with the approval of the Director of Court Services or the
21 Chief Probation Officer, adjust the monthly fee amount. An
22 offender may elect to pay probation fees due in a lump sum. Any
23 offender that has been assigned to the supervision of a
24 probation department, or has been transferred either under
25 subsection (h) of this Section or under any interstate
26 compact, shall be required to pay probation fees to the

1 department supervising the offender, based on the offender's
2 ability to pay.

3 Public Act 93-970 deletes the \$10 increase in the fee
4 under this subsection that was imposed by Public Act 93-616.
5 This deletion is intended to control over any other Act of the
6 93rd General Assembly that retains or incorporates that fee
7 increase.

8 (i-5) In addition to the fees imposed under subsection (i)
9 of this Section, in the case of an offender convicted of a
10 felony sex offense (as defined in the Sex Offender Management
11 Board Act) or an offense that the court or probation
12 department has determined to be sexually motivated (as defined
13 in the Sex Offender Management Board Act), the court or the
14 probation department shall assess additional fees to pay for
15 all costs of treatment, assessment, evaluation for risk and
16 treatment, and monitoring the offender, based on that
17 offender's ability to pay those costs either as they occur or
18 under a payment plan.

19 (j) All fines and costs imposed under this Section for any
20 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
21 Code, or a similar provision of a local ordinance, and any
22 violation of the Child Passenger Protection Act, or a similar
23 provision of a local ordinance, shall be collected and
24 disbursed by the circuit clerk as provided under the Criminal
25 and Traffic Assessment Act.

26 (k) Any offender who is sentenced to probation or

1 conditional discharge for a felony sex offense as defined in
2 the Sex Offender Management Board Act or any offense that the
3 court or probation department has determined to be sexually
4 motivated as defined in the Sex Offender Management Board Act
5 shall be required to refrain from any contact, directly or
6 indirectly, with any persons specified by the court and shall
7 be available for all evaluations and treatment programs
8 required by the court or the probation department.

9 (1) The court may order an offender who is sentenced to
10 probation or conditional discharge for a violation of an order
11 of protection be placed under electronic surveillance as
12 provided in Section 5-8A-7 of this Code.

13 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
14 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
15 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

16 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

17 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
18 amounts collected as fines pursuant to Section 5-9-1.1 shall
19 be paid into the Youth Drug Abuse Prevention Fund, which is
20 hereby created in the State treasury, to be used by the
21 Department of Human Services for the funding of programs and
22 services for drug-abuse treatment, and prevention and
23 education services, for juveniles.

24 (b) Eighty-seven and one-half percent of the proceeds of
25 all fines received pursuant to Section 5-9-1.1 shall be

1 transmitted to and deposited in the treasurer's office at the
2 level of government as follows:

3 (1) If such seizure was made by a combination of law
4 enforcement personnel representing differing units of
5 local government, the court levying the fine shall
6 equitably allocate 50% of the fine among these units of
7 local government and shall allocate 37 1/2% to the county
8 general corporate fund. In the event that the seizure was
9 made by law enforcement personnel representing a unit of
10 local government from a municipality where the number of
11 inhabitants exceeds 2 million in population, the court
12 levying the fine shall allocate 87 1/2% of the fine to that
13 unit of local government. If the seizure was made by a
14 combination of law enforcement personnel representing
15 differing units of local government, and at least one of
16 those units represents a municipality where the number of
17 inhabitants exceeds 2 million in population, the court
18 shall equitably allocate 87 1/2% of the proceeds of the
19 fines received among the differing units of local
20 government.

21 (2) If such seizure was made by State law enforcement
22 personnel, then the court shall allocate 37 1/2% to the
23 State treasury and 50% to the county general corporate
24 fund.

25 (3) If a State law enforcement agency in combination
26 with a law enforcement agency or agencies of a unit or

1 units of local government conducted the seizure, the court
2 shall equitably allocate 37 1/2% of the fines to or among
3 the law enforcement agency or agencies of the unit or
4 units of local government which conducted the seizure and
5 shall allocate 50% to the county general corporate fund.

6 (c) The proceeds of all fines allocated to the law
7 enforcement agency or agencies of the unit or units of local
8 government pursuant to subsection (b) shall be made available
9 to that law enforcement agency as expendable receipts for use
10 in the enforcement of laws regulating controlled substances
11 and cannabis. The proceeds of fines awarded to the State
12 treasury shall be deposited in a special fund known as the Drug
13 Traffic Prevention Fund. Monies from this fund may be used by
14 the Illinois ~~Department of~~ State Police for use in the
15 enforcement of laws regulating controlled substances and
16 cannabis; to satisfy funding provisions of the
17 Intergovernmental Drug Laws Enforcement Act; and to defray
18 costs and expenses associated with returning violators of the
19 Cannabis Control Act, the Illinois Controlled Substances Act,
20 and the Methamphetamine Control and Community Protection Act
21 only, as provided in those Acts, when punishment of the crime
22 shall be confinement of the criminal in the penitentiary.
23 Moneys in the Drug Traffic Prevention Fund deposited from
24 fines awarded as a direct result of enforcement efforts of the
25 Illinois Conservation Police may be used by the Department of
26 Natural Resources Office of Law Enforcement for use in

1 enforcing laws regulating controlled substances and cannabis
2 on Department of Natural Resources regulated lands and
3 waterways. All other monies shall be paid into the general
4 revenue fund in the State treasury.

5 (d) There is created in the State treasury the
6 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
7 be equitably allocated to local law enforcement agencies to:
8 (1) reimburse those agencies for the costs of securing and
9 cleaning up sites and facilities used for the illegal
10 manufacture of methamphetamine; (2) defray the costs of
11 employing full-time or part-time peace officers from a
12 Metropolitan Enforcement Group or other local drug task force,
13 including overtime costs for those officers; and (3) defray
14 the costs associated with medical or dental expenses incurred
15 by the county resulting from the incarceration of
16 methamphetamine addicts in the county jail or County
17 Department of Corrections.

18 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;
19 95-331, eff. 8-21-07.)

20 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

21 Sec. 5-9-1.4. (a) "Crime laboratory" means any
22 not-for-profit laboratory registered with the Drug Enforcement
23 Administration of the United States Department of Justice,
24 substantially funded by a unit or combination of units of
25 local government or the State of Illinois, which regularly

1 employs at least one person engaged in the analysis of
2 controlled substances, cannabis, methamphetamine, or steroids
3 for criminal justice agencies in criminal matters and provides
4 testimony with respect to such examinations.

5 (b) (Blank).

6 (c) In addition to any other disposition made pursuant to
7 the provisions of the Juvenile Court Act of 1987, any minor
8 adjudicated delinquent for an offense which if committed by an
9 adult would constitute a violation of the Cannabis Control
10 Act, the Illinois Controlled Substances Act, the
11 Methamphetamine Control and Community Protection Act, or the
12 Steroid Control Act shall be required to pay a criminal
13 laboratory analysis assessment of \$100 for each adjudication.
14 Upon verified petition of the minor, the court may suspend
15 payment of all or part of the assessment if it finds that the
16 minor does not have the ability to pay the assessment. The
17 parent, guardian or legal custodian of the minor may pay some
18 or all of such assessment on the minor's behalf.

19 (d) All criminal laboratory analysis fees provided for by
20 this Section shall be collected by the clerk of the court and
21 forwarded to the appropriate crime laboratory fund as provided
22 in subsection (f).

23 (e) Crime laboratory funds shall be established as
24 follows:

25 (1) Any unit of local government which maintains a
26 crime laboratory may establish a crime laboratory fund

1 within the office of the county or municipal treasurer.

2 (2) Any combination of units of local government which
3 maintains a crime laboratory may establish a crime
4 laboratory fund within the office of the treasurer of the
5 county where the crime laboratory is situated.

6 (3) The State Crime Laboratory Fund is hereby created
7 as a special fund in the State Treasury.

8 (f) The analysis assessment provided for in subsection (c)
9 of this Section shall be forwarded to the office of the
10 treasurer of the unit of local government that performed the
11 analysis if that unit of local government has established a
12 crime laboratory fund, or to the State Crime Laboratory Fund
13 if the analysis was performed by a laboratory operated by the
14 Illinois State Police. If the analysis was performed by a
15 crime laboratory funded by a combination of units of local
16 government, the analysis assessment shall be forwarded to the
17 treasurer of the county where the crime laboratory is situated
18 if a crime laboratory fund has been established in that
19 county. If the unit of local government or combination of
20 units of local government has not established a crime
21 laboratory fund, then the analysis assessment shall be
22 forwarded to the State Crime Laboratory Fund.

23 (g) Moneys deposited into a crime laboratory fund created
24 pursuant to paragraphs (1) or (2) of subsection (e) of this
25 Section shall be in addition to any allocations made pursuant
26 to existing law and shall be designated for the exclusive use

1 of the crime laboratory. These uses may include, but are not
2 limited to, the following:

3 (1) costs incurred in providing analysis for
4 controlled substances in connection with criminal
5 investigations conducted within this State;

6 (2) purchase and maintenance of equipment for use in
7 performing analyses; and

8 (3) continuing education, training and professional
9 development of forensic scientists regularly employed by
10 these laboratories.

11 (h) Moneys deposited in the State Crime Laboratory Fund
12 created pursuant to paragraph (3) of subsection (d) of this
13 Section shall be used by State crime laboratories as
14 designated by the Director of the Illinois State Police. These
15 funds shall be in addition to any allocations made pursuant to
16 existing law and shall be designated for the exclusive use of
17 State crime laboratories or for the sexual assault evidence
18 tracking system created under Section 50 of the Sexual Assault
19 Evidence Submission Act. These uses may include those
20 enumerated in subsection (g) of this Section.

21 (Source: P.A. 100-987, eff. 7-1-19; 101-377, eff. 8-16-19.)

22 (730 ILCS 5/5-9-1.9)

23 Sec. 5-9-1.9. DUI analysis fee.

24 (a) "Crime laboratory" means a not-for-profit laboratory
25 substantially funded by a single unit or combination of units

1 of local government or the State of Illinois that regularly
2 employs at least one person engaged in the DUI analysis of
3 blood, other bodily substance, and urine for criminal justice
4 agencies in criminal matters and provides testimony with
5 respect to such examinations.

6 "DUI analysis" means an analysis of blood, other bodily
7 substance, or urine for purposes of determining whether a
8 violation of Section 11-501 of the Illinois Vehicle Code has
9 occurred.

10 (b) (Blank).

11 (c) In addition to any other disposition made under the
12 provisions of the Juvenile Court Act of 1987, any minor
13 adjudicated delinquent for an offense which if committed by an
14 adult would constitute a violation of Section 11-501 of the
15 Illinois Vehicle Code shall pay a crime laboratory DUI
16 analysis assessment of \$150 for each adjudication. Upon
17 verified petition of the minor, the court may suspend payment
18 of all or part of the assessment if it finds that the minor
19 does not have the ability to pay the assessment. The parent,
20 guardian, or legal custodian of the minor may pay some or all
21 of the assessment on the minor's behalf.

22 (d) All crime laboratory DUI analysis assessments provided
23 for by this Section shall be collected by the clerk of the
24 court and forwarded to the appropriate crime laboratory DUI
25 fund as provided in subsection (f).

26 (e) Crime laboratory funds shall be established as

1 follows:

2 (1) A unit of local government that maintains a crime
3 laboratory may establish a crime laboratory DUI fund
4 within the office of the county or municipal treasurer.

5 (2) Any combination of units of local government that
6 maintains a crime laboratory may establish a crime
7 laboratory DUI fund within the office of the treasurer of
8 the county where the crime laboratory is situated.

9 (3) The State Police DUI Fund is created as a special
10 fund in the State Treasury.

11 (f) The analysis assessment provided for in subsection (c)
12 of this Section shall be forwarded to the office of the
13 treasurer of the unit of local government that performed the
14 analysis if that unit of local government has established a
15 crime laboratory DUI fund, or to the State Treasurer for
16 deposit into the State Crime Laboratory Fund if the analysis
17 was performed by a laboratory operated by the Illinois
18 ~~Department of~~ State Police. If the analysis was performed by a
19 crime laboratory funded by a combination of units of local
20 government, the analysis assessment shall be forwarded to the
21 treasurer of the county where the crime laboratory is situated
22 if a crime laboratory DUI fund has been established in that
23 county. If the unit of local government or combination of
24 units of local government has not established a crime
25 laboratory DUI fund, then the analysis assessment shall be
26 forwarded to the State Treasurer for deposit into the State

1 Crime Laboratory Fund.

2 (g) Moneys deposited into a crime laboratory DUI fund
3 created under paragraphs (1) and (2) of subsection (e) of this
4 Section shall be in addition to any allocations made pursuant
5 to existing law and shall be designated for the exclusive use
6 of the crime laboratory. These uses may include, but are not
7 limited to, the following:

8 (1) Costs incurred in providing analysis for DUI
9 investigations conducted within this State.

10 (2) Purchase and maintenance of equipment for use in
11 performing analyses.

12 (3) Continuing education, training, and professional
13 development of forensic scientists regularly employed by
14 these laboratories.

15 (h) Moneys deposited in the State Crime Laboratory Fund
16 shall be used by State crime laboratories as designated by the
17 Director of the Illinois State Police. These funds shall be in
18 addition to any allocations made according to existing law and
19 shall be designated for the exclusive use of State crime
20 laboratories. These uses may include those enumerated in
21 subsection (g) of this Section.

22 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;
23 100-1161, eff. 7-1-19.)

24 Section 1060. The Arsonist Registration Act is amended by
25 changing Sections 10, 15, 20, 25, 30, 35, 45, 50, 55, 60, 70,

1 75, and 80 as follows:

2 (730 ILCS 148/10)

3 Sec. 10. Duty to register.

4 (a) An arsonist shall, within the time period prescribed
5 in subsections (b) and (c), register in person and provide
6 accurate information as required by the Illinois ~~Department of~~
7 State Police. Such information shall include current address,
8 current place of employment, and school attended. The arsonist
9 shall register:

10 (1) with the chief of police in each of the
11 municipalities in which he or she attends school, is
12 employed, resides or is temporarily domiciled for a period
13 of time of 10 or more days, unless the municipality is the
14 City of Chicago, in which case he or she shall register at
15 a fixed location designated by the Superintendent of the
16 Chicago Police Department; or

17 (2) with the sheriff in each of the counties in which
18 he or she attends school, is employed, resides or is
19 temporarily domiciled in an unincorporated area or, if
20 incorporated, no police chief exists. For purposes of this
21 Act, the place of residence or temporary domicile is
22 defined as any and all places where the arsonist resides
23 for an aggregate period of time of 10 or more days during
24 any calendar year. The arsonist shall provide accurate
25 information as required by the Illinois ~~Department of~~

1 State Police. That information shall include the
2 arsonist's current place of employment.

3 (a-5) An out-of-state student or out-of-state employee
4 shall, within 10 days after beginning school or employment in
5 this State, register in person and provide accurate
6 information as required by the Illinois ~~Department of~~ State
7 Police. Such information must include current place of
8 employment, school attended, and address in state of
9 residence:

10 (1) with the chief of police in each of the
11 municipalities in which he or she attends school or is
12 employed for a period of time of 10 or more days or for an
13 aggregate period of time of more than 30 days during any
14 calendar year, 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 (2) with the sheriff in each of the counties in which
19 he or she attends school or is employed for a period of
20 time of 10 or more days or for an aggregate period of time
21 of more than 30 days during any calendar year in an
22 unincorporated area or, if incorporated, no police chief
23 exists. The out-of-state student or out-of-state employee
24 shall provide accurate information as required by the
25 Illinois ~~Department of~~ State Police. That information
26 shall include the out-of-state student's current place of

1 school attendance or the out-of-state employee's current
2 place of employment.

3 (b) An arsonist as defined in Section 5 of this Act,
4 regardless of any initial, prior, or other registration,
5 shall, within 10 days of beginning school, or establishing a
6 residence, place of employment, or temporary domicile in any
7 county, register in person as set forth in subsection (a) or
8 (a-5).

9 (c) The registration for any person required to register
10 under this Act shall be as follows:

11 (1) Except as provided in paragraph (3) of this
12 subsection (c), any person who has not been notified of
13 his or her responsibility to register shall be notified by
14 a criminal justice entity of his or her responsibility to
15 register. Upon notification the person must then register
16 within 10 days of notification of his or her requirement
17 to register. If notification is not made within the
18 offender's 10 year registration requirement, and the
19 Illinois ~~Department of~~ State Police determines no evidence
20 exists or indicates the offender attempted to avoid
21 registration, the offender will no longer be required to
22 register under this Act.

23 (2) Except as provided in paragraph (3) of this
24 subsection (c), any person convicted on or after the
25 effective date of this Act shall register in person within
26 10 days after the entry of the sentencing order based upon

1 his or her conviction.

2 (3) Any person unable to comply with the registration
3 requirements of this Act because he or she is confined,
4 institutionalized, or imprisoned in Illinois on or after
5 the effective date of this Act shall register in person
6 within 10 days of discharge, parole or release.

7 (4) The person shall provide positive identification
8 and documentation that substantiates proof of residence at
9 the registering address.

10 (5) The person shall pay a \$10 initial registration
11 fee and a \$5 annual renewal fee. The fees shall be used by
12 the registering agency for official purposes. The agency
13 shall establish procedures to document receipt and use of
14 the funds. The law enforcement agency having jurisdiction
15 may waive the registration fee if it determines that the
16 person is indigent and unable to pay the registration fee.

17 (d) Within 10 days after obtaining or changing employment,
18 a person required to register under this Section must report,
19 in person or in writing to the law enforcement agency having
20 jurisdiction, the business name and address where he or she is
21 employed. If the person has multiple businesses or work
22 locations, every business and work location must be reported
23 to the law enforcement agency having jurisdiction.

24 (Source: P.A. 99-755, eff. 8-5-16.)

25 (730 ILCS 148/15)

1 Sec. 15. Discharge of arsonist from penal institution. Any
2 arsonist who is discharged, paroled or released from a
3 Department of Corrections facility, a facility where such
4 person was placed by the Department of Corrections or another
5 penal institution, and whose liability for registration has
6 not terminated under Section 45 shall, within 10 days prior to
7 discharge, parole, or release from the facility or
8 institution, be informed of his or her duty to register in
9 person under this Act by the facility or institution in which
10 he or she was confined. The facility or institution shall also
11 inform any person who must register that if he or she
12 establishes a residence outside of the State of Illinois, is
13 employed outside of the State of Illinois, or attends school
14 outside of the State of Illinois, he or she must register in
15 the new state within 10 days after establishing the residence,
16 beginning employment, or beginning school. The facility shall
17 require the person to read and sign such form as may be
18 required by the Illinois ~~Department of~~ State Police stating
19 that the duty to register and the procedure for registration
20 has been explained to him or her and that he or she understands
21 the duty to register and the procedure for registration. The
22 facility shall further advise the person in writing that the
23 failure to register or other violation of this Act shall
24 result in revocation of parole, mandatory supervised release
25 or conditional release. The facility shall obtain information
26 about where the person expects to reside, work, and attend

1 school upon his or her discharge, parole or release and shall
2 report the information to the Illinois ~~Department of~~ State
3 Police. The facility shall give one copy of the form to the
4 person and shall send one copy to each of the law enforcement
5 agencies having jurisdiction where the person expects to
6 reside, work, and attend school upon his or her discharge,
7 parole or release and retain one copy for the files.
8 Electronic data files that include all notification form
9 information and photographs of arsonists being released from
10 an Illinois Department of Corrections facility shall be shared
11 on a regular basis as determined between the Illinois
12 ~~Department of~~ State Police and the Department of Corrections.
13 (Source: P.A. 93-949, eff. 1-1-05.)

14 (730 ILCS 148/20)

15 Sec. 20. Release of arsonist on probation. An arsonist who
16 is released on probation shall, prior to such release, be
17 informed of his or her duty to register under this Act by the
18 court in which he or she was convicted. The court shall also
19 inform any person who must register that if he or she
20 establishes a residence outside of the State of Illinois, is
21 employed outside of the State of Illinois, or attends school
22 outside of the State of Illinois, he or she must register in
23 the new state within 10 days after establishing the residence,
24 beginning employment, or beginning school. The court shall
25 require the person to read and sign such form as may be

1 required by the Illinois ~~Department of~~ State Police stating
2 that the duty to register and the procedure for registration
3 has been explained to him or her and that he or she understands
4 the duty to register and the procedure for registration. The
5 court shall further advise the person in writing that the
6 failure to register or other violation of this Act shall
7 result in probation revocation. The court shall obtain
8 information about where the person expects to reside, work,
9 and attend school upon his or her release, and shall report the
10 information to the Illinois ~~Department of~~ State Police. The
11 court shall give one copy of the form to the person and retain
12 the original in the court records. The Illinois ~~Department of~~
13 State Police shall notify the law enforcement agencies having
14 jurisdiction where the person expects to reside, work and
15 attend school upon his or her release.

16 (Source: P.A. 93-949, eff. 1-1-05.)

17 (730 ILCS 148/25)

18 Sec. 25. Discharge of arsonist from hospital or other
19 treatment facility. Any arsonist who is discharged or released
20 from a hospital or other treatment facility where he or she was
21 confined shall be informed by the hospital or treatment
22 facility in which he or she was confined, prior to discharge or
23 release from the hospital or treatment facility, of his or her
24 duty to register under this Act. The facility shall require
25 the 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
5 shall give one copy of the form to the person, retain one copy
6 for its records, and forward the original to the Illinois
7 ~~Department of~~ State Police. The facility shall obtain
8 information about where the person expects to reside, work,
9 and attend school upon his or her discharge, parole, or
10 release and shall report the information to the Illinois
11 ~~Department of~~ State Police within 3 days. The facility or
12 institution shall also inform any person who must register
13 that if he or she establishes a residence outside of the State
14 of Illinois, is employed outside of the State of Illinois, or
15 attends school outside of the State of Illinois, he or she must
16 register in the new state within 10 days after establishing
17 the residence, beginning school, or beginning employment. The
18 Illinois ~~Department of~~ State Police shall notify the law
19 enforcement agencies having jurisdiction where the person
20 expects to reside, work, and attend school upon his or her
21 release.

22 (Source: P.A. 93-949, eff. 1-1-05.)

23 (730 ILCS 148/30)

24 Sec. 30. Nonforwardable verification letter. The Illinois
25 ~~Department of~~ State Police shall mail an annual nonforwardable

1 verification letter to a person registered under this Act
2 beginning one year from the date of his or her last
3 registration. A person required to register under this Act who
4 is mailed a verification letter shall complete, sign, and
5 return the enclosed verification form to the Illinois
6 ~~Department of~~ State Police postmarked within 10 days after the
7 mailing date of the letter. A person's failure to return the
8 verification form to the Illinois ~~Department of~~ State Police
9 within 10 days after the mailing date of the letter shall be
10 considered a violation of this Act; however it is an
11 affirmative defense to a prosecution for failure of a person
12 who is required to return a verification form to the Illinois
13 ~~Department of~~ State Police if the post office fails to deliver
14 the verification form to the Illinois ~~Department of~~ State
15 Police or if it can be proven that the form has been lost by
16 the Department.

17 (Source: P.A. 93-949, eff. 1-1-05.)

18 (730 ILCS 148/35)

19 Sec. 35. Duty to report change of address, school, or
20 employment. Any person who is required to register under this
21 Act shall report in person to the appropriate law enforcement
22 agency with whom he or she last registered within one year from
23 the date of last registration and every year thereafter. If
24 any person required to register under this Act changes his or
25 her residence address, place of employment, or school, he or

1 she shall, in writing, within 10 days inform the law
2 enforcement agency with whom he or she last registered of his
3 or her new address, change in employment, or school and
4 register with the appropriate law enforcement agency within
5 the time period specified in Section 10. The law enforcement
6 agency shall, within 3 days of receipt, notify the Illinois
7 ~~Department of~~ State Police and the law enforcement agency
8 having jurisdiction of the new place of residence, change in
9 employment, or school. If any person required to register
10 under this Act establishes a residence or employment outside
11 of the State of Illinois, within 10 days after establishing
12 that residence or employment, he or she shall, in writing,
13 inform the law enforcement agency with which he or she last
14 registered of his or her out-of-state residence or employment.
15 The law enforcement agency with which such person last
16 registered shall, within 3 days notice of an address or
17 employment change, notify the Illinois ~~Department of~~ State
18 Police. The Illinois ~~Department of~~ State Police shall forward
19 such information to the out-of-state law enforcement agency
20 having jurisdiction in the form and manner prescribed by the
21 Illinois ~~Department of~~ State Police.

22 (Source: P.A. 93-949, eff. 1-1-05.)

23 (730 ILCS 148/45)

24 Sec. 45. Duration of registration. Any person, other than
25 a minor who is tried and convicted in an adult criminal

1 prosecution for an offense for which the person is required to
2 register under this Act, who is required to register under
3 this Act shall be required to register for a period of 10 years
4 after conviction if not confined to a penal institution,
5 hospital or any other institution or facility, and if
6 confined, for a period of 10 years after parole, discharge or
7 release from any such facility. A minor who has been tried and
8 convicted in an adult criminal prosecution for an offense for
9 which the person is required to register under this Act shall
10 be required to register for a period of 10 years after his or
11 her conviction for an offense for which the person is required
12 to register under this Act. An arsonist who is allowed to leave
13 a county, State, or federal facility for the purposes of work
14 release, education, or overnight visitations shall be required
15 to register within 10 days of beginning such a program.
16 Liability for registration terminates at the expiration of 10
17 years from the date of conviction if not confined to a penal
18 institution, hospital or any other institution or facility and
19 if confined, at the expiration of 10 years from the date of
20 parole, discharge or release from any such facility, providing
21 such person does not, during that period, again become liable
22 to register under the provisions of this Act. In the case of a
23 minor who is tried and convicted in an adult criminal
24 prosecution, liability for registration terminates 10 years
25 after conviction. The Director of the Illinois State Police,
26 consistent with administrative rules, shall extend for 10

1 years the registration period of any arsonist who fails to
2 comply with the provisions of this Act.

3 (Source: P.A. 93-949, eff. 1-1-05.)

4 (730 ILCS 148/50)

5 Sec. 50. Registration requirements. Registration as
6 required by this Act shall consist of a statement in writing
7 signed by the person giving the information that is required
8 by the Illinois ~~Department of~~ State Police, which may include
9 the fingerprints and must include a photograph of the person.
10 The registration information must include whether the person
11 is an arsonist. Within 3 days, the registering law enforcement
12 agency shall forward any required information to the Illinois
13 ~~Department of~~ State Police. The registering law enforcement
14 agency shall enter the information into I-CLEAR as provided in
15 Section 2605-378 of the Illinois ~~Department of~~ State Police
16 Law of the Civil Administrative Code of Illinois.

17 (Source: P.A. 93-949, eff. 1-1-05.)

18 (730 ILCS 148/55)

19 Sec. 55. Address verification requirements. The agency
20 having jurisdiction shall verify the address of arsonists
21 required to register with their agency at least once per
22 calendar year. The verification must be documented in I-CLEAR
23 in the form and manner required by the Illinois ~~Department of~~
24 State Police.

1 (Source: P.A. 93-949, eff. 1-1-05.)

2 (730 ILCS 148/60)

3 Sec. 60. Public inspection of registration data.

4 (a) Except as otherwise provided in subsection (b), the
5 statements or any other information required by this Act shall
6 not be open to inspection by the public, or by any person other
7 than by a law enforcement officer or other individual as may be
8 authorized by law and shall include law enforcement agencies
9 of this State, any other state, or of the federal government.
10 Similar information may be requested from any law enforcement
11 agency of another state or of the federal government for
12 purposes of this Act. It is a Class B misdemeanor to permit the
13 unauthorized release of any information required by this Act.

14 (b) The Illinois ~~Department of~~ State Police shall furnish
15 to the Office of the State Fire Marshal the registration
16 information concerning persons who are required to register
17 under this Act. The Office of the State Fire Marshal shall
18 establish and maintain a Statewide Arsonist Database for the
19 purpose of making that information available to the public on
20 the Internet by means of a hyperlink labeled "Arsonist
21 Information" on the Office of the State Fire Marshal's
22 website.

23 (Source: P.A. 93-949, eff. 1-1-05.)

24 (730 ILCS 148/70)

1 Sec. 70. Arsonist Registration Fund. There is created in
2 the State treasury the Arsonist Registration Fund. Moneys in
3 the Fund shall be used to cover costs incurred by the criminal
4 justice system to administer this Act. The Illinois ~~Department~~
5 ~~of~~ State Police shall establish and promulgate rules and
6 procedures regarding the administration of this Fund. At least
7 50% of the moneys in the Fund shall be allocated by the
8 Department for sheriffs' offices and police departments.

9 (Source: P.A. 93-949, eff. 1-1-05.)

10 (730 ILCS 148/75)

11 Sec. 75. Access to State of Illinois databases. The
12 Illinois ~~Department of~~ State Police shall have access to State
13 of Illinois databases containing information that may help in
14 the identification or location of persons required to register
15 under this Act. Interagency agreements shall be implemented,
16 consistent with security and procedures established by the
17 State agency and consistent with the laws governing the
18 confidentiality of the information in the databases.
19 Information shall be used only for administration of this Act.

20 (Source: P.A. 93-949, eff. 1-1-05.)

21 (730 ILCS 148/80)

22 Sec. 80. Applicability. Until the Illinois ~~Department of~~
23 State Police establishes I-CLEAR throughout this State, this
24 Act applies only to arsonists who reside, are employed, or

1 attend school within the City of Chicago. Once I-CLEAR is
2 established throughout this State, this Act applies throughout
3 the State to arsonists who reside, are employed, or attend
4 school anywhere in this State. Any duties imposed upon the
5 Illinois ~~Department of~~ State Police by this Act are subject to
6 appropriation and shall not commence until I-CLEAR is
7 implemented throughout this State and until such time, those
8 duties shall be imposed upon the City of Chicago.

9 (Source: P.A. 93-949, eff. 1-1-05.)

10 Section 1065. The Sex Offender Registration Act is amended
11 by changing Sections 3, 4, 5, 5-5, 5-10, 6, 7, 8, 8-5, and 11
12 as follows:

13 (730 ILCS 150/3)

14 Sec. 3. Duty to register.

15 (a) A sex offender, as defined in Section 2 of this Act, or
16 sexual predator shall, within the time period prescribed in
17 subsections (b) and (c), register in person and provide
18 accurate information as required by the Illinois ~~Department of~~
19 State Police. Such information shall include a current
20 photograph, current address, current place of employment, the
21 sex offender's or sexual predator's telephone number,
22 including cellular telephone number, the employer's telephone
23 number, school attended, all e-mail addresses, instant
24 messaging identities, chat room identities, and other Internet

1 communications identities that the sex offender uses or plans
2 to use, all Uniform Resource Locators (URLs) registered or
3 used by the sex offender, all blogs and other Internet sites
4 maintained by the sex offender or to which the sex offender has
5 uploaded any content or posted any messages or information,
6 extensions of the time period for registering as provided in
7 this Article and, if an extension was granted, the reason why
8 the extension was granted and the date the sex offender was
9 notified of the extension. The information shall also include
10 a copy of the terms and conditions of parole or release signed
11 by the sex offender and given to the sex offender by his or her
12 supervising officer or aftercare specialist, the county of
13 conviction, license plate numbers for every vehicle registered
14 in the name of the sex offender, the age of the sex offender at
15 the time of the commission of the offense, the age of the
16 victim at the time of the commission of the offense, and any
17 distinguishing marks located on the body of the sex offender.
18 A sex offender convicted under Section 11-6, 11-20.1,
19 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 shall provide all Internet protocol (IP)
21 addresses in his or her residence, registered in his or her
22 name, accessible at his or her place of employment, or
23 otherwise under his or her control or custody. If the sex
24 offender is a child sex offender as defined in Section 11-9.3
25 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of
26 2012, the sex offender shall report to the registering agency

1 whether he or she is living in a household with a child under
2 18 years of age who is not his or her own child, provided that
3 his or her own child is not the victim of the sex offense. The
4 sex offender or sexual predator shall register:

5 (1) with the chief of police in the municipality in
6 which he or she resides or is temporarily domiciled for a
7 period of time of 3 or more days, unless the municipality
8 is the City of Chicago, in which case he or she shall
9 register at a fixed location designated by the
10 Superintendent of the Chicago Police Department; or

11 (2) with the sheriff in the county in which he or she
12 resides or is temporarily domiciled for a period of time
13 of 3 or more days in an unincorporated area or, if
14 incorporated, no police chief exists.

15 If the sex offender or sexual predator is employed at or
16 attends an institution of higher education, he or she shall
17 also register:

18 (i) with:

19 (A) the chief of police in the municipality in
20 which he or she is employed at or attends an
21 institution of higher education, unless the
22 municipality is the City of Chicago, in which case he
23 or she shall register at a fixed location designated
24 by the Superintendent of the Chicago Police
25 Department; or

26 (B) the sheriff in the county in which he or she is

1 employed or attends an institution of higher education
2 located in an unincorporated area, or if incorporated,
3 no police chief exists; and

4 (ii) with the public safety or security director of
5 the institution of higher education which he or she is
6 employed at or attends.

7 The registration fees shall only apply to the municipality
8 or county of primary registration, and not to campus
9 registration.

10 For purposes of this Article, the place of residence or
11 temporary domicile is defined as any and all places where the
12 sex offender resides for an aggregate period of time of 3 or
13 more days during any calendar year. Any person required to
14 register under this Article who lacks a fixed address or
15 temporary domicile must notify, in person, the agency of
16 jurisdiction of his or her last known address within 3 days
17 after ceasing to have a fixed residence.

18 A sex offender or sexual predator who is temporarily
19 absent from his or her current address of registration for 3 or
20 more days shall notify the law enforcement agency having
21 jurisdiction of his or her current registration, including the
22 itinerary for travel, in the manner provided in Section 6 of
23 this Act for notification to the law enforcement agency having
24 jurisdiction of change of address.

25 Any person who lacks a fixed residence must report weekly,
26 in person, with the sheriff's office of the county in which he

1 or she is located in an unincorporated area, or with the chief
2 of police in the municipality in which he or she is located.
3 The agency of jurisdiction will document each weekly
4 registration to include all the locations where the person has
5 stayed during the past 7 days.

6 The sex offender or sexual predator shall provide accurate
7 information as required by the Illinois ~~Department of~~ State
8 Police. That information shall include the sex offender's or
9 sexual predator's current place of employment.

10 (a-5) An out-of-state student or out-of-state employee
11 shall, within 3 days after beginning school or employment in
12 this State, register in person and provide accurate
13 information as required by the Illinois ~~Department of~~ State
14 Police. Such information will include current place of
15 employment, school attended, and address in state of
16 residence. A sex offender convicted under Section 11-6,
17 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
18 1961 or the Criminal Code of 2012 shall provide all Internet
19 protocol (IP) addresses in his or her residence, registered in
20 his or her name, accessible at his or her place of employment,
21 or otherwise under his or her control or custody. The
22 out-of-state student or out-of-state employee shall register:

23 (1) with:

24 (A) the chief of police in the municipality in
25 which he or she attends school or is employed for a
26 period of time of 5 or more days or for an aggregate

1 period of time of more than 30 days during any calendar
2 year, unless the municipality is the City of Chicago,
3 in which case he or she shall register at a fixed
4 location designated by the Superintendent of the
5 Chicago Police Department; or

6 (B) the sheriff in the county in which he or she
7 attends school or is employed for a period of time of 5
8 or more days or for an aggregate period of time of more
9 than 30 days during any calendar year in an
10 unincorporated area or, if incorporated, no police
11 chief exists; and

12 (2) with the public safety or security director of the
13 institution of higher education he or she is employed at
14 or attends for a period of time of 5 or more days or for an
15 aggregate period of time of more than 30 days during a
16 calendar year.

17 The registration fees shall only apply to the municipality
18 or county of primary registration, and not to campus
19 registration.

20 The out-of-state student or out-of-state employee shall
21 provide accurate information as required by the Illinois
22 ~~Department of~~ State Police. That information shall include the
23 out-of-state student's current place of school attendance or
24 the out-of-state employee's current place of employment.

25 (a-10) Any law enforcement agency registering sex
26 offenders or sexual predators in accordance with subsections

1 (a) or (a-5) of this Section shall forward to the Attorney
2 General a copy of sex offender registration forms from persons
3 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
4 11-21 of the Criminal Code of 1961 or the Criminal Code of
5 2012, including periodic and annual registrations under
6 Section 6 of this Act.

7 (b) Any sex offender, as defined in Section 2 of this Act,
8 or sexual predator, regardless of any initial, prior, or other
9 registration, shall, within 3 days of beginning school, or
10 establishing a residence, place of employment, or temporary
11 domicile in any county, register in person as set forth in
12 subsection (a) or (a-5).

13 (c) The registration for any person required to register
14 under this Article shall be as follows:

15 (1) Any person registered under the Habitual Child Sex
16 Offender Registration Act or the Child Sex Offender
17 Registration Act prior to January 1, 1996, shall be deemed
18 initially registered as of January 1, 1996; however, this
19 shall not be construed to extend the duration of
20 registration set forth in Section 7.

21 (2) Except as provided in subsection (c)(2.1) or
22 (c)(4), any person convicted or adjudicated prior to
23 January 1, 1996, whose liability for registration under
24 Section 7 has not expired, shall register in person prior
25 to January 31, 1996.

26 (2.1) A sex offender or sexual predator, who has never

1 previously been required to register under this Act, has a
2 duty to register if the person has been convicted of any
3 felony offense after July 1, 2011. A person who previously
4 was required to register under this Act for a period of 10
5 years and successfully completed that registration period
6 has a duty to register if: (i) the person has been
7 convicted of any felony offense after July 1, 2011, and
8 (ii) the offense for which the 10 year registration was
9 served currently requires a registration period of more
10 than 10 years. Notification of an offender's duty to
11 register under this subsection shall be pursuant to
12 Section 5-7 of this Act.

13 (2.5) Except as provided in subsection (c)(4), any
14 person who has not been notified of his or her
15 responsibility to register shall be notified by a criminal
16 justice entity of his or her responsibility to register.
17 Upon notification the person must then register within 3
18 days of notification of his or her requirement to
19 register. Except as provided in subsection (c)(2.1), if
20 notification is not made within the offender's 10 year
21 registration requirement, and the Illinois ~~Department of~~
22 State Police determines no evidence exists or indicates
23 the offender attempted to avoid registration, the offender
24 will no longer be required to register under this Act.

25 (3) Except as provided in subsection (c)(4), any
26 person convicted on or after January 1, 1996, shall

1 register in person within 3 days after the entry of the
2 sentencing order based upon his or her conviction.

3 (4) Any person unable to comply with the registration
4 requirements of this Article because he or she is
5 confined, institutionalized, or imprisoned in Illinois on
6 or after January 1, 1996, shall register in person within
7 3 days of discharge, parole or release.

8 (5) The person shall provide positive identification
9 and documentation that substantiates proof of residence at
10 the registering address.

11 (6) The person shall pay a \$100 initial registration
12 fee and a \$100 annual renewal fee to the registering law
13 enforcement agency having jurisdiction. The registering
14 agency may waive the registration fee if it determines
15 that the person is indigent and unable to pay the
16 registration fee. Thirty-five dollars for the initial
17 registration fee and \$35 of the annual renewal fee shall
18 be retained and used by the registering agency for
19 official purposes. Having retained \$35 of the initial
20 registration fee and \$35 of the annual renewal fee, the
21 registering agency shall remit the remainder of the fee to
22 State agencies within 30 days of receipt for deposit into
23 the State funds as follows:

24 (A) Five dollars of the initial registration fee
25 and \$5 of the annual fee shall be remitted to the State
26 Treasurer who shall deposit the moneys into the Sex

1 Offender Management Board Fund under Section 19 of the
2 Sex Offender Management Board Act. Money deposited
3 into the Sex Offender Management Board Fund shall be
4 administered by the Sex Offender Management Board and
5 shall be used by the Board to comply with the
6 provisions of the Sex Offender Management Board Act.

7 (B) Thirty dollars of the initial registration fee
8 and \$30 of the annual renewal fee shall be remitted to
9 the Illinois ~~Department of~~ State Police which shall
10 deposit the moneys into the Offender Registration
11 Fund.

12 (C) Thirty dollars of the initial registration fee
13 and \$30 of the annual renewal fee shall be remitted to
14 the Attorney General who shall deposit the moneys into
15 the Attorney General Sex Offender Awareness, Training,
16 and Education Fund. Moneys deposited into the Fund
17 shall be used by the Attorney General to administer
18 the I-SORT program and to alert and educate the
19 public, victims, and witnesses of their rights under
20 various victim notification laws and for training law
21 enforcement agencies, State's Attorneys, and medical
22 providers of their legal duties concerning the
23 prosecution and investigation of sex offenses.

24 The registering agency shall establish procedures to
25 document the receipt and remittance of the \$100 initial
26 registration fee and \$100 annual renewal fee.

1 (d) Within 3 days after obtaining or changing employment
2 and, if employed on January 1, 2000, within 5 days after that
3 date, a person required to register under this Section must
4 report, in person to the law enforcement agency having
5 jurisdiction, the business name and address where he or she is
6 employed. If the person has multiple businesses or work
7 locations, every business and work location must be reported
8 to the law enforcement agency having jurisdiction.

9 (Source: P.A. 101-571, eff. 8-23-19.)

10 (730 ILCS 150/4) (from Ch. 38, par. 224)

11 Sec. 4. Discharge of sex offender, as defined in Section 2
12 of this Act, or sexual predator from Department of Corrections
13 facility or other penal institution; duties of official in
14 charge. Any sex offender, as defined in Section 2 of this Act,
15 or sexual predator, as defined by this Article, who is
16 discharged, paroled or released from a Department of
17 Corrections or Department of Juvenile Justice facility, a
18 facility where such person was placed by the Department of
19 Corrections or Department of Juvenile Justice or another penal
20 institution, and whose liability for registration has not
21 terminated under Section 7 shall, prior to discharge, parole
22 or release from the facility or institution, be informed of
23 his or her duty to register in person within 3 days of release
24 by the facility or institution in which he or she was confined.
25 The facility or institution shall also inform any person who

1 must register that if he or she establishes a residence
2 outside of the State of Illinois, is employed outside of the
3 State of Illinois, or attends school outside of the State of
4 Illinois, he or she must register in the new state within 3
5 days after establishing the residence, beginning employment,
6 or beginning school.

7 The facility shall require the person to read and sign
8 such form as may be required by the Illinois ~~Department of~~
9 State Police stating that the duty to register and the
10 procedure for registration has been explained to him or her
11 and that he or she understands the duty to register and the
12 procedure for registration. The facility shall further advise
13 the person in writing that the failure to register or other
14 violation of this Article shall result in revocation of
15 parole, aftercare release, mandatory supervised release or
16 conditional release. The facility shall obtain information
17 about where the person expects to reside, work, and attend
18 school upon his or her discharge, parole or release and shall
19 report the information to the Illinois ~~Department of~~ State
20 Police. The facility shall give one copy of the form to the
21 person and shall send one copy to each of the law enforcement
22 agencies having jurisdiction where the person expects to
23 reside, work, and attend school upon his or her discharge,
24 parole or release and retain one copy for the files.
25 Electronic data files which includes all notification form
26 information and photographs of sex offenders being released

1 from an Illinois Department of Corrections or Illinois
2 Department of Juvenile Justice facility will be shared on a
3 regular basis as determined between the Illinois ~~Department of~~
4 State Police, the Department of Corrections, and Department of
5 Juvenile Justice.

6 (Source: P.A. 98-558, eff. 1-1-14.)

7 (730 ILCS 150/5) (from Ch. 38, par. 225)

8 Sec. 5. Release of sex offender, as defined in Section 2 of
9 this Act, or sexual predator; duties of the Court. Any sex
10 offender, as defined in Section 2 of this Act, or sexual
11 predator, as defined by this Article, who is released on
12 probation or discharged upon payment of a fine because of the
13 commission of one of the offenses defined in subsection (B) of
14 Section 2 of this Article, shall, prior to such release be
15 informed of his or her duty to register under this Article by
16 the Court in which he or she was convicted. The Court shall
17 also inform any person who must register that if he or she
18 establishes a residence outside of the State of Illinois, is
19 employed outside of the State of Illinois, or attends school
20 outside of the State of Illinois, he or she must register in
21 the new state within 3 days after establishing the residence,
22 beginning employment, or beginning school. The Court shall
23 require the person to read and sign such form as may be
24 required by the Illinois ~~Department of~~ State Police stating
25 that the duty to register and the procedure for registration

1 has been explained to him or her and that he or she understands
2 the duty to register and the procedure for registration. The
3 Court shall further advise the person in writing that the
4 failure to register or other violation of this Article shall
5 result in probation revocation. The Court shall obtain
6 information about where the person expects to reside, work,
7 and attend school upon his or her release, and shall report the
8 information to the Illinois ~~Department of~~ State Police. The
9 Court shall give one copy of the form to the person and retain
10 the original in the court records. The Illinois ~~Department of~~
11 State Police shall notify the law enforcement agencies having
12 jurisdiction where the person expects to reside, work and
13 attend school upon his or her release.

14 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

15 (730 ILCS 150/5-5)

16 Sec. 5-5. Discharge of sex offender or sexual predator
17 from a hospital or other treatment facility; duties of the
18 official in charge. Any sex offender, as defined in Section 2
19 of this Act, or sexual predator, as defined in this Article,
20 who is discharged or released from a hospital or other
21 treatment facility where he or she was confined shall be
22 informed by the hospital or treatment facility in which he or
23 she was confined, prior to discharge or release from the
24 hospital or treatment facility, of his or her duty to register
25 under this Article.

1 The facility shall require the person to read and sign
2 such form as may be required by the Illinois ~~Department of~~
3 State Police stating that the duty to register and the
4 procedure for registration has been explained to him or her
5 and that he or she understands the duty to register and the
6 procedure for registration. The facility shall give one copy
7 of the form to the person, retain one copy for their records,
8 and forward the original to the Illinois ~~Department of~~ State
9 Police. The facility shall obtain information about where the
10 person expects to reside, work, and attend school upon his or
11 her discharge, parole, or release and shall report the
12 information to the Illinois ~~Department of~~ State Police within
13 3 days. The facility or institution shall also inform any
14 person who must register that if he or she establishes a
15 residence outside of the State of Illinois, is employed
16 outside of the State of Illinois, or attends school outside of
17 the State of Illinois, he or she must register in the new state
18 within 3 days after establishing the residence, beginning
19 school, or beginning employment. The Illinois ~~Department of~~
20 State Police shall notify the law enforcement agencies having
21 jurisdiction where the person expects to reside, work, and
22 attend school upon his or her release.

23 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

24 (730 ILCS 150/5-10)

25 Sec. 5-10. Nonforwardable verification letters. The

1 Illinois ~~Department of~~ State Police shall mail a quarterly
2 nonforwardable verification letter to each registered person
3 who has been adjudicated to be sexually dangerous or is a
4 sexually violent person and is later released, or found to be
5 no longer sexually dangerous or no longer a sexually violent
6 person and discharged, beginning 90 days from the date of his
7 or her last registration. To any other person registered under
8 this Article, the Illinois ~~Department of~~ State Police shall
9 mail an annual nonforwardable verification letter, beginning
10 one year from the date of his or her last registration. A
11 person required to register under this Article who is mailed a
12 verification letter shall complete, sign, and return the
13 enclosed verification form to the Illinois ~~Department of~~ State
14 Police postmarked within 10 days after the mailing date of the
15 letter. A person's failure to return the verification form to
16 the Illinois ~~Department of~~ State Police within 10 days after
17 the mailing date of the letter shall be considered a violation
18 of this Article.

19 (Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

20 (730 ILCS 150/6)

21 Sec. 6. Duty to report; change of address, school, or
22 employment; duty to inform. A person who has been adjudicated
23 to be sexually dangerous or is a sexually violent person and is
24 later released, or found to be no longer sexually dangerous or
25 no longer a sexually violent person and discharged, or

1 convicted of a violation of this Act after July 1, 2005, shall
2 report in person to the law enforcement agency with whom he or
3 she last registered no later than 90 days after the date of his
4 or her last registration and every 90 days thereafter and at
5 such other times at the request of the law enforcement agency
6 not to exceed 4 times a year. Such sexually dangerous or
7 sexually violent person must report all new or changed e-mail
8 addresses, all new or changed instant messaging identities,
9 all new or changed chat room identities, and all other new or
10 changed Internet communications identities that the sexually
11 dangerous or sexually violent person uses or plans to use, all
12 new or changed Uniform Resource Locators (URLs) registered or
13 used by the sexually dangerous or sexually violent person, and
14 all new or changed blogs and other Internet sites maintained
15 by the sexually dangerous or sexually violent person or to
16 which the sexually dangerous or sexually violent person has
17 uploaded any content or posted any messages or information.
18 Any person who lacks a fixed residence must report weekly, in
19 person, to the appropriate law enforcement agency where the
20 sex offender is located. Any other person who is required to
21 register under this Article shall report in person to the
22 appropriate law enforcement agency with whom he or she last
23 registered within one year from the date of last registration
24 and every year thereafter and at such other times at the
25 request of the law enforcement agency not to exceed 4 times a
26 year. If any person required to register under this Article

1 lacks a fixed residence or temporary domicile, he or she must
2 notify, in person, the agency of jurisdiction of his or her
3 last known address within 3 days after ceasing to have a fixed
4 residence and if the offender leaves the last jurisdiction of
5 residence, he or she, must within 3 days after leaving
6 register in person with the new agency of jurisdiction. If any
7 other person required to register under this Article changes
8 his or her residence address, place of employment, telephone
9 number, cellular telephone number, or school, he or she shall
10 report in person, to the law enforcement agency with whom he or
11 she last registered, his or her new address, change in
12 employment, telephone number, cellular telephone number, or
13 school, all new or changed e-mail addresses, all new or
14 changed instant messaging identities, all new or changed chat
15 room identities, and all other new or changed Internet
16 communications identities that the sex offender uses or plans
17 to use, all new or changed Uniform Resource Locators (URLs)
18 registered or used by the sex offender, and all new or changed
19 blogs and other Internet sites maintained by the sex offender
20 or to which the sex offender has uploaded any content or posted
21 any messages or information, and register, in person, with the
22 appropriate law enforcement agency within the time period
23 specified in Section 3. If the sex offender is a child sex
24 offender as defined in Section 11-9.3 or 11-9.4 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, the sex
26 offender shall within 3 days after beginning to reside in a

1 household with a child under 18 years of age who is not his or
2 her own child, provided that his or her own child is not the
3 victim of the sex offense, report that information to the
4 registering law enforcement agency. The law enforcement agency
5 shall, within 3 days of the reporting in person by the person
6 required to register under this Article, notify the Illinois
7 ~~Department of~~ State Police of the new place of residence,
8 change in employment, telephone number, cellular telephone
9 number, or school.

10 If any person required to register under this Article
11 intends to establish a residence or employment outside of the
12 State of Illinois, at least 10 days before establishing that
13 residence or employment, he or she shall report in person to
14 the law enforcement agency with which he or she last
15 registered of his or her out-of-state intended residence or
16 employment. The law enforcement agency with which such person
17 last registered shall, within 3 days after the reporting in
18 person of the person required to register under this Article
19 of an address or employment change, notify the Illinois
20 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
21 Police shall forward such information to the out-of-state law
22 enforcement agency having jurisdiction in the form and manner
23 prescribed by the Illinois ~~Department of~~ State Police.

24 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;
25 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13.)

1 (730 ILCS 150/7) (from Ch. 38, par. 227)

2 Sec. 7. Duration of registration. A person who has been
3 adjudicated to be sexually dangerous and is later released or
4 found to be no longer sexually dangerous and discharged, shall
5 register for the period of his or her natural life. A sexually
6 violent person or sexual predator shall register for the
7 period of his or her natural life after conviction or
8 adjudication if not confined to a penal institution, hospital,
9 or other institution or facility, and if confined, for the
10 period of his or her natural life after parole, discharge, or
11 release from any such facility. A person who becomes subject
12 to registration under paragraph (2.1) of subsection (c) of
13 Section 3 of this Article who has previously been subject to
14 registration under this Article shall register for the period
15 currently required for the offense for which the person was
16 previously registered if not confined to a penal institution,
17 hospital, or other institution or facility, and if confined,
18 for the same period after parole, discharge, or release from
19 any such facility. Except as otherwise provided in this
20 Section, a person who becomes subject to registration under
21 this Article who has previously been subject to registration
22 under this Article or under the Murderer and Violent Offender
23 Against Youth Registration Act or similar registration
24 requirements of other jurisdictions shall register for the
25 period of his or her natural life if not confined to a penal
26 institution, hospital, or other institution or facility, and

1 if confined, for the period of his or her natural life after
2 parole, discharge, or release from any such facility. Any
3 other person who is required to register under this Article
4 shall be required to register for a period of 10 years after
5 conviction or adjudication if not confined to a penal
6 institution, hospital or any other institution or facility,
7 and if confined, for a period of 10 years after parole,
8 discharge or release from any such facility. A sex offender
9 who is allowed to leave a county, State, or federal facility
10 for the purposes of work release, education, or overnight
11 visitations shall be required to register within 3 days of
12 beginning such a program. Liability for registration
13 terminates at the expiration of 10 years from the date of
14 conviction or adjudication if not confined to a penal
15 institution, hospital or any other institution or facility and
16 if confined, at the expiration of 10 years from the date of
17 parole, discharge or release from any such facility, providing
18 such person does not, during that period, again become liable
19 to register under the provisions of this Article.
20 Reconfinement due to a violation of parole or other
21 circumstances that relates to the original conviction or
22 adjudication shall extend the period of registration to 10
23 years after final parole, discharge, or release. Reconfinement
24 due to a violation of parole, a conviction reviving
25 registration, or other circumstances that do not relate to the
26 original conviction or adjudication shall toll the running of

1 the balance of the 10-year period of registration, which shall
2 not commence running until after final parole, discharge, or
3 release. The Director of the Illinois State Police, consistent
4 with administrative rules, shall extend for 10 years the
5 registration period of any sex offender, as defined in Section
6 2 of this Act, who fails to comply with the provisions of this
7 Article. The registration period for any sex offender who
8 fails to comply with any provision of the Act shall extend the
9 period of registration by 10 years beginning from the first
10 date of registration after the violation. If the registration
11 period is extended, the Illinois ~~Department of~~ State Police
12 shall send a registered letter to the law enforcement agency
13 where the sex offender resides within 3 days after the
14 extension of the registration period. The sex offender shall
15 report to that law enforcement agency and sign for that
16 letter. One copy of that letter shall be kept on file with the
17 law enforcement agency of the jurisdiction where the sex
18 offender resides and one copy shall be returned to the
19 Illinois ~~Department of~~ State Police.

20 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
21 97-813, eff. 7-13-12.)

22 (730 ILCS 150/8) (from Ch. 38, par. 228)

23 Sec. 8. Registration and DNA submission requirements.

24 (a) Registration. Registration as required by this Article
25 shall consist of a statement in writing signed by the person

1 giving the information that is required by the Illinois
2 ~~Department of~~ State Police, which may include the fingerprints
3 and must include a current photograph of the person, to be
4 updated annually. If the sex offender is a child sex offender
5 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961 or the Criminal Code of 2012, he or she shall sign a
7 statement that he or she understands that according to
8 Illinois law as a child sex offender he or she may not reside
9 within 500 feet of a school, park, or playground. The offender
10 may also not reside within 500 feet of a facility providing
11 services directed exclusively toward persons under 18 years of
12 age unless the sex offender meets specified exemptions. The
13 registration information must include whether the person is a
14 sex offender as defined in the Sex Offender Community
15 Notification Law. Within 3 days, the registering law
16 enforcement agency shall forward any required information to
17 the Illinois ~~Department of~~ State Police. The registering law
18 enforcement agency shall enter the information into the Law
19 Enforcement Agencies Data System (LEADS) as provided in
20 Sections 6 and 7 of the Intergovernmental Missing Child
21 Recovery Act of 1984.

22 (b) DNA submission. Every person registering as a sex
23 offender pursuant to this Act, regardless of the date of
24 conviction or the date of initial registration who is required
25 to submit specimens of blood, saliva, or tissue for DNA
26 analysis as required by subsection (a) of Section 5-4-3 of the

1 Unified Code of Corrections shall submit the specimens as
2 required by that Section. Registered sex offenders who have
3 previously submitted a DNA specimen which has been uploaded to
4 the Illinois DNA database shall not be required to submit an
5 additional specimen pursuant to this Section.

6 (Source: P.A. 97-383, eff. 1-1-12; 97-1150, eff. 1-25-13.)

7 (730 ILCS 150/8-5)

8 Sec. 8-5. Verification requirements.

9 (a) Address verification. The agency having jurisdiction
10 shall verify the address of sex offenders, as defined in
11 Section 2 of this Act, or sexual predators required to
12 register with their agency at least once per year. The
13 verification must be documented in LEADS in the form and
14 manner required by the Illinois Department of State Police.

15 (a-5) Internet Protocol address verification. The agency
16 having jurisdiction may verify the Internet protocol (IP)
17 address of sex offenders, as defined in Section 2 of this Act,
18 who are required to register with their agency under Section 3
19 of this Act. A copy of any such verification must be sent to
20 the Attorney General for entrance in the Illinois Cyber-crimes
21 Location Database pursuant to Section 5-4-3.2 of the Unified
22 Code of Corrections.

23 (b) Registration verification. The supervising officer or
24 aftercare specialist, shall, within 15 days of sentencing to
25 probation or release from an Illinois Department of

1 Corrections or Illinois Department of Juvenile Justice
2 facility or other penal institution, contact the law
3 enforcement agency in the jurisdiction in which the sex
4 offender or sexual predator designated as his or her intended
5 residence and verify compliance with the requirements of this
6 Act. Revocation proceedings shall be immediately commenced
7 against a sex offender or sexual predator on probation,
8 parole, aftercare release, or mandatory supervised release who
9 fails to comply with the requirements of this Act.

10 (c) In an effort to ensure that sexual predators and sex
11 offenders who fail to respond to address-verification attempts
12 or who otherwise abscond from registration are located in a
13 timely manner, the Illinois Department of State Police shall
14 share information with local law enforcement agencies. The
15 Department shall use analytical resources to assist local law
16 enforcement agencies to determine the potential whereabouts of
17 any sexual predator or sex offender who fails to respond to
18 address-verification attempts or who otherwise absconds from
19 registration. The Department shall review and analyze all
20 available information concerning any such predator or offender
21 who fails to respond to address-verification attempts or who
22 otherwise absconds from registration and provide the
23 information to local law enforcement agencies in order to
24 assist the agencies in locating and apprehending the sexual
25 predator or sex offender.

26 (Source: P.A. 98-558, eff. 1-1-14.)

1 (730 ILCS 150/11)

2 Sec. 11. Offender Registration Fund. There is created the
3 Offender Registration Fund (formerly known as the Sex Offender
4 Registration Fund). Moneys in the Fund shall be used to cover
5 costs incurred by the criminal justice system to administer
6 this Article and the Murderer and Violent Offender Against
7 Youth Registration Act, and for purposes as authorized under
8 Section 5-9-1.15 of the Unified Code of Corrections. The
9 Illinois ~~Department of~~ State Police shall establish and
10 promulgate rules and procedures regarding the administration
11 of this Fund. Fifty percent of the moneys in the Fund shall be
12 allocated by the Department for sheriffs' offices and police
13 departments. The remaining moneys in the Fund received under
14 this amendatory Act of the 101st General Assembly shall be
15 allocated to the Illinois State Police for education and
16 administration of the Act.

17 (Source: P.A. 101-571, eff. 8-23-19.)

18 Section 1070. The Sex Offender Community Notification Law
19 is amended by changing Sections 115, 116, 117, 120, and 121 as
20 follows:

21 (730 ILCS 152/115)

22 Sec. 115. Sex offender database.

23 (a) The Illinois ~~Department of~~ State Police shall

1 establish and maintain a Statewide Sex Offender Database for
2 the purpose of identifying sex offenders and making that
3 information available to the persons specified in Sections 120
4 and 125 of this Law. The Database shall be created from the Law
5 Enforcement Agencies Data System (LEADS) established under
6 Section 6 of the Intergovernmental Missing Child Recovery Act
7 of 1984. The Illinois ~~Department of~~ State Police shall examine
8 its LEADS database for persons registered as sex offenders
9 under the Sex Offender Registration Act and shall identify
10 those who are sex offenders and shall add all the information,
11 including photographs if available, on those sex offenders to
12 the Statewide Sex Offender Database.

13 (b) The Illinois ~~Department of~~ State Police must make the
14 information contained in the Statewide Sex Offender Database
15 accessible on the Internet by means of a hyperlink labeled
16 "Sex Offender Information" on the Department's World Wide Web
17 home page. The Department must make the information contained
18 in the Statewide Sex Offender Database searchable via a
19 mapping system which identifies registered sex offenders
20 living within 5 miles of an identified address. The Illinois
21 ~~Department of~~ State Police must update that information as it
22 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

1 Illinois ~~Department of~~ State Police must promulgate rules in
2 accordance with the Illinois Administrative Procedure Act to
3 implement this subsection (b) and those rules must include
4 procedures to ensure that the information in the database is
5 accurate.

6 (c) The Illinois ~~Department of~~ State Police, Sex Offender
7 Registration Unit, must develop and conduct training to
8 educate all those entities involved in the Sex Offender
9 Registration Program.

10 (Source: P.A. 93-979, eff. 8-20-04; 94-994, eff. 1-1-07.)

11 (730 ILCS 152/116)

12 Sec. 116. Missing Sex Offender Database.

13 (a) The Illinois ~~Department of~~ State Police shall
14 establish and maintain a Statewide Missing Sex Offender
15 Database for the purpose of identifying missing sex offenders
16 and making that information available to the persons specified
17 in Sections 120 and 125 of this Law. The Database shall be
18 created from the Law Enforcement Agencies Data System (LEADS)
19 established under Section 6 of the Intergovernmental Missing
20 Child Recovery Act of 1984. The Illinois ~~Department of~~ State
21 Police shall examine its LEADS database for persons registered
22 as sex offenders under the Sex Offender Registration Act and
23 shall identify those who are sex offenders and who have not
24 complied with the provisions of Section 6 of that Act or whose
25 address can not be verified under Section 8-5 of that Act and

1 shall add all the information, including photographs if
2 available, on those missing sex offenders to the Statewide Sex
3 Offender Database.

4 (b) The Illinois ~~Department of~~ State Police must make the
5 information contained in the Statewide Missing Sex Offender
6 Database accessible on the Internet by means of a hyperlink
7 labeled "Missing Sex Offender Information" on the Department's
8 World Wide Web home page and on the Attorney General's I-SORT
9 page. The Illinois ~~Department of~~ State Police must update that
10 information as it deems necessary. The Internet page shall
11 also include information that rewards may be available to
12 persons who inform the Illinois ~~Department of~~ State Police or
13 a local law enforcement agency of the whereabouts of a missing
14 sex offender.

15 The Illinois ~~Department of~~ State Police may require that a
16 person who seeks access to the missing sex offender
17 information submit biographical information about himself or
18 herself before permitting access to the missing sex offender
19 information. The Illinois ~~Department of~~ State Police must
20 promulgate rules in accordance with the Illinois
21 Administrative Procedure Act to implement this subsection (b)
22 and those rules must include procedures to ensure that the
23 information in the database is accurate.

24 (c) The Illinois ~~Department of~~ State Police, Sex Offender
25 Registration Unit, must develop and conduct training to
26 educate all those entities involved in the Missing Sex

1 Offender Registration Program.

2 (Source: P.A. 98-921, eff. 8-15-14.)

3 (730 ILCS 152/117)

4 Sec. 117. The Illinois ~~Department of~~ State Police shall
5 promulgate rules to develop a list of sex offenders covered by
6 this Act and a list of child care facilities, schools, and
7 institutions of higher education eligible to receive notice
8 under this Act, so that the list can be disseminated in a
9 timely manner to law enforcement agencies having jurisdiction.
10 (Source: P.A. 92-828, eff. 8-22-02.)

11 (730 ILCS 152/120)

12 Sec. 120. Community notification of sex offenders.

13 (a) The sheriff of the county, except Cook County, shall
14 disclose to the following the name, address, date of birth,
15 place of employment, school attended, e-mail addresses,
16 instant messaging identities, chat room identities, other
17 Internet communications identities, all Uniform Resource
18 Locators (URLs) registered or used by the sex offender, all
19 blogs and other Internet sites maintained by the sex offender
20 or to which the sex offender has uploaded any content or posted
21 any messages or information, and offense or adjudication of
22 all sex offenders required to register under Section 3 of the
23 Sex Offender Registration Act:

24 (1) 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 where the sex offender is required to register,
4 resides, is employed, or is attending an institution of
5 higher education;

6 (2) School boards of public school districts and the
7 principal or other appropriate administrative officer of
8 each nonpublic school located in the county where the sex
9 offender is required to register or is employed;

10 (3) Child care facilities located in the county where
11 the sex offender is required to register or is employed;

12 (4) Libraries located in the county where the sex
13 offender is required to register or is employed;

14 (5) Public libraries located in the county where the
15 sex offender is required to register or is employed;

16 (6) Public housing agencies located in the county
17 where the sex offender is required to register or is
18 employed;

19 (7) The Illinois Department of Children and Family
20 Services;

21 (8) Social service agencies providing services to
22 minors located in the county where the sex offender is
23 required to register or is employed;

24 (9) Volunteer organizations providing services to
25 minors located in the county where the sex offender is
26 required to register or is employed; and

1 (10) A victim of a sex offense residing in the county
2 where the sex offender is required to register or is
3 employed, who is not otherwise required to be notified
4 under Section 4.5 of the Rights of Crime Victims and
5 Witnesses Act or Section 75 of the Sexually Violent
6 Persons Commitment Act.

7 (a-2) The sheriff of Cook County shall disclose to the
8 following the name, address, date of birth, place of
9 employment, school attended, e-mail addresses, instant
10 messaging identities, chat room identities, other Internet
11 communications identities, all Uniform Resource Locators
12 (URLs) registered or used by the sex offender, all blogs and
13 other Internet sites maintained by the sex offender or to
14 which the sex offender has uploaded any content or posted any
15 messages or information, and offense or adjudication of all
16 sex offenders required to register under Section 3 of the Sex
17 Offender Registration Act:

18 (1) School boards of public school districts and the
19 principal or other appropriate administrative officer of
20 each nonpublic school located within the region of Cook
21 County, as those public school districts and nonpublic
22 schools are identified in LEADS, other than the City of
23 Chicago, where the sex offender is required to register or
24 is employed;

25 (2) Child care facilities located within the region of
26 Cook County, as those child care facilities are identified

1 in LEADS, other than the City of Chicago, where the sex
2 offender is required to register or is employed;

3 (3) The boards of institutions of higher education or
4 other appropriate administrative offices of each
5 non-public institution of higher education located in the
6 county, other than the City of Chicago, where the sex
7 offender is required to register, resides, is employed, or
8 attending an institution of higher education;

9 (4) Libraries located in the county, other than the
10 City of Chicago, where the sex offender is required to
11 register, resides, is employed, or is attending an
12 institution of higher education;

13 (5) Public libraries located in the county, other than
14 the City of Chicago, where the sex offender is required to
15 register, resides, is employed, or attending an
16 institution of higher education;

17 (6) Public housing agencies located in the county,
18 other than the City of Chicago, where the sex offender is
19 required to register, resides, is employed, or attending
20 an institution of higher education;

21 (7) The Illinois Department of Children and Family
22 Services;

23 (8) Social service agencies providing services to
24 minors located in the county, other than the City of
25 Chicago, where the sex offender is required to register,
26 resides, is employed, or attending an institution of

1 higher education;

2 (9) Volunteer organizations providing services to
3 minors located in the county, other than the City of
4 Chicago, where the sex offender is required to register,
5 resides, is employed, or attending an institution of
6 higher education; and

7 (10) A victim of a sex offense residing in the county,
8 other than the City of Chicago, where the sex offender is
9 required to register, resides, is employed, or attends an
10 institution of higher education, who is not otherwise
11 required to be notified under Section 4.5 of the Rights of
12 Crime Victims and Witnesses Act or Section 75 of the
13 Sexually Violent Persons Commitment Act.

14 (a-3) The Chicago Police Department shall disclose to the
15 following the name, address, date of birth, place of
16 employment, school attended, e-mail addresses, instant
17 messaging identities, chat room identities, other Internet
18 communications identities, all Uniform Resource Locators
19 (URLs) registered or used by the sex offender, all blogs and
20 other Internet sites maintained by the sex offender or to
21 which the sex offender has uploaded any content or posted any
22 messages or information, and offense or adjudication of all
23 sex offenders required to register under Section 3 of the Sex
24 Offender Registration Act:

25 (1) School boards of public school districts and the
26 principal or other appropriate administrative officer of

1 each nonpublic school located in the police district where
2 the sex offender is required to register or is employed if
3 the offender is required to register or is employed in the
4 City of Chicago;

5 (2) Child care facilities located in the police
6 district where the sex offender is required to register or
7 is employed if the offender is required to register or is
8 employed in the City of Chicago;

9 (3) The boards of institutions of higher education or
10 other appropriate administrative offices of each
11 non-public institution of higher education located in the
12 police district where the sex offender is required to
13 register, resides, is employed, or attending an
14 institution of higher education in the City of Chicago;

15 (4) Libraries located in the police district where the
16 sex offender is required to register or is employed if the
17 offender is required to register or is employed in the
18 City of Chicago;

19 (5) Public libraries located in the police district
20 where the sex offender is required to register, resides,
21 is employed, or attending an institution of higher
22 education in the City of Chicago;

23 (6) Public housing agencies located in the police
24 district where the sex offender is required to register,
25 resides, is employed, or attending an institution of
26 higher education in the City of Chicago;

1 (7) The Illinois Department of Children and Family
2 Services;

3 (8) Social service agencies providing services to
4 minors located in the police district where the sex
5 offender is required to register, resides, is employed, or
6 attending an institution of higher education in the City
7 of Chicago;

8 (9) Volunteer organizations providing services to
9 minors located in the police district where the sex
10 offender is required to register, resides, is employed, or
11 attending an institution of higher education in the City
12 of Chicago; and

13 (10) A victim of a sex offense residing in the police
14 district where the sex offender is required to register,
15 resides, is employed, or attends an institution of higher
16 education in the City of Chicago, who is not otherwise
17 required to be notified under Section 4.5 of the Rights of
18 Crime Victims and Witnesses Act or Section 75 of the
19 Sexually Violent Persons Commitment Act.

20 (a-4) The Illinois ~~Department of~~ State Police shall
21 provide a list of sex offenders required to register to the
22 Illinois Department of Children and Family Services.

23 (b) The Illinois ~~Department of~~ State Police and any law
24 enforcement agency may disclose, in the Department's or
25 agency's discretion, the following information to any person
26 likely to encounter a sex offender, or sexual predator:

1 (1) The offender's name, address, date of birth,
2 e-mail addresses, instant messaging identities, chat room
3 identities, and other Internet communications identities,
4 all Uniform Resource Locators (URLs) registered or used by
5 the sex offender, and all blogs and other Internet sites
6 maintained by the sex offender or to which the sex
7 offender has uploaded any content or posted any messages
8 or information.

9 (2) The offense for which the offender was convicted.

10 (3) Adjudication as a sexually dangerous person.

11 (4) The offender's photograph or other such
12 information that will help identify the sex offender.

13 (5) Offender employment information, to protect public
14 safety.

15 (c) The name, address, date of birth, e-mail addresses,
16 instant messaging identities, chat room identities, other
17 Internet communications identities, all Uniform Resource
18 Locators (URLs) registered or used by the sex offender, all
19 blogs and other Internet sites maintained by the sex offender
20 or to which the sex offender has uploaded any content or posted
21 any messages or information, offense or adjudication, the
22 county of conviction, license plate numbers for every vehicle
23 registered in the name of the sex offender, the age of the sex
24 offender at the time of the commission of the offense, the age
25 of the victim at the time of the commission of the offense, and
26 any distinguishing marks located on the body of the sex

1 offender for sex offenders required to register under Section
2 3 of the Sex Offender Registration Act shall be open to
3 inspection by the public as provided in this Section. Every
4 municipal police department shall make available at its
5 headquarters the information on all sex offenders who are
6 required to register in the municipality under the Sex
7 Offender Registration Act. The sheriff shall also make
8 available at his or her headquarters the information on all
9 sex offenders who are required to register under that Act and
10 who live in unincorporated areas of the county. Sex offender
11 information must be made available for public inspection to
12 any person, no later than 72 hours or 3 business days from the
13 date of the request. The request must be made in person, in
14 writing, or by telephone. Availability must include giving the
15 inquirer access to a facility where the information may be
16 copied. A department or sheriff may charge a fee, but the fee
17 may not exceed the actual costs of copying the information. An
18 inquirer must be allowed to copy this information in his or her
19 own handwriting. A department or sheriff must allow access to
20 the information during normal public working hours. The
21 sheriff or a municipal police department may publish the
22 photographs of sex offenders where any victim was 13 years of
23 age or younger and who are required to register in the
24 municipality or county under the Sex Offender Registration Act
25 in a newspaper or magazine of general circulation in the
26 municipality or county or may disseminate the photographs of

1 those sex offenders on the Internet or on television. The law
2 enforcement agency may make available the information on all
3 sex offenders residing within any county.

4 (d) The Illinois ~~Department of~~ State Police and any law
5 enforcement agency having jurisdiction may, in the
6 Department's or agency's discretion, place the information
7 specified in subsection (b) on the Internet or in other media.

8 (e) (Blank).

9 (f) The administrator of a transitional housing facility
10 for sex offenders shall comply with the notification
11 procedures established in paragraph (4) of subsection (b) of
12 Section 3-17-5 of the Unified Code of Corrections.

13 (g) A principal or teacher of a public or private
14 elementary or secondary school shall notify the parents of
15 children attending the school during school registration or
16 during parent-teacher conferences that information about sex
17 offenders is available to the public as provided in this Act.

18 (h) In order to receive notice under paragraph (10) of
19 subsection (a), paragraph (10) of subsection (a-2), or
20 paragraph (10) of subsection (a-3), the victim of the sex
21 offense must notify the appropriate sheriff or the Chicago
22 Police Department in writing, by facsimile transmission, or by
23 e-mail that the victim desires to receive such notice.

24 (i) For purposes of this Section, "victim of a sex
25 offense" means:

26 (1) the victim of the sex offense; or

1 (2) a single representative who may be the spouse,
2 parent, child, or sibling of a person killed during the
3 course of a sex offense perpetrated against the person
4 killed or the spouse, parent, child, or sibling of any
5 victim of a sex offense who is physically or mentally
6 incapable of comprehending or requesting notice.

7 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
8 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.
9 8-17-07; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 95-896,
10 eff. 1-1-09.)

11 (730 ILCS 152/121)

12 Sec. 121. Notification regarding juvenile offenders.

13 (a) The Illinois ~~Department of~~ State Police and any law
14 enforcement agency having jurisdiction may, in the
15 Department's or agency's discretion, only provide the
16 information specified in subsection (b) of Section 120 of this
17 Act, with respect to an adjudicated juvenile delinquent, to
18 any person when that person's safety may be compromised for
19 some reason related to the juvenile sex offender.

20 (b) The local law enforcement agency having jurisdiction
21 to register the juvenile sex offender shall ascertain from the
22 juvenile sex offender whether the juvenile sex offender is
23 enrolled in school; and if so, shall provide a copy of the sex
24 offender registration form only to the principal or chief
25 administrative officer of the school and any guidance

1 counselor designated by him or her. The registration form
2 shall be kept separately from any and all school records
3 maintained on behalf of the juvenile sex offender.

4 (Source: P.A. 94-168, eff. 1-1-06; 95-331, eff. 8-21-07.)

5 Section 1075. The Murderer and Violent Offender Against
6 Youth Registration Act is amended by changing Sections 10, 11,
7 13, 15, 20, 25, 30, 40, 45, 46, 50, 85, 90, 95, and 100 as
8 follows:

9 (730 ILCS 154/10)

10 Sec. 10. Duty to register.

11 (a) A violent offender against youth shall, within the
12 time period prescribed in subsections (b) and (c), register in
13 person and provide accurate information as required by the
14 Illinois ~~Department of~~ State Police. Such information shall
15 include a current photograph, current address, current place
16 of employment, the employer's telephone number, school
17 attended, extensions of the time period for registering as
18 provided in this Act and, if an extension was granted, the
19 reason why the extension was granted and the date the violent
20 offender against youth was notified of the extension. A person
21 who has been adjudicated a juvenile delinquent for an act
22 which, if committed by an adult, would be a violent offense
23 against youth shall register as an adult violent offender
24 against youth within 10 days after attaining 17 years of age.

1 The violent offender against youth shall register:

2 (1) with the chief of police in the municipality in
3 which he or she resides or is temporarily domiciled for a
4 period of time of 5 or more days, unless the municipality
5 is the City of Chicago, in which case he or she shall
6 register at a fixed location designated by the
7 Superintendent of the Chicago Police Department; or

8 (2) with the sheriff in the county in which he or she
9 resides or is temporarily domiciled for a period of time
10 of 5 or more days in an unincorporated area or, if
11 incorporated, no police chief exists.

12 If the violent offender against youth is employed at or
13 attends an institution of higher education, he or she shall
14 register:

15 (i) with the chief of police in the municipality in
16 which he or she is employed at or attends an institution of
17 higher education, unless the municipality is the City of
18 Chicago, in which case he or she shall register at a fixed
19 location designated by the Superintendent of the Chicago
20 Police Department; or

21 (ii) with the sheriff in the county in which he or she
22 is employed or attends an institution of higher education
23 located in an unincorporated area, or if incorporated, no
24 police chief exists.

25 For purposes of this Act, the place of residence or
26 temporary domicile is defined as any and all places where the

1 violent offender against youth resides for an aggregate period
2 of time of 5 or more days during any calendar year. Any person
3 required to register under this Act who lacks a fixed address
4 or temporary domicile must notify, in person, the agency of
5 jurisdiction of his or her last known address within 5 days
6 after ceasing to have a fixed residence.

7 Any person who lacks a fixed residence must report weekly,
8 in person, with the sheriff's office of the county in which he
9 or she is located in an unincorporated area, or with the chief
10 of police in the municipality in which he or she is located.
11 The agency of jurisdiction will document each weekly
12 registration to include all the locations where the person has
13 stayed during the past 7 days.

14 The violent offender against youth shall provide accurate
15 information as required by the Illinois Department of State
16 Police. That information shall include the current place of
17 employment of the violent offender against youth.

18 (a-5) An out-of-state student or out-of-state employee
19 shall, within 5 days after beginning school or employment in
20 this State, register in person and provide accurate
21 information as required by the Illinois Department of State
22 Police. Such information will include current place of
23 employment, school attended, and address in state of
24 residence. The out-of-state student or out-of-state employee
25 shall register:

26 (1) with the chief of police in the municipality in

1 which he or she attends school or is employed for a period
2 of time of 5 or more days or for an aggregate period of
3 time of more than 30 days during any calendar year, unless
4 the municipality is the City of Chicago, in which case he
5 or she shall register at a fixed location designated by
6 the Superintendent of the Chicago Police Department; or

7 (2) with the sheriff in the county in which he or she
8 attends school or is employed for a period of time of 5 or
9 more days or for an aggregate period of time of more than
10 30 days during any calendar year in an unincorporated area
11 or, if incorporated, no police chief exists.

12 The out-of-state student or out-of-state employee shall
13 provide accurate information as required by the Illinois
14 ~~Department of~~ State Police. That information shall include the
15 out-of-state student's current place of school attendance or
16 the out-of-state employee's current place of employment.

17 (b) Any violent offender against youth regardless of any
18 initial, prior, or other registration, shall, within 5 days of
19 beginning school, or establishing a residence, place of
20 employment, or temporary domicile in any county, register in
21 person as set forth in subsection (a) or (a-5).

22 (c) The registration for any person required to register
23 under this Act shall be as follows:

24 (1) Except as provided in paragraph (3) of this
25 subsection (c), any person who has not been notified of
26 his or her responsibility to register shall be notified by

1 a criminal justice entity of his or her responsibility to
2 register. Upon notification the person must then register
3 within 5 days of notification of his or her requirement to
4 register. If notification is not made within the
5 offender's 10 year registration requirement, and the
6 Illinois Department of State Police determines no evidence
7 exists or indicates the offender attempted to avoid
8 registration, the offender will no longer be required to
9 register under this Act.

10 (2) Except as provided in paragraph (3) of this
11 subsection (c), any person convicted on or after the
12 effective date of this Act shall register in person within
13 5 days after the entry of the sentencing order based upon
14 his or her conviction.

15 (3) Any person unable to comply with the registration
16 requirements of this Act because he or she is confined,
17 institutionalized, or imprisoned in Illinois on or after
18 the effective date of this Act shall register in person
19 within 5 days of discharge, parole or release.

20 (4) The person shall provide positive identification
21 and documentation that substantiates proof of residence at
22 the registering address.

23 (5) The person shall pay a \$20 initial registration
24 fee and a \$10 annual renewal fee. The fees shall be
25 deposited into the Offender Registration Fund. The fees
26 shall be used by the registering agency for official

1 purposes. The agency shall establish procedures to
2 document receipt and use of the funds. The law enforcement
3 agency having jurisdiction may waive the registration fee
4 if it determines that the person is indigent and unable to
5 pay the registration fee.

6 (d) Within 5 days after obtaining or changing employment,
7 a person required to register under this Section must report,
8 in person to the law enforcement agency having jurisdiction,
9 the business name and address where he or she is employed. If
10 the person has multiple businesses or work locations, every
11 business and work location must be reported to the law
12 enforcement agency having jurisdiction.

13 (Source: P.A. 101-571, eff. 8-23-19.)

14 (730 ILCS 154/11)

15 Sec. 11. Transfer from the sex offender registry.

16 (a) The registration information for a person registered
17 under the Sex Offender Registration Act who was convicted or
18 adjudicated for an offense listed in subsection (b) of Section
19 5 of this Act may only be transferred to the Murderer and
20 Violent Offender Against Youth Registry if all the following
21 conditions are met:

22 (1) The offender's sole offense requiring registration
23 was a conviction or adjudication for an offense or
24 offenses listed in subsection (b) of Section 5 of this
25 Act.

1 (2) The State's Attorney's Office in the county in
2 which the offender was convicted has verified, on a form
3 prescribed by the Illinois State Police, that the person's
4 crime that required or requires registration was not
5 sexually motivated as defined in Section 10 of the Sex
6 Offender Management Board Act.

7 (3) The completed form has been received by the
8 registering law enforcement agency and the Illinois State
9 Police's Sex Offender Registration Unit.

10 (b) Transfer under this Section shall not extend the
11 registration period for offenders who were registered under
12 the Sex Offender Registration Act.

13 (Source: P.A. 97-154, eff. 1-1-12.)

14 (730 ILCS 154/13)

15 Sec. 13. Request for Review.

16 (a) Any person who is required to register under this Act
17 may file a Request for Review with the office of the State's
18 Attorney of the county in which he or she was convicted, and
19 request that the office of the State's Attorney review his or
20 her registration information. Upon receipt of a Request for
21 Review, the State's Attorney shall review the information
22 provided by the offender, and if he or she determines that the
23 information currently relied upon for registration is
24 inaccurate, the State's Attorney shall correct the error
25 before reporting the offender's personal information to the

1 Illinois ~~Department of~~ State Police. If the State's Attorney
2 makes a determination to deny a Request for Review, the
3 State's Attorney shall give the reason why and the information
4 relied upon for denying the Request for Review.

5 (b) Within 60 days of a denial of a request for review an
6 offender may appeal the decision of the State's Attorney to
7 deny the Request for Review in the circuit court.

8 (Source: P.A. 100-946, eff. 1-1-19.)

9 (730 ILCS 154/15)

10 Sec. 15. Discharge of violent offender against youth.
11 Discharge of violent offender against youth from Department of
12 Corrections facility or other penal institution; duties of
13 official in charge. Any violent offender against youth who is
14 discharged, paroled, or released from a Department of
15 Corrections facility, a facility where such person was placed
16 by the Department of Corrections or another penal institution,
17 and whose liability for registration has not terminated under
18 Section 40 shall, prior to discharge, parole or release from
19 the facility or institution, be informed of his or her duty to
20 register in person within 5 days of release by the facility or
21 institution in which he or she was confined. The facility or
22 institution shall also inform any person who must register
23 that if he or she establishes a residence outside of the State
24 of Illinois, is employed outside of the State of Illinois, or
25 attends school outside of the State of Illinois, he or she must

1 register in the new state within 5 days after establishing the
2 residence, beginning employment, or beginning school.

3 The facility shall require the person to read and sign
4 such form as may be required by the Illinois ~~Department of~~
5 State Police stating that the duty to register and the
6 procedure for registration has been explained to him or her
7 and that he or she understands the duty to register and the
8 procedure for registration. The facility shall further advise
9 the person in writing that the failure to register or other
10 violation of this Act shall result in revocation of parole,
11 aftercare release, mandatory supervised release or conditional
12 release. The facility shall obtain information about where the
13 person expects to reside, work, and attend school upon his or
14 her discharge, parole or release and shall report the
15 information to the Illinois ~~Department of~~ State Police. The
16 facility shall give one copy of the form to the person and
17 shall send one copy to each of the law enforcement agencies
18 having jurisdiction where the person expects to reside, work,
19 and attend school upon his or her discharge, parole or release
20 and retain one copy for the files. Electronic data files which
21 includes all notification form information and photographs of
22 violent offenders against youth being released from an
23 Illinois Department of Corrections or Illinois Department of
24 Juvenile Justice facility will be shared on a regular basis as
25 determined between the Illinois ~~Department of~~ State Police,
26 the Department of Corrections and Department of Juvenile

1 Justice.

2 (Source: P.A. 98-558, eff. 1-1-14.)

3 (730 ILCS 154/20)

4 Sec. 20. Release of violent offender against youth; duties
5 of the Court. Any violent offender against youth who is
6 released on probation or discharged upon payment of a fine
7 because of the commission of one of the offenses defined in
8 subsection (b) of Section 5 of this Act, shall, prior to such
9 release be informed of his or her duty to register under this
10 Act by the Court in which he or she was convicted. The Court
11 shall also inform any person who must register that if he or
12 she establishes a residence outside of the State of Illinois,
13 is employed outside of the State of Illinois, or attends
14 school outside of the State of Illinois, he or she must
15 register in the new state within 5 days after establishing the
16 residence, beginning employment, or beginning school. The
17 Court shall require the person to read and sign such form as
18 may be required by the Illinois ~~Department of~~ State Police
19 stating that the duty to register and the procedure for
20 registration has been explained to him or her and that he or
21 she understands the duty to register and the procedure for
22 registration. The Court shall further advise the person in
23 writing that the failure to register or other violation of
24 this Act shall result in probation revocation. The Court shall
25 obtain information about where the person expects to reside,

1 work, and attend school upon his or her release, and shall
2 report the information to the Illinois ~~Department of~~ State
3 Police. The Court shall give one copy of the form to the person
4 and retain the original in the court records. The Illinois
5 ~~Department of~~ State Police shall notify the law enforcement
6 agencies having jurisdiction where the person expects to
7 reside, work and attend school upon his or her release.

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

9 (730 ILCS 154/25)

10 Sec. 25. Discharge of violent offender against youth from
11 hospital. Discharge of violent offender against youth from a
12 hospital or other treatment facility; duties of the official
13 in charge. Any violent offender against youth who is
14 discharged or released from a hospital or other treatment
15 facility where he or she was confined shall be informed by the
16 hospital or treatment facility in which he or she was
17 confined, prior to discharge or release from the hospital or
18 treatment facility, of his or her duty to register under this
19 Act.

20 The facility shall require the person to read and sign
21 such form as may be required by the Illinois ~~Department of~~
22 State Police stating that the duty to register and the
23 procedure for registration have been explained to him or her
24 and that he or she understands the duty to register and the
25 procedure for registration. The facility shall give one copy

1 of the form to the person, retain one copy for its records, and
2 forward the original to the Illinois ~~Department of~~ State
3 Police. The facility shall obtain information about where the
4 person expects to reside, work, and attend school upon his or
5 her discharge, parole, or release and shall report the
6 information to the Illinois ~~Department of~~ State Police within
7 3 days. The facility or institution shall also inform any
8 person who must register that if he or she establishes a
9 residence outside of the State of Illinois, is employed
10 outside of the State of Illinois, or attends school outside of
11 the State of Illinois, he or she must register in the new state
12 within 5 days after establishing the residence, beginning
13 school, or beginning employment. The Illinois ~~Department of~~
14 State Police shall notify the law enforcement agencies having
15 jurisdiction where the person expects to reside, work, and
16 attend school upon his or her release.

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

18 (730 ILCS 154/30)

19 Sec. 30. Duty to report; change of address, school, or
20 employment; duty to inform. Any violent offender against
21 youth who is required to register under this Act shall report
22 in person to the appropriate law enforcement agency with whom
23 he or she last registered within one year from the date of last
24 registration and every year thereafter and at such other times
25 at the request of the law enforcement agency not to exceed 4

1 times a year. If any person required to register under this Act
2 lacks a fixed residence or temporary domicile, he or she must
3 notify, in person, the agency of jurisdiction of his or her
4 last known address within 5 days after ceasing to have a fixed
5 residence and if the offender leaves the last jurisdiction of
6 residence, he or she must, within 48 hours after leaving,
7 register in person with the new agency of jurisdiction. If any
8 other person required to register under this Act changes his
9 or her residence address, place of employment, or school, he
10 or she shall report in person to the law enforcement agency
11 with whom he or she last registered of his or her new address,
12 change in employment, or school and register, in person, with
13 the appropriate law enforcement agency within the time period
14 specified in Section 10. The law enforcement agency shall,
15 within 3 days of the reporting in person by the person required
16 to register under this Act, notify the Illinois ~~Department of~~
17 State Police of the new place of residence, change in
18 employment, or school.

19 If any person required to register under this Act intends
20 to establish a residence or employment outside of the State of
21 Illinois, at least 10 days before establishing that residence
22 or employment, he or she shall report in person to the law
23 enforcement agency with which he or she last registered of his
24 or her out-of-state intended residence or employment. The law
25 enforcement agency with which such person last registered
26 shall, within 3 days after the reporting in person of the

1 person required to register under this Act of an address or
2 employment change, notify the Illinois ~~Department of~~ State
3 Police. The Illinois ~~Department of~~ State Police shall forward
4 such information to the out-of-state law enforcement agency
5 having jurisdiction in the form and manner prescribed by the
6 Illinois ~~Department of~~ State Police.

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

8 (730 ILCS 154/40)

9 Sec. 40. Duration of registration. A person who becomes
10 subject to registration under this Article who has previously
11 been subject to registration under this Article or under the
12 Sex Offender Registration Act or similar registration
13 requirements of other jurisdictions shall register for the
14 period of his or her natural life if not confined to a penal
15 institution, hospital, or other institution or facility, and
16 if confined, for the period of his or her natural life after
17 parole, discharge, or release from any such facility. Any
18 other person who is required to register under this Act shall
19 be required to register for a period of 10 years after
20 conviction or adjudication if not confined to a penal
21 institution, hospital or any other institution or facility,
22 and if confined, for a period of 10 years after parole,
23 discharge or release from any such facility. A violent
24 offender against youth who is allowed to leave a county,
25 State, or federal facility for the purposes of work release,

1 education, or overnight visitations shall be required to
2 register within 5 days of beginning such a program. Liability
3 for registration terminates at the expiration of 10 years from
4 the date of conviction or adjudication if not confined to a
5 penal institution, hospital or any other institution or
6 facility and if confined, at the expiration of 10 years from
7 the date of parole, discharge or release from any such
8 facility, providing such person does not, during that period,
9 again become liable to register under the provisions of this
10 Act. Reconfinement due to a violation of parole or other
11 circumstances that relates to the original conviction or
12 adjudication shall extend the period of registration to 10
13 years after final parole, discharge, or release. The Director
14 of the Illinois State Police, consistent with administrative
15 rules, shall extend for 10 years the registration period of
16 any violent offender against youth who fails to comply with
17 the provisions of this Act. The registration period for any
18 violent offender against youth who fails to comply with any
19 provision of the Act shall extend the period of registration
20 by 10 years beginning from the first date of registration
21 after the violation. If the registration period is extended,
22 the Illinois ~~Department~~ of State Police shall send a
23 registered letter to the law enforcement agency where the
24 violent offender against youth resides within 3 days after the
25 extension of the registration period. The violent offender
26 against youth shall report to that law enforcement agency and

1 sign for that letter. One copy of that letter shall be kept on
2 file with the law enforcement agency of the jurisdiction where
3 the violent offender against youth resides and one copy shall
4 be returned to the Illinois ~~Department of~~ State Police.

5 (Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

6 (730 ILCS 154/45)

7 Sec. 45. Registration requirements. Registration as
8 required by this Act shall consist of a statement in writing
9 signed by the person giving the information that is required
10 by the Illinois ~~Department of~~ State Police, which may include
11 the fingerprints and must include a current photograph of the
12 person, to be updated annually. The registration information
13 must include whether the person is a violent offender against
14 youth. Within 3 days, the registering law enforcement agency
15 shall forward any required information to the Illinois
16 ~~Department of~~ State Police. The registering law enforcement
17 agency shall enter the information into the Law Enforcement
18 Agencies Data System (LEADS) as provided in Sections 6 and 7 of
19 the Intergovernmental Missing Child Recovery Act of 1984.

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

21 (730 ILCS 154/46)

22 Sec. 46. Notification of case information from the office
23 of the State's Attorney. The office of the State's Attorney
24 shall provide the Illinois ~~Department of~~ State Police

1 Registration Unit all relevant case information that
2 determines a registrant's place on the registry, including,
3 but not limited to, the date of the offense, the name of the
4 offender, the date of birth of the offender, the nature of the
5 crime, and the date of birth of the victim in order to
6 facilitate proper registry placement and to prevent the
7 necessity for future Requests for Review of a registrant's
8 information.

9 (Source: P.A. 100-946, eff. 1-1-19.)

10 (730 ILCS 154/50)

11 Sec. 50. Verification requirements.

12 (a) The agency having jurisdiction shall verify the
13 address of violent offenders against youth required to
14 register with their agency at least once per year. The
15 verification must be documented in LEADS in the form and
16 manner required by the Illinois ~~Department of~~ State Police.

17 (b) The supervising officer or aftercare specialist,
18 shall, within 15 days of sentencing to probation or release
19 from an Illinois Department of Corrections facility or other
20 penal institution, contact the law enforcement agency in the
21 jurisdiction which the violent offender against youth
22 designated as his or her intended residence and verify
23 compliance with the requirements of this Act. Revocation
24 proceedings shall be immediately commenced against a violent
25 offender against youth on probation, parole, aftercare

1 release, or mandatory supervised release who fails to comply
2 with the requirements of this Act.

3 (Source: P.A. 98-558, eff. 1-1-14.)

4 (730 ILCS 154/85)

5 Sec. 85. Murderer and Violent Offender Against Youth
6 Database.

7 (a) The Illinois ~~Department of~~ State Police shall
8 establish and maintain a Statewide Murderer and Violent
9 Offender Against Youth Database for the purpose of identifying
10 violent offenders against youth and making that information
11 available to the persons specified in Section 95. The Database
12 shall be created from the Law Enforcement Agencies Data System
13 (LEADS) established under Section 6 of the Intergovernmental
14 Missing Child Recovery Act of 1984. The Illinois ~~Department of~~
15 State Police shall examine its LEADS database for persons
16 registered as violent offenders against youth under this Act
17 and shall identify those who are violent offenders against
18 youth and shall add all the information, including photographs
19 if available, on those violent offenders against youth to the
20 Statewide Murderer and Violent Offender Against Youth
21 Database.

22 (b) The Illinois ~~Department of~~ State Police must make the
23 information contained in the Statewide Murderer and Violent
24 Offender Against Youth Database accessible on the Internet by
25 means of a hyperlink labeled "Murderer and Violent Offender

1 Against Youth Information" on the Department's World Wide Web
2 home page. The Illinois ~~Department of~~ State Police must update
3 that information as it deems necessary.

4 The Illinois ~~Department of~~ State Police may require that a
5 person who seeks access to the violent offender against youth
6 information submit biographical information about himself or
7 herself before permitting access to the violent offender
8 against youth information. The Illinois ~~Department of~~ State
9 Police must promulgate rules in accordance with the Illinois
10 Administrative Procedure Act to implement this subsection (b)
11 and those rules must include procedures to ensure that the
12 information in the database is accurate.

13 (c) The Illinois ~~Department of~~ State Police must develop
14 and conduct training to educate all those entities involved in
15 the Murderer and Violent Offender Against Youth Registration
16 Program.

17 (d) The Illinois ~~Department of~~ State Police shall commence
18 the duties prescribed in the Murderer and Violent Offender
19 Against Youth Registration Act within 12 months after the
20 effective date of this Act.

21 (e) The Illinois ~~Department of~~ State Police shall collect
22 and annually report, on or before December 31 of each year, the
23 following information, making it publicly accessible on the
24 Illinois ~~Department of~~ State Police website:

25 (1) the number of registrants;

26 (2) the number of registrants currently registered for

1 each offense requiring registration; and

2 (3) biographical data, such as age of the registrant,
3 race of the registrant, and age of the victim.

4 (Source: P.A. 100-946, eff. 1-1-19.)

5 (730 ILCS 154/90)

6 Sec. 90. List of violent offenders against youth; list of
7 facilities, schools, and institutions of higher education. The
8 Illinois ~~Department of~~ State Police shall promulgate rules to
9 develop a list of violent offenders against youth covered by
10 this Act and a list of child care facilities, schools, and
11 institutions of higher education eligible to receive notice
12 under this Act, so that the list can be disseminated in a
13 timely manner to law enforcement agencies having jurisdiction.

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

15 (730 ILCS 154/95)

16 Sec. 95. Community notification of violent offenders
17 against youth.

18 (a) The sheriff of the county, except Cook County, shall
19 disclose to the following the name, address, date of birth,
20 place of employment, school attended, and offense or
21 adjudication of all violent offenders against youth required
22 to register under Section 10 of this Act:

23 (1) The boards of institutions of higher education or
24 other appropriate administrative offices of each

1 non-public institution of higher education located in the
2 county where the violent offender against youth is
3 required to register, resides, is employed, or is
4 attending an institution of higher education; and

5 (2) School boards of public school districts and the
6 principal or other appropriate administrative officer of
7 each nonpublic school located in the county where the
8 violent offender against youth is required to register or
9 is employed; and

10 (3) Child care facilities located in the county where
11 the violent offender against youth is required to register
12 or is employed; and

13 (4) Libraries located in the county where the violent
14 offender against youth is required to register or is
15 employed.

16 (a-2) The sheriff of Cook County shall disclose to the
17 following the name, address, date of birth, place of
18 employment, school attended, and offense or adjudication of
19 all violent offenders against youth required to register under
20 Section 10 of this Act:

21 (1) School boards of public school districts and the
22 principal or other appropriate administrative officer of
23 each nonpublic school located within the region of Cook
24 County, as those public school districts and nonpublic
25 schools are identified in LEADS, other than the City of
26 Chicago, where the violent offender against youth is

1 required to register or is employed; and

2 (2) Child care facilities located within the region of
3 Cook County, as those child care facilities are identified
4 in LEADS, other than the City of Chicago, where the
5 violent offender against youth is required to register or
6 is employed; and

7 (3) The boards of institutions of higher education or
8 other appropriate administrative offices of each
9 non-public institution of higher education located in the
10 county, other than the City of Chicago, where the violent
11 offender against youth is required to register, resides,
12 is employed, or attending an institution of higher
13 education; and

14 (4) Libraries located in the county, other than the
15 City of Chicago, where the violent offender against youth
16 is required to register, resides, is employed, or is
17 attending an institution of higher education.

18 (a-3) The Chicago Police Department shall disclose to the
19 following the name, address, date of birth, place of
20 employment, school attended, and offense or adjudication of
21 all violent offenders against youth required to register under
22 Section 10 of this Act:

23 (1) School boards of public school districts and the
24 principal or other appropriate administrative officer of
25 each nonpublic school located in the police district where
26 the violent offender against youth is required to register

1 or is employed if the offender is required to register or
2 is employed in the City of Chicago; and

3 (2) Child care facilities located in the police
4 district where the violent offender against youth is
5 required to register or is employed if the offender is
6 required to register or is employed in the City of
7 Chicago; and

8 (3) The boards of institutions of higher education or
9 other appropriate administrative offices of each
10 non-public institution of higher education located in the
11 police district where the violent offender against youth
12 is required to register, resides, is employed, or
13 attending an institution of higher education in the City
14 of Chicago; and

15 (4) Libraries located in the police district where the
16 violent offender against youth is required to register or
17 is employed if the offender is required to register or is
18 employed in the City of Chicago.

19 (a-4) The Illinois ~~Department of~~ State Police shall
20 provide a list of violent offenders against youth required to
21 register to the Illinois Department of Children and Family
22 Services.

23 (b) The Illinois ~~Department of~~ State Police and any law
24 enforcement agency may disclose, in the Department's or
25 agency's discretion, the following information to any person
26 likely to encounter a violent offender against youth:

- 1 (1) The offender's name, address, and date of birth.
 - 2 (2) The offense for which the offender was convicted.
 - 3 (3) The offender's photograph or other such
4 information that will help identify the violent offender
5 against youth.
 - 6 (4) Offender employment information, to protect public
7 safety.
- 8 (c) The name, address, date of birth, and offense or
9 adjudication for violent offenders against youth required to
10 register under Section 10 of this Act shall be open to
11 inspection by the public as provided in this Section. Every
12 municipal police department shall make available at its
13 headquarters the information on all violent offenders against
14 youth who are required to register in the municipality under
15 this Act. The sheriff shall also make available at his or her
16 headquarters the information on all violent offenders against
17 youth who are required to register under this Act and who live
18 in unincorporated areas of the county. Violent offender
19 against youth information must be made available for public
20 inspection to any person, no later than 72 hours or 3 business
21 days from the date of the request. The request must be made in
22 person, in writing, or by telephone. Availability must include
23 giving the inquirer access to a facility where the information
24 may be copied. A department or sheriff may charge a fee, but
25 the fee may not exceed the actual costs of copying the
26 information. An inquirer must be allowed to copy this

1 information in his or her own handwriting. A department or
2 sheriff must allow access to the information during normal
3 public working hours. The sheriff or a municipal police
4 department may publish the photographs of violent offenders
5 against youth where any victim was 13 years of age or younger
6 and who are required to register in the municipality or county
7 under this Act in a newspaper or magazine of general
8 circulation in the municipality or county or may disseminate
9 the photographs of those violent offenders against youth on
10 the Internet or on television. The law enforcement agency may
11 make available the information on all violent offenders
12 against youth residing within any county.

13 (d) The Illinois ~~Department of~~ State Police and any law
14 enforcement agency having jurisdiction may, in the
15 Department's or agency's discretion, place the information
16 specified in subsection (b) on the Internet or in other media.
17 (Source: P.A. 94-945, eff. 6-27-06; 95-278, eff. 8-17-07.)

18 (730 ILCS 154/100)

19 Sec. 100. Notification regarding juvenile offenders.

20 (a) The Illinois ~~Department of~~ State Police and any law
21 enforcement agency having jurisdiction may, in the
22 Department's or agency's discretion, only provide the
23 information specified in subsection (b) of Section 95, with
24 respect to an adjudicated juvenile delinquent, to any person
25 when that person's safety may be compromised for some reason

1 related to the juvenile violent offender against youth.

2 (b) The local law enforcement agency having jurisdiction
3 to register the juvenile violent offender against youth shall
4 ascertain from the juvenile violent offender against youth
5 whether the juvenile violent offender against youth is
6 enrolled in school; and if so, shall provide a copy of the
7 violent offender against youth registration form only to the
8 principal or chief administrative officer of the school and
9 any guidance counselor designated by him or her. The
10 registration form shall be kept separately from any and all
11 school records maintained on behalf of the juvenile violent
12 offender against youth.

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

14 Section 1085. The Methamphetamine Manufacturer Registry
15 Act is amended by changing Sections 10 and 15 as follows:

16 (730 ILCS 180/10)

17 Sec. 10. Methamphetamine Manufacturer Database.

18 (a) The Illinois ~~Department of~~ State Police shall
19 establish and maintain a Methamphetamine Manufacturer Database
20 for the purpose of identifying methamphetamine manufacturers
21 and making that information available to law enforcement and
22 the general public. For every person convicted of a violation
23 of Section 15 of the Methamphetamine Control and Community
24 Protection Act on or after the effective date of this Act, the

1 methamphetamine manufacturer database shall contain
2 information relating to each methamphetamine manufacturer. The
3 information shall include the methamphetamine manufacturer's
4 name, date of birth, offense or offenses requiring inclusion
5 in the Methamphetamine Manufacturer Database, the conviction
6 date and county of each such offense, and such other
7 identifying information as the Illinois ~~Department of~~ State
8 Police deems necessary to identify the methamphetamine
9 manufacturer, but shall not include the social security number
10 of the methamphetamine manufacturer.

11 (b) The Illinois ~~Department of~~ State Police must make the
12 information contained in the Statewide Methamphetamine
13 Manufacturer Database accessible on the Internet by means of a
14 hyperlink labeled "Methamphetamine Manufacturer Information"
15 on the Department's World Wide Web home page. The Illinois
16 ~~Department of~~ State Police must update that information as it
17 deems necessary.

18 (c) The Illinois ~~Department of~~ State Police must
19 promulgate rules in accordance with the Illinois
20 Administrative Procedure Act to implement this Section and
21 those rules must include procedures to ensure that the
22 information in the database is accurate, and that the
23 information in the database reflects any changes based on the
24 reversal of a conviction for an offense requiring inclusion in
25 the Methamphetamine Manufacturer Database, or a court order
26 requiring the sealing or expungement of records relating to

1 the offense. A certified copy of such an order shall be deemed
2 prima facie true and correct and shall be sufficient to
3 require the immediate amendment or removal of any person's
4 information from the Methamphetamine Manufacturer Database by
5 the Illinois ~~Department of~~ State Police.

6 (Source: P.A. 94-831, eff. 6-5-06.)

7 (730 ILCS 180/15)

8 Sec. 15. Conviction Information.

9 (a) Within 60 days after the effective date of this Act,
10 each circuit clerk shall forward monthly to the Illinois
11 ~~Department of~~ State Police a copy of the judgment for each and
12 all persons convicted of an offense within the definition of
13 methamphetamine manufacturer, as defined in Section 5 of this
14 Act, during the previous month.

15 (b) Within 120 days after the effective date of this Act,
16 the Director of Corrections shall forward to the Illinois
17 ~~Department of~~ State Police a list of all persons incarcerated
18 or on mandatory supervised release, who have been convicted of
19 an offense within the definition of methamphetamine
20 manufacturer, as defined in Section 5 of this Act.

21 (Source: P.A. 94-831, eff. 6-5-06.)

22 Section 1090. The Department of Juvenile Justice Mortality
23 Review Team Act is amended by changing Section 15 as follows:

1 (730 ILCS 195/15)

2 Sec. 15. Mortality review teams; establishment.

3 (a) Upon the occurrence of the death of any youth in the
4 Department's custody, the Director shall appoint members and a
5 chairperson to a mortality review team. The Director shall
6 make the appointments within 30 days after the youth's death.

7 (b) Each mortality review team shall consist of at least
8 one member from each of the following categories:

9 (1) Pediatrician or other physician.

10 (2) Representative of the Department.

11 (3) State's Attorney or State's Attorney
12 representative.

13 (4) Representative of a local law enforcement agency.

14 (5) Psychologist or psychiatrist.

15 (6) Representative of a local health department.

16 (7) Designee of the Board of Education of the
17 Department of Juvenile Justice School District created
18 under Section 13-40 of the School Code.

19 (8) Coroner or forensic pathologist.

20 (9) Representative of a juvenile justice advocacy
21 organization.

22 (10) Representative of a local hospital, trauma
23 center, or provider of emergency medical services.

24 (11) Representative of the Illinois ~~Department of~~
25 State Police.

26 (12) Representative of the Office of the Governor's

1 Executive Inspector General.

2 A mortality review team may make recommendations to the
3 Director concerning additional appointments.

4 (c) Each mortality review team member must have
5 demonstrated experience or an interest in the welfare of youth
6 in State custody.

7 (d) The mortality review teams shall be funded in the
8 Department's annual budget to provide for the travel expenses
9 of team members and professional services engaged by the team.

10 (e) If a death of a youth in the Department's custody
11 occurs while a prior youth death is under review by a team
12 pursuant to this Act, the Director may request that the team
13 review the subsequent death.

14 (f) Upon the conclusion of all reporting required under
15 Sections 20, 25, and 30 with respect to a death reviewed by a
16 team, all appointments to the team shall expire.

17 (Source: P.A. 96-1378, eff. 7-29-10.)

18 Section 1095. The Code of Civil Procedure is amended by
19 changing Sections 2-202, 2-702, 21-101, 21-102, 21-102.5, and
20 21-103 as follows:

21 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

22 Sec. 2-202. Persons authorized to serve process; place of
23 service; failure to make return.

24 (a) Process shall be served by a sheriff, or if the sheriff

1 is disqualified, by a coroner of some county of the State. In
2 matters where the county or State is an interested party,
3 process may be served by a special investigator appointed by
4 the State's Attorney of the county, as defined in Section
5 3-9005 of the Counties Code. A sheriff of a county with a
6 population of less than 2,000,000 may employ civilian
7 personnel to serve process. In counties with a population of
8 less than 2,000,000, process may be served, without special
9 appointment, by a person who is licensed or registered as a
10 private detective under the Private Detective, Private Alarm,
11 Private Security, Fingerprint Vendor, and Locksmith Act of
12 2004 or by a registered employee of a private detective agency
13 certified under that Act as defined in Section (a-5). A
14 private detective or licensed employee must supply the sheriff
15 of any county in which he serves process with a copy of his
16 license or certificate; however, the failure of a person to
17 supply the copy shall not in any way impair the validity of
18 process served by the person. The court may, in its discretion
19 upon motion, order service to be made by a private person over
20 18 years of age and not a party to the action. It is not
21 necessary that service be made by a sheriff or coroner of the
22 county in which service is made. If served or sought to be
23 served by a sheriff or coroner, he or she shall endorse his or
24 her return thereon, and if by a private person the return shall
25 be by affidavit.

26 (a-5) Upon motion and in its discretion, the court may

1 appoint as a special process server a private detective agency
2 certified under the Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
4 the appointment, any employee of the private detective agency
5 who is registered under that Act may serve the process. The
6 motion and the order of appointment must contain the number of
7 the certificate issued to the private detective agency by the
8 Department of Professional Regulation under the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004. A private detective or
11 private detective agency shall send, one time only, a copy of
12 his, her, or its individual private detective license or
13 private detective agency certificate to the county sheriff in
14 each county in which the detective or detective agency or his,
15 her, or its employees serve process, regardless of the size of
16 the population of the county. As long as the license or
17 certificate is valid and meets the requirements of the
18 Department of Financial and Professional Regulation, a new
19 copy of the current license or certificate need not be sent to
20 the sheriff. A private detective agency shall maintain a list
21 of its registered employees. Registered employees shall
22 consist of:

23 (1) an employee who works for the agency holding a
24 valid Permanent Employee Registration Card;

25 (2) a person who has applied for a Permanent Employee
26 Registration Card, has had his or her fingerprints

1 processed and cleared by the Illinois ~~Department of~~ State
2 Police and the FBI, and as to whom the Department of
3 Financial and Professional Regulation website shows that
4 the person's application for a Permanent Employee
5 Registration Card is pending;

6 (3) a person employed by a private detective agency
7 who is exempt from a Permanent Employee Registration Card
8 requirement because the person is a current peace officer;
9 and

10 (4) a private detective who works for a private
11 detective agency as an employee.

12 A detective agency shall maintain this list and forward it to
13 any sheriff's department that requests this list within 5
14 business days after the receipt of the request.

15 (b) Summons may be served upon the defendants wherever
16 they may be found in the State, by any person authorized to
17 serve process. An officer may serve summons in his or her
18 official capacity outside his or her county, but fees for
19 mileage outside the county of the officer cannot be taxed as
20 costs. The person serving the process in a foreign county may
21 make return by mail.

22 (c) If any sheriff, coroner, or other person to whom any
23 process is delivered, neglects or refuses to make return of
24 the same, the plaintiff may petition the court to enter a rule
25 requiring the sheriff, coroner, or other person, to make
26 return of the process on a day to be fixed by the court, or to

1 show cause on that day why that person should not be attached
2 for contempt of the court. The plaintiff shall then cause a
3 written notice of the rule to be served on the sheriff,
4 coroner, or other person. If good and sufficient cause be not
5 shown to excuse the officer or other person, the court shall
6 adjudge him or her guilty of a contempt, and shall impose
7 punishment as in other cases of contempt.

8 (d) If process is served by a sheriff, coroner, or special
9 investigator appointed by the State's Attorney, the court may
10 tax the fee of the sheriff, coroner, or State's Attorney's
11 special investigator as costs in the proceeding. If process is
12 served by a private person or entity, the court may establish a
13 fee therefor and tax such fee as costs in the proceedings.

14 (e) In addition to the powers stated in Section 8.1a of the
15 Housing Authorities Act, in counties with a population of
16 3,000,000 or more inhabitants, members of a housing authority
17 police force may serve process for eviction actions commenced
18 by that housing authority and may execute eviction orders for
19 that housing authority.

20 (f) In counties with a population of 3,000,000 or more,
21 process may be served, with special appointment by the court,
22 by a private process server or a law enforcement agency other
23 than the county sheriff in proceedings instituted under
24 Article IX of this Code as a result of a lessor or lessor's
25 assignee declaring a lease void pursuant to Section 11 of the
26 Controlled Substance and Cannabis Nuisance Act.

1 (Source: P.A. 99-169, eff. 7-28-15; 100-173, eff. 1-1-18.)

2 (735 ILCS 5/2-702)

3 Sec. 2-702. Petition for a certificate of innocence that
4 the petitioner was innocent of all offenses for which he or she
5 was incarcerated.

6 (a) The General Assembly finds and declares that innocent
7 persons who have been wrongly convicted of crimes in Illinois
8 and subsequently imprisoned have been frustrated in seeking
9 legal redress due to a variety of substantive and technical
10 obstacles in the law and that such persons should have an
11 available avenue to obtain a finding of innocence so that they
12 may obtain relief through a petition in the Court of Claims.
13 The General Assembly further finds misleading the current
14 legal nomenclature which compels an innocent person to seek a
15 pardon for being wrongfully incarcerated. It is the intent of
16 the General Assembly that the court, in exercising its
17 discretion as permitted by law regarding the weight and
18 admissibility of evidence submitted pursuant to this Section,
19 shall, in the interest of justice, give due consideration to
20 difficulties of proof caused by the passage of time, the death
21 or unavailability of witnesses, the destruction of evidence or
22 other factors not caused by such persons or those acting on
23 their behalf.

24 (b) Any person convicted and subsequently imprisoned for
25 one or more felonies by the State of Illinois which he or she

1 did not commit may, under the conditions hereinafter provided,
2 file a petition for certificate of innocence in the circuit
3 court of the county in which the person was convicted. The
4 petition shall request a certificate of innocence finding that
5 the petitioner was innocent of all offenses for which he or she
6 was incarcerated.

7 (c) In order to present the claim for certificate of
8 innocence of an unjust conviction and imprisonment, the
9 petitioner must attach to his or her petition documentation
10 demonstrating that:

11 (1) he or she has been convicted of one or more
12 felonies by the State of Illinois and subsequently
13 sentenced to a term of imprisonment, and has served all or
14 any part of the sentence; and

15 (2) his or her judgment of conviction was reversed or
16 vacated, and the indictment or information dismissed or,
17 if a new trial was ordered, either he or she was found not
18 guilty at the new trial or he or she was not retried and
19 the indictment or information dismissed; or the statute,
20 or application thereof, on which the indictment or
21 information was based violated the Constitution of the
22 United States or the State of Illinois; and

23 (3) his or her claim is not time barred by the
24 provisions of subsection (i) of this Section.

25 (d) The petition shall state facts in sufficient detail to
26 permit the court to find that the petitioner is likely to

1 succeed at trial in proving that the petitioner is innocent of
2 the offenses charged in the indictment or information or his
3 or her acts or omissions charged in the indictment or
4 information did not constitute a felony or misdemeanor against
5 the State of Illinois, and the petitioner did not by his or her
6 own conduct voluntarily cause or bring about his or her
7 conviction. The petition shall be verified by the petitioner.

8 (e) A copy of the petition shall be served on the Attorney
9 General and the State's Attorney of the county where the
10 conviction was had. The Attorney General and the State's
11 Attorney of the county where the conviction was had shall have
12 the right to intervene as parties.

13 (f) In any hearing seeking a certificate of innocence, the
14 court may take judicial notice of prior sworn testimony or
15 evidence admitted in the criminal proceedings related to the
16 convictions which resulted in the alleged wrongful
17 incarceration, if the petitioner was either represented by
18 counsel at such prior proceedings or the right to counsel was
19 knowingly waived.

20 (g) In order to obtain a certificate of innocence the
21 petitioner must prove by a preponderance of evidence that:

22 (1) the petitioner was convicted of one or more
23 felonies by the State of Illinois and subsequently
24 sentenced to a term of imprisonment, and has served all or
25 any part of the sentence;

26 (2) (A) the judgment of conviction was reversed or

1 vacated, and the indictment or information dismissed or,
2 if a new trial was ordered, either the petitioner was
3 found not guilty at the new trial or the petitioner was not
4 retried and the indictment or information dismissed; or
5 (B) the statute, or application thereof, on which the
6 indictment or information was based violated the
7 Constitution of the United States or the State of
8 Illinois;

9 (3) the petitioner is innocent of the offenses charged
10 in the indictment or information or his or her acts or
11 omissions charged in the indictment or information did not
12 constitute a felony or misdemeanor against the State; and

13 (4) the petitioner did not by his or her own conduct
14 voluntarily cause or bring about his or her conviction.

15 (h) If the court finds that the petitioner is entitled to a
16 judgment, it shall enter a certificate of innocence finding
17 that the petitioner was innocent of all offenses for which he
18 or she was incarcerated. Upon entry of the certificate of
19 innocence or pardon from the Governor stating that such pardon
20 was issued on the ground of innocence of the crime for which he
21 or she was imprisoned, (1) the clerk of the court shall
22 transmit a copy of the certificate of innocence to the clerk of
23 the Court of Claims, together with the claimant's current
24 address; and (2) the court shall enter an order expunging the
25 record of arrest from the official records of the arresting
26 authority and order that the records of the clerk of the

1 circuit court and the Illinois ~~Department of~~ State Police be
2 sealed until further order of the court upon good cause shown
3 or as otherwise provided herein, and the name of the defendant
4 obliterated from the official index requested to be kept by
5 the circuit court clerk under Section 16 of the Clerks of
6 Courts Act in connection with the arrest and conviction for
7 the offense but the order shall not affect any index issued by
8 the circuit court clerk before the entry of the order. The
9 court shall enter the expungement order regardless of whether
10 the petitioner has prior criminal convictions.

11 All records sealed by the Illinois ~~Department of~~ State
12 Police may be disseminated by the Department only as required
13 by law or to the arresting authority, the State's Attorney,
14 the court upon a later arrest for the same or similar offense,
15 or for the purpose of sentencing for any subsequent felony.
16 Upon conviction for any subsequent offense, the Department of
17 Corrections shall have access to all sealed records of the
18 Department pertaining to that individual.

19 Upon entry of the order of expungement, the clerk of the
20 circuit court shall promptly mail a copy of the order to the
21 person whose records were expunged and sealed.

22 (i) Any person seeking a certificate of innocence under
23 this Section based on the dismissal of an indictment or
24 information or acquittal that occurred before the effective
25 date of this amendatory Act of the 95th General Assembly shall
26 file his or her petition within 2 years after the effective

1 date of this amendatory Act of the 95th General Assembly. Any
2 person seeking a certificate of innocence under this Section
3 based on the dismissal of an indictment or information or
4 acquittal that occurred on or after the effective date of this
5 amendatory Act of the 95th General Assembly shall file his or
6 her petition within 2 years after the dismissal.

7 (j) The decision to grant or deny a certificate of
8 innocence shall be binding only with respect to claims filed
9 in the Court of Claims and shall not have a res judicata effect
10 on any other proceedings.

11 (Source: P.A. 98-133, eff. 1-1-14.)

12 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

13 Sec. 21-101. Proceedings; parties.

14 (a) If any person who is a resident of this State and has
15 resided in this State for 6 months desires to change his or her
16 name and to assume another name by which to be afterwards
17 called and known, the person may file a petition in the circuit
18 court of the county wherein he or she resides praying for that
19 relief.

20 (b) The filing of a petition in accordance with this
21 Section shall be the sole and exclusive means by which any
22 person committed under the laws of this State to a penal
23 institution may change his or her name and assume another
24 name. However, any person convicted of a felony in this State
25 or any other state who has not been pardoned may not file a

1 petition for a name change until 10 years have passed since
2 completion and discharge from his or her sentence. A person
3 who has been convicted of identity theft, aggravated identity
4 theft, felony or misdemeanor criminal sexual abuse when the
5 victim of the offense at the time of its commission is under 18
6 years of age, felony or misdemeanor sexual exploitation of a
7 child, felony or misdemeanor indecent solicitation of a child,
8 or felony or misdemeanor indecent solicitation of an adult, or
9 any other offense for which a person is required to register
10 under the Sex Offender Registration Act in this State or any
11 other state who has not been pardoned shall not be permitted to
12 file a petition for a name change in the courts of Illinois.

13 (c) A petitioner may include his or her spouse and adult
14 unmarried children, with their consent, and his or her minor
15 children where it appears to the court that it is for their
16 best interest, in the petition and prayer, and the court's
17 order shall then include the spouse and children. Whenever any
18 minor has resided in the family of any person for the space of
19 3 years and has been recognized and known as an adopted child
20 in the family of that person, the application herein provided
21 for may be made by the person having that minor in his or her
22 family.

23 An order shall be entered as to a minor only if the court
24 finds by clear and convincing evidence that the change is
25 necessary to serve the best interest of the child. In
26 determining the best interest of a minor child under this

1 Section, the court shall consider all relevant factors,
2 including:

3 (1) The wishes of the child's parents and any person
4 acting as a parent who has physical custody of the child.

5 (2) The wishes of the child and the reasons for those
6 wishes. The court may interview the child in chambers to
7 ascertain the child's wishes with respect to the change of
8 name. Counsel shall be present at the interview unless
9 otherwise agreed upon by the parties. The court shall
10 cause a court reporter to be present who shall make a
11 complete record of the interview instantaneously to be
12 part of the record in the case.

13 (3) The interaction and interrelationship of the child
14 with his or her parents or persons acting as parents who
15 have physical custody of the child, step-parents,
16 siblings, step-siblings, or any other person who may
17 significantly affect the child's best interest.

18 (4) The child's adjustment to his or her home, school,
19 and community.

20 (d) If it appears to the court that the conditions and
21 requirements under this Article have been complied with and
22 that there is no reason why the prayer should not be granted,
23 the court, by an order to be entered of record, may direct and
24 provide that the name of that person be changed in accordance
25 with the prayer in the petition. If the circuit court orders
26 that a name change be granted to a person who has been

1 adjudicated or convicted of a felony or misdemeanor offense
2 under the laws of this State or any other state for which a
3 pardon has not been granted, or has an arrest for which a
4 charge has not been filed or a pending charge on a felony or
5 misdemeanor offense, a copy of the order, including a copy of
6 each applicable access and review response, shall be forwarded
7 to the Illinois ~~Department of~~ State Police. The Illinois
8 ~~Department of~~ State Police shall update any criminal history
9 transcript or offender registration of each person 18 years of
10 age or older in the order to include the change of name as well
11 as his or her former name.

12 (Source: P.A. 100-370, eff. 1-1-18.)

13 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

14 Sec. 21-102. Petition; update criminal history transcript.

15 (a) The petition shall set forth the name then held, the
16 name sought to be assumed, the residence of the petitioner,
17 the length of time the petitioner has resided in this State,
18 and the state or country of the petitioner's nativity or
19 supposed nativity. The petition shall include a statement,
20 verified under oath as provided under Section 1-109 of this
21 Code, whether or not the petitioner or any other person 18
22 years of age or older who will be subject to a change of name
23 under the petition if granted: (1) has been adjudicated or
24 convicted of a felony or misdemeanor offense under the laws of
25 this State or any other state for which a pardon has not been

1 granted; or (2) has an arrest for which a charge has not been
2 filed or a pending charge on a felony or misdemeanor offense.
3 The petition shall be signed by the person petitioning or, in
4 case of minors, by the parent or guardian having the legal
5 custody of the minor. The petition shall be verified by the
6 affidavit of some credible person.

7 (b) If the statement provided under subsection (a) of this
8 Section indicates the petitioner or any other person 18 years
9 of age or older who will be subject to a change of name under
10 the petition, if granted, has been adjudicated or convicted of
11 a felony or misdemeanor offense under the laws of this State or
12 any other state for which a pardon has not been granted, or has
13 an arrest for which a charge has not been filed or a pending
14 charge on a felony or misdemeanor offense, the State's
15 Attorney may request the court to or the court may on its own
16 motion, require the person, prior to a hearing on the
17 petition, to initiate an update of his or her criminal history
18 transcript with the Illinois ~~Department of~~ State Police. The
19 Department shall allow a person to use the Access and Review
20 process, established by rule in the Department, for this
21 purpose. Upon completion of the update of the criminal history
22 transcript, the petitioner shall file confirmation of each
23 update with the court, which shall seal the records from
24 disclosure outside of court proceedings on the petition.

25 (Source: P.A. 100-370, eff. 1-1-18.)

1 (735 ILCS 5/21-102.5)

2 Sec. 21-102.5. Notice; objection.

3 (a) The circuit court clerk shall promptly serve a copy of
4 the petition on the State's Attorney and the Illinois
5 ~~Department of~~ State Police.

6 (b) The State's Attorney may file an objection to the
7 petition. All objections shall be in writing, shall be filed
8 with the circuit court clerk, and shall state with specificity
9 the basis of the objection. Objections to a petition must be
10 filed within 30 days of the date of service of the petition
11 upon the State's Attorney.

12 (Source: P.A. 100-370, eff. 1-1-18.)

13 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

14 Sec. 21-103. Notice by publication.

15 (a) Previous notice shall be given of the intended
16 application by publishing a notice thereof in some newspaper
17 published in the municipality in which the person resides if
18 the municipality is in a county with a population under
19 2,000,000, or if the person does not reside in a municipality
20 in a county with a population under 2,000,000, or if no
21 newspaper is published in the municipality or if the person
22 resides in a county with a population of 2,000,000 or more,
23 then in some newspaper published in the county where the
24 person resides, or if no newspaper is published in that
25 county, then in some convenient newspaper published in this

1 State. The notice shall be inserted for 3 consecutive weeks
2 after filing, the first insertion to be at least 6 weeks before
3 the return day upon which the petition is to be heard, and
4 shall be signed by the petitioner or, in case of a minor, the
5 minor's parent or guardian, and shall set forth the return day
6 of court on which the petition is to be heard and the name
7 sought to be assumed.

8 (b) The publication requirement of subsection (a) shall
9 not be required in any application for a change of name
10 involving a minor if, before making judgment under this
11 Article, reasonable notice and opportunity to be heard is
12 given to any parent whose parental rights have not been
13 previously terminated and to any person who has physical
14 custody of the child. If any of these persons are outside this
15 State, notice and opportunity to be heard shall be given under
16 Section 21-104.

17 (b-3) The publication requirement of subsection (a) shall
18 not be required in any application for a change of name
19 involving a person who has received a judgment for dissolution
20 of marriage or declaration of invalidity of marriage and
21 wishes to change his or her name to resume the use of his or
22 her former or maiden name.

23 (b-5) Upon motion, the court may issue an order directing
24 that the notice and publication requirement be waived for a
25 change of name involving a person who files with the court a
26 written declaration that the person believes that publishing

1 notice of the name change would put the person at risk of
2 physical harm or discrimination. The person must provide
3 evidence to support the claim that publishing notice of the
4 name change would put the person at risk of physical harm or
5 discrimination.

6 (c) The Director of the Illinois State Police or his or her
7 designee may apply to the circuit court for an order directing
8 that the notice and publication requirements of this Section
9 be waived if the Director or his or her designee certifies that
10 the name change being sought is intended to protect a witness
11 during and following a criminal investigation or proceeding.

12 (c-1) The court may enter a written order waiving the
13 publication requirement of subsection (a) if:

14 (i) the petitioner is 18 years of age or older; and
15 (ii) concurrent with the petition, the petitioner
16 files with the court a statement, verified under oath as
17 provided under Section 1-109 of this Code, attesting that
18 the petitioner is or has been a person protected under the
19 Illinois Domestic Violence Act of 1986, the Stalking No
20 Contact Order Act, the Civil No Contact Order Act, Article
21 112A of the Code of Criminal Procedure of 1963, a
22 condition of bail under subsections (b) through (d) of
23 Section 110-10 of the Code of Criminal Procedure of 1963,
24 or a similar provision of a law in another state or
25 jurisdiction.

26 The petitioner may attach to the statement any supporting

1 documents, including relevant court orders.

2 (c-2) If the petitioner files a statement attesting that
3 disclosure of the petitioner's address would put the
4 petitioner or any member of the petitioner's family or
5 household at risk or reveal the confidential address of a
6 shelter for domestic violence victims, that address may be
7 omitted from all documents filed with the court, and the
8 petitioner may designate an alternative address for service.

9 (c-3) Court administrators may allow domestic abuse
10 advocates, rape crisis advocates, and victim advocates to
11 assist petitioners in the preparation of name changes under
12 subsection (c-1).

13 (c-4) If the publication requirements of subsection (a)
14 have been waived, the circuit court shall enter an order
15 impounding the case.

16 (d) The maximum rate charged for publication of a notice
17 under this Section may not exceed the lowest classified rate
18 paid by commercial users for comparable space in the newspaper
19 in which the notice appears and shall include all cash
20 discounts, multiple insertion discounts, and similar benefits
21 extended to the newspaper's regular customers.

22 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
23 100-565 for the effective date of P.A. 100-520); 100-788, eff.
24 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
25 eff. 1-1-20.)

1 Section 1100. The Stalking No Contact Order Act is amended
2 by changing Sections 80, 115, and 135 as follows:

3 (740 ILCS 21/80)

4 Sec. 80. Stalking no contact orders; remedies.

5 (a) If the court finds that the petitioner has been a
6 victim of stalking, a stalking no contact order shall issue;
7 provided that the petitioner must also satisfy the
8 requirements of Section 95 on emergency orders or Section 100
9 on plenary orders. The petitioner shall not be denied a
10 stalking no contact order because the petitioner or the
11 respondent is a minor. The court, when determining whether or
12 not to issue a stalking no contact order, may not require
13 physical injury on the person of the petitioner. Modification
14 and extension of prior stalking no contact orders shall be in
15 accordance with this Act.

16 (b) A stalking no contact order shall order one or more of
17 the following:

18 (1) prohibit the respondent from threatening to commit
19 or committing stalking;

20 (2) order the respondent not to have any contact with
21 the petitioner or a third person specifically named by the
22 court;

23 (3) prohibit the respondent from knowingly coming
24 within, or knowingly remaining within a specified distance
25 of the petitioner or the petitioner's residence, school,

1 daycare, or place of employment, or any specified place
2 frequented by the petitioner; however, the court may order
3 the respondent to stay away from the respondent's own
4 residence, school, or place of employment only if the
5 respondent has been provided actual notice of the
6 opportunity to appear and be heard on the petition;

7 (4) prohibit the respondent from possessing a Firearm
8 Owners Identification Card, or possessing or buying
9 firearms; and

10 (5) order other injunctive relief the court determines
11 to be necessary to protect the petitioner or third party
12 specifically named by the court.

13 (b-5) When the petitioner and the respondent attend the
14 same public, private, or non-public elementary, middle, or
15 high school, the court when issuing a stalking no contact
16 order and providing relief shall consider the severity of the
17 act, any continuing physical danger or emotional distress to
18 the petitioner, the educational rights guaranteed to the
19 petitioner and respondent under federal and State law, the
20 availability of a transfer of the respondent to another
21 school, a change of placement or a change of program of the
22 respondent, the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the
24 respondent to another school, and any other relevant facts of
25 the case. The court may order that the respondent not attend
26 the public, private, or non-public elementary, middle, or high

1 school attended by the petitioner, order that the respondent
2 accept a change of placement or program, as determined by the
3 school district or private or non-public school, or place
4 restrictions on the respondent's movements within the school
5 attended by the petitioner. The respondent bears the burden of
6 proving by a preponderance of the evidence that a transfer,
7 change 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, and
10 educational disruption that would be caused by a transfer of
11 the respondent to another school. A transfer, change of
12 placement, or change of program is not unavailable to the
13 respondent solely on the ground that the respondent does not
14 agree with the school district's or private or non-public
15 school's transfer, change of placement, or change of program
16 or solely on the ground that the respondent fails or refuses to
17 consent to or otherwise does not take an action required to
18 effectuate a transfer, change of placement, or change of
19 program. When a court orders a respondent to stay away from the
20 public, private, or non-public school attended by the
21 petitioner and the respondent requests a transfer to another
22 attendance center within the respondent's school district or
23 private or non-public school, the school district or private
24 or non-public school shall have sole discretion to determine
25 the attendance center to which the respondent is transferred.
26 In the event the court order results in a transfer of the minor

1 respondent to another attendance center, a change in the
2 respondent's placement, or a change of the respondent's
3 program, the parents, guardian, or legal custodian of the
4 respondent is responsible for transportation and other costs
5 associated with the transfer or change.

6 (b-6) The court may order the parents, guardian, or legal
7 custodian of a minor respondent to take certain actions or to
8 refrain from taking certain actions to ensure that the
9 respondent complies with the order. In the event the court
10 orders a transfer of the respondent to another school, the
11 parents, guardian, or legal custodian of the respondent are
12 responsible for transportation and other costs associated with
13 the change of school by the respondent.

14 (b-7) The court shall not hold a school district or
15 private or non-public school or any of its employees in civil
16 or criminal contempt unless the school district or private or
17 non-public school has been allowed to intervene.

18 (b-8) The court may hold the parents, guardian, or legal
19 custodian of a minor respondent in civil or criminal contempt
20 for a violation of any provision of any order entered under
21 this Act for conduct of the minor respondent in violation of
22 this Act if the parents, guardian, or legal custodian
23 directed, encouraged, or assisted the respondent minor in such
24 conduct.

25 (c) The court may award the petitioner costs and attorneys
26 fees if a stalking no contact order is granted.

1 (d) Monetary damages are not recoverable as a remedy.

2 (e) If the stalking no contact order prohibits the
3 respondent from possessing a Firearm Owner's Identification
4 Card, or possessing or buying firearms; the court shall
5 confiscate the respondent's Firearm Owner's Identification
6 Card and immediately return the card to the Illinois
7 ~~Department of~~ State Police Firearm Owner's Identification Card
8 Office.

9 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
10 97-1131, eff. 1-1-13.)

11 (740 ILCS 21/115)

12 Sec. 115. Notice of orders.

13 (a) Upon issuance of any stalking no contact order, the
14 clerk shall immediately:

15 (1) enter the order on the record and file it in
16 accordance with the circuit court procedures; and

17 (2) provide a file stamped copy of the order to the
18 respondent, if present, and to the petitioner.

19 (b) The clerk of the issuing judge shall, or the
20 petitioner may, on the same day that a stalking no contact
21 order is issued, file a certified copy of that order with the
22 sheriff or other law enforcement officials charged with
23 maintaining Illinois ~~Department of~~ State Police records or
24 charged with serving the order upon the respondent. If the
25 respondent, at the time of the issuance of the order, is

1 committed to the custody of the Illinois Department of
2 Corrections or Illinois Department of Juvenile Justice or is
3 on parole, aftercare release, or mandatory supervised release,
4 the sheriff or other law enforcement officials charged with
5 maintaining Illinois ~~Department of~~ State Police records shall
6 notify the Department of Corrections or Department of Juvenile
7 Justice within 48 hours of receipt of a copy of the stalking no
8 contact order from the clerk of the issuing judge or the
9 petitioner. Such notice shall include the name of the
10 respondent, the respondent's IDOC inmate number or IDJJ youth
11 identification number, the respondent's date of birth, and the
12 LEADS Record Index Number.

13 (c) Unless the respondent was present in court when the
14 order was issued, the sheriff, other law enforcement official,
15 or special process server shall promptly serve that order upon
16 the respondent and file proof of such service in the manner
17 provided for service of process in civil proceedings. Instead
18 of serving the order upon the respondent, however, the
19 sheriff, other law enforcement official, special process
20 server, or other persons defined in Section 117 may serve the
21 respondent with a short form notification as provided in
22 Section 117. If process has not yet been served upon the
23 respondent, it shall be served with the order or short form
24 notification if such service is made by the sheriff, other law
25 enforcement official, or special process server.

26 (d) If the person against whom the stalking no contact

1 order is issued is arrested and the written order is issued in
2 accordance with subsection (c) of Section 95 and received by
3 the custodial law enforcement agency before the respondent or
4 arrestee is released from custody, the custodial law
5 enforcement agent shall promptly serve the order upon the
6 respondent or arrestee before the respondent or arrestee is
7 released from custody. In no event shall detention of the
8 respondent or arrestee be extended for hearing on the petition
9 for stalking no contact order or receipt of the order issued
10 under Section 95 of this Act.

11 (e) Any order extending, modifying, or revoking any
12 stalking no contact order shall be promptly recorded, issued,
13 and served as provided in this Section.

14 (f) Upon the request of the petitioner, within 24 hours of
15 the issuance of a stalking no contact order, the clerk of the
16 issuing judge shall send written notice of the order along
17 with a certified copy of the order to any school, daycare,
18 college, or university at which the petitioner is enrolled.

19 (Source: P.A. 101-508, eff. 1-1-20.)

20 (740 ILCS 21/135)

21 Sec. 135. Data maintenance by law enforcement agencies.

22 (a) All sheriffs shall furnish to the Illinois Department
23 ~~of~~ State Police, on the same day as received, in the form and
24 detail the Department requires, copies of any recorded
25 emergency or plenary stalking no contact orders issued by the

1 court and transmitted to the sheriff by the clerk of the court
2 in accordance with subsection (b) of Section 115 of this Act.
3 Each stalking no contact order shall be entered in the Law
4 Enforcement Agencies Data System on the same day it is issued
5 by the court. If an emergency stalking no contact order was
6 issued in accordance with subsection (c) of Section 100, the
7 order shall be entered in the Law Enforcement Agencies Data
8 System as soon as possible after receipt from the clerk of the
9 court.

10 (b) The Illinois ~~Department of~~ State Police shall maintain
11 a complete and systematic record and index of all valid and
12 recorded stalking no contact orders issued under this Act. The
13 data shall be used to inform all dispatchers and law
14 enforcement officers at the scene of an alleged incident of
15 stalking or violation of a stalking no contact order of any
16 recorded prior incident of stalking involving the petitioner
17 and the effective dates and terms of any recorded stalking no
18 contact order.

19 (Source: P.A. 96-246, eff. 1-1-10.)

20 Section 1105. The Civil No Contact Order Act is amended by
21 changing Sections 218 and 302 as follows:

22 (740 ILCS 22/218)

23 Sec. 218. Notice of orders.

24 (a) Upon issuance of any civil no contact order, the clerk

1 shall immediately:

2 (1) enter the order on the record and file it in
3 accordance with the circuit court procedures; and

4 (2) provide a file stamped copy of the order to the
5 respondent, if present, and to the petitioner.

6 (b) The clerk of the issuing judge shall, or the
7 petitioner may, on the same day that a civil no contact order
8 is issued, file a certified copy of that order with the sheriff
9 or other law enforcement officials charged with maintaining
10 Illinois ~~Department of~~ State Police records or charged with
11 serving the order upon the respondent. If the respondent, at
12 the time of the issuance of the order, is committed to the
13 custody of the Illinois Department of Corrections or Illinois
14 Department of Juvenile Justice, or is on parole, aftercare
15 release, or mandatory supervised release, the sheriff or other
16 law enforcement officials charged with maintaining Illinois
17 ~~Department of~~ State Police records shall notify the Department
18 of Corrections or Department of Juvenile Justice within 48
19 hours of receipt of a copy of the civil no contact order from
20 the clerk of the issuing judge or the petitioner. Such notice
21 shall include the name of the respondent, the respondent's
22 IDOC inmate number or IDJJ youth identification number, the
23 respondent's date of birth, and the LEADS Record Index Number.

24 (c) Unless the respondent was present in court when the
25 order was issued, the sheriff, other law enforcement official,
26 or special process server shall promptly serve that order upon

1 the respondent and file proof of such service in the manner
2 provided for service of process in civil proceedings. Instead
3 of serving the order upon the respondent, however, the
4 sheriff, other law enforcement official, special process
5 server, or other persons defined in Section 218.1 may serve
6 the respondent with a short form notification as provided in
7 Section 218.1. If process has not yet been served upon the
8 respondent, it shall be served with the order or short form
9 notification if such service is made by the sheriff, other law
10 enforcement official, or special process server.

11 (d) If the person against whom the civil no contact order
12 is issued is arrested and the written order is issued in
13 accordance with subsection (c) of Section 214 and received by
14 the custodial law enforcement agency before the respondent or
15 arrestee is released from custody, the custodial law
16 enforcement agent shall promptly serve the order upon the
17 respondent or arrestee before the respondent or arrestee is
18 released from custody. In no event shall detention of the
19 respondent or arrestee be extended for hearing on the petition
20 for civil no contact order or receipt of the order issued under
21 Section 214 of this Act.

22 (e) Any order extending, modifying, or revoking any civil
23 no contact order shall be promptly recorded, issued, and
24 served as provided in this Section.

25 (f) Upon the request of the petitioner, within 24 hours of
26 the issuance of a civil no contact order, the clerk of the

1 issuing judge shall send written notice of the order along
2 with a certified copy of the order to any school, college, or
3 university at which the petitioner is enrolled.

4 (Source: P.A. 101-508, eff. 1-1-20.)

5 (740 ILCS 22/302)

6 Sec. 302. Data maintenance by law enforcement agencies.

7 (a) All sheriffs shall furnish to the Illinois Department
8 ~~of~~ State Police, on the same day as received, in the form and
9 detail the Department requires, copies of any recorded
10 emergency or plenary civil no contact orders issued by the
11 court and transmitted to the sheriff by the clerk of the court
12 in accordance with subsection (b) of Section 218 of this Act.
13 Each civil no contact order shall be entered in the Law
14 Enforcement Agencies Data System on the same day it is issued
15 by the court. If an emergency civil no contact order was issued
16 in accordance with subsection (c) of Section 214, the order
17 shall be entered in the Law Enforcement Agencies Data System
18 as soon as possible after receipt from the clerk of 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 civil no contact orders issued 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 non-consensual sexual conduct or non-consensual sexual
25 penetration or violation of a civil no contact order of any

1 recorded prior incident of non-consensual sexual conduct or
2 non-consensual sexual penetration involving the victim and the
3 effective dates and terms of any recorded civil no contact
4 order.

5 (Source: P.A. 93-236, eff. 1-1-04.)

6 Section 1110. The Controlled Substance and Cannabis
7 Nuisance Act is amended by changing Sections 1, 3, and 7 as
8 follows:

9 (740 ILCS 40/1) (from Ch. 100 1/2, par. 14)

10 Sec. 1. As used in this Act unless the context otherwise
11 requires:

12 ~~"Department" means the Department of State Police of the~~
13 ~~State of Illinois.~~

14 "Controlled Substances" means any substance as defined and
15 included in the Schedules of Article II of the "Illinois
16 Controlled Substances Act," and cannabis as defined in the
17 "Cannabis Control Act" enacted by the 77th General Assembly.

18 "Place" means any store, shop, warehouse, dwelling house,
19 building, apartment or any place whatever.

20 "Nuisance" means any place at which or in which controlled
21 substances are unlawfully sold, possessed, served, stored,
22 delivered, manufactured, cultivated, given away or used more
23 than once within a period of one year.

24 "Person" means any corporation, association, partner, or

1 one or more individuals.

2 (Source: P.A. 87-765.)

3 (740 ILCS 40/3) (from Ch. 100 1/2, par. 16)

4 Sec. 3. (a) The Illinois State Police ~~Department~~ or the
5 State's Attorney or any citizen of the county in which a
6 nuisance exists may file a complaint in the name of the People
7 of the State of Illinois to enjoin all persons from
8 maintaining or permitting such nuisance, to abate the same and
9 to enjoin the use of any such place for the period of one year.

10 (b) Upon the filing of a complaint by the State's Attorney
11 or the Illinois State Police ~~Department~~ in which the complaint
12 states that irreparable injury, loss or damage will result to
13 the People of the State of Illinois, the court shall enter a
14 temporary restraining order without notice enjoining the
15 maintenance of such nuisance, upon testimony under oath,
16 affidavit, or verified complaint containing facts sufficient,
17 if sustained, to justify the court in entering a preliminary
18 injunction upon a hearing after notice. Every such temporary
19 restraining order entered without notice shall be endorsed
20 with the date and hour of entry of the order, shall be filed of
21 record, and shall expire by its terms within such time after
22 entry, not to exceed 10 days as fixed by the court, unless the
23 temporary restraining order, for good cause, is extended for a
24 like period or unless the party against whom the order is
25 directed consents that it may be extended for a longer period.

1 The reason for extension shall be shown in the order. In case a
2 temporary restraining order is entered without notice, the
3 motion for a permanent injunction shall be set down for
4 hearing at the earliest possible time and takes precedence
5 over all matters except older matters of the same character,
6 and when the motion comes on for hearing, the Illinois State
7 Police Department or State's Attorney, as the case may be,
8 shall proceed with the application for a permanent injunction,
9 and, if he does not do so, the court shall dissolve the
10 temporary restraining order. On 2 days' notice to the Illinois
11 State Police Department or State's Attorney, as the case may
12 be, the defendant may appear and move the dissolution or
13 modification of such temporary restraining order and in that
14 event the court shall proceed to hear and determine such
15 motion as expeditiously as the ends of justice require.

16 (c) Upon the filing of the complaint by a citizen or the
17 Illinois State Police Department or the State's Attorney (in
18 cases in which the Illinois State Police Department or State's
19 Attorney does not request injunctive relief without notice) in
20 the circuit court, the court, if satisfied that the nuisance
21 complained of exists, shall allow a temporary restraining
22 order, with bond unless the application is filed by the
23 Illinois State Police Department or State's Attorney, in such
24 amount as the court may determine, enjoining the defendant
25 from maintaining any such nuisance within the jurisdiction of
26 the court granting the injunctive relief. However, no such

1 injunctive relief shall be granted, except on behalf of an
2 owner or agent, unless it be made to appear to the satisfaction
3 of the court that the owner or agent of such place knew or had
4 been personally served with a notice signed by the plaintiff
5 and that such notice has been served upon such owner or such
6 agent of such place at least 5 days prior thereto, that such
7 place, specifically describing the same, was being so used,
8 naming the date or dates of its being so used, and that such
9 owner or agent had failed to abate such nuisance, or that upon
10 diligent inquiry such owner or agent could not be found for the
11 service of such preliminary notice. The lessee, if any, of
12 such place shall be made a party defendant to such petition. If
13 the property owner is a corporation and the Illinois State
14 Police Department or the State's Attorney sends the
15 preliminary notice to the corporate address registered with
16 the Secretary of State, such action shall create a rebuttable
17 presumption that the parties have acted with due diligence and
18 the court may grant injunctive relief.

19 (d) In all cases in which the complaint is filed by a
20 citizen, such complaint shall be verified.

21 (Source: P.A. 99-78, eff. 7-20-15.)

22 (740 ILCS 40/7) (from Ch. 100 1/2, par. 20)

23 Sec. 7. The proceeds of the sale of the movable property
24 shall be applied in payment of the costs of the proceeding, and
25 the balance, if any, shall be forwarded by the clerk of the

1 circuit court to the State Treasurer for deposit into the Drug
2 Treatment Fund, which is established as a special fund within
3 the State Treasury. The Department of Human Services may make
4 grants to persons licensed under Section 15-10 of the
5 Substance Use Disorder Act or to municipalities or counties
6 from funds appropriated to the Illinois State Police
7 ~~Department~~ from the Drug Treatment Fund for the treatment of
8 persons addicted to alcohol, cannabis, or controlled
9 substances. The Illinois State Police ~~Department~~ may adopt any
10 rules it deems appropriate for the administration of these
11 grants. The Illinois State Police ~~Department~~ shall ensure that
12 the moneys collected in each county be returned
13 proportionately to the counties through grants to licensees
14 located within the county in which the assessment was
15 collected. Moneys in the Fund shall not supplant other local,
16 state or federal funds.

17 (Source: P.A. 100-759, eff. 1-1-19.)

18 Section 1115. The Mental Health and Developmental
19 Disabilities Confidentiality Act is amended by changing
20 Sections 12 and 12.2 as follows:

21 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

22 Sec. 12. (a) If the United States Secret Service or the
23 Illinois ~~Department~~ of State Police requests information from
24 a mental health or developmental disability facility, as

1 defined in Section 1-107 and 1-114 of the Mental Health and
2 Developmental Disabilities Code, relating to a specific
3 recipient and the facility director determines that disclosure
4 of such information may be necessary to protect the life of, or
5 to prevent the infliction of great bodily harm to, a public
6 official, or a person under the protection of the United
7 States Secret Service, only the following information may be
8 disclosed: the recipient's name, address, and age and the date
9 of any admission to or discharge from a facility; and any
10 information which would indicate whether or not the recipient
11 has a history of violence or presents a danger of violence to
12 the person under protection. Any information so disclosed
13 shall be used for investigative purposes only and shall not be
14 publicly disseminated. Any person participating in good faith
15 in the disclosure of such information in accordance with this
16 provision shall have immunity from any liability, civil,
17 criminal or otherwise, if such information is disclosed
18 relying upon the representation of an officer of the United
19 States Secret Service or the Illinois ~~Department of~~ State
20 Police that a person is under the protection of the United
21 States Secret Service or is a public official.

22 For the purpose of this subsection (a), the term "public
23 official" means the Governor, Lieutenant Governor, Attorney
24 General, Secretary of State, State Comptroller, State
25 Treasurer, member of the General Assembly, member of the
26 United States Congress, Judge of the United States as defined

1 in 28 U.S.C. 451, Justice of the United States as defined in 28
2 U.S.C. 451, United States Magistrate Judge as defined in 28
3 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
4 Supreme, Appellate, Circuit, or Associate Judge of the State
5 of Illinois. The term shall also include the spouse, child or
6 children of a public official.

7 (b) The Department of Human Services (acting as successor
8 to the Department of Mental Health and Developmental
9 Disabilities) and all public or private hospitals and mental
10 health facilities are required, as hereafter described in this
11 subsection, to furnish the Illinois ~~Department of~~ State Police
12 only such information as may be required for the sole purpose
13 of determining whether an individual who may be or may have
14 been a patient is disqualified because of that status from
15 receiving or retaining a Firearm Owner's Identification Card
16 or falls within the federal prohibitors under subsection (e),
17 (f), (g), (r), (s), or (t) of Section 8 of the Firearm Owners
18 Identification Card Act, or falls within the federal
19 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
20 clinical psychologists, or qualified examiners at public or
21 private mental health facilities or parts thereof as defined
22 in this subsection shall, in the form and manner required by
23 the Department, provide notice directly to the Department of
24 Human Services, or to his or her employer who shall then report
25 to the Department, within 24 hours after determining that a
26 person poses a clear and present danger to himself, herself,

1 or others, or within 7 days after a person 14 years or older is
2 determined to be a person with a developmental disability by a
3 physician, clinical psychologist, or qualified examiner as
4 described in Section 1.1 of the Firearm Owners Identification
5 Card Act. If a person is a patient as described in clause (1)
6 of the definition of "patient" in Section 1.1 of the Firearm
7 Owners Identification Card Act, this information shall be
8 furnished within 7 days after admission to a public or private
9 hospital or mental health facility or the provision of
10 services. Any such information disclosed under this subsection
11 shall remain privileged and confidential, and shall not be
12 redisclosed, except as required by subsection (e) of Section
13 3.1 of the Firearm Owners Identification Card Act, nor
14 utilized for any other purpose. The method of requiring the
15 providing of such information shall guarantee that no
16 information is released beyond what is necessary for this
17 purpose. In addition, the information disclosed shall be
18 provided by the Department within the time period established
19 by Section 24-3 of the Criminal Code of 2012 regarding the
20 delivery of firearms. The method used shall be sufficient to
21 provide the necessary information within the prescribed time
22 period, which may include periodically providing lists to the
23 Department of Human Services or any public or private hospital
24 or mental health facility of Firearm Owner's Identification
25 Card applicants on which the Department or hospital shall
26 indicate the identities of those individuals who are to its

1 knowledge disqualified from having a Firearm Owner's
2 Identification Card for reasons described herein. The
3 Department may provide for a centralized source of information
4 for the State on this subject under its jurisdiction. The
5 identity of the person reporting under this subsection shall
6 not be disclosed to the subject of the report. For the purposes
7 of this subsection, the physician, clinical psychologist, or
8 qualified examiner making the determination and his or her
9 employer shall not be held criminally, civilly, or
10 professionally liable for making or not making the
11 notification required under this subsection, except for
12 willful or wanton misconduct.

13 Any person, institution, or agency, under this Act,
14 participating in good faith in the reporting or disclosure of
15 records and communications otherwise in accordance with this
16 provision or with rules, regulations or guidelines issued by
17 the Department shall have immunity from any liability, civil,
18 criminal or otherwise, that might result by reason of the
19 action. For the purpose of any proceeding, civil or criminal,
20 arising out of a report or disclosure in accordance with this
21 provision, the good faith of any person, institution, or
22 agency so reporting or disclosing shall be presumed. The full
23 extent of the immunity provided in this subsection (b) shall
24 apply to any person, institution or agency that fails to make a
25 report or disclosure in the good faith belief that the report
26 or disclosure would violate federal regulations governing the

1 confidentiality of alcohol and drug abuse patient records
2 implementing 42 U.S.C. 290dd-3 and 290ee-3.

3 For purposes of this subsection (b) only, the following
4 terms shall have the meaning prescribed:

5 (1) (Blank).

6 (1.3) "Clear and present danger" has the meaning as
7 defined in Section 1.1 of the Firearm Owners
8 Identification Card Act.

9 (1.5) "Person with a developmental disability" has the
10 meaning as defined in Section 1.1 of the Firearm Owners
11 Identification Card Act.

12 (2) "Patient" has the meaning as defined in Section
13 1.1 of the Firearm Owners Identification Card Act.

14 (3) "Mental health facility" has the meaning as
15 defined in Section 1.1 of the Firearm Owners
16 Identification Card Act.

17 (c) Upon the request of a peace officer who takes a person
18 into custody and transports such person to a mental health or
19 developmental disability facility pursuant to Section 3-606 or
20 4-404 of the Mental Health and Developmental Disabilities Code
21 or who transports a person from such facility, a facility
22 director shall furnish said peace officer the name, address,
23 age and name of the nearest relative of the person transported
24 to or from the mental health or developmental disability
25 facility. In no case shall the facility director disclose to
26 the peace officer any information relating to the diagnosis,

1 treatment or evaluation of the person's mental or physical
2 health.

3 For the purposes of this subsection (c), the terms "mental
4 health or developmental disability facility", "peace officer"
5 and "facility director" shall have the meanings ascribed to
6 them in the Mental Health and Developmental Disabilities Code.

7 (d) Upon the request of a peace officer or prosecuting
8 authority who is conducting a bona fide investigation of a
9 criminal offense, or attempting to apprehend a fugitive from
10 justice, a facility director may disclose whether a person is
11 present at the facility. Upon request of a peace officer or
12 prosecuting authority who has a valid forcible felony warrant
13 issued, a facility director shall disclose: (1) whether the
14 person who is the subject of the warrant is present at the
15 facility and (2) the date of that person's discharge or future
16 discharge from the facility. The requesting peace officer or
17 prosecuting authority must furnish a case number and the
18 purpose of the investigation or an outstanding arrest warrant
19 at the time of the request. Any person, institution, or agency
20 participating in good faith in disclosing such information in
21 accordance with this subsection (d) is immune from any
22 liability, civil, criminal or otherwise, that might result by
23 reason of the action.

24 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
25 eff. 7-27-15; 99-642, eff. 7-28-16.)

1 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

2 Sec. 12.2. (a) When a recipient who has been judicially or
3 involuntarily admitted, or is a forensic recipient admitted to
4 a developmental disability or mental health facility, as
5 defined in Section 1-107 or 1-114 of the Mental Health and
6 Developmental Disabilities Code, is on an unauthorized absence
7 or otherwise has left the custody of the Department of Human
8 Services without being discharged or being free to do so, the
9 facility director shall immediately furnish and disclose to
10 the appropriate local law enforcement agency identifying
11 information, as defined in this Section, and all further
12 information unrelated to the diagnosis, treatment or
13 evaluation of the recipient's mental or physical health that
14 would aid the law enforcement agency in recovering the
15 recipient and returning him or her to custody. When a forensic
16 recipient is on an unauthorized absence or otherwise has left
17 the custody of the Department without being discharged or
18 being free to do so, the facility director, or designee, of a
19 mental health facility or developmental facility operated by
20 the Department shall also immediately notify, in like manner,
21 the Illinois Department ~~of State Police~~.

22 (b) If a law enforcement agency requests information from
23 a developmental disability or mental health facility, as
24 defined in Section 1-107 or 1-114 of the Mental Health and
25 Developmental Disabilities Code, relating to a recipient who
26 has been admitted to the facility and for whom a missing person

1 report has been filed with a law enforcement agency, the
2 facility director shall, except in the case of a voluntary
3 recipient wherein the recipient's permission in writing must
4 first be obtained, furnish and disclose to the law enforcement
5 agency identifying information as is necessary to confirm or
6 deny whether that person is, or has been since the missing
7 person report was filed, a resident of that facility. The
8 facility director shall notify the law enforcement agency if
9 the missing person is admitted after the request. Any person
10 participating in good faith in the disclosure of information
11 in accordance with this provision shall have immunity from any
12 liability, civil, criminal, or otherwise, if the information
13 is disclosed relying upon the representation of an officer of
14 a law enforcement agency that a missing person report has been
15 filed.

16 (c) Upon the request of a law enforcement agency in
17 connection with the investigation of a particular felony or
18 sex offense, when the investigation case file number is
19 furnished by the law enforcement agency, a facility director
20 shall immediately disclose to that law enforcement agency
21 identifying information on any forensic recipient who is
22 admitted to a developmental disability or mental health
23 facility, as defined in Section 1-107 or 1-114 of the Mental
24 Health and Developmental Disabilities Code, who was or may
25 have been away from the facility at or about the time of the
26 commission of a particular felony or sex offense, and: (1)

1 whose description, clothing, or both reasonably match the
2 physical description of any person allegedly involved in that
3 particular felony or sex offense; or (2) whose past modus
4 operandi matches the modus operandi of that particular felony
5 or sex offense.

6 (d) For the purposes of this Section and Section 12.1,
7 "law enforcement agency" means an agency of the State or unit
8 of local government that is vested by law or ordinance with the
9 duty to maintain public order and to enforce criminal laws or
10 ordinances, the Federal Bureau of Investigation, the Central
11 Intelligence Agency, and the United States Secret Service.

12 (e) For the purpose of this Section, "identifying
13 information" means the name, address, age, and a physical
14 description, including clothing, of the recipient of services,
15 the names and addresses of the recipient's nearest known
16 relatives, where the recipient was known to have been during
17 any past unauthorized absences from a facility, whether the
18 recipient may be suicidal, and the condition of the
19 recipient's physical health as it relates to exposure to the
20 weather. Except as provided in Section 11, in no case shall the
21 facility director disclose to the law enforcement agency any
22 information relating to the diagnosis, treatment, or
23 evaluation of the recipient's mental or physical health,
24 unless the disclosure is deemed necessary by the facility
25 director to insure the safety of the investigating officers or
26 general public.

1 (f) For the purpose of this Section, "forensic recipient"
2 means a recipient who is placed in a developmental disability
3 facility or mental health facility, as defined in Section
4 1-107 or 1-114 of the Mental Health and Developmental
5 Disabilities Code, pursuant to Article 104 of the Code of
6 Criminal Procedure of 1963 or Sections 3-8-5, 3-10-5 or 5-2-4
7 of the Unified Code of Corrections.

8 (Source: P.A. 98-756, eff. 7-16-14; 99-216, eff. 7-31-15.)

9 Section 1120. The Illinois False Claims Act is amended by
10 changing Sections 2, 4, and 8 as follows:

11 (740 ILCS 175/2) (from Ch. 127, par. 4102)

12 Sec. 2. Definitions. As used in this Act:

13 (a) "State" means the State of Illinois; any agency of
14 State government; the system of State colleges and
15 universities, any school district, community college district,
16 county, municipality, municipal corporation, unit of local
17 government, and any combination of the above under an
18 intergovernmental agreement that includes provisions for a
19 governing body of the agency created by the agreement.

20 (b) "Guard" means the Illinois National Guard.

21 (c) "Investigation" means any inquiry conducted by any
22 investigator for the purpose of ascertaining whether any
23 person is or has been engaged in any violation of this Act.

24 (d) "Investigator" means a person who is charged by the

1 Attorney General or the Illinois ~~Department of~~ State Police
2 with the duty of conducting any investigation under this Act,
3 or any officer or employee of the State acting under the
4 direction and supervision of the Attorney General or the
5 Illinois ~~Department of~~ State Police, ~~through the Division of~~
6 ~~Operations or the Division of Internal Investigation~~, in the
7 course of an investigation.

8 (e) "Documentary material" includes the original or any
9 copy of any book, record, report, memorandum, paper,
10 communication, tabulation, chart, or other document, or data
11 compilations stored in or accessible through computer or other
12 information retrieval systems, together with instructions and
13 all other materials necessary to use or interpret such data
14 compilations, and any product of discovery.

15 (f) "Custodian" means the custodian, or any deputy
16 custodian, designated by the Attorney General under subsection
17 (i) (1) of Section 6.

18 (g) "Product of discovery" includes:

19 (1) the original or duplicate of any deposition,
20 interrogatory, document, thing, result of the inspection
21 of land or other property, examination, or admission,
22 which is obtained by any method of discovery in any
23 judicial or administrative proceeding of an adversarial
24 nature;

25 (2) any digest, analysis, selection, compilation, or
26 derivation of any item listed in paragraph (1); and

1 (3) any index or other manner of access to any item
2 listed in paragraph (1).

3 (Source: P.A. 95-128, eff. 1-1-08; 96-1304, eff. 7-27-10.)

4 (740 ILCS 175/4) (from Ch. 127, par. 4104)

5 Sec. 4. Civil actions for false claims.

6 (a) Responsibilities of the Attorney General and the
7 Illinois ~~Department of~~ State Police. The Attorney General or
8 the Illinois ~~Department of~~ State Police shall diligently
9 investigate a civil violation under Section 3. If the Attorney
10 General finds that a person violated or is violating Section
11 3, the Attorney General may bring a civil action under this
12 Section against the person.

13 The State shall receive an amount for reasonable expenses
14 that the court finds to have been necessarily incurred by the
15 Attorney General, including reasonable attorneys' fees and
16 costs. All such expenses, fees, and costs shall be awarded
17 against the defendant. The court may award amounts from the
18 proceeds of an action or settlement that it considers
19 appropriate to any governmental entity or program that has
20 been adversely affected by a defendant. The Attorney General,
21 if necessary, shall direct the State Treasurer to make a
22 disbursement of funds as provided in court orders or
23 settlement agreements.

24 (b) Actions by private persons.

25 (1) A person may bring a civil action for a violation

1 of Section 3 for the person and for the State. The action
2 shall be brought in the name of the State. The action may
3 be dismissed only if the court and the Attorney General
4 give written consent to the dismissal and their reasons
5 for consenting.

6 (2) A copy of the complaint and written disclosure of
7 substantially all material evidence and information the
8 person possesses shall be served on the State. The
9 complaint shall be filed in camera, shall remain under
10 seal for at least 60 days, and shall not be served on the
11 defendant until the court so orders. The State may elect
12 to intervene and proceed with the action within 60 days
13 after it receives both the complaint and the material
14 evidence and information.

15 (3) The State may, for good cause shown, move the
16 court for extensions of the time during which the
17 complaint remains under seal under paragraph (2). Any such
18 motions may be supported by affidavits or other
19 submissions in camera. The defendant shall not be required
20 to respond to any complaint filed under this Section until
21 20 days after the complaint is unsealed and served upon
22 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
3 unduly delay the State's prosecution of the case, or would
4 be repetitious, irrelevant, or for purposes of harassment,
5 the court may, in its discretion, impose limitations on
6 the person's participation, such as:

7 (i) limiting the number of witnesses the person
8 may 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
22 action, the person who initiated the action shall have the
23 right to conduct the action. If the State so requests, it
24 shall be served with copies of all pleadings filed in the
25 action and shall be supplied with copies of all deposition
26 transcripts (at the State's expense). When a person

1 proceeds with the action, the court, without limiting the
2 status and rights of the person initiating the action, may
3 nevertheless permit the State to intervene at a later date
4 upon a 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
25 action had continued under this Section. Any finding of
26 fact or conclusion of law made in such other proceeding

1 that has become final shall be conclusive on all parties
2 to an action under this Section. For purposes of the
3 preceding sentence, a finding or conclusion is final if it
4 has been finally determined on appeal to the appropriate
5 court, if all time for filing such an appeal with respect
6 to the finding or conclusion has expired, or if the
7 finding or 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
12 15% but not more than 25% of the proceeds of the action or
13 settlement of the claim, depending upon the extent to
14 which the person substantially contributed to the
15 prosecution of the action. Where the action is one which
16 the court finds to be based primarily on disclosures of
17 specific information (other than information provided by
18 the person 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
2 paragraph (1) shall be made from the proceeds. Any such
3 person shall also receive an amount for reasonable
4 expenses which the court finds to have been necessarily
5 incurred, plus reasonable attorneys' fees and costs. The
6 State shall also receive an amount for reasonable expenses
7 which the court finds to have been necessarily incurred by
8 the Attorney General, including reasonable attorneys' fees
9 and costs. All such expenses, fees, and costs shall be
10 awarded against the defendant. The court may award amounts
11 from the proceeds of an action or settlement that it
12 considers appropriate to any governmental entity or
13 program that has been adversely affected by a defendant.
14 The Attorney General, if necessary, shall direct the State
15 Treasurer to make a disbursement of funds as provided in
16 court orders or 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
21 damages. The amount shall be not less than 25% and not more
22 than 30% of the proceeds of the action or settlement and
23 shall be paid out of such proceeds. Such person shall also
24 receive an amount for reasonable expenses which the court
25 finds to have been necessarily incurred, plus reasonable
26 attorneys' fees and costs. All such expenses, fees, and

1 costs shall be awarded against the defendant. The court
2 may award amounts from the proceeds of an action or
3 settlement that it considers appropriate to any
4 governmental entity or program that has been adversely
5 affected by a defendant. The Attorney General, if
6 necessary, shall direct the State Treasurer to make a
7 disbursement of funds as provided in court orders or
8 settlement agreements.

9 (3) Whether or not the State proceeds with the action,
10 if the court finds that the action was brought by a person
11 who planned and initiated the violation of Section 3 upon
12 which the action was brought, then the court may, to the
13 extent the court considers appropriate, reduce the share
14 of the proceeds of the action which the person would
15 otherwise receive under paragraph (1) or (2) of this
16 subsection (d), taking into account the role of that
17 person in advancing the case to litigation and any
18 relevant circumstances pertaining to the violation. If the
19 person bringing the action is convicted of criminal
20 conduct arising from his or her role in the violation of
21 Section 3, that person shall be dismissed from the civil
22 action and shall not receive any share of the proceeds of
23 the action. Such dismissal shall not prejudice the right
24 of the State to continue the action, represented by the
25 Attorney General.

26 (4) If the State does not proceed with the action and

1 the person bringing the action conducts the action, the
2 court may award to the defendant its reasonable attorneys'
3 fees and expenses if the defendant prevails in the action
4 and the court finds that the claim of the person bringing
5 the action was clearly frivolous, clearly vexatious, or
6 brought primarily for purposes of harassment.

7 (e) Certain actions barred.

8 (1) No court shall have jurisdiction over an action
9 brought by a former or present member of the Guard under
10 subsection (b) of this Section against a member of the
11 Guard arising out of such person's service in the Guard.

12 (2) (A) No court shall have jurisdiction over an action
13 brought under subsection (b) against a member of the
14 General Assembly, a member of the judiciary, or an exempt
15 official if the action is based on evidence or information
16 known to the State when the action was brought.

17 (B) For purposes of this paragraph (2), "exempt
18 official" means any of the following officials in State
19 service: directors of departments established under the
20 Civil Administrative Code of Illinois, the Adjutant
21 General, the Assistant Adjutant General, the Director of
22 the State Emergency Services and Disaster Agency, members
23 of the boards and commissions, and all other positions
24 appointed by the Governor by and with the consent of the
25 Senate.

26 (3) In no event may a person bring an action under

1 subsection (b) which is based upon allegations or
2 transactions which are the subject of a civil suit or an
3 administrative civil money penalty proceeding in which the
4 State is already a party.

5 (4) (A) The court shall dismiss an action or claim
6 under this Section, unless opposed by the State, if
7 substantially the same allegations or transactions as
8 alleged in the action or claim were publicly disclosed:

9 (i) in a criminal, civil, or administrative
10 hearing in which the State or its agent is a party;

11 (ii) in a State legislative, State Auditor
12 General, or other State report, hearing, audit, or
13 investigation; or

14 (iii) from the news media,

15 unless the action is brought by the Attorney General or
16 the person bringing the action is an original source of
17 the information.

18 (B) For purposes of this paragraph (4), "original
19 source" means an individual who either (i) prior to a
20 public disclosure under subparagraph (A) of this paragraph
21 (4), has voluntarily disclosed to the State the
22 information on which allegations or transactions in a
23 claim are based, or (ii) has knowledge that is independent
24 of and materially adds to the publicly disclosed
25 allegations or transactions, and who has voluntarily
26 provided the information to the State before filing an

1 action under this Section.

2 (f) State not liable for certain expenses. The State is
3 not liable for expenses which a person incurs in bringing an
4 action under this Section.

5 (g) Relief from retaliatory actions.

6 (1) In general, any employee, contractor, or agent
7 shall be entitled to all relief necessary to make that
8 employee, contractor, or agent whole, if that employee,
9 contractor, or agent is discharged, demoted, suspended,
10 threatened, harassed, or in any other manner discriminated
11 against in the terms and conditions of employment because
12 of lawful acts done by the employee, contractor, agent, or
13 associated others in furtherance of an action under this
14 Section or other efforts to stop one or more violations of
15 this Act.

16 (2) Relief under paragraph (1) shall include
17 reinstatement with the same seniority status that the
18 employee, contractor, or agent would have had but for the
19 discrimination, 2 times the amount of back pay, interest
20 on the back pay, and compensation for any special damages
21 sustained as a result of the discrimination, including
22 litigation costs and reasonable attorneys' fees. An action
23 under this subsection (g) may be brought in the
24 appropriate circuit court for the relief provided in this
25 subsection (g).

26 (3) A civil action under this subsection may not be

1 brought more than 3 years after the date when the
2 retaliation occurred.

3 (Source: P.A. 96-1304, eff. 7-27-10; 97-978, eff. 8-17-12.)

4 (740 ILCS 175/8) (from Ch. 127, par. 4108)

5 Sec. 8. Funds; Grants.

6 (a) There is hereby created the State Whistleblower Reward
7 and Protection Fund to be held outside of the State Treasury
8 with the State Treasurer as custodian. All proceeds of an
9 action or settlement of a claim brought under this Act shall be
10 deposited in the Fund. Any attorneys' fees, expenses, and
11 costs paid by or awarded against any defendant pursuant to
12 Section 4 of this Act shall not be considered part of the
13 proceeds to be deposited in the Fund.

14 (b) Monies in the Fund shall be allocated as follows:
15 One-sixth of the monies shall be paid to the Attorney General
16 Whistleblower Reward and Protection Fund, which is hereby
17 created as a special fund in the State Treasury, and one-sixth
18 of the monies shall be paid to the State Police Whistleblower
19 Reward and Protection Fund, which is hereby created as a
20 special fund in the State Treasury, for State law enforcement
21 purposes. The remaining two-thirds of the monies in the Fund
22 shall be used for payment of awards to Qui Tam plaintiffs and
23 as otherwise specified in this Act, with any remainder to the
24 General Revenue Fund. The Attorney General shall direct the
25 State Treasurer to make disbursement of funds.

1 (Source: P.A. 101-148, eff. 7-26-19.)

2 Section 1125. The Illinois Marriage and Dissolution of
3 Marriage Act is amended by changing Section 607.5 as follows:

4 (750 ILCS 5/607.5)

5 Sec. 607.5. Abuse of allocated parenting time.

6 (a) The court shall provide an expedited procedure for the
7 enforcement of allocated parenting time.

8 (b) An action for the enforcement of allocated parenting
9 time may be commenced by a parent or a person appointed under
10 Section 506 by filing a petition setting forth: (i) the
11 petitioner's name and residence address or mailing address,
12 except that if the petition states that disclosure of
13 petitioner's address would risk abuse of petitioner or any
14 member of petitioner's family or household or reveal the
15 confidential address of a shelter for domestic violence
16 victims, that address may be omitted from the petition; (ii)
17 the respondent's name and place of residence, place of
18 employment, or mailing address; (iii) the terms of the
19 parenting plan or allocation judgment then in effect; (iv) the
20 nature of the violation of the allocation of parenting time,
21 giving dates and other relevant information; and (v) that a
22 reasonable attempt was made to resolve the dispute.

23 (c) If the court finds by a preponderance of the evidence
24 that a parent has not complied with allocated parenting time

1 according to an approved parenting plan or a court order, the
2 court, in the child's best interests, shall issue an order
3 that may include one or more of the following:

4 (1) an imposition of additional terms and conditions
5 consistent with the court's previous allocation of
6 parenting time or other order;

7 (2) a requirement that either or both of the parties
8 attend a parental education program at the expense of the
9 non-complying parent;

10 (3) upon consideration of all relevant factors,
11 particularly a history or possibility of domestic
12 violence, a requirement that the parties participate in
13 family or individual counseling, the expense of which
14 shall be allocated by the court; if counseling is ordered,
15 all counseling sessions shall be confidential, and the
16 communications in counseling shall not be used in any
17 manner in litigation nor relied upon by an expert
18 appointed by the court or retained by any party;

19 (4) a requirement that the non-complying parent post a
20 cash bond or other security to ensure future compliance,
21 including a provision that the bond or other security may
22 be forfeited to the other parent for payment of expenses
23 on behalf of the child as the court shall direct;

24 (5) a requirement that makeup parenting time be
25 provided for the aggrieved parent or child under the
26 following conditions:

1 (A) that the parenting time is of the same type and
2 duration as the parenting time that was denied,
3 including but not limited to parenting time during
4 weekends, on holidays, and on weekdays and during
5 times when the child is not in school;

6 (B) that the parenting time is made up within 6
7 months after the noncompliance occurs, unless the
8 period of time or holiday cannot be made up within 6
9 months, in which case the parenting time shall be made
10 up within one year after the noncompliance occurs;

11 (6) a finding that the non-complying parent is in
12 contempt of court;

13 (7) an imposition on the non-complying parent of an
14 appropriate civil fine per incident of denied parenting
15 time;

16 (8) a requirement that the non-complying parent
17 reimburse the other parent for all reasonable expenses
18 incurred as a result of the violation of the parenting
19 plan or court order; and

20 (9) any other provision that may promote the child's
21 best interests.

22 (d) In addition to any other order entered under
23 subsection (c), except for good cause shown, the court shall
24 order a parent who has failed to provide allocated parenting
25 time or to exercise allocated parenting time to pay the
26 aggrieved party his or her reasonable attorney's fees, court

1 costs, and expenses associated with an action brought under
2 this Section. If the court finds that the respondent in an
3 action brought under this Section has not violated the
4 allocated parenting time, the court may order the petitioner
5 to pay the respondent's reasonable attorney's fees, court
6 costs, and expenses incurred in the action.

7 (e) Nothing in this Section precludes a party from
8 maintaining any other action as provided by law.

9 (f) When the court issues an order holding a party in
10 contempt for violation of a parenting time order and finds
11 that the party engaged in parenting time abuse, the court may
12 order one or more of the following:

13 (1) Suspension of a party's Illinois driving
14 privileges pursuant to Section 7-703 of the Illinois
15 Vehicle Code until the court determines that the party is
16 in compliance with the parenting time order. The court may
17 also order that a party be issued a family financial
18 responsibility driving permit that would allow limited
19 driving privileges for employment, for medical purposes,
20 and to transport a child to or from scheduled parenting
21 time in order to comply with a parenting time order in
22 accordance with subsection (a-1) of Section 7-702.1 of the
23 Illinois Vehicle Code.

24 (2) Placement of a party on probation with such
25 conditions of probation as the court deems advisable.

26 (3) Sentencing of a party to periodic imprisonment for

1 a period not to exceed 6 months; provided, that the court
2 may permit the party to be released for periods of time
3 during the day or night to:

4 (A) work; or

5 (B) conduct a business or other self-employed
6 occupation.

7 (4) Find that a party in engaging in parenting time
8 abuse is guilty of a petty offense and should be fined an
9 amount of no more than \$500 for each finding of parenting
10 time abuse.

11 (g) When the court issues an order holding a party in
12 contempt of court for violation of a parenting order, the
13 clerk shall transmit a copy of the contempt order to the
14 sheriff of the county. The sheriff shall furnish a copy of each
15 contempt order to the Illinois Department of State Police on a
16 daily basis in the form and manner required by the Department.
17 The Department shall maintain a complete record and index of
18 the contempt orders and make this data available to all local
19 law enforcement agencies.

20 (h) Nothing contained in this Section shall be construed
21 to limit the court's contempt power.

22 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

23 Section 1130. The Adoption Act is amended by changing
24 Sections 6 and 12.3 as follows:

1 (750 ILCS 50/6) (from Ch. 40, par. 1508)

2 Sec. 6. A. Investigation; all cases. Within 10 days after
3 the filing of a petition for the adoption or standby adoption
4 of a child other than a related child, the court shall appoint
5 a child welfare agency approved by the Department of Children
6 and Family Services, or a person deemed competent by the
7 court, or in Cook County the Court Services Division of the
8 Cook County Department of Public Aid, or the Department of
9 Children and Family Services if the court determines that no
10 child welfare agency is available or that the petitioner is
11 financially unable to pay for the investigation, to
12 investigate accurately, fully and promptly, the allegations
13 contained in the petition; the character, reputation, health
14 and general standing in the community of the petitioners; the
15 religious faith of the petitioners and, if ascertainable, of
16 the child sought to be adopted; and whether the petitioners
17 are proper persons to adopt the child and whether the child is
18 a proper subject of adoption. The investigation required under
19 this Section shall include a fingerprint based criminal
20 background check with a review of fingerprints by the Illinois
21 State Police and Federal Bureau of Investigation. Each
22 petitioner subject to this investigation, shall submit his or
23 her fingerprints to the Illinois ~~Department of~~ State Police in
24 the form and manner prescribed by the Illinois ~~Department of~~
25 State Police. These fingerprints shall be checked against the
26 fingerprint records now and hereafter filed in the Illinois

1 ~~Department of~~ State Police and Federal Bureau of Investigation
2 criminal history records databases. The Illinois ~~Department of~~
3 State Police shall charge a fee for conducting the criminal
4 history records check, which shall be deposited in the State
5 Police Services Fund and shall not exceed the actual cost of
6 the records check. The criminal background check required by
7 this Section shall include a listing of when, where and by whom
8 the criminal background check was prepared. The criminal
9 background check required by this Section shall not be more
10 than two years old.

11 Neither a clerk of the circuit court nor a judge may
12 require that a criminal background check or fingerprint review
13 be filed with, or at the same time as, an initial petition for
14 adoption.

15 B. Investigation; foreign-born child. In the case of a
16 child born outside the United States or a territory thereof,
17 in addition to the investigation required under subsection (A)
18 of this Section, a post-placement investigation shall be
19 conducted in accordance with the requirements of the Child
20 Care Act of 1969, the Interstate Compact on the Placement of
21 Children, and the Intercountry Adoption Act of 2000.

22 The requirements of a post-placement investigation shall
23 be deemed to have been satisfied if a valid final order or
24 judgment of adoption has been entered by a court of competent
25 jurisdiction in a country other than the United States or a
26 territory thereof with respect to such child and the

1 petitioners.

2 C. Report of investigation. The court shall determine
3 whether the costs of the investigation shall be charged to the
4 petitioners. The information obtained as a result of such
5 investigation shall be presented to the court in a written
6 report. The results of the criminal background check required
7 under subsection (A) shall be provided to the court for its
8 review. The court may, in its discretion, weigh the
9 significance of the results of the criminal background check
10 against the entirety of the background of the petitioners. The
11 Court, in its discretion, may accept the report of the
12 investigation previously made by a licensed child welfare
13 agency, if made within one year prior to the entry of the
14 judgment. Such report shall be treated as confidential and
15 withheld from inspection unless findings adverse to the
16 petitioners or to the child sought to be adopted are contained
17 therein, and in that event the court shall inform the
18 petitioners of the relevant portions pertaining to the adverse
19 findings. In no event shall any facts set forth in the report
20 be considered at the hearing of the proceeding, unless
21 established by competent evidence. The report shall be filed
22 with the record of the proceeding. If the file relating to the
23 proceeding is not impounded, the report shall be impounded by
24 the clerk of the court and shall be made available for
25 inspection only upon order of the court.

26 D. Related adoption. Such investigation shall not be made

1 when the petition seeks to adopt a related child or an adult
2 unless the court, in its discretion, shall so order. In such an
3 event the court may appoint a person deemed competent by the
4 court.

5 (Source: P.A. 98-455, eff. 1-1-14.)

6 (750 ILCS 50/12.3)

7 Sec. 12.3. Additional requirements in private adoptions.

8 In cases of adoptions in which an Illinois licensed child
9 welfare agency is not providing adoption services and the
10 child who is the subject of the adoption is not a related child
11 of the prospective adoptive parent and not under the custody
12 or guardianship of the Department of Children and Family
13 Services under the Juvenile Court Act of 1987, the following
14 requirements shall apply in addition to any other applicable
15 requirements set forth in Section 6 or other provisions of
16 this Act:

17 (1) Within 10 days of filing a petition for adoption
18 pursuant to Section 5 of this Act, the prospective
19 adoptive parents and anyone 18 years of age or older who
20 resides in the adoptive home must initiate requests for
21 background checks from the following: the State police and
22 child abuse registry from every state of residence for the
23 5 years preceding the filing date of the petition, the
24 FBI, the National Sex Offender Registry, and, if Illinois
25 residents, from the Illinois State Police and Child Abuse

1 and Neglect Tracking System. The background checks must be
2 fingerprint-based, if available. The Child Abuse and
3 Neglect Tracking System background check must also be
4 requested for each person 13 to 17 years of age living in
5 the adoptive home.

6 (2) Within 30 days of filing a petition for adoption,
7 the results of the background checks set forth in
8 paragraph (1) of this Section shall be provided to the
9 guardian ad litem of the child appointed by the court or,
10 should there not be a guardian ad litem, to the
11 investigator appointed by the court pursuant to subsection
12 A of Section 6 of this Act.

13 (3) An initial assessment, including a home visit,
14 must be made by the guardian ad litem or the investigator
15 appointed by the court pursuant to subsection A of Section
16 6 of this Act no later than 30 days of said appointment;

17 (4) As part of the investigation, the guardian ad
18 litem or the investigator appointed by the court pursuant
19 to subsection A of Section 6 of this Act must provide the
20 prospective adoptive parents with the Adoptive Parent
21 Rights and Responsibilities-Private Form set forth in
22 Section 12.2 of this Act. The prospective adoptive parent
23 or parents must sign the form acknowledging receipt of the
24 form, and the original form must be filed with the court at
25 the time of the issuance of the interim order, and a copy
26 must be provided to the prospective parent or parents;

1 (5) The attorney for the prospective adoptive parent
2 or parents or the birth parent or parents shall provide
3 the prospective adoptive parent or parents with the Birth
4 Parent Medical form or forms if completed by the birth
5 parent or parents as set forth in subsection A-2 of
6 Section 10 of this Act, as soon as practicable but no later
7 than the time of entry of the interim order;

8 (6) The guardian ad litem, or the court-appointed
9 investigator appointed pursuant to subsection A of Section
10 6 of this Act, shall provide a report of investigation to
11 the Court within 6 months after appointment, or earlier if
12 so ordered by the court.

13 (7) The birth parent shall have the right to request
14 to receive counseling before and after signing a Final and
15 Irrevocable Consent to Adoption form, a Final and
16 Irrevocable Consent to Adoption by a Specified Person or
17 Persons: Non-DCFS Case form, or a Consent to Adoption of
18 Unborn Child form. The prospective adoptive parent or
19 parents may agree to pay for the cost of counseling in a
20 manner consistent with Illinois law, but the prospective
21 adoptive parent or parents are not required to do so.

22 (Source: P.A. 99-833, eff. 1-1-17.)

23 Section 1135. The Illinois Domestic Violence Act of 1986
24 is amended by changing Sections 214, 217, 220, 222, 222.5, and
25 302 as follows:

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner
4 has been abused by a family or household member or that
5 petitioner is a high-risk adult who has been abused,
6 neglected, or exploited, as defined in this Act, an order of
7 protection prohibiting the abuse, neglect, or exploitation
8 shall issue; provided that petitioner must also satisfy the
9 requirements of one of the following Sections, as appropriate:
10 Section 217 on emergency orders, Section 218 on interim
11 orders, or Section 219 on plenary orders. Petitioner shall not
12 be denied an order of protection because petitioner or
13 respondent is a minor. The court, when determining whether or
14 not to issue an order of protection, shall not require
15 physical manifestations of abuse on the person of the victim.
16 Modification and extension of prior orders of protection shall
17 be in accordance with this Act.

18 (b) Remedies and standards. The remedies to be included in
19 an order of protection shall be determined in accordance with
20 this Section and one of the following Sections, as
21 appropriate: Section 217 on emergency orders, Section 218 on
22 interim orders, and Section 219 on plenary orders. The
23 remedies listed in this subsection shall be in addition to
24 other civil or criminal remedies available to petitioner.

25 (1) Prohibition of abuse, neglect, or exploitation.

1 Prohibit respondent's harassment, interference with
2 personal liberty, intimidation of a dependent, physical
3 abuse, or willful deprivation, neglect or exploitation, as
4 defined in this Act, or stalking of the petitioner, as
5 defined in Section 12-7.3 of the Criminal Code of 2012, if
6 such abuse, neglect, exploitation, or stalking has
7 occurred or otherwise appears likely to occur if not
8 prohibited.

9 (2) Grant of exclusive possession of residence.
10 Prohibit respondent from entering or remaining in any
11 residence, household, or premises of the petitioner,
12 including one owned or leased by respondent, if petitioner
13 has a right to occupancy thereof. The grant of exclusive
14 possession of the residence, household, or premises shall
15 not affect title to real property, nor shall the court be
16 limited by the standard set forth in subsection (c-2) of
17 Section 501 of the Illinois Marriage and Dissolution of
18 Marriage Act.

19 (A) Right to occupancy. A party has a right to
20 occupancy of a residence or household if it is solely
21 or jointly owned or leased by that party, that party's
22 spouse, a person with a legal duty to support that
23 party or a minor child in that party's care, or by any
24 person or entity other than the opposing party that
25 authorizes that party's occupancy (e.g., a domestic
26 violence shelter). Standards set forth in subparagraph

1 (B) shall not preclude equitable relief.

2 (B) Presumption of hardships. If petitioner and
3 respondent each has the right to occupancy of a
4 residence or household, the court shall balance (i)
5 the hardships to respondent and any minor child or
6 dependent adult in respondent's care resulting from
7 entry of this remedy with (ii) the hardships to
8 petitioner and any minor child or dependent adult in
9 petitioner's care resulting from continued exposure to
10 the risk of abuse (should petitioner remain at the
11 residence or household) or from loss of possession of
12 the residence or household (should petitioner leave to
13 avoid the risk of abuse). When determining the balance
14 of hardships, the court shall also take into account
15 the accessibility of the residence or household.
16 Hardships need not be balanced if respondent does not
17 have a right to occupancy.

18 The balance of hardships is presumed to favor
19 possession by petitioner unless the presumption is
20 rebutted by a preponderance of the evidence, showing
21 that the hardships to respondent substantially
22 outweigh the hardships to petitioner and any minor
23 child or dependent adult in petitioner's care. The
24 court, on the request of petitioner or on its own
25 motion, may order respondent to provide suitable,
26 accessible, alternate housing for petitioner instead

1 of excluding respondent from a mutual residence or
2 household.

3 (3) Stay away order and additional prohibitions. Order
4 respondent to stay away from petitioner or any other
5 person protected by the order of protection, or prohibit
6 respondent from entering or remaining present at
7 petitioner's school, place of employment, or other
8 specified places at times when petitioner is present, or
9 both, if reasonable, given the balance of hardships.
10 Hardships need not be balanced for the court to enter a
11 stay away order or prohibit entry if respondent has no
12 right to enter the premises.

13 (A) If an order of protection grants petitioner
14 exclusive possession of the residence, or prohibits
15 respondent from entering the residence, or orders
16 respondent to stay away from petitioner or other
17 protected persons, then the court may allow respondent
18 access to the residence to remove items of clothing
19 and personal adornment used exclusively by respondent,
20 medications, and other items as the court directs. The
21 right to access shall be exercised on only one
22 occasion as the court directs and in the presence of an
23 agreed-upon adult third party or law enforcement
24 officer.

25 (B) When the petitioner and the respondent attend
26 the same public, private, or non-public elementary,

1 middle, or high school, the court when issuing an
2 order of protection and providing relief shall
3 consider the severity of the act, any continuing
4 physical danger or emotional distress to the
5 petitioner, the educational rights guaranteed to the
6 petitioner and respondent under federal and State law,
7 the availability of a transfer of the respondent to
8 another school, a change of placement or a change of
9 program of the respondent, the expense, difficulty,
10 and educational disruption that would be caused by a
11 transfer of the respondent to another school, and any
12 other relevant facts of the case. The court may order
13 that the respondent not attend the public, private, or
14 non-public elementary, middle, or high school attended
15 by the petitioner, order that the respondent accept a
16 change of placement or change of program, as
17 determined by the school district or private or
18 non-public school, or place restrictions on the
19 respondent's movements within the school attended by
20 the petitioner. The respondent bears the burden of
21 proving by a preponderance of the evidence that a
22 transfer, change of placement, or change of program of
23 the respondent is not available. The respondent also
24 bears the burden of production with respect to the
25 expense, difficulty, and educational disruption that
26 would be caused by a transfer of the respondent to

1 another school. A transfer, change of placement, or
2 change of program is not unavailable to the respondent
3 solely on the ground that the respondent does not
4 agree with the school district's or private or
5 non-public school's transfer, change of placement, or
6 change of program or solely on the ground that the
7 respondent fails or refuses to consent or otherwise
8 does not take an action required to effectuate a
9 transfer, change of placement, or change of program.
10 When a court orders a respondent to stay away from the
11 public, private, or non-public school attended by the
12 petitioner and the respondent requests a transfer to
13 another attendance center within the respondent's
14 school district or private or non-public school, the
15 school district or private or non-public school shall
16 have sole discretion to determine the attendance
17 center to which the respondent is transferred. In the
18 event the court order results in a transfer of the
19 minor respondent to another attendance center, a
20 change in the respondent's placement, or a change of
21 the respondent's program, the parents, guardian, or
22 legal custodian of the respondent is responsible for
23 transportation and other costs associated with the
24 transfer or change.

25 (C) The court may order the parents, guardian, or
26 legal custodian of a minor respondent to take certain

1 actions or to refrain from taking certain actions to
2 ensure that the respondent complies with the order. In
3 the event the court orders a transfer of the
4 respondent to another school, the parents, guardian,
5 or legal custodian of the respondent is responsible
6 for transportation and other costs associated with the
7 change of school by the respondent.

8 (4) Counseling. Require or recommend the respondent to
9 undergo counseling for a specified duration with a social
10 worker, psychologist, clinical psychologist,
11 psychiatrist, family service agency, alcohol or substance
12 abuse program, mental health center guidance counselor,
13 agency providing services to elders, program designed for
14 domestic violence abusers or any other guidance service
15 the court deems appropriate. The Court may order the
16 respondent in any intimate partner relationship to report
17 to an Illinois Department of Human Services protocol
18 approved partner abuse intervention program for an
19 assessment and to follow all recommended treatment.

20 (5) Physical care and possession of the minor child.
21 In order to protect the minor child from abuse, neglect,
22 or unwarranted separation from the person who has been the
23 minor child's primary caretaker, or to otherwise protect
24 the well-being of the minor child, the court may do either
25 or both of the following: (i) grant petitioner physical
26 care or possession of the minor child, or both, or (ii)

1 order respondent to return a minor child to, or not remove
2 a minor child from, the physical care of a parent or person
3 in loco parentis.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding physical care to respondent would not be in the
8 minor child's best interest.

9 (6) Temporary allocation of parental responsibilities:
10 significant decision-making. Award temporary
11 decision-making responsibility to petitioner in accordance
12 with this Section, the Illinois Marriage and Dissolution
13 of Marriage Act, the Illinois Parentage Act of 2015, and
14 this State's Uniform Child-Custody Jurisdiction and
15 Enforcement Act.

16 If a court finds, after a hearing, that respondent has
17 committed abuse (as defined in Section 103) of a minor
18 child, there shall be a rebuttable presumption that
19 awarding temporary significant decision-making
20 responsibility to respondent would not be in the child's
21 best interest.

22 (7) Parenting time. Determine the parenting time, if
23 any, of respondent in any case in which the court awards
24 physical care or allocates temporary significant
25 decision-making responsibility of a minor child to
26 petitioner. The court shall restrict or deny respondent's

1 parenting time with a minor child if the court finds that
2 respondent has done or is likely to do any of the
3 following: (i) abuse or endanger the minor child during
4 parenting time; (ii) use the parenting time as an
5 opportunity to abuse or harass petitioner or petitioner's
6 family or household members; (iii) improperly conceal or
7 detain the minor child; or (iv) otherwise act in a manner
8 that is not in the best interests of the minor child. The
9 court shall not be limited by the standards set forth in
10 Section 603.10 of the Illinois Marriage and Dissolution of
11 Marriage Act. If the court grants parenting time, the
12 order shall specify dates and times for the parenting time
13 to take place or other specific parameters or conditions
14 that are appropriate. No order for parenting time shall
15 refer merely to the term "reasonable parenting time".

16 Petitioner may deny respondent access to the minor
17 child if, when respondent arrives for parenting time,
18 respondent is under the influence of drugs or alcohol and
19 constitutes a threat to the safety and well-being of
20 petitioner or petitioner's minor children or is behaving
21 in a violent or abusive manner.

22 If necessary to protect any member of petitioner's
23 family or household from future abuse, respondent shall be
24 prohibited from coming to petitioner's residence to meet
25 the minor child for parenting time, and the parties shall
26 submit to the court their recommendations for reasonable

1 alternative arrangements for parenting time. A person may
2 be approved to supervise parenting time only after filing
3 an affidavit accepting that responsibility and
4 acknowledging accountability to the court.

5 (8) Removal or concealment of minor child. Prohibit
6 respondent from removing a minor child from the State or
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in
9 court, alone or with a minor child, to prevent abuse,
10 neglect, removal or concealment of the child, to return
11 the child to the custody or care of the petitioner or to
12 permit any court-ordered interview or examination of the
13 child or the respondent.

14 (10) Possession of personal property. Grant petitioner
15 exclusive possession of personal property and, if
16 respondent has possession or control, direct respondent to
17 promptly make it available to petitioner, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly; sharing
21 it would risk abuse of petitioner by respondent or is
22 impracticable; and the balance of hardships favors
23 temporary possession by petitioner.

24 If petitioner's sole claim to ownership of the
25 property is that it is marital property, the court may
26 award petitioner temporary possession thereof under the

1 standards of subparagraph (ii) of this paragraph only if a
2 proper proceeding has been filed under the Illinois
3 Marriage and Dissolution of Marriage Act, as now or
4 hereafter amended.

5 No order under this provision shall affect title to
6 property.

7 (11) Protection of property. Forbid the respondent
8 from taking, transferring, encumbering, concealing,
9 damaging or otherwise disposing of any real or personal
10 property, except as explicitly authorized by the court,
11 if:

12 (i) petitioner, but not respondent, owns the
13 property; or

14 (ii) the parties own the property jointly, and the
15 balance of hardships favors granting this remedy.

16 If petitioner's sole claim to ownership of the
17 property is that it is marital property, the court may
18 grant petitioner relief under subparagraph (ii) of this
19 paragraph only if a proper proceeding has been filed under
20 the Illinois Marriage and Dissolution of Marriage Act, as
21 now or hereafter amended.

22 The court may further prohibit respondent from
23 improperly using the financial or other resources of an
24 aged member of the family or household for the profit or
25 advantage of respondent or of any other person.

26 (11.5) Protection of animals. Grant the petitioner the

1 exclusive care, custody, or control of any animal owned,
2 possessed, leased, kept, or held by either the petitioner
3 or the respondent or a minor child residing in the
4 residence or household of either the petitioner or the
5 respondent and order the respondent to stay away from the
6 animal and forbid the respondent from taking,
7 transferring, encumbering, concealing, harming, or
8 otherwise disposing of the animal.

9 (12) Order for payment of support. Order respondent to
10 pay temporary support for the petitioner or any child in
11 the petitioner's care or over whom the petitioner has been
12 allocated parental responsibility, when the respondent has
13 a legal obligation to support that person, in accordance
14 with the Illinois Marriage and Dissolution of Marriage
15 Act, which shall govern, among other matters, the amount
16 of support, payment through the clerk and withholding of
17 income to secure payment. An order for child support may
18 be granted to a petitioner with lawful physical care of a
19 child, or an order or agreement for physical care of a
20 child, prior to entry of an order allocating significant
21 decision-making responsibility. Such a support order shall
22 expire upon entry of a valid order allocating parental
23 responsibility differently and vacating the petitioner's
24 significant decision-making authority, unless otherwise
25 provided in the order.

26 (13) Order for payment of losses. Order respondent to

1 pay petitioner for losses suffered as a direct result of
2 the abuse, neglect, or exploitation. Such losses shall
3 include, but not be limited to, medical expenses, lost
4 earnings or other support, repair or replacement of
5 property damaged or taken, reasonable attorney's fees,
6 court costs and moving or other travel expenses, including
7 additional reasonable expenses for temporary shelter and
8 restaurant meals.

9 (i) Losses affecting family needs. If a party is
10 entitled to seek maintenance, child support or
11 property distribution from the other party under the
12 Illinois Marriage and Dissolution of Marriage Act, as
13 now or hereafter amended, the court may order
14 respondent to reimburse petitioner's actual losses, to
15 the extent that such reimbursement would be
16 "appropriate temporary relief", as authorized by
17 subsection (a) (3) of Section 501 of that Act.

18 (ii) Recovery of expenses. In the case of an
19 improper concealment or removal of a minor child, the
20 court may order respondent to pay the reasonable
21 expenses incurred or to be incurred in the search for
22 and recovery of the minor child, including but not
23 limited to legal fees, court costs, private
24 investigator fees, and travel costs.

25 (14) Prohibition of entry. Prohibit the respondent
26 from entering or remaining in the residence or household

1 while the respondent is under the influence of alcohol or
2 drugs and constitutes a threat to the safety and
3 well-being of the petitioner or the petitioner's children.

4 (14.5) Prohibition of firearm possession.

5 (a) Prohibit a respondent against whom an order of
6 protection was issued from possessing any firearms
7 during the duration of the order if the order:

8 (1) was issued after a hearing of which such
9 person received actual notice, and at which such
10 person had an opportunity to participate;

11 (2) restrains such person from harassing,
12 stalking, or threatening an intimate partner of
13 such person or child of such intimate partner or
14 person, or engaging in other conduct that would
15 place an intimate partner in reasonable fear of
16 bodily injury to the partner or child; and

17 (3) (i) includes a finding that such person
18 represents a credible threat to the physical
19 safety of such intimate partner or child; or (ii)
20 by its terms explicitly prohibits the use,
21 attempted use, or threatened use of physical force
22 against such intimate partner or child that would
23 reasonably be expected to cause bodily injury.

24 Any Firearm Owner's Identification Card in the
25 possession of the respondent, except as provided in
26 subsection (b), shall be ordered by the court to be

1 turned over to the local law enforcement agency. The
2 local law enforcement agency shall immediately mail
3 the card to the Illinois ~~Department of~~ State Police
4 Firearm Owner's Identification Card Office for
5 safekeeping. The court shall issue a warrant for
6 seizure of any firearm in the possession of the
7 respondent, to be kept by the local law enforcement
8 agency for safekeeping, except as provided in
9 subsection (b). The period of safekeeping shall be for
10 the duration of the order of protection. The firearm
11 or firearms and Firearm Owner's Identification Card,
12 if unexpired, shall at the respondent's request, be
13 returned to the respondent at the end of the order of
14 protection. It is the respondent's responsibility to
15 notify the Illinois ~~Department of~~ State Police Firearm
16 Owner's Identification Card Office.

17 (b) If the respondent is a peace officer as
18 defined in Section 2-13 of the Criminal Code of 2012,
19 the court shall order that any firearms used by the
20 respondent in the performance of his or her duties as a
21 peace officer be surrendered to the chief law
22 enforcement executive of the agency in which the
23 respondent is employed, who shall retain the firearms
24 for safekeeping for the duration of the order of
25 protection.

26 (c) Upon expiration of the period of safekeeping,

1 if the firearms or Firearm Owner's Identification Card
2 cannot be returned to respondent because respondent
3 cannot be located, fails to respond to requests to
4 retrieve the firearms, or is not lawfully eligible to
5 possess a firearm, upon petition from the local law
6 enforcement agency, the court may order the local law
7 enforcement agency to destroy the firearms, use the
8 firearms for training purposes, or for any other
9 application as deemed appropriate by the local law
10 enforcement agency; or that the firearms be turned
11 over to a third party who is lawfully eligible to
12 possess firearms, and who does not reside with
13 respondent.

14 (15) Prohibition of access to records. If an order of
15 protection prohibits respondent from having contact with
16 the minor child, or if petitioner's address is omitted
17 under subsection (b) of Section 203, or if necessary to
18 prevent abuse or wrongful removal or concealment of a
19 minor child, the order shall deny respondent access to,
20 and prohibit respondent from inspecting, obtaining, or
21 attempting to inspect or obtain, school or any other
22 records of the minor child who is in the care of
23 petitioner.

24 (16) Order for payment of shelter services. Order
25 respondent to reimburse a shelter providing temporary
26 housing and counseling services to the petitioner for the

1 cost of the services, as certified by the shelter and
2 deemed reasonable by the court.

3 (17) Order for injunctive relief. Enter injunctive
4 relief necessary or appropriate to prevent further abuse
5 of a family or household member or further abuse, neglect,
6 or exploitation of a high-risk adult with disabilities or
7 to effectuate one of the granted remedies, if supported by
8 the balance of hardships. If the harm to be prevented by
9 the injunction is abuse or any other harm that one of the
10 remedies listed in paragraphs (1) through (16) of this
11 subsection is designed to prevent, no further evidence is
12 necessary that the harm is an irreparable injury.

13 (18) Telephone services.

14 (A) Unless a condition described in subparagraph
15 (B) of this paragraph exists, the court may, upon
16 request by the petitioner, order a wireless telephone
17 service provider to transfer to the petitioner the
18 right to continue to use a telephone number or numbers
19 indicated by the petitioner and the financial
20 responsibility associated with the number or numbers,
21 as set forth in subparagraph (C) of this paragraph.
22 For purposes of this paragraph (18), the term
23 "wireless telephone service provider" means a provider
24 of commercial mobile service as defined in 47 U.S.C.
25 332. The petitioner may request the transfer of each
26 telephone number that the petitioner, or a minor child

1 in his or her custody, uses. The clerk of the court
2 shall serve the order on the wireless telephone
3 service provider's agent for service of process
4 provided to the Illinois Commerce Commission. The
5 order shall contain all of the following:

6 (i) The name and billing telephone number of
7 the account holder including the name of the
8 wireless telephone service provider that serves
9 the account.

10 (ii) Each telephone number that will be
11 transferred.

12 (iii) A statement that the provider transfers
13 to the petitioner all financial responsibility for
14 and right to the use of any telephone number
15 transferred under this paragraph.

16 (B) A wireless telephone service provider shall
17 terminate the respondent's use of, and shall transfer
18 to the petitioner use of, the telephone number or
19 numbers indicated in subparagraph (A) of this
20 paragraph unless it notifies the petitioner, within 72
21 hours after it receives the order, that one of the
22 following applies:

23 (i) The account holder named in the order has
24 terminated the account.

25 (ii) A difference in network technology would
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or
3 other limitation on network or service provision
4 to the petitioner.

5 (iv) Another technological or operational
6 issue would prevent or impair the use of the
7 telephone number if the transfer occurs.

8 (C) The petitioner assumes all financial
9 responsibility for and right to the use of any
10 telephone number transferred under this paragraph. In
11 this paragraph, "financial responsibility" includes
12 monthly service costs and costs associated with any
13 mobile device associated with the number.

14 (D) A wireless telephone service provider may
15 apply to the petitioner its routine and customary
16 requirements for establishing an account or
17 transferring a number, including requiring the
18 petitioner to provide proof of identification,
19 financial information, and customer preferences.

20 (E) Except for willful or wanton misconduct, a
21 wireless telephone service provider is immune from
22 civil liability for its actions taken in compliance
23 with a court order issued under this paragraph.

24 (F) All wireless service providers that provide
25 services to residential customers shall provide to the
26 Illinois Commerce Commission the name and address of

1 an agent for service of orders entered under this
2 paragraph (18). Any change in status of the registered
3 agent must be reported to the Illinois Commerce
4 Commission within 30 days of such change.

5 (G) The Illinois Commerce Commission shall
6 maintain the list of registered agents for service for
7 each wireless telephone service provider on the
8 Commission's website. The Commission may consult with
9 wireless telephone service providers and the Circuit
10 Court Clerks on the manner in which this information
11 is provided and displayed.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including but not limited to the
16 following:

17 (i) the nature, frequency, severity, pattern and
18 consequences of the respondent's past abuse, neglect
19 or exploitation of the petitioner or any family or
20 household member, including the concealment of his or
21 her location in order to evade service of process or
22 notice, and the likelihood of danger of future abuse,
23 neglect, or exploitation to petitioner or any member
24 of petitioner's or respondent's family or household;
25 and

26 (ii) the danger that any minor child will be

1 abused or neglected or improperly relocated from the
2 jurisdiction, improperly concealed within the State or
3 improperly separated from the child's primary
4 caretaker.

5 (2) In comparing relative hardships resulting to the
6 parties from loss of possession of the family home, the
7 court shall consider relevant factors, including but not
8 limited to the following:

9 (i) availability, accessibility, cost, safety,
10 adequacy, location and other characteristics of
11 alternate housing for each party and any minor child
12 or dependent adult in the party's care;

13 (ii) the effect on the party's employment; and

14 (iii) the effect on the relationship of the party,
15 and any minor child or dependent adult in the party's
16 care, to family, school, church and community.

17 (3) Subject to the exceptions set forth in paragraph
18 (4) of this subsection, the court shall make its findings
19 in an official record or in writing, and shall at a minimum
20 set forth the following:

21 (i) That the court has considered the applicable
22 relevant factors described in paragraphs (1) and (2)
23 of this subsection.

24 (ii) Whether the conduct or actions of respondent,
25 unless prohibited, will likely cause irreparable harm
26 or continued abuse.

1 (iii) Whether it is necessary to grant the
2 requested relief in order to protect petitioner or
3 other alleged abused persons.

4 (4) For purposes of issuing an ex parte emergency
5 order of protection, the court, as an alternative to or as
6 a supplement to making the findings described in
7 paragraphs (c)(3)(i) through (c)(3)(iii) of this
8 subsection, may use the following procedure:

9 When a verified petition for an emergency order of
10 protection in accordance with the requirements of Sections
11 203 and 217 is presented to the court, the court shall
12 examine petitioner on oath or affirmation. An emergency
13 order of protection shall be issued by the court if it
14 appears from the contents of the petition and the
15 examination of petitioner that the averments are
16 sufficient to indicate abuse by respondent and to support
17 the granting of relief under the issuance of the emergency
18 order of protection.

19 (5) Never married parties. No rights or
20 responsibilities for a minor child born outside of
21 marriage attach to a putative father until a father and
22 child relationship has been established under the Illinois
23 Parentage Act of 1984, the Illinois Parentage Act of 2015,
24 the Illinois Public Aid Code, Section 12 of the Vital
25 Records Act, the Juvenile Court Act of 1987, the Probate
26 Act of 1975, the Revised Uniform Reciprocal Enforcement of

1 Support Act, the Uniform Interstate Family Support Act,
2 the Expedited Child Support Act of 1990, any judicial,
3 administrative, or other act of another state or
4 territory, any other Illinois statute, or by any foreign
5 nation establishing the father and child relationship, any
6 other proceeding substantially in conformity with the
7 Personal Responsibility and Work Opportunity
8 Reconciliation Act of 1996 (Pub. L. 104-193), or where
9 both parties appeared in open court or at an
10 administrative hearing acknowledging under oath or
11 admitting by affirmation the existence of a father and
12 child relationship. Absent such an adjudication, finding,
13 or acknowledgment, 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
19 that the balance of hardships does not support the granting of
20 a 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
24 result in hardship to respondent that would substantially
25 outweigh the hardship to petitioner from denial of the remedy.
26 The findings 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
14 avoid further abuse, neglect, or exploitation by
15 respondent;

16 (6) Petitioner did not leave the residence or
17 household to avoid further abuse, neglect, or exploitation
18 by respondent;

19 (7) Conduct by any family or household member excused
20 the abuse, neglect, or exploitation by respondent, unless
21 that same conduct would have excused such abuse, neglect,
22 or exploitation if the parties had not been family or
23 household members.

24 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
26 100-923, eff. 1-1-19.)

1 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

2 Sec. 217. Emergency order of protection.

3 (a) Prerequisites. An emergency order of protection shall
4 issue if petitioner satisfies the requirements of this
5 subsection for one or more of the requested remedies. For each
6 remedy requested, petitioner shall establish that:

7 (1) The court has jurisdiction under Section 208;

8 (2) The requirements of Section 214 are satisfied; and

9 (3) There is good cause to grant the remedy,
10 regardless of prior service of process or of notice upon
11 the respondent, because:

12 (i) For the remedies of "prohibition of abuse"
13 described in Section 214(b)(1), "stay away order and
14 additional prohibitions" described in Section
15 214(b)(3), "removal or concealment of minor child"
16 described in Section 214(b)(8), "order to appear"
17 described in Section 214(b)(9), "physical care and
18 possession of the minor child" described in Section
19 214(b)(5), "protection of property" described in
20 Section 214(b)(11), "prohibition of entry" described
21 in Section 214(b)(14), "prohibition of firearm
22 possession" described in Section 214(b)(14.5),
23 "prohibition of access to records" described in
24 Section 214(b)(15), and "injunctive relief" described
25 in Section 214(b)(16), the harm which that remedy is

1 intended to prevent would be likely to occur if the
2 respondent were given any prior notice, or greater
3 notice than was actually given, of the petitioner's
4 efforts to obtain judicial relief;

5 (ii) For the remedy of "grant of exclusive
6 possession of residence" described in Section
7 214(b)(2), the immediate danger of further abuse of
8 petitioner by respondent, if petitioner chooses or had
9 chosen to remain in the residence or household while
10 respondent was given any prior notice or greater
11 notice than was actually given of petitioner's efforts
12 to obtain judicial relief, outweighs the hardships to
13 respondent of an emergency order granting petitioner
14 exclusive possession of the residence or household.
15 This remedy shall not be denied because petitioner has
16 or could obtain temporary shelter elsewhere while
17 prior notice is given to respondent, unless the
18 hardships to respondent from exclusion from the home
19 substantially outweigh those to petitioner;

20 (iii) For the remedy of "possession of personal
21 property" described in Section 214(b)(10), improper
22 disposition of the personal property would be likely
23 to occur if respondent were given any prior notice, or
24 greater notice than was actually given, of
25 petitioner's efforts to obtain judicial relief, or
26 petitioner has an immediate and pressing need for

1 possession of that property.

2 An emergency order may not include the counseling, legal
3 custody, payment of support or monetary compensation remedies.

4 (a-5) When a petition for an emergency order of protection
5 is granted, the order shall not be publicly available until
6 the order is served on the respondent.

7 (b) Appearance by respondent. If respondent appears in
8 court for this hearing for an emergency order, he or she may
9 elect to file a general appearance and testify. Any resulting
10 order may be an emergency order, governed by this Section.
11 Notwithstanding the requirements of this Section, if all
12 requirements of Section 218 have been met, the court may issue
13 a 30-day interim order.

14 (c) Emergency orders: court holidays and evenings.

15 (1) Prerequisites. When the court is unavailable at
16 the close of business, the petitioner may file a petition
17 for a 21-day emergency order before any available circuit
18 judge or associate judge who may grant relief under this
19 Act. If the judge finds that there is an immediate and
20 present danger of abuse to petitioner and that petitioner
21 has satisfied the prerequisites set forth in subsection
22 (a) of Section 217, that judge may issue an emergency
23 order of protection.

24 (1.5) Issuance of order. The chief judge of the
25 circuit court may designate for each county in the circuit
26 at least one judge to be reasonably available to issue

1 orally, by telephone, by facsimile, or otherwise, an
2 emergency order of protection at all times, whether or not
3 the court is in session.

4 (2) Certification and transfer. The judge who issued
5 the order under this Section shall promptly communicate or
6 convey the order to the sheriff to facilitate the entry of
7 the order into the Law Enforcement Agencies Data System by
8 the Illinois ~~Department of~~ State Police pursuant to
9 Section 302. Any order issued under this Section and any
10 documentation in support thereof shall be certified on the
11 next court day to the appropriate court. The clerk of that
12 court shall immediately assign a case number, file the
13 petition, order and other documents with the court, and
14 enter the order of record and file it with the sheriff for
15 service, in accordance with Section 222. Filing the
16 petition shall commence proceedings for further relief
17 under Section 202. Failure to comply with the requirements
18 of this subsection shall not affect the validity of the
19 order.

20 (Source: P.A. 101-255, eff. 1-1-20.)

21 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

22 Sec. 220. Duration and extension of orders.

23 (a) Duration of emergency and interim orders. Unless
24 re-opened or extended or voided by entry of an order of greater
25 duration:

1 (1) Emergency orders issued under Section 217 shall be
2 effective for not less than 14 nor more than 21 days;

3 (2) Interim orders shall be effective for up to 30
4 days.

5 (b) Duration of plenary orders.

6 (0.05) A plenary order of protection entered under
7 this Act shall be valid for a fixed period of time, not to
8 exceed two years.

9 (1) A plenary order of protection entered in
10 conjunction with another civil proceeding shall remain in
11 effect as follows:

12 (i) if entered as preliminary relief in that other
13 proceeding, until entry of final judgment in that
14 other proceeding;

15 (ii) if incorporated into the final judgment in
16 that other proceeding, until the order of protection
17 is vacated or modified; or

18 (iii) if incorporated in an order for involuntary
19 commitment, until termination of both the involuntary
20 commitment and any voluntary commitment, or for a
21 fixed period of time not exceeding 2 years.

22 (2) Duration of an order of protection entered in
23 conjunction with a criminal prosecution or delinquency
24 petition shall remain in effect as provided in Section
25 112A-20 of the Code of Criminal Procedure of 1963.

26 (c) Computation of time. The duration of an order of

1 protection shall not be reduced by the duration of any prior
2 order of protection.

3 (d) Law enforcement records. When a plenary order of
4 protection expires upon the occurrence of a specified event,
5 rather than upon a specified date as provided in subsection
6 (b), no expiration date shall be entered in Illinois
7 ~~Department of~~ State Police records. To remove the plenary
8 order from those records, either party shall request the clerk
9 of the court to file a certified copy of an order stating that
10 the specified event has occurred or that the plenary order has
11 been vacated or modified with the Sheriff, and the Sheriff
12 shall direct that law enforcement records shall be promptly
13 corrected in accordance with the filed order.

14 (e) Extension of orders. Any emergency, interim or plenary
15 order may be extended one or more times, as required, provided
16 that the requirements of Section 217, 218 or 219, as
17 appropriate, are satisfied. If the motion for extension is
18 uncontested and petitioner seeks no modification of the order,
19 the order may be extended on the basis of petitioner's motion
20 or affidavit stating that there has been no material change in
21 relevant circumstances since entry of the order and stating
22 the reason for the requested extension. An extension of a
23 plenary order of protection may be granted, upon good cause
24 shown, to remain in effect until the order of protection is
25 vacated or modified. Extensions may be granted only in open
26 court and not under the provisions of subsection (c) of

1 Section 217, which applies only when the court is unavailable
2 at the close of business or on a court holiday.

3 (f) Termination date. Any order of protection which would
4 expire on a court holiday shall instead expire at the close of
5 the next court business day.

6 (g) Statement of purpose. The practice of dismissing or
7 suspending a criminal prosecution in exchange for the issuance
8 of an order of protection undermines the purposes of this Act.
9 This Section shall not be construed as encouraging that
10 practice.

11 (Source: P.A. 100-199, eff. 1-1-18.)

12 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

13 Sec. 222. Notice of orders.

14 (a) Entry and issuance. Upon issuance of any order of
15 protection, the clerk shall immediately (i) enter the order on
16 the record and file it in accordance with the circuit court
17 procedures and (ii) provide a file stamped copy of the order to
18 respondent, if present, and to petitioner.

19 (b) Filing with sheriff. The clerk of the issuing judge
20 shall, or the petitioner may, on the same day that an order of
21 protection is issued, file a certified copy of that order with
22 the sheriff or other law enforcement officials charged with
23 maintaining Illinois ~~Department of~~ State Police records or
24 charged with serving the order upon respondent. If the
25 respondent, at the time of the issuance of the order, is

1 committed to the custody of the Illinois Department of
2 Corrections or Illinois Department of Juvenile Justice or is
3 on parole, aftercare release, or mandatory supervised release,
4 the sheriff or other law enforcement officials charged with
5 maintaining Illinois ~~Department of~~ State Police records shall
6 notify the Department of Corrections or Department of Juvenile
7 Justice within 48 hours of receipt of a copy of the order of
8 protection from the clerk of the issuing judge or the
9 petitioner. Such notice shall include the name of the
10 respondent, the respondent's IDOC inmate number or IDJJ youth
11 identification number, the respondent's date of birth, and the
12 LEADS Record Index Number.

13 (c) Service by sheriff. Unless respondent was present in
14 court when the order was issued, the sheriff, other law
15 enforcement official or special process server shall promptly
16 serve that order upon respondent and file proof of such
17 service, in the manner provided for service of process in
18 civil proceedings. Instead of serving the order upon the
19 respondent, however, the sheriff, other law enforcement
20 official, special process server, or other persons defined in
21 Section 222.10 may serve the respondent with a short form
22 notification as provided in Section 222.10. If process has not
23 yet been served upon the respondent, it shall be served with
24 the order or short form notification if such service is made by
25 the sheriff, other law enforcement official, or special
26 process server. A single fee may be charged for service of an

1 order obtained in civil court, or for service of such an order
2 together with process, unless waived or deferred under Section
3 210.

4 (c-5) If the person against whom the order of protection
5 is issued is arrested and the written order is issued in
6 accordance with subsection (c) of Section 217 and received by
7 the custodial law enforcement agency before the respondent or
8 arrestee is released from custody, the custodial law
9 enforcement agent 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 hearing on the petition
13 for order of protection or receipt of the order issued under
14 Section 217 of this Act.

15 (d) Extensions, modifications and revocations. Any order
16 extending, modifying or revoking any order of protection shall
17 be promptly recorded, issued and served as provided in this
18 Section.

19 (e) Notice to schools. Upon the request of the petitioner,
20 within 24 hours of the issuance of an order of protection, the
21 clerk of the issuing judge shall send a certified copy of the
22 order of protection to the day-care facility, pre-school or
23 pre-kindergarten, or private school or the principal office of
24 the public school district or any college or university in
25 which any child who is a protected person under the order of
26 protection or any child of the petitioner is enrolled as

1 requested by the petitioner at the mailing address provided by
2 the petitioner. If the child transfers enrollment to another
3 day-care facility, pre-school, pre-kindergarten, private
4 school, public school, college, or university, the petitioner
5 may, within 24 hours of the transfer, send to the clerk written
6 notice of the transfer, including the name and address of the
7 institution to which the child is transferring. Within 24
8 hours of receipt of notice from the petitioner that a child is
9 transferring to another day-care facility, pre-school,
10 pre-kindergarten, private school, public school, college, or
11 university, the clerk shall send a certified copy of the order
12 to the institution to which the child is transferring.

13 (f) Disclosure by schools. After receiving a certified
14 copy of an order of protection that prohibits a respondent's
15 access to records, neither a day-care facility, pre-school,
16 pre-kindergarten, public or private school, college, or
17 university nor its employees shall allow a respondent access
18 to a protected child's records or release information in those
19 records to the respondent. The school shall file the copy of
20 the order of protection in the records of a child who is a
21 protected person under the order of protection. When a child
22 who is a protected person under the order of protection
23 transfers to another day-care facility, pre-school,
24 pre-kindergarten, public or private school, college, or
25 university, the institution from which the child is
26 transferring may, at the request of the petitioner, provide,

1 within 24 hours of the transfer, written notice of the order of
2 protection, along with a certified copy of the order, to the
3 institution to which the child is transferring.

4 (g) Notice to health care facilities and health care
5 practitioners. Upon the request of the petitioner, the clerk
6 of the circuit court shall send a certified copy of the order
7 of protection to any specified health care facility or health
8 care practitioner requested by the petitioner at the mailing
9 address provided by the petitioner.

10 (h) Disclosure by health care facilities and health care
11 practitioners. After receiving a certified copy of an order of
12 protection that prohibits a respondent's access to records, no
13 health care facility or health care practitioner shall allow a
14 respondent access to the records of any child who is a
15 protected person under the order of protection, or release
16 information in those records to the respondent, unless the
17 order has expired or the respondent shows a certified copy of
18 the court order vacating the corresponding order of protection
19 that was sent to the health care facility or practitioner.
20 Nothing in this Section shall be construed to require health
21 care facilities or health care practitioners to alter
22 procedures related to billing and payment. The health care
23 facility or health care practitioner may file the copy of the
24 order of protection in the records of a child who is a
25 protected person under the order of protection, or may employ
26 any other method to identify the records to which a respondent

1 is prohibited access. No health care facility or health care
2 practitioner shall be civilly or professionally liable for
3 reliance on a copy of an order of protection, except for
4 willful and wanton misconduct.

5 (Source: P.A. 101-508, eff. 1-1-20.)

6 (750 ILCS 60/222.5)

7 Sec. 222.5. Filing of an order of protection issued in
8 another state.

9 (a) A person entitled to protection under an order of
10 protection issued by the court of another state, tribe, or
11 United States territory may file a certified copy of the order
12 of protection with the clerk of the court in a judicial circuit
13 in which the person believes that enforcement may be
14 necessary.

15 (b) The clerk shall:

16 (1) treat the foreign order of protection in the same
17 manner as a judgment of the circuit court for any county of
18 this State in accordance with the provisions of the
19 Uniform Enforcement of Foreign Judgments Act, except that
20 the clerk shall not mail notice of the filing of the
21 foreign order to the respondent named in the order; and

22 (2) on the same day that a foreign order of protection
23 is filed, file a certified copy of that order with the
24 sheriff or other law enforcement officials charged with
25 maintaining Illinois ~~Department of~~ State Police records as

1 set forth in Section 222 of this Act.

2 (c) Neither residence in this State nor filing of a
3 foreign order of protection shall be required for enforcement
4 of the order by this State. Failure to file the foreign order
5 shall not be an impediment to its treatment in all respects as
6 an Illinois order of protection.

7 (d) The clerk shall not charge a fee to file a foreign
8 order of protection under this Section.

9 (e) The sheriff shall inform the Illinois ~~Department of~~
10 State Police as set forth in Section 302 of this Act.

11 (Source: P.A. 91-903, eff. 1-1-01.)

12 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

13 Sec. 302. Data maintenance by law enforcement agencies.

14 (a) All sheriffs shall furnish to the Illinois ~~Department~~
15 ~~of~~ State Police, on the same day as received, in the form and
16 detail the Department requires, copies of any recorded
17 emergency, interim, or plenary orders of protection issued by
18 the court, and any foreign orders of protection filed by the
19 clerk of the court, and transmitted to the sheriff by the clerk
20 of the court pursuant to subsection (b) of Section 222 of this
21 Act. Each order of protection shall be entered in the Law
22 Enforcement Agencies Data System on the same day it is issued
23 by the court. If an emergency order of protection was issued in
24 accordance with subsection (c) of Section 217, the order shall
25 be entered in the Law Enforcement Agencies Data System as soon

1 as possible after receipt from the clerk.

2 (b) The Illinois ~~Department of~~ State Police shall maintain
3 a complete and systematic record and index of all valid and
4 recorded orders of protection issued pursuant to this Act. The
5 data shall be used to inform all dispatchers and law
6 enforcement officers at the scene of an alleged incident of
7 abuse, neglect, or exploitation or violation of an order of
8 protection of any recorded prior incident of abuse, neglect,
9 or exploitation involving the abused, neglected, or exploited
10 party and the effective dates and terms of any recorded order
11 of protection.

12 (c) The data, records and transmittals required under this
13 Section shall pertain to any valid emergency, interim or
14 plenary order of protection, whether issued in a civil or
15 criminal proceeding or authorized under the laws of another
16 state, tribe, or United States territory.

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

18 Section 1140. The Probate Act of 1975 is amended by
19 changing Sections 2-6.6 and 11a-24 as follows:

20 (755 ILCS 5/2-6.6)

21 Sec. 2-6.6. Person convicted of or found civilly liable
22 for certain offenses against the elderly or a person with a
23 disability.

24 (a) A person who is convicted of a violation of Section

1 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
2 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
3 Code of 2012 or a person who has been found by a preponderance
4 of the evidence to be civilly liable for financial
5 exploitation, as defined in subsection (a) of Section 2-6.2 of
6 this Act, may not receive any property, benefit, or other
7 interest by reason of the death of the victim of that offense,
8 whether as heir, legatee, beneficiary, joint tenant, tenant by
9 the entirety, survivor, appointee, or in any other capacity
10 and whether the property, benefit, or other interest passes
11 pursuant to any form of title registration, testamentary or
12 nontestamentary instrument, intestacy, renunciation, or any
13 other circumstance. Except as provided in subsection (f) of
14 this Section, the property, benefit, or other interest shall
15 pass as if the person convicted of a violation of Section
16 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
17 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
18 Code of 2012 or the person found by a preponderance of the
19 evidence to be civilly liable for financial exploitation, as
20 defined in subsection (a) of Section 2-6.2 of this Act, died
21 before the decedent; provided that with respect to joint
22 tenancy property or property held in tenancy by the entirety,
23 the interest possessed prior to the death by the person
24 convicted or found civilly liable may not be diminished by the
25 application of this Section. Notwithstanding the foregoing, a
26 person convicted of a violation of Section 12-19, 12-21,

1 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,
2 of the Criminal Code of 1961 or the Criminal Code of 2012 or a
3 person who has been found by a preponderance of the evidence to
4 be civilly liable for financial exploitation, as defined in
5 subsection (a) of Section 2-6.2 of this Act, shall be entitled
6 to receive property, a benefit, or an interest in any capacity
7 and under any circumstances described in this Section if it is
8 demonstrated by clear and convincing evidence that the victim
9 of that offense knew of the conviction or finding of civil
10 liability and subsequent to the conviction or finding of civil
11 liability expressed or ratified his or her intent to transfer
12 the property, benefit, or interest to the person convicted of
13 a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
14 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
15 of 1961 or the Criminal Code of 2012 or the person found by a
16 preponderance of the evidence to be civilly liable for
17 financial exploitation, as defined in subsection (a) of
18 Section 2-6.2 of this Act, in any manner contemplated by this
19 Section.

20 (b) The holder of any property subject to the provisions
21 of this Section is not liable for distributing or releasing
22 the property to the person convicted of violating Section
23 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
24 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
25 Code of 2012 or to the person found by a preponderance of the
26 evidence to be civilly liable for financial exploitation as

1 defined in subsection (a) of Section 2-6.2 of this Act.

2 (c) If the holder is a financial institution, trust
3 company, trustee, or similar entity or person, the holder
4 shall not be liable for any distribution or release of the
5 property, benefit, or other interest to the person convicted
6 of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
7 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
8 of 1961 or the Criminal Code of 2012 or person found by a
9 preponderance of the evidence to be civilly liable for
10 financial exploitation, as defined in subsection (a) of
11 Section 2-6.2 of this Act, unless the holder knowingly
12 distributes or releases the property, benefit, or other
13 interest to the person so convicted or found civilly liable
14 after first having received actual written notice of the
15 conviction or finding of civil liability in sufficient time to
16 act upon the notice.

17 (d) The Illinois ~~Department of~~ State Police shall have
18 access to State of Illinois databases containing information
19 that may help in the identification or location of persons
20 convicted of or found civilly liable for the offenses
21 enumerated in this Section. Interagency agreements shall be
22 implemented, consistent with security and procedures
23 established by the State agency and consistent with the laws
24 governing the confidentiality of the information in the
25 databases. Information shall be used only for administration
26 of this Section.

1 (e) A civil action against a person for financial
2 exploitation, as defined in subsection (a) of Section 2-6.2 of
3 this Act, may be brought by an interested person, pursuant to
4 this Section, after the death of the victim or during the
5 lifetime of the victim if the victim is adjudicated a person
6 with a disability. A guardian is under no duty to bring a civil
7 action under this subsection during the ward's lifetime, but
8 may do so if the guardian believes it is in the best interests
9 of the ward.

10 (f) The court may, in its discretion, consider such facts
11 and circumstances as it deems appropriate to allow the person
12 convicted or found civilly liable for financial exploitation,
13 as defined in subsection (a) of Section 2-6.2 of this Act, to
14 receive a reduction in interest or benefit rather than no
15 interest or benefit as stated under subsection (a) of this
16 Section.

17 (Source: P.A. 98-833, eff. 8-1-14; 99-143, eff. 7-27-15.)

18 (755 ILCS 5/11a-24)

19 Sec. 11a-24. Notification; Illinois ~~Department of~~ State
20 Police. When a court adjudges a respondent to be a person with
21 a disability under this Article, the court shall direct the
22 circuit court clerk to notify the Illinois ~~Department of~~ State
23 Police, Firearm Owner's Identification (FOID) Office, in a
24 form and manner prescribed by the Illinois ~~Department of~~ State
25 Police, and shall forward a copy of the court order to the

1 Department no later than 7 days after the entry of the order.
2 Upon receipt of the order, the Illinois ~~Department of~~ State
3 Police shall provide notification to the National Instant
4 Criminal Background Check System.

5 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

6 Section 1145. The Charitable Trust Act is amended by
7 changing Section 16.5 as follows:

8 (760 ILCS 55/16.5)

9 Sec. 16.5. Terrorist acts.

10 (a) Any person or organization subject to registration
11 under this Act, who knowingly acts to further, directly or
12 indirectly, or knowingly uses charitable assets to conduct or
13 further, directly or indirectly, an act or actions as set
14 forth in Article 29D of the Criminal Code of 2012, is thereby
15 engaged in an act or actions contrary to public policy and
16 antithetical to charity, and all of the funds, assets, and
17 records of the person or organization shall be subject to
18 temporary and permanent injunction from use or expenditure and
19 the appointment of a temporary and permanent receiver to take
20 possession of all of the assets and related records.

21 (b) An ex parte action may be commenced by the Attorney
22 General, and, upon a showing of probable cause of a violation
23 of this Section or Article 29D of the Criminal Code of 2012, an
24 immediate seizure of books and records by the Attorney General

1 by and through his or her assistants or investigators or the
2 Illinois ~~Department of~~ State Police and freezing of all assets
3 shall be made by order of a court to protect the public,
4 protect the assets, and allow a full review of the records.

5 (c) Upon a finding by a court after a hearing that a person
6 or organization has acted or is in violation of this Section,
7 the person or organization shall be permanently enjoined from
8 soliciting funds from the public, holding charitable funds, or
9 acting as a trustee or fiduciary within Illinois. Upon a
10 finding of violation all assets and funds held by the person or
11 organization shall be forfeited to the People of the State of
12 Illinois or otherwise ordered by the court to be accounted for
13 and marshaled and then delivered to charitable causes and uses
14 within the State of Illinois by court order.

15 (d) A determination under this Section may be made by any
16 court separate and apart from any criminal proceedings and the
17 standard of proof shall be that for civil proceedings.

18 (e) Any knowing use of charitable assets to conduct or
19 further, directly or indirectly, an act or actions set forth
20 in Article 29D of the Criminal Code of 2012 shall be a misuse
21 of charitable assets and breach of fiduciary duty relative to
22 all other Sections of this Act.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 Section 1150. The Revised Uniform Unclaimed Property Act
25 is amended by changing Section 15-705 as follows:

1 (765 ILCS 1026/15-705)

2 Sec. 15-705. Exceptions to the sale of tangible property.
3 The administrator shall dispose of tangible property
4 identified by this Section in accordance with this Section.

5 (a) Military medals or decorations. The administrator may
6 not sell a medal or decoration awarded for military service in
7 the armed forces of the United States. Instead, the
8 administrator, with the consent of the respective organization
9 under paragraph (1), agency under paragraph (2), or entity
10 under paragraph (3), may deliver a medal or decoration to be
11 held in custody for the owner, to:

12 (1) a military veterans organization qualified under
13 Section 501(c)(19) of the Internal Revenue Code;

14 (2) the agency that awarded the medal or decoration;
15 or

16 (3) a governmental entity.

17 After delivery, the administrator is not responsible for
18 the safekeeping of the medal or decoration.

19 (b) Property with historical value. Property that the
20 administrator reasonably believes may have historical value
21 may be, at his or her discretion, loaned to an accredited
22 museum in the United States where it will be kept until such
23 time as the administrator orders it to be returned to his or
24 her custody.

25 (c) Human remains. If human remains are delivered to the

1 administrator under this Act, the administrator shall deliver
2 those human remains to the coroner of the county in which the
3 human remains were abandoned for disposition under Section
4 3-3034 of the Counties Code. The only human remains that may be
5 delivered to the administrator under this Act and that the
6 administrator may receive are those that are reported and
7 delivered as contents of a safe deposit box.

8 (d) Evidence in a criminal investigation. Property that
9 may have been used in the commission of a crime or that may
10 assist in the investigation of a crime, as determined after
11 consulting with the Illinois ~~Department of~~ State Police, shall
12 be delivered to the Illinois ~~Department of~~ State Police or
13 other appropriate law enforcement authority to allow law
14 enforcement to determine whether a criminal investigation
15 should take place. Any such property delivered to a law
16 enforcement authority shall be held in accordance with
17 existing statutes and rules related to the gathering,
18 retention, and release of evidence.

19 (e) Firearms.

20 (1) The administrator, in cooperation with the
21 Illinois ~~Department of~~ State Police, shall develop a
22 procedure to determine whether a firearm delivered to the
23 administrator under this Act has been stolen or used in
24 the commission of a crime. The Illinois ~~Department of~~
25 State Police shall determine the appropriate disposition
26 of a firearm that has been stolen or used in the commission

1 of a crime. The administrator shall attempt to return a
2 firearm that has not been stolen or used in the commission
3 of a crime to the rightful owner if the Illinois
4 ~~Department of~~ State Police determines that the owner may
5 lawfully possess the firearm.

6 (2) If the administrator is unable to return a firearm
7 to its owner, the administrator shall transfer custody of
8 the firearm to the Illinois ~~Department of~~ State Police.
9 Legal title to a firearm transferred to the Illinois
10 ~~Department of~~ State Police under this subsection (e) is
11 vested in the Illinois ~~Department of~~ State Police by
12 operation of law if:

13 (i) the administrator cannot locate the owner of
14 the firearm;

15 (ii) the owner of the firearm may not lawfully
16 possess the firearm;

17 (iii) the apparent owner does not respond to
18 notice published under Section 15-503 of this Act; or

19 (iv) the apparent owner responds to notice
20 published under Section 15-502 and states that he or
21 she no longer claims an interest in the firearm.

22 (3) With respect to a firearm whose title is
23 transferred to the Illinois ~~Department of~~ State Police
24 under this subsection (e), the Illinois ~~Department of~~
25 State Police may:

26 (i) retain the firearm for use by the crime

1 laboratory system, for training purposes, or for any
2 other application as deemed appropriate by the
3 Department;

4 (ii) transfer the firearm to the Illinois State
5 Museum if the firearm has historical value; or

6 (iii) destroy the firearm if it is not retained
7 pursuant to subparagraph (i) or transferred pursuant
8 to subparagraph (ii).

9 As used in this subsection, "firearm" has the meaning
10 provided in the Firearm Owners Identification Card Act.

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

12 Section 1155. The Law Enforcement Disposition of Property
13 Act is amended by changing Section 2 as follows:

14 (765 ILCS 1030/2) (from Ch. 141, par. 142)

15 Sec. 2. (a) Such property believed to be abandoned, lost
16 or stolen or otherwise illegally possessed shall be retained
17 in custody by the sheriff, chief of police or other principal
18 official of the law enforcement agency, which shall make
19 reasonable inquiry and efforts to identify and notify the
20 owner or other person entitled to possession thereof, and
21 shall return the property after such person provides
22 reasonable and satisfactory proof of his ownership or right to
23 possession and reimburses the agency for all reasonable
24 expenses of such custody.

1 (b) Weapons that have been confiscated as a result of
2 having been abandoned or illegally possessed may be
3 transferred to the Illinois ~~Department of~~ State Police for use
4 by the crime laboratory system, for training purposes, or for
5 any other application as deemed appropriate by the Department,
6 if no legitimate claim is made for the confiscated weapon
7 within 6 months of the date of confiscation, or within 6 months
8 of final court disposition if such confiscated weapon was used
9 for evidentiary purposes.

10 (Source: P.A. 85-632.)

11 Section 1160. The Illinois Human Rights Act is amended by
12 changing Section 2-103 as follows:

13 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

14 Sec. 2-103. Arrest record.

15 (A) Unless otherwise authorized by law, it is a civil
16 rights violation for any employer, employment agency or labor
17 organization to inquire into or to use an arrest record, as
18 defined under subsection (B-5) of Section 1-103, as a basis to
19 refuse to hire, to segregate, or to act with respect to
20 recruitment, hiring, promotion, renewal of employment,
21 selection for training or apprenticeship, discharge,
22 discipline, tenure or terms, privileges or conditions of
23 employment. This Section does not prohibit a State agency,
24 unit of local government or school district, or private

1 organization from requesting or utilizing sealed felony
2 conviction information obtained from the Illinois Department
3 ~~of~~ State Police under the provisions of Section 3 of the
4 Criminal Identification Act or under other State or federal
5 laws or regulations that require criminal background checks in
6 evaluating the qualifications and character of an employee or
7 a prospective employee.

8 (B) The prohibition against the use of an arrest record,
9 as defined under paragraph (1) of subsection (B-5) of Section
10 1-103, contained in this Act shall not be construed to
11 prohibit an employer, employment agency, or labor organization
12 from obtaining or using other information which indicates that
13 a person actually engaged in the conduct for which he or she
14 was arrested.

15 (Source: P.A. 101-565, eff. 1-1-20.)

16 Section 1165. The Illinois Torture Inquiry and Relief
17 Commission Act is amended by changing Section 60 as follows:

18 (775 ILCS 40/60)

19 Sec. 60. Report. Beginning January 1, 2010, and annually
20 thereafter, the Illinois Torture Inquiry and Relief Commission
21 shall report on its activities to the General Assembly and the
22 Governor. The report may contain recommendations of any needed
23 legislative changes related to the activities of the
24 Commission. The report shall recommend the funding needed by

1 the Commission, the State's Attorneys, and the Illinois
2 ~~Department of~~ State Police in order to meet their
3 responsibilities under this Act. Recommendations concerning
4 the State's Attorneys or the Illinois ~~Department of~~ State
5 Police shall only be made after consultations with the
6 Illinois State's Attorneys Association, the Illinois
7 ~~Department of~~ State Police, and the Attorney General.

8 (Source: P.A. 96-223, eff. 8-10-09.)

9 Section 1170. The Assumed Business Name Act is amended by
10 changing Section 5 as follows:

11 (805 ILCS 405/5) (from Ch. 96, par. 8)

12 Sec. 5. Any person or persons carrying on, conducting or
13 transacting business as aforesaid, who shall fail to comply
14 with the provisions of this Act, shall be guilty of a Class C
15 misdemeanor, and each day any person or persons conducts
16 business in violation of this Act shall be deemed a separate
17 offense.

18 A person shall be exempt from prosecution for a violation
19 of this Act if he is a peace officer who uses a false or
20 fictitious business name in the enforcement of the criminal
21 laws; provided such use is approved in writing by one of the
22 following:

23 (a) In all counties, the respective State's Attorney;

24 (b) The Director of the Illinois State Police under

1 Section 2605-200 of the Illinois ~~Department of~~ State Police
2 Law ~~(20 ILCS 2605/2605-200)~~; or

3 (c) In cities over 1,000,000, the Superintendent of
4 Police.

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

6 Section 1175. The Recyclable Metal Purchase Registration
7 Law is amended by changing Section 6.5 as follows:

8 (815 ILCS 325/6.5)

9 Sec. 6.5. Recyclable Metal Theft Task Force.

10 (a) The Recyclable Metal Theft Task Force is created
11 within the Office of the Secretary of State. The Office of the
12 Secretary of State shall provide administrative support for
13 the Task Force. The Task Force shall consist of the members
14 designated in subsections (b) and (c).

15 (b) Members of the Task Force representing the State shall
16 be appointed as follows:

17 (1) Two members of the Senate appointed one each by
18 the President of the Senate and by the Minority Leader of
19 the Senate;

20 (2) Two members of the House of Representatives
21 appointed one each by the Speaker of the House of
22 Representatives and by the Minority Leader of the House of
23 Representatives;

24 (3) One member representing the Office of the

1 Secretary of State appointed by the Secretary of State;
2 and

3 (4) Two members representing the Illinois Department
4 ~~of~~ State Police appointed by the Director of the Illinois
5 State Police, one of whom must represent the State Police
6 Academy.

7 (c) The members appointed under subsection (b) shall
8 select from their membership a chairperson. The chairperson
9 shall appoint the public members of the Task Force as follows:

10 (1) One member representing municipalities in this
11 State with consideration given to persons recommended by
12 an organization representing municipalities in this State;

13 (2) Five chiefs of police from various geographical
14 areas of the State with consideration given to persons
15 recommended by an organization representing chiefs of
16 police in this State;

17 (3) One representative of a public utility
18 headquartered in Illinois;

19 (4) One representative of recyclable metal dealers in
20 Illinois;

21 (5) One representative of scrap metal suppliers in
22 Illinois;

23 (6) One representative of insurance companies offering
24 homeowners insurance in this State;

25 (7) One representative of rural electric cooperatives
26 in Illinois; and

1 (8) One representative of a local exchange carrier
2 doing business in Illinois.

3 (d) The Task Force shall endeavor to establish a
4 collaborative effort to combat recyclable metal theft
5 throughout the State and assist in developing regional task
6 forces, as determined necessary, to combat recyclable metal
7 theft. The Task Force shall consider and develop long-term
8 solutions, both legislative and enforcement-driven, for the
9 rising problem of recyclable metal thefts in this State.

10 (e) Each year, the Task Force shall review the
11 effectiveness of its efforts in deterring and investigating
12 the problem of recyclable metal theft and in assisting in the
13 prosecution of persons engaged in recyclable metal theft. The
14 Task Force shall by October 31 of each year report its findings
15 and recommendations to the General Assembly and the Governor.

16 (Source: P.A. 99-52, eff. 1-1-16; 99-760, eff. 1-1-17.)

17 Section 1180. The Consumer Fraud and Deceptive Business
18 Practices Act is amended by changing Section 2L as follows:

19 (815 ILCS 505/2L)

20 Sec. 2L. Used motor vehicles; modification or disclaimer
21 of implied warranty of merchantability limited.

22 (a) Any retail sale of a used motor vehicle made after July
23 1, 2017 (the effective date of Public Act 99-768) to a consumer
24 by a licensed vehicle dealer within the meaning of Chapter 5 of

1 the Illinois Vehicle Code or by an auction company at an
2 auction that is open to the general public is made subject to
3 this Section.

4 (b) This Section does not apply to any of the following:

5 (1) a vehicle with more than 150,000 miles at the time
6 of sale;

7 (2) a vehicle with a title that has been branded
8 "rebuilt" or "flood";

9 (3) a vehicle with a gross vehicle weight rating of
10 8,000 pounds or more; or

11 (4) a vehicle that is an antique vehicle, as defined
12 in the Illinois Vehicle Code, or that is a collector motor
13 vehicle.

14 (b-5) This Section does not apply to the sale of any
15 vehicle for which the dealer offers an express warranty that
16 provides coverage that is equal to or greater than the limited
17 implied warranty of merchantability required under this
18 Section 2L.

19 (b-6) This Section does not apply to forfeited vehicles
20 sold at auction by or on behalf of the Illinois ~~Department of~~
21 State Police.

22 (c) Except as otherwise provided in this Section 2L, any
23 sale of a used motor vehicle as described in subsection (a) may
24 not exclude, modify, or disclaim the implied warranty of
25 merchantability created under this Section 2L or limit the
26 remedies for a breach of the warranty hereunder before

1 midnight of the 15th calendar day after delivery of a used
2 motor vehicle or until a used motor vehicle is driven 500 miles
3 after delivery, whichever is earlier. In calculating time
4 under this Section, a day on which the warranty is breached and
5 all subsequent days in which the used motor vehicle fails to
6 conform with the implied warranty of merchantability are
7 excluded. In calculating distance under this Section, the
8 miles driven to obtain or in connection with the repair,
9 servicing, or testing of a used motor vehicle that fails to
10 conform with the implied warranty of merchantability are
11 excluded. An attempt to exclude, modify, or disclaim the
12 implied warranty of merchantability or to limit the remedies
13 for a breach of the warranty in violation of this Section
14 renders a purchase agreement voidable at the option of the
15 purchaser.

16 (d) An implied warranty of merchantability is met if a
17 used motor vehicle functions for the purpose of ordinary
18 transportation on the public highway and substantially free of
19 a defect in a power train component. As used in this Section,
20 "power train component" means the engine block, head, all
21 internal engine parts, oil pan and gaskets, water pump, intake
22 manifold, transmission, and all internal transmission parts,
23 torque converter, drive shaft, universal joints, rear axle and
24 all rear axle internal parts, and rear wheel bearings.

25 (e) The implied warranty of merchantability expires at
26 midnight of the 15th calendar day after delivery of a used

1 motor vehicle or when a used motor vehicle is driven 500 miles
2 after delivery, whichever is earlier. In calculating time, a
3 day on which the implied warranty of merchantability is
4 breached is excluded and all subsequent days in which the used
5 motor vehicle fails to conform with the warranty are also
6 excluded. In calculating distance, the miles driven to or by
7 the seller to obtain or in connection with the repair,
8 servicing, or testing of a used motor vehicle that fails to
9 conform with the implied warranty of merchantability are
10 excluded. An implied warranty of merchantability does not
11 extend to damage that occurs after the sale of the used motor
12 vehicle that results from:

- 13 (1) off-road use;
- 14 (2) racing;
- 15 (3) towing;
- 16 (4) abuse;
- 17 (5) misuse;
- 18 (6) neglect;
- 19 (7) failure to perform regular maintenance; and
- 20 (8) failure to maintain adequate oil, coolant, and
21 other required fluids or lubricants.

22 (f) If the implied warranty of merchantability described
23 in this Section is breached, the consumer shall give
24 reasonable notice to the seller no later than 2 business days
25 after the end of the statutory warranty period. Before the
26 consumer exercises another remedy pursuant to Article 2 of the

1 Uniform Commercial Code, the seller shall have a reasonable
2 opportunity to repair the used motor vehicle. The consumer
3 shall pay one-half of the cost of the first 2 repairs necessary
4 to bring the used motor vehicle into compliance with the
5 warranty. The payments by the consumer are limited to a
6 maximum payment of \$100 for each repair; however, the consumer
7 shall only be responsible for a maximum payment of \$100 if the
8 consumer brings in the vehicle for a second repair for the same
9 defect. Reasonable notice as defined in this Section shall
10 include, but not be limited to:

11 (1) text, provided the seller has provided the
12 consumer with a cell phone number;

13 (2) phone call or message to the seller's business
14 phone number provided on the seller's bill of sale for the
15 purchase of the motor vehicle;

16 (3) in writing to the seller's address provided on the
17 seller's bill of sale for the purchase of the motor
18 vehicle;

19 (4) in person at the seller's address provided on the
20 seller's bill of sale for the purchase of the motor
21 vehicle.

22 (g) The maximum liability of a seller for repairs pursuant
23 to this Section is limited to the purchase price paid for the
24 used motor vehicle, to be refunded to the consumer or lender,
25 as applicable, in exchange for return of the vehicle.

26 (h) An agreement for the sale of a used motor vehicle

1 subject to this Section is voidable at the option of the
2 consumer, unless it contains on its face or in a separate
3 document the following conspicuous statement printed in
4 boldface 10-point or larger type set off from the body of the
5 agreement:

6 "Illinois law requires that this vehicle will be free of a
7 defect in a power train component for 15 days or 500 miles
8 after delivery, whichever is earlier, except with regard to
9 particular defects disclosed on the first page of this
10 agreement. "Power train component" means the engine block,
11 head, all internal engine parts, oil pan and gaskets, water
12 pump, intake manifold, transmission, and all internal
13 transmission parts, torque converter, drive shaft, universal
14 joints, rear axle and all rear axle internal parts, and rear
15 wheel bearings. You (the consumer) will have to pay up to \$100
16 for each of the first 2 repairs if the warranty is violated."

17 (i) The inclusion in the agreement of the statement
18 prescribed in subsection (h) of this Section does not create
19 an express warranty.

20 (j) A consumer of a used motor vehicle may waive the
21 implied warranty of merchantability only for a particular
22 defect in the vehicle, including, but not limited to, a
23 rebuilt or flood-branded title and only if all of the
24 following conditions are satisfied:

25 (1) the seller subject to this Section fully and
26 accurately discloses to the consumer that because of

1 circumstances unusual to the business, the used motor
2 vehicle has a particular defect;

3 (2) the consumer agrees to buy the used motor vehicle
4 after disclosure of the defect; and

5 (3) before the sale, the consumer indicates agreement
6 to the waiver by signing and dating the following
7 conspicuous statement that is printed on the first page of
8 the sales agreement or on a separate document in boldface
9 10-point or larger type and that is written in the
10 language in which the presentation was made:

11 "Attention consumer: sign here only if the seller has
12 told you that this vehicle has the following problem or
13 problems and you agree to buy the vehicle on those terms:

- 14 1.
- 15 2.
- 16 3. "

17 (k) It shall be an affirmative defense to any claim under
18 this Section that:

19 (1) an alleged nonconformity does not substantially
20 impair the use and market value of the motor vehicle;

21 (2) a nonconformity is the result of abuse, neglect,
22 or unauthorized modifications or alterations of the motor
23 vehicle;

24 (3) a claim by a consumer was not filed in good faith;
25 or

26 (4) any other affirmative defense allowed by law.

1 (1) Other than the 15-day, 500-mile implied warranty of
2 merchantability identified herein, a seller subject to this
3 Section is not required to provide any further express or
4 implied warranties to a purchasing consumer unless:

5 (1) the seller is required by federal or State law to
6 provide a further express or implied warranty; or

7 (2) the seller fails to fully inform and disclose to
8 the consumer that the vehicle is being sold without any
9 further express or implied warranties, other than the 15
10 day, 500 mile implied warranty of merchantability
11 identified in this Section.

12 (m) Any person who violates this Section commits an
13 unlawful practice within the meaning of this Act.

14 (Source: P.A. 99-768, eff. 7-1-17; 100-4, eff. 7-1-17;
15 100-512, eff. 7-1-18; 100-863, eff. 8-14-18.)

16 Section 1185. The Employee Credit Privacy Act is amended
17 by changing Section 5 as follows:

18 (820 ILCS 70/5)

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

20 "Credit history" means an individual's past borrowing and
21 repaying behavior, including paying bills on time and managing
22 debt and other financial obligations.

23 "Credit report" means any written or other communication
24 of any information by a consumer reporting agency that bears

1 on a consumer's creditworthiness, credit standing, credit
2 capacity, or credit history.

3 "Employee" means an individual who receives compensation
4 for performing services for an employer under an express or
5 implied contract of hire.

6 "Employer" means an individual or entity that permits one
7 or more individuals to work or that accepts applications for
8 employment or is an agent of an employer. "Employer" does not,
9 however, include:

10 (1) Any bank holding company, financial holding
11 company, bank, savings bank, savings and loan association,
12 credit union, or trust company, or any subsidiary or
13 affiliate thereof, that is authorized to do business under
14 the laws of this State or of the United States.

15 (2) Any company authorized to engage in any kind of
16 insurance or surety business pursuant to the Illinois
17 Insurance Code, including any employee, agent, or employee
18 of an agent acting on behalf of a company engaged in the
19 insurance or surety business.

20 (3) Any State law enforcement or investigative unit,
21 including, without limitation, any such unit within the
22 Office of any Executive Inspector General, the Illinois
23 ~~Department of State Police~~, the Department of Corrections,
24 the Department of Juvenile Justice, or the Department of
25 Natural Resources.

26 (4) Any State or local government agency which

1 otherwise requires use of the employee's or applicant's
2 credit history or credit report.

3 (5) Any entity that is defined as a debt collector
4 under federal or State statute.

5 "Financial information" means non-public information on
6 the overall financial direction of an organization, including,
7 but not limited to, company taxes or profit and loss reports.

8 "Marketable assets" means company property that is
9 specially safeguarded from the public and to which access is
10 only entrusted to managers and select other employees. For the
11 purposes of this Act, marketable assets do not include the
12 fixtures, furnishings, or equipment of an employer.

13 "Personal or confidential information" means sensitive
14 information that a customer or client of the employing
15 organization gives explicit authorization for the organization
16 to obtain, process, and keep; that the employer entrusts only
17 to managers and a select few employees; or that is stored in
18 secure repositories not accessible by the public or low-level
19 employees.

20 "State or national security information" means information
21 only offered to select employees because it may jeopardize the
22 security of the State or the nation if it were entrusted to the
23 general public.

24 "Trade secrets" means sensitive information regarding a
25 company's overall strategy or business plans. This does not
26 include general proprietary company information such as

1 handbooks, policies, or low-level strategies.

2 (Source: P.A. 96-1426, eff. 1-1-11.)

3 Section 1190. The Unemployment Insurance Act is amended by
4 changing Section 1900 as follows:

5 (820 ILCS 405/1900) (from Ch. 48, par. 640)

6 Sec. 1900. Disclosure of information.

7 A. Except as provided in this Section, information
8 obtained from any individual or employing unit during the
9 administration of this Act shall:

10 1. be confidential,

11 2. not be published or open to public inspection,

12 3. not be used in any court in any pending action or
13 proceeding,

14 4. not be admissible in evidence in any action or
15 proceeding other than one arising out of this Act.

16 B. No finding, determination, decision, ruling or order
17 (including any finding of fact, statement or conclusion made
18 therein) issued pursuant to this Act shall be admissible or
19 used in evidence in any action other than one arising out of
20 this Act, nor shall it be binding or conclusive except as
21 provided in this Act, nor shall it constitute res judicata,
22 regardless of whether the actions were between the same or
23 related parties or involved the same facts.

24 C. Any officer or employee of this State, any officer or

1 employee of any entity authorized to obtain information
2 pursuant to this Section, and any agent of this State or of
3 such entity who, except with authority of the Director under
4 this Section, shall disclose information shall be guilty of a
5 Class B misdemeanor and shall be disqualified from holding any
6 appointment or employment by the State.

7 D. An individual or his duly authorized agent may be
8 supplied with information from records only to the extent
9 necessary for the proper presentation of his claim for
10 benefits or with his existing or prospective rights to
11 benefits. Discretion to disclose this information belongs
12 solely to the Director and is not subject to a release or
13 waiver by the individual. Notwithstanding any other provision
14 to the contrary, an individual or his or her duly authorized
15 agent may be supplied with a statement of the amount of
16 benefits paid to the individual during the 18 months preceding
17 the date of his or her request.

18 E. An employing unit may be furnished with information,
19 only if deemed by the Director as necessary to enable it to
20 fully discharge its obligations or safeguard its rights under
21 the Act. Discretion to disclose this information belongs
22 solely to the Director and is not subject to a release or
23 waiver by the employing unit.

24 F. The Director may furnish any information that he may
25 deem proper to any public officer or public agency of this or
26 any other State or of the federal government dealing with:

- 1 1. the administration of relief,
- 2 2. public assistance,
- 3 3. unemployment compensation,
- 4 4. a system of public employment offices,
- 5 5. wages and hours of employment, or
- 6 6. a public works program.

7 The Director may make available to the Illinois Workers'
8 Compensation Commission information regarding employers for
9 the purpose of verifying the insurance coverage required under
10 the Workers' Compensation Act and Workers' Occupational
11 Diseases Act.

12 G. The Director may disclose information submitted by the
13 State or any of its political subdivisions, municipal
14 corporations, instrumentalities, or school or community
15 college districts, except for information which specifically
16 identifies an individual claimant.

17 H. The Director shall disclose only that information
18 required to be disclosed under Section 303 of the Social
19 Security Act, as amended, including:

20 1. any information required to be given the United
21 States Department of Labor under Section 303(a)(6); and

22 2. the making available upon request to any agency of
23 the United States charged with the administration of
24 public works or assistance through public employment, the
25 name, address, ordinary occupation and employment status
26 of each recipient of unemployment compensation, and a

1 statement of such recipient's right to further
2 compensation under such law as required by Section
3 303(a)(7); and

4 3. records to make available to the Railroad
5 Retirement Board as required by Section 303(c)(1); and

6 4. information that will assure reasonable cooperation
7 with every agency of the United States charged with the
8 administration of any unemployment compensation law as
9 required by Section 303(c)(2); and

10 5. information upon request and on a reimbursable
11 basis to the United States Department of Agriculture and
12 to any State food stamp agency concerning any information
13 required to be furnished by Section 303(d); and

14 6. any wage information upon request and on a
15 reimbursable basis to any State or local child support
16 enforcement agency required by Section 303(e); and

17 7. any information required under the income
18 eligibility and verification system as required by Section
19 303(f); and

20 8. information that might be useful in locating an
21 absent parent or that parent's employer, establishing
22 paternity or establishing, modifying, or enforcing child
23 support orders for the purpose of a child support
24 enforcement program under Title IV of the Social Security
25 Act upon the request of and on a reimbursable basis to the
26 public agency administering the Federal Parent Locator

1 Service as required by Section 303(h); and

2 9. information, upon request, to representatives of
3 any federal, State or local governmental public housing
4 agency with respect to individuals who have signed the
5 appropriate consent form approved by the Secretary of
6 Housing and Urban Development and who are applying for or
7 participating in any housing assistance program
8 administered by the United States Department of Housing
9 and Urban Development as required by Section 303(i).

10 I. The Director, upon the request of a public agency of
11 Illinois, of the federal government or of any other state
12 charged with the investigation or enforcement of Section 10-5
13 of the Criminal Code of 2012 (or a similar federal law or
14 similar law of another State), may furnish the public agency
15 information regarding the individual specified in the request
16 as to:

17 1. the current or most recent home address of the
18 individual, and

19 2. the names and addresses of the individual's
20 employers.

21 J. Nothing in this Section shall be deemed to interfere
22 with the disclosure of certain records as provided for in
23 Section 1706 or with the right to make available to the
24 Internal Revenue Service of the United States Department of
25 the Treasury, or the Department of Revenue of the State of
26 Illinois, information obtained under this Act.

1 K. The Department shall make available to the Illinois
2 Student Assistance Commission, upon request, information in
3 the possession of the Department that may be necessary or
4 useful to the Commission in the collection of defaulted or
5 delinquent student loans which the Commission administers.

6 L. The Department shall make available to the State
7 Employees' Retirement System, the State Universities
8 Retirement System, the Teachers' Retirement System of the
9 State of Illinois, and the Department of Central Management
10 Services, Risk Management Division, upon request, information
11 in the possession of the Department that may be necessary or
12 useful to the System or the Risk Management Division for the
13 purpose of determining whether any recipient of a disability
14 benefit from the System or a workers' compensation benefit
15 from the Risk Management Division is gainfully employed.

16 M. This Section shall be applicable to the information
17 obtained in the administration of the State employment
18 service, except that the Director may publish or release
19 general labor market information and may furnish information
20 that he may deem proper to an individual, public officer or
21 public agency of this or any other State or the federal
22 government (in addition to those public officers or public
23 agencies specified in this Section) as he prescribes by Rule.

24 N. The Director may require such safeguards as he deems
25 proper to insure that information disclosed pursuant to this
26 Section is used only for the purposes set forth in this

1 Section.

2 O. Nothing in this Section prohibits communication with an
3 individual or entity through unencrypted e-mail or other
4 unencrypted electronic means as long as the communication does
5 not contain the individual's or entity's name in combination
6 with any one or more of the individual's or entity's social
7 security number; driver's license or State identification
8 number; credit or debit card number; or any required security
9 code, access code, or password that would permit access to
10 further information pertaining to the individual or entity.

11 P. (Blank).

12 Q. The Director shall make available to an elected federal
13 official the name and address of an individual or entity that
14 is located within the jurisdiction from which the official was
15 elected and that, for the most recently completed calendar
16 year, has reported to the Department as paying wages to
17 workers, where the information will be used in connection with
18 the official duties of the official and the official requests
19 the information in writing, specifying the purposes for which
20 it will be used. For purposes of this subsection, the use of
21 information in connection with the official duties of an
22 official does not include use of the information in connection
23 with the solicitation of contributions or expenditures, in
24 money or in kind, to or on behalf of a candidate for public or
25 political office or a political party or with respect to a
26 public question, as defined in Section 1-3 of the Election

1 Code, or in connection with any commercial solicitation. Any
2 elected federal official who, in submitting a request for
3 information covered by this subsection, knowingly makes a
4 false statement or fails to disclose a material fact, with the
5 intent to obtain the information for a purpose not authorized
6 by this subsection, shall be guilty of a Class B misdemeanor.

7 R. The Director may provide to any State or local child
8 support agency, upon request and on a reimbursable basis,
9 information that might be useful in locating an absent parent
10 or that parent's employer, establishing paternity, or
11 establishing, modifying, or enforcing child support orders.

12 S. The Department shall make available to a State's
13 Attorney of this State or a State's Attorney's investigator,
14 upon request, the current address or, if the current address
15 is unavailable, current employer information, if available, of
16 a victim of a felony or a witness to a felony or a person
17 against whom an arrest warrant is outstanding.

18 T. The Director shall make available to the Illinois
19 ~~Department of~~ State Police, a county sheriff's office, or a
20 municipal police department, upon request, any information
21 concerning the current address and place of employment or
22 former places of employment of a person who is required to
23 register as a sex offender under the Sex Offender Registration
24 Act that may be useful in enforcing the registration
25 provisions of that Act.

26 U. The Director shall make information available to the

1 Department of Healthcare and Family Services and the
2 Department of Human Services for the purpose of determining
3 eligibility for public benefit programs authorized under the
4 Illinois Public Aid Code and related statutes administered by
5 those departments, for verifying sources and amounts of
6 income, and for other purposes directly connected with the
7 administration of those programs.

8 V. The Director shall make information available to the
9 State Board of Elections as may be required by an agreement the
10 State Board of Elections has entered into with a multi-state
11 voter registration list maintenance system.

12 W. The Director shall make information available to the
13 State Treasurer's office and the Department of Revenue for the
14 purpose of facilitating compliance with the Illinois Secure
15 Choice Savings Program Act, including employer contact
16 information for employers with 25 or more employees and any
17 other information the Director deems appropriate that is
18 directly related to the administration of this program.

19 X. The Director shall make information available, upon
20 request, to the Illinois Student Assistance Commission for the
21 purpose of determining eligibility for the adult vocational
22 community college scholarship program under Section 65.105 of
23 the Higher Education Student Assistance Act.

24 (Source: P.A. 100-484, eff. 9-8-17; 101-315, eff. 1-1-20.)

25 Section 9995. No acceleration or delay. Where this Act

1 makes changes in a statute that is represented in this Act by
2 text that is not yet or no longer in effect (for example, a
3 Section represented by multiple versions), the use of that
4 text does not accelerate or delay the taking effect of (i) the
5 changes made by this Act or (ii) provisions derived from any
6 other Public Act.

7 Section 9999. Effective date. This Act takes effect upon
8 becoming law.

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