

HB5501



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5501

Introduced 1/31/2022, by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2022 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB102 24698 AMC 33937 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2022 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive
9 change in the law. It reconciles conflicts that have arisen
10 from multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 101-652 through 102-691 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by
10 changing Section 4.37 as follows:

11 (5 ILCS 80/4.37)

12 (Text of Section before amendment by P.A. 102-683)

13 Sec. 4.37. Acts and Articles repealed on January 1, 2027.

14 The following are repealed on January 1, 2027:

15 The Clinical Psychologist Licensing Act.

16 The Illinois Optometric Practice Act of 1987.

17 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,

18 and XXXI 1/4, ~~and XXXI 3/4~~ of the Illinois Insurance Code.

19 The Boiler and Pressure Vessel Repairer Regulation Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Boxing and Full-contact Martial Arts Act.

22 The Cemetery Oversight Act.

23 The Community Association Manager Licensing and
24 Disciplinary Act.

1 The Detection of Deception Examiners Act.
2 The Home Inspector License Act.
3 The Massage Licensing Act.
4 The Medical Practice Act of 1987.
5 The Petroleum Equipment Contractors Licensing Act.
6 The Radiation Protection Act of 1990.
7 The Real Estate Appraiser Licensing Act of 2002.
8 The Registered Interior Designers Act.
9 The Landscape Architecture Registration Act.
10 The Water Well and Pump Installation Contractor's License
11 Act.

12 The Collateral Recovery Act.
13 (Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21;
14 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; revised
15 10-13-21.)

16 (Text of Section after amendment by P.A. 102-683)
17 Sec. 4.37. Acts and Articles repealed on January 1, 2027.

18 The following are repealed on January 1, 2027:

19 The Clinical Psychologist Licensing Act.
20 The Illinois Optometric Practice Act of 1987.
21 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,
22 and XXXI 1/4, ~~and XXXI 3/4~~ of the Illinois Insurance Code.
23 The Boiler and Pressure Vessel Repairer Regulation Act.
24 The Marriage and Family Therapy Licensing Act.
25 The Boxing and Full-contact Martial Arts Act.

1 The Cemetery Oversight Act.

2 The Community Association Manager Licensing and
3 Disciplinary Act.

4 The Detection of Deception Examiners Act.

5 The Home Inspector License Act.

6 The Massage Licensing Act.

7 The Medical Practice Act of 1987.

8 The Petroleum Equipment Contractors Licensing Act.

9 The Radiation Protection Act of 1990.

10 The Real Estate Appraiser Licensing Act of 2002.

11 The Registered Interior Designers Act.

12 The Landscape Architecture Registration Act.

13 The Water Well and Pump Installation Contractor's License
14 Act.

15 The Collateral Recovery Act.

16 The Licensed Certified Professional Midwife Practice Act.

17 (Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21;
18 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff.
19 10-1-22; revised 1-5-22.)

20 Section 10. The Illinois Administrative Procedure Act is
21 amended by changing Section 5-45 and by setting forth,
22 renumbering, and changing multiple versions of Sections 5-45.8
23 and 5-45.9 as follows:

24 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

1 Sec. 5-45. Emergency rulemaking.

2 (a) "Emergency" means the existence of any situation that
3 any agency finds reasonably constitutes a threat to the public
4 interest, safety, or welfare.

5 (b) If any agency finds that an emergency exists that
6 requires adoption of a rule upon fewer days than is required by
7 Section 5-40 and states in writing its reasons for that
8 finding, the agency may adopt an emergency rule without prior
9 notice or hearing upon filing a notice of emergency rulemaking
10 with the Secretary of State under Section 5-70. The notice
11 shall include the text of the emergency rule and shall be
12 published in the Illinois Register. Consent orders or other
13 court orders adopting settlements negotiated by an agency may
14 be adopted under this Section. Subject to applicable
15 constitutional or statutory provisions, an emergency rule
16 becomes effective immediately upon filing under Section 5-65
17 or at a stated date less than 10 days thereafter. The agency's
18 finding and a statement of the specific reasons for the
19 finding shall be filed with the rule. The agency shall take
20 reasonable and appropriate measures to make emergency rules
21 known to the persons who may be affected by them.

22 (c) An emergency rule may be effective for a period of not
23 longer than 150 days, but the agency's authority to adopt an
24 identical rule under Section 5-40 is not precluded. No
25 emergency rule may be adopted more than once in any 24-month
26 period, except that this limitation on the number of emergency

1 rules that may be adopted in a 24-month period does not apply
2 to (i) emergency rules that make additions to and deletions
3 from the Drug Manual under Section 5-5.16 of the Illinois
4 Public Aid Code or the generic drug formulary under Section
5 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
6 emergency rules adopted by the Pollution Control Board before
7 July 1, 1997 to implement portions of the Livestock Management
8 Facilities Act, (iii) emergency rules adopted by the Illinois
9 Department of Public Health under subsections (a) through (i)
10 of Section 2 of the Department of Public Health Act when
11 necessary to protect the public's health, (iv) emergency rules
12 adopted pursuant to subsection (n) of this Section, (v)
13 emergency rules adopted pursuant to subsection (o) of this
14 Section, or (vi) emergency rules adopted pursuant to
15 subsection (c-5) of this Section. Two or more emergency rules
16 having substantially the same purpose and effect shall be
17 deemed to be a single rule for purposes of this Section.

18 (c-5) To facilitate the maintenance of the program of
19 group health benefits provided to annuitants, survivors, and
20 retired employees under the State Employees Group Insurance
21 Act of 1971, rules to alter the contributions to be paid by the
22 State, annuitants, survivors, retired employees, or any
23 combination of those entities, for that program of group
24 health benefits, shall be adopted as emergency rules. The
25 adoption of those rules shall be considered an emergency and
26 necessary for the public interest, safety, and welfare.

1 (d) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 1999 budget,
3 emergency rules to implement any provision of Public Act
4 90-587 or 90-588 or any other budget initiative for fiscal
5 year 1999 may be adopted in accordance with this Section by the
6 agency charged with administering that provision or
7 initiative, except that the 24-month limitation on the
8 adoption of emergency rules and the provisions of Sections
9 5-115 and 5-125 do not apply to rules adopted under this
10 subsection (d). The adoption of emergency rules authorized by
11 this subsection (d) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (e) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 2000 budget,
15 emergency rules to implement any provision of Public Act 91-24
16 or any other budget initiative for fiscal year 2000 may be
17 adopted in accordance with this Section by the agency charged
18 with administering that provision or initiative, except that
19 the 24-month limitation on the adoption of emergency rules and
20 the provisions of Sections 5-115 and 5-125 do not apply to
21 rules adopted under this subsection (e). The adoption of
22 emergency rules authorized by this subsection (e) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (f) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2001 budget,

1 emergency rules to implement any provision of Public Act
2 91-712 or any other budget initiative for fiscal year 2001 may
3 be adopted in accordance with this Section by the agency
4 charged with administering that provision or initiative,
5 except that the 24-month limitation on the adoption of
6 emergency rules and the provisions of Sections 5-115 and 5-125
7 do not apply to rules adopted under this subsection (f). The
8 adoption of emergency rules authorized by this subsection (f)
9 shall be deemed to be necessary for the public interest,
10 safety, and welfare.

11 (g) In order to provide for the expeditious and timely
12 implementation of the State's fiscal year 2002 budget,
13 emergency rules to implement any provision of Public Act 92-10
14 or any other budget initiative for fiscal year 2002 may be
15 adopted in accordance with this Section by the agency charged
16 with administering that provision or initiative, except that
17 the 24-month limitation on the adoption of emergency rules and
18 the provisions of Sections 5-115 and 5-125 do not apply to
19 rules adopted under this subsection (g). The adoption of
20 emergency rules authorized by this subsection (g) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare.

23 (h) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 2003 budget,
25 emergency rules to implement any provision of Public Act
26 92-597 or any other budget initiative for fiscal year 2003 may

1 be adopted in accordance with this Section by the agency
2 charged with administering that provision or initiative,
3 except that the 24-month limitation on the adoption of
4 emergency rules and the provisions of Sections 5-115 and 5-125
5 do not apply to rules adopted under this subsection (h). The
6 adoption of emergency rules authorized by this subsection (h)
7 shall be deemed to be necessary for the public interest,
8 safety, and welfare.

9 (i) In order to provide for the expeditious and timely
10 implementation of the State's fiscal year 2004 budget,
11 emergency rules to implement any provision of Public Act 93-20
12 or any other budget initiative for fiscal year 2004 may be
13 adopted in accordance with this Section by the agency charged
14 with administering that provision or initiative, except that
15 the 24-month limitation on the adoption of emergency rules and
16 the provisions of Sections 5-115 and 5-125 do not apply to
17 rules adopted under this subsection (i). The adoption of
18 emergency rules authorized by this subsection (i) shall be
19 deemed to be necessary for the public interest, safety, and
20 welfare.

21 (j) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2005 budget as provided under the Fiscal Year 2005 Budget
24 Implementation (Human Services) Act, emergency rules to
25 implement any provision of the Fiscal Year 2005 Budget
26 Implementation (Human Services) Act may be adopted in

1 accordance with this Section by the agency charged with
2 administering that provision, except that the 24-month
3 limitation on the adoption of emergency rules and the
4 provisions of Sections 5-115 and 5-125 do not apply to rules
5 adopted under this subsection (j). The Department of Public
6 Aid may also adopt rules under this subsection (j) necessary
7 to administer the Illinois Public Aid Code and the Children's
8 Health Insurance Program Act. The adoption of emergency rules
9 authorized by this subsection (j) shall be deemed to be
10 necessary for the public interest, safety, and welfare.

11 (k) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2006 budget, emergency rules to implement any provision of
14 Public Act 94-48 or any other budget initiative for fiscal
15 year 2006 may be adopted in accordance with this Section by the
16 agency charged with administering that provision or
17 initiative, except that the 24-month limitation on the
18 adoption of emergency rules and the provisions of Sections
19 5-115 and 5-125 do not apply to rules adopted under this
20 subsection (k). The Department of Healthcare and Family
21 Services may also adopt rules under this subsection (k)
22 necessary to administer the Illinois Public Aid Code, the
23 Senior Citizens and Persons with Disabilities Property Tax
24 Relief Act, the Senior Citizens and Disabled Persons
25 Prescription Drug Discount Program Act (now the Illinois
26 Prescription Drug Discount Program Act), and the Children's

1 Health Insurance Program Act. The adoption of emergency rules
2 authorized by this subsection (k) shall be deemed to be
3 necessary for the public interest, safety, and welfare.

4 (l) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2007 budget, the Department of Healthcare and Family Services
7 may adopt emergency rules during fiscal year 2007, including
8 rules effective July 1, 2007, in accordance with this
9 subsection to the extent necessary to administer the
10 Department's responsibilities with respect to amendments to
11 the State plans and Illinois waivers approved by the federal
12 Centers for Medicare and Medicaid Services necessitated by the
13 requirements of Title XIX and Title XXI of the federal Social
14 Security Act. The adoption of emergency rules authorized by
15 this subsection (l) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (m) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2008 budget, the Department of Healthcare and Family Services
20 may adopt emergency rules during fiscal year 2008, including
21 rules effective July 1, 2008, in accordance with this
22 subsection to the extent necessary to administer the
23 Department's responsibilities with respect to amendments to
24 the State plans and Illinois waivers approved by the federal
25 Centers for Medicare and Medicaid Services necessitated by the
26 requirements of Title XIX and Title XXI of the federal Social

1 Security Act. The adoption of emergency rules authorized by
2 this subsection (m) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (n) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2010 budget, emergency rules to implement any provision of
7 Public Act 96-45 or any other budget initiative authorized by
8 the 96th General Assembly for fiscal year 2010 may be adopted
9 in accordance with this Section by the agency charged with
10 administering that provision or initiative. The adoption of
11 emergency rules authorized by this subsection (n) shall be
12 deemed to be necessary for the public interest, safety, and
13 welfare. The rulemaking authority granted in this subsection
14 (n) shall apply only to rules promulgated during Fiscal Year
15 2010.

16 (o) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2011 budget, emergency rules to implement any provision of
19 Public Act 96-958 or any other budget initiative authorized by
20 the 96th General Assembly for fiscal year 2011 may be adopted
21 in accordance with this Section by the agency charged with
22 administering that provision or initiative. The adoption of
23 emergency rules authorized by this subsection (o) is deemed to
24 be necessary for the public interest, safety, and welfare. The
25 rulemaking authority granted in this subsection (o) applies
26 only to rules promulgated on or after July 1, 2010 (the

1 effective date of Public Act 96-958) through June 30, 2011.

2 (p) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 97-689,
4 emergency rules to implement any provision of Public Act
5 97-689 may be adopted in accordance with this subsection (p)
6 by the agency charged with administering that provision or
7 initiative. The 150-day limitation of the effective period of
8 emergency rules does not apply to rules adopted under this
9 subsection (p), and the effective period may continue through
10 June 30, 2013. The 24-month limitation on the adoption of
11 emergency rules does not apply to rules adopted under this
12 subsection (p). The adoption of emergency rules authorized by
13 this subsection (p) is deemed to be necessary for the public
14 interest, safety, and welfare.

15 (q) In order to provide for the expeditious and timely
16 implementation of the provisions of Articles 7, 8, 9, 11, and
17 12 of Public Act 98-104, emergency rules to implement any
18 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
19 may be adopted in accordance with this subsection (q) by the
20 agency charged with administering that provision or
21 initiative. The 24-month limitation on the adoption of
22 emergency rules does not apply to rules adopted under this
23 subsection (q). The adoption of emergency rules authorized by
24 this subsection (q) is deemed to be necessary for the public
25 interest, safety, and welfare.

26 (r) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 98-651,
2 emergency rules to implement Public Act 98-651 may be adopted
3 in accordance with this subsection (r) by the Department of
4 Healthcare and Family Services. The 24-month limitation on the
5 adoption of emergency rules does not apply to rules adopted
6 under this subsection (r). The adoption of emergency rules
7 authorized by this subsection (r) is deemed to be necessary
8 for the public interest, safety, and welfare.

9 (s) In order to provide for the expeditious and timely
10 implementation of the provisions of Sections 5-5b.1 and 5A-2
11 of the Illinois Public Aid Code, emergency rules to implement
12 any provision of Section 5-5b.1 or Section 5A-2 of the
13 Illinois Public Aid Code may be adopted in accordance with
14 this subsection (s) by the Department of Healthcare and Family
15 Services. The rulemaking authority granted in this subsection
16 (s) shall apply only to those rules adopted prior to July 1,
17 2015. Notwithstanding any other provision of this Section, any
18 emergency rule adopted under this subsection (s) shall only
19 apply to payments made for State fiscal year 2015. The
20 adoption of emergency rules authorized by this subsection (s)
21 is deemed to be necessary for the public interest, safety, and
22 welfare.

23 (t) In order to provide for the expeditious and timely
24 implementation of the provisions of Article II of Public Act
25 99-6, emergency rules to implement the changes made by Article
26 II of Public Act 99-6 to the Emergency Telephone System Act may

1 be adopted in accordance with this subsection (t) by the
2 Department of State Police. The rulemaking authority granted
3 in this subsection (t) shall apply only to those rules adopted
4 prior to July 1, 2016. The 24-month limitation on the adoption
5 of emergency rules does not apply to rules adopted under this
6 subsection (t). The adoption of emergency rules authorized by
7 this subsection (t) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (u) In order to provide for the expeditious and timely
10 implementation of the provisions of the Burn Victims Relief
11 Act, emergency rules to implement any provision of the Act may
12 be adopted in accordance with this subsection (u) by the
13 Department of Insurance. The rulemaking authority granted in
14 this subsection (u) shall apply only to those rules adopted
15 prior to December 31, 2015. The adoption of emergency rules
16 authorized by this subsection (u) is deemed to be necessary
17 for the public interest, safety, and welfare.

18 (v) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 99-516,
20 emergency rules to implement Public Act 99-516 may be adopted
21 in accordance with this subsection (v) by the Department of
22 Healthcare and Family Services. The 24-month limitation on the
23 adoption of emergency rules does not apply to rules adopted
24 under this subsection (v). The adoption of emergency rules
25 authorized by this subsection (v) is deemed to be necessary
26 for the public interest, safety, and welfare.

1 (w) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 99-796,
3 emergency rules to implement the changes made by Public Act
4 99-796 may be adopted in accordance with this subsection (w)
5 by the Adjutant General. The adoption of emergency rules
6 authorized by this subsection (w) is deemed to be necessary
7 for the public interest, safety, and welfare.

8 (x) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 99-906,
10 emergency rules to implement subsection (i) of Section
11 16-115D, subsection (g) of Section 16-128A, and subsection (a)
12 of Section 16-128B of the Public Utilities Act may be adopted
13 in accordance with this subsection (x) by the Illinois
14 Commerce Commission. The rulemaking authority granted in this
15 subsection (x) shall apply only to those rules adopted within
16 180 days after June 1, 2017 (the effective date of Public Act
17 99-906). The adoption of emergency rules authorized by this
18 subsection (x) is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (y) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 100-23,
22 emergency rules to implement the changes made by Public Act
23 100-23 to Section 4.02 of the Illinois Act on the Aging,
24 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
25 Section 55-30 of the Alcoholism and Other Drug Abuse and
26 Dependency Act, and Sections 74 and 75 of the Mental Health and

1 Developmental Disabilities Administrative Act may be adopted
2 in accordance with this subsection (y) by the respective
3 Department. The adoption of emergency rules authorized by this
4 subsection (y) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (z) In order to provide for the expeditious and timely
7 implementation of the provisions of Public Act 100-554,
8 emergency rules to implement the changes made by Public Act
9 100-554 to Section 4.7 of the Lobbyist Registration Act may be
10 adopted in accordance with this subsection (z) by the
11 Secretary of State. The adoption of emergency rules authorized
12 by this subsection (z) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (aa) In order to provide for the expeditious and timely
15 initial implementation of the changes made to Articles 5, 5A,
16 12, and 14 of the Illinois Public Aid Code under the provisions
17 of Public Act 100-581, the Department of Healthcare and Family
18 Services may adopt emergency rules in accordance with this
19 subsection (aa). The 24-month limitation on the adoption of
20 emergency rules does not apply to rules to initially implement
21 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
22 Public Aid Code adopted under this subsection (aa). The
23 adoption of emergency rules authorized by this subsection (aa)
24 is deemed to be necessary for the public interest, safety, and
25 welfare.

26 (bb) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 100-587,
2 emergency rules to implement the changes made by Public Act
3 100-587 to Section 4.02 of the Illinois Act on the Aging,
4 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
5 subsection (b) of Section 55-30 of the Alcoholism and Other
6 Drug Abuse and Dependency Act, Section 5-104 of the
7 Specialized Mental Health Rehabilitation Act of 2013, and
8 Section 75 and subsection (b) of Section 74 of the Mental
9 Health and Developmental Disabilities Administrative Act may
10 be adopted in accordance with this subsection (bb) by the
11 respective Department. The adoption of emergency rules
12 authorized by this subsection (bb) is deemed to be necessary
13 for the public interest, safety, and welfare.

14 (cc) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 100-587,
16 emergency rules may be adopted in accordance with this
17 subsection (cc) to implement the changes made by Public Act
18 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
19 Pension Code by the Board created under Article 14 of the Code;
20 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
21 the Board created under Article 15 of the Code; and Sections
22 16-190.5 and 16-190.6 of the Illinois Pension Code by the
23 Board created under Article 16 of the Code. The adoption of
24 emergency rules authorized by this subsection (cc) is deemed
25 to be necessary for the public interest, safety, and welfare.

26 (dd) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 100-864,
2 emergency rules to implement the changes made by Public Act
3 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
4 may be adopted in accordance with this subsection (dd) by the
5 Secretary of State. The adoption of emergency rules authorized
6 by this subsection (dd) is deemed to be necessary for the
7 public interest, safety, and welfare.

8 (ee) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 100-1172,
10 emergency rules implementing the Illinois Underground Natural
11 Gas Storage Safety Act may be adopted in accordance with this
12 subsection by the Department of Natural Resources. The
13 adoption of emergency rules authorized by this subsection is
14 deemed to be necessary for the public interest, safety, and
15 welfare.

16 (ff) In order to provide for the expeditious and timely
17 initial implementation of the changes made to Articles 5A and
18 14 of the Illinois Public Aid Code under the provisions of
19 Public Act 100-1181, the Department of Healthcare and Family
20 Services may on a one-time-only basis adopt emergency rules in
21 accordance with this subsection (ff). The 24-month limitation
22 on the adoption of emergency rules does not apply to rules to
23 initially implement the changes made to Articles 5A and 14 of
24 the Illinois Public Aid Code adopted under this subsection
25 (ff). The adoption of emergency rules authorized by this
26 subsection (ff) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (gg) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 101-1,
4 emergency rules may be adopted by the Department of Labor in
5 accordance with this subsection (gg) to implement the changes
6 made by Public Act 101-1 to the Minimum Wage Law. The adoption
7 of emergency rules authorized by this subsection (gg) is
8 deemed to be necessary for the public interest, safety, and
9 welfare.

10 (hh) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 101-10,
12 emergency rules may be adopted in accordance with this
13 subsection (hh) to implement the changes made by Public Act
14 101-10 to subsection (j) of Section 5-5.2 of the Illinois
15 Public Aid Code. The adoption of emergency rules authorized by
16 this subsection (hh) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (ii) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 101-10,
20 emergency rules to implement the changes made by Public Act
21 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid
22 Code may be adopted in accordance with this subsection (ii) by
23 the Department of Public Health. The adoption of emergency
24 rules authorized by this subsection (ii) is deemed to be
25 necessary for the public interest, safety, and welfare.

26 (jj) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 101-10,
2 emergency rules to implement the changes made by Public Act
3 101-10 to Section 74 of the Mental Health and Developmental
4 Disabilities Administrative Act may be adopted in accordance
5 with this subsection (jj) by the Department of Human Services.
6 The adoption of emergency rules authorized by this subsection
7 (jj) is deemed to be necessary for the public interest,
8 safety, and welfare.

9 (kk) In order to provide for the expeditious and timely
10 implementation of the Cannabis Regulation and Tax Act, Public
11 Act 101-27, and Public Act 102-98 ~~this amendatory Act of the~~
12 ~~102nd General Assembly~~, the Department of Revenue, the
13 Department of Public Health, the Department of Agriculture,
14 the Department of State Police, and the Department of
15 Financial and Professional Regulation may adopt emergency
16 rules in accordance with this subsection (kk). The rulemaking
17 authority granted in this subsection (kk) shall apply only to
18 rules adopted before December 31, 2021. Notwithstanding the
19 provisions of subsection (c), emergency rules adopted under
20 this subsection (kk) shall be effective for 180 days. The
21 adoption of emergency rules authorized by this subsection (kk)
22 is deemed to be necessary for the public interest, safety, and
23 welfare.

24 (ll) In order to provide for the expeditious and timely
25 implementation of the provisions of the Leveling the Playing
26 Field for Illinois Retail Act, emergency rules may be adopted

1 in accordance with this subsection (ll) to implement the
2 changes made by the Leveling the Playing Field for Illinois
3 Retail Act. The adoption of emergency rules authorized by this
4 subsection (ll) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (mm) In order to provide for the expeditious and timely
7 implementation of the provisions of Section 25-70 of the
8 Sports Wagering Act, emergency rules to implement Section
9 25-70 of the Sports Wagering Act may be adopted in accordance
10 with this subsection (mm) by the Department of the Lottery as
11 provided in the Sports Wagering Act. The adoption of emergency
12 rules authorized by this subsection (mm) is deemed to be
13 necessary for the public interest, safety, and welfare.

14 (nn) In order to provide for the expeditious and timely
15 implementation of the Sports Wagering Act, emergency rules to
16 implement the Sports Wagering Act may be adopted in accordance
17 with this subsection (nn) by the Illinois Gaming Board. The
18 adoption of emergency rules authorized by this subsection (nn)
19 is deemed to be necessary for the public interest, safety, and
20 welfare.

21 (oo) In order to provide for the expeditious and timely
22 implementation of the provisions of subsection (c) of Section
23 20 of the Video Gaming Act, emergency rules to implement the
24 provisions of subsection (c) of Section 20 of the Video Gaming
25 Act may be adopted in accordance with this subsection (oo) by
26 the Illinois Gaming Board. The adoption of emergency rules

1 authorized by this subsection (oo) is deemed to be necessary
2 for the public interest, safety, and welfare.

3 (pp) In order to provide for the expeditious and timely
4 implementation of the provisions of Section 50 of the Sexual
5 Assault Evidence Submission Act, emergency rules to implement
6 Section 50 of the Sexual Assault Evidence Submission Act may
7 be adopted in accordance with this subsection (pp) by the
8 Department of State Police. The adoption of emergency rules
9 authorized by this subsection (pp) is deemed to be necessary
10 for the public interest, safety, and welfare.

11 (qq) In order to provide for the expeditious and timely
12 implementation of the provisions of the Illinois Works Jobs
13 Program Act, emergency rules may be adopted in accordance with
14 this subsection (qq) to implement the Illinois Works Jobs
15 Program Act. The adoption of emergency rules authorized by
16 this subsection (qq) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (rr) In order to provide for the expeditious and timely
19 implementation of the provisions of subsection (c) of Section
20 2-3.130 of the School Code, emergency rules to implement
21 subsection (c) of Section 2-3.130 of the School Code may be
22 adopted in accordance with this subsection (rr) by the State
23 Board of Education. The adoption of emergency rules authorized
24 by this subsection (rr) is deemed to be necessary for the
25 public interest, safety, and welfare.

26 (Source: P.A. 101-1, eff. 2-19-19; 101-10, Article 20, Section

1 20-5, eff. 6-5-19; 101-10, Article 35, Section 35-5, eff.
2 6-5-19; 101-27, eff. 6-25-19; 101-31, Article 15, Section
3 15-5, eff. 6-28-19; 101-31, Article 25, Section 25-900, eff.
4 6-28-19; 101-31, Article 35, Section 35-3, eff. 6-28-19;
5 101-377, eff. 8-16-19; 101-601, eff. 12-10-19; 102-98, eff.
6 7-15-21; 102-339, eff. 8-13-21; revised 10-6-21.)

7 (5 ILCS 100/5-45.8)

8 (Section scheduled to be repealed on June 17, 2022)

9 Sec. 5-45.8. Emergency rulemaking; federal American Rescue
10 Plan Act of 2021. To provide for the expeditious and timely
11 implementation of the distribution of federal Coronavirus
12 Local Fiscal Recovery Fund moneys to eligible units of local
13 government in accordance with the Section 9901 of the federal
14 American Rescue Plan Act of 2021, emergency rules may be
15 adopted by any State agency authorized thereunder to so
16 implement the distribution. The adoption of emergency rules
17 authorized by Section 5-45 and this Section is deemed to be
18 necessary for the public interest, safety, and welfare.

19 This Section is repealed June 17, 2022 (one year after the
20 effective date of Public Act 102-16) ~~this amendatory Act of~~
21 ~~the 102nd General Assembly.~~

22 (Source: P.A. 102-16, eff. 6-17-21; revised 10-22-21.)

23 (5 ILCS 100/5-45.9)

24 (Section scheduled to be repealed on June 17, 2022)

1 Sec. 5-45.9. Emergency rulemaking; Illinois Public Aid
2 Code. To provide for the expeditious and timely implementation
3 of the changes made to Articles 5 and 12 of the Illinois Public
4 Aid Code by Public Act 102-16 ~~this amendatory Act of the 102nd~~
5 ~~General Assembly~~, emergency rules implementing the changes
6 made to Articles 5 and 12 of the Illinois Public Aid Code by
7 Public Act 102-16 ~~this amendatory Act of the 102nd General~~
8 ~~Assembly~~ may be adopted in accordance with Section 5-45 by the
9 Department of Healthcare and Family Services or other
10 department essential to the implementation of the changes. The
11 adoption of emergency rules authorized by Section 5-45 and
12 this Section is deemed to be necessary for the public
13 interest, safety, and welfare.

14 This Section is repealed June 17, 2022 (one year after the
15 effective date of Public Act 102-16) ~~this amendatory Act of~~
16 ~~the 102nd General Assembly~~.

17 (Source: P.A. 102-16, eff. 6-17-21; revised 10-25-21.)

18 (5 ILCS 100/5-45.15)

19 Sec. 5-45.15 ~~5-45.8~~. (Repealed).

20 (Source: P.A. 102-39, eff. 6-25-21; revised 1-5-22. Repealed
21 internally, eff. 1-1-22.)

22 (5 ILCS 100/5-45.16)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 5-45.16 ~~5-45.8~~. Emergency rulemaking; Medicaid

1 eligibility expansion. To provide for the expeditious and
2 timely implementation of the changes made to paragraph 6 of
3 Section 5-2 of the Illinois Public Aid Code by Public Act
4 102-43 ~~this amendatory Act of the 102nd General Assembly,~~
5 emergency rules implementing the changes made to paragraph 6
6 of Section 5-2 of the Illinois Public Aid Code by Public Act
7 102-43 ~~this amendatory Act of the 102nd General Assembly~~ may
8 be adopted in accordance with Section 5-45 by the Department
9 of Healthcare and Family Services. The adoption of emergency
10 rules authorized by Section 5-45 and this Section is deemed to
11 be necessary for the public interest, safety, and welfare.

12 This Section is repealed on January 1, 2027.

13 (Source: P.A. 102-43, eff. 7-6-21; revised 10-22-21.)

14 (5 ILCS 100/5-45.17)

15 Sec. 5-45.17 ~~5-45.8~~. (Repealed).

16 (Source: P.A. 102-104, eff. 7-22-21; revised 1-5-22. Repealed
17 internally, eff. 1-1-22.)

18 (5 ILCS 100/5-45.18)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 5-45.18 ~~5-45.8~~. Emergency rulemaking; Nursing Home
21 Care Act. To provide for the expeditious and timely
22 implementation of Public Act 102-640 ~~this amendatory Act of~~
23 ~~the 102nd General Assembly,~~ emergency rules implementing
24 Section 3-102.3 of the Nursing Home Care Act may be adopted in

1 accordance with Section 5-45 by the Department of Public
2 Health. The adoption of emergency rules authorized by Section
3 5-45 and this Section is deemed to be necessary for the public
4 interest, safety, and welfare.

5 This Section is repealed on January 1, 2027.

6 (Source: P.A. 102-640, eff. 8-27-21; revised 10-22-21.)

7 (5 ILCS 100/5-45.19)

8 (Section scheduled to be repealed on September 15, 2022)

9 Sec. 5-45.19 ~~5-45.9~~. Emergency rulemaking; Multi-Year
10 Integrated Grid Plans. To provide for the expeditious and
11 timely implementation of Section 16-105.17 of the Public
12 Utilities Act, emergency rules implementing Section 16-105.17
13 of the Public Utilities Act may be adopted in accordance with
14 Section 5-45 by the Illinois Commerce Commission. The adoption
15 of emergency rules authorized by Section 5-45 and this Section
16 is deemed to be necessary for the public interest, safety, and
17 welfare.

18 This Section is repealed September 15, 2022 (one year
19 after the effective date of Public Act 102-662) ~~this~~
20 ~~amendatory Act of the 102nd General Assembly.~~

21 (Source: P.A. 102-662, eff. 9-15-21; revised 10-25-21.)

22 Section 15. The Open Meetings Act is amended by changing
23 Section 2 as follows:

1 (5 ILCS 120/2) (from Ch. 102, par. 42)

2 Sec. 2. Open meetings.

3 (a) Openness required. All meetings of public bodies shall
4 be open to the public unless excepted in subsection (c) and
5 closed in accordance with Section 2a.

6 (b) Construction of exceptions. The exceptions contained
7 in subsection (c) are in derogation of the requirement that
8 public bodies meet in the open, and therefore, the exceptions
9 are to be strictly construed, extending only to subjects
10 clearly within their scope. The exceptions authorize but do
11 not require the holding of a closed meeting to discuss a
12 subject included within an enumerated exception.

13 (c) Exceptions. A public body may hold closed meetings to
14 consider the following subjects:

15 (1) The appointment, employment, compensation,
16 discipline, performance, or dismissal of specific
17 employees, specific individuals who serve as independent
18 contractors in a park, recreational, or educational
19 setting, or specific volunteers of the public body or
20 legal counsel for the public body, including hearing
21 testimony on a complaint lodged against an employee, a
22 specific individual who serves as an independent
23 contractor in a park, recreational, or educational
24 setting, or a volunteer of the public body or against
25 legal counsel for the public body to determine its
26 validity. However, a meeting to consider an increase in

1 compensation to a specific employee of a public body that
2 is subject to the Local Government Wage Increase
3 Transparency Act may not be closed and shall be open to the
4 public and posted and held in accordance with this Act.

5 (2) Collective negotiating matters between the public
6 body and its employees or their representatives, or
7 deliberations concerning salary schedules for one or more
8 classes of employees.

9 (3) The selection of a person to fill a public office,
10 as defined in this Act, including a vacancy in a public
11 office, when the public body is given power to appoint
12 under law or ordinance, or the discipline, performance or
13 removal of the occupant of a public office, when the
14 public body is given power to remove the occupant under
15 law or ordinance.

16 (4) Evidence or testimony presented in open hearing,
17 or in closed hearing where specifically authorized by law,
18 to a quasi-adjudicative body, as defined in this Act,
19 provided that the body prepares and makes available for
20 public inspection a written decision setting forth its
21 determinative reasoning.

22 (5) The purchase or lease of real property for the use
23 of the public body, including meetings held for the
24 purpose of discussing whether a particular parcel should
25 be acquired.

26 (6) The setting of a price for sale or lease of

1 property owned by the public body.

2 (7) The sale or purchase of securities, investments,
3 or investment contracts. This exception shall not apply to
4 the investment of assets or income of funds deposited into
5 the Illinois Prepaid Tuition Trust Fund.

6 (8) Security procedures, school building safety and
7 security, and the use of personnel and equipment to
8 respond to an actual, a threatened, or a reasonably
9 potential danger to the safety of employees, students,
10 staff, the public, or public property.

11 (9) Student disciplinary cases.

12 (10) The placement of individual students in special
13 education programs and other matters relating to
14 individual students.

15 (11) Litigation, when an action against, affecting or
16 on behalf of the particular public body has been filed and
17 is pending before a court or administrative tribunal, or
18 when the public body finds that an action is probable or
19 imminent, in which case the basis for the finding shall be
20 recorded and entered into the minutes of the closed
21 meeting.

22 (12) The establishment of reserves or settlement of
23 claims as provided in the Local Governmental and
24 Governmental Employees Tort Immunity Act, if otherwise the
25 disposition of a claim or potential claim might be
26 prejudiced, or the review or discussion of claims, loss or

1 risk management information, records, data, advice or
2 communications from or with respect to any insurer of the
3 public body or any intergovernmental risk management
4 association or self insurance pool of which the public
5 body is a member.

6 (13) Conciliation of complaints of discrimination in
7 the sale or rental of housing, when closed meetings are
8 authorized by the law or ordinance prescribing fair
9 housing practices and creating a commission or
10 administrative agency for their enforcement.

11 (14) Informant sources, the hiring or assignment of
12 undercover personnel or equipment, or ongoing, prior or
13 future criminal investigations, when discussed by a public
14 body with criminal investigatory responsibilities.

15 (15) Professional ethics or performance when
16 considered by an advisory body appointed to advise a
17 licensing or regulatory agency on matters germane to the
18 advisory body's field of competence.

19 (16) Self evaluation, practices and procedures or
20 professional ethics, when meeting with a representative of
21 a statewide association of which the public body is a
22 member.

23 (17) The recruitment, credentialing, discipline or
24 formal peer review of physicians or other health care
25 professionals, or for the discussion of matters protected
26 under the federal Patient Safety and Quality Improvement

1 Act of 2005, and the regulations promulgated thereunder,
2 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
3 Health Insurance Portability and Accountability Act of
4 1996, and the regulations promulgated thereunder,
5 including 45 C.F.R. Parts 160, 162, and 164, by a
6 hospital, or other institution providing medical care,
7 that is operated by the public body.

8 (18) Deliberations for decisions of the Prisoner
9 Review Board.

10 (19) Review or discussion of applications received
11 under the Experimental Organ Transplantation Procedures
12 Act.

13 (20) The classification and discussion of matters
14 classified as confidential or continued confidential by
15 the State Government Suggestion Award Board.

16 (21) Discussion of minutes of meetings lawfully closed
17 under this Act, whether for purposes of approval by the
18 body of the minutes or semi-annual review of the minutes
19 as mandated by Section 2.06.

20 (22) Deliberations for decisions of the State
21 Emergency Medical Services Disciplinary Review Board.

22 (23) The operation by a municipality of a municipal
23 utility or the operation of a municipal power agency or
24 municipal natural gas agency when the discussion involves
25 (i) contracts relating to the purchase, sale, or delivery
26 of electricity or natural gas or (ii) the results or

1 conclusions of load forecast studies.

2 (24) Meetings of a residential health care facility
3 resident sexual assault and death review team or the
4 Executive Council under the Abuse Prevention Review Team
5 Act.

6 (25) Meetings of an independent team of experts under
7 Brian's Law.

8 (26) Meetings of a mortality review team appointed
9 under the Department of Juvenile Justice Mortality Review
10 Team Act.

11 (27) (Blank).

12 (28) Correspondence and records (i) that may not be
13 disclosed under Section 11-9 of the Illinois Public Aid
14 Code or (ii) that pertain to appeals under Section 11-8 of
15 the Illinois Public Aid Code.

16 (29) Meetings between internal or external auditors
17 and governmental audit committees, finance committees, and
18 their equivalents, when the discussion involves internal
19 control weaknesses, identification of potential fraud risk
20 areas, known or suspected frauds, and fraud interviews
21 conducted in accordance with generally accepted auditing
22 standards of the United States of America.

23 (30) Those meetings or portions of meetings of a
24 fatality review team or the Illinois Fatality Review Team
25 Advisory Council during which a review of the death of an
26 eligible adult in which abuse or neglect is suspected,

1 alleged, or substantiated is conducted pursuant to Section
2 15 of the Adult Protective Services Act.

3 (31) Meetings and deliberations for decisions of the
4 Concealed Carry Licensing Review Board under the Firearm
5 Concealed Carry Act.

6 (32) Meetings between the Regional Transportation
7 Authority Board and its Service Boards when the discussion
8 involves review by the Regional Transportation Authority
9 Board of employment contracts under Section 28d of the
10 Metropolitan Transit Authority Act and Sections 3A.18 and
11 3B.26 of the Regional Transportation Authority Act.

12 (33) Those meetings or portions of meetings of the
13 advisory committee and peer review subcommittee created
14 under Section 320 of the Illinois Controlled Substances
15 Act during which specific controlled substance prescriber,
16 dispenser, or patient information is discussed.

17 (34) Meetings of the Tax Increment Financing Reform
18 Task Force under Section 2505-800 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois.

20 (35) Meetings of the group established to discuss
21 Medicaid capitation rates under Section 5-30.8 of the
22 Illinois Public Aid Code.

23 (36) Those deliberations or portions of deliberations
24 for decisions of the Illinois Gaming Board in which there
25 is discussed any of the following: (i) personal,
26 commercial, financial, or other information obtained from

1 any source that is privileged, proprietary, confidential,
2 or a trade secret; or (ii) information specifically
3 exempted from the disclosure by federal or State law.

4 (37) Deliberations for decisions of the Illinois Law
5 Enforcement Training Standards Board, the Certification
6 Review Panel, and the Illinois State Police Merit Board
7 regarding certification and decertification.

8 (38) Meetings of the Ad Hoc Statewide Domestic
9 Violence Fatality Review Committee of the Illinois
10 Criminal Justice Information Authority Board that occur in
11 closed executive session under subsection (d) of Section
12 35 of the Domestic Violence Fatality Review Act.

13 (39) Meetings of the regional review teams under
14 subsection (a) of Section 75 of the Domestic Violence
15 Fatality Review Act.

16 (40) ~~(38)~~ Meetings of the Firearm Owner's
17 Identification Card Review Board under Section 10 of the
18 Firearm Owners Identification Card Act.

19 (d) Definitions. For purposes of this Section:

20 "Employee" means a person employed by a public body whose
21 relationship with the public body constitutes an
22 employer-employee relationship under the usual common law
23 rules, and who is not an independent contractor.

24 "Public office" means a position created by or under the
25 Constitution or laws of this State, the occupant of which is
26 charged with the exercise of some portion of the sovereign

1 power of this State. The term "public office" shall include
2 members of the public body, but it shall not include
3 organizational positions filled by members thereof, whether
4 established by law or by a public body itself, that exist to
5 assist the body in the conduct of its business.

6 "Quasi-adjudicative body" means an administrative body
7 charged by law or ordinance with the responsibility to conduct
8 hearings, receive evidence or testimony and make
9 determinations based thereon, but does not include local
10 electoral boards when such bodies are considering petition
11 challenges.

12 (e) Final action. No final action may be taken at a closed
13 meeting. Final action shall be preceded by a public recital of
14 the nature of the matter being considered and other
15 information that will inform the public of the business being
16 conducted.

17 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
18 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
19 8-20-21; 102-558, eff. 8-20-21; revised 10-6-21.)

20 Section 20. The Freedom of Information Act is amended by
21 changing Section 7.5 as follows:

22 (5 ILCS 140/7.5)

23 Sec. 7.5. Statutory exemptions. To the extent provided for
24 by the statutes referenced below, the following shall be

1 exempt from inspection and copying:

2 (a) All information determined to be confidential
3 under Section 4002 of the Technology Advancement and
4 Development Act.

5 (b) Library circulation and order records identifying
6 library users with specific materials under the Library
7 Records Confidentiality Act.

8 (c) Applications, related documents, and medical
9 records received by the Experimental Organ Transplantation
10 Procedures Board and any and all documents or other
11 records prepared by the Experimental Organ Transplantation
12 Procedures Board or its staff relating to applications it
13 has received.

14 (d) Information and records held by the Department of
15 Public Health and its authorized representatives relating
16 to known or suspected cases of sexually transmissible
17 disease or any information the disclosure of which is
18 restricted under the Illinois Sexually Transmissible
19 Disease Control Act.

20 (e) Information the disclosure of which is exempted
21 under Section 30 of the Radon Industry Licensing Act.

22 (f) Firm performance evaluations under Section 55 of
23 the Architectural, Engineering, and Land Surveying
24 Qualifications Based Selection Act.

25 (g) Information the disclosure of which is restricted
26 and exempted under Section 50 of the Illinois Prepaid

1 Tuition Act.

2 (h) Information the disclosure of which is exempted
3 under the State Officials and Employees Ethics Act, and
4 records of any lawfully created State or local inspector
5 general's office that would be exempt if created or
6 obtained by an Executive Inspector General's office under
7 that Act.

8 (i) Information contained in a local emergency energy
9 plan submitted to a municipality in accordance with a
10 local emergency energy plan ordinance that is adopted
11 under Section 11-21.5-5 of the Illinois Municipal Code.

12 (j) Information and data concerning the distribution
13 of surcharge moneys collected and remitted by carriers
14 under the Emergency Telephone System Act.

15 (k) Law enforcement officer identification information
16 or driver identification information compiled by a law
17 enforcement agency or the Department of Transportation
18 under Section 11-212 of the Illinois Vehicle Code.

19 (l) Records and information provided to a residential
20 health care facility resident sexual assault and death
21 review team or the Executive Council under the Abuse
22 Prevention Review Team Act.

23 (m) Information provided to the predatory lending
24 database created pursuant to Article 3 of the Residential
25 Real Property Disclosure Act, except to the extent
26 authorized under that Article.

1 (n) Defense budgets and petitions for certification of
2 compensation and expenses for court appointed trial
3 counsel as provided under Sections 10 and 15 of the
4 Capital Crimes Litigation Act. This subsection (n) shall
5 apply until the conclusion of the trial of the case, even
6 if the prosecution chooses not to pursue the death penalty
7 prior to trial or sentencing.

8 (o) Information that is prohibited from being
9 disclosed under Section 4 of the Illinois Health and
10 Hazardous Substances Registry Act.

11 (p) Security portions of system safety program plans,
12 investigation reports, surveys, schedules, lists, data, or
13 information compiled, collected, or prepared by or for the
14 Department of Transportation under Sections 2705-300 and
15 2705-616 of the Department of Transportation Law of the
16 Civil Administrative Code of Illinois, the Regional
17 Transportation Authority under Section 2.11 of the
18 Regional Transportation Authority Act, or the St. Clair
19 County Transit District under the Bi-State Transit Safety
20 Act.

21 (q) Information prohibited from being disclosed by the
22 Personnel Record Review Act.

23 (r) Information prohibited from being disclosed by the
24 Illinois School Student Records Act.

25 (s) Information the disclosure of which is restricted
26 under Section 5-108 of the Public Utilities Act.

1 (t) All identified or deidentified health information
2 in the form of health data or medical records contained
3 in, stored in, submitted to, transferred by, or released
4 from the Illinois Health Information Exchange, and
5 identified or deidentified health information in the form
6 of health data and medical records of the Illinois Health
7 Information Exchange in the possession of the Illinois
8 Health Information Exchange Office due to its
9 administration of the Illinois Health Information
10 Exchange. The terms "identified" and "deidentified" shall
11 be given the same meaning as in the Health Insurance
12 Portability and Accountability Act of 1996, Public Law
13 104-191, or any subsequent amendments thereto, and any
14 regulations promulgated thereunder.

15 (u) Records and information provided to an independent
16 team of experts under the Developmental Disability and
17 Mental Health Safety Act (also known as Brian's Law).

18 (v) Names and information of people who have applied
19 for or received Firearm Owner's Identification Cards under
20 the Firearm Owners Identification Card Act or applied for
21 or received a concealed carry license under the Firearm
22 Concealed Carry Act, unless otherwise authorized by the
23 Firearm Concealed Carry Act; and databases under the
24 Firearm Concealed Carry Act, records of the Concealed
25 Carry Licensing Review Board under the Firearm Concealed
26 Carry Act, and law enforcement agency objections under the

1 Firearm Concealed Carry Act.

2 (v-5) Records of the Firearm Owner's Identification
3 Card Review Board that are exempted from disclosure under
4 Section 10 of the Firearm Owners Identification Card Act.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of
17 an eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from
26 disclosure by the Juvenile Court Act of 1987.

1 (cc) Recordings made under the Law Enforcement
2 Officer-Worn Body Camera Act, except to the extent
3 authorized under that Act.

4 (dd) Information that is prohibited from being
5 disclosed under Section 45 of the Condominium and Common
6 Interest Community Ombudsperson Act.

7 (ee) Information that is exempted from disclosure
8 under Section 30.1 of the Pharmacy Practice Act.

9 (ff) Information that is exempted from disclosure
10 under the Revised Uniform Unclaimed Property Act.

11 (gg) Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) Information which is exempted from disclosure
17 under Section 2505-800 of the Department of Revenue Law of
18 the Civil Administrative Code of Illinois.

19 (jj) Information and reports that are required to be
20 submitted to the Department of Labor by registering day
21 and temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) Information prohibited from disclosure under the
25 Seizure and Forfeiture Reporting Act.

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

3 (mm) Records that are exempt from disclosure under
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) Information that is exempt from disclosure under
6 Section 70 of the Higher Education Student Assistance Act.

7 (oo) Communications, notes, records, and reports
8 arising out of a peer support counseling session
9 prohibited from disclosure under the First Responders
10 Suicide Prevention Act.

11 (pp) Names and all identifying information relating to
12 an employee of an emergency services provider or law
13 enforcement agency under the First Responders Suicide
14 Prevention Act.

15 (qq) Information and records held by the Department of
16 Public Health and its authorized representatives collected
17 under the Reproductive Health Act.

18 (rr) Information that is exempt from disclosure under
19 the Cannabis Regulation and Tax Act.

20 (ss) Data reported by an employer to the Department of
21 Human Rights pursuant to Section 2-108 of the Illinois
22 Human Rights Act.

23 (tt) Recordings made under the Children's Advocacy
24 Center Act, except to the extent authorized under that
25 Act.

26 (uu) Information that is exempt from disclosure under

1 Section 50 of the Sexual Assault Evidence Submission Act.

2 (vv) Information that is exempt from disclosure under
3 subsections (f) and (j) of Section 5-36 of the Illinois
4 Public Aid Code.

5 (ww) Information that is exempt from disclosure under
6 Section 16.8 of the State Treasurer Act.

7 (xx) Information that is exempt from disclosure or
8 information that shall not be made public under the
9 Illinois Insurance Code.

10 (yy) Information prohibited from being disclosed under
11 the Illinois Educational Labor Relations Act.

12 (zz) Information prohibited from being disclosed under
13 the Illinois Public Labor Relations Act.

14 (aaa) Information prohibited from being disclosed
15 under Section 1-167 of the Illinois Pension Code.

16 (bbb) ~~(ccc)~~ Information that is prohibited from
17 disclosure by the Illinois Police Training Act and the
18 Illinois State Police Act.

19 (ccc) ~~(ddd)~~ Records exempt from disclosure under
20 Section 2605-304 of the Illinois ~~Department of~~ State
21 Police Law of the Civil Administrative Code of Illinois.

22 (ddd) ~~(bbb)~~ Information prohibited from being
23 disclosed under Section 35 of the Address Confidentiality
24 for Victims of Domestic Violence, Sexual Assault, Human
25 Trafficking, or Stalking Act.

26 (eee) ~~(ddd)~~ Information prohibited from being

1 disclosed under subsection (b) of Section 75 of the
2 Domestic Violence Fatality Review Act.

3 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
4 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
5 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
6 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
7 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
8 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
9 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
10 102-559, eff. 8-20-21; revised 10-5-21.)

11 Section 25. The Illinois Public Labor Relations Act is
12 amended by changing Sections 3, 9, and 10 as follows:

13 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

20 (b) "Collective bargaining" means bargaining over terms
21 and conditions of employment, including hours, wages, and
22 other conditions of employment, as detailed in Section 7 and
23 which are not excluded by Section 4.

24 (c) "Confidential employee" means an employee who, in the

1 regular course of his or her duties, assists and acts in a
2 confidential capacity to persons who formulate, determine, and
3 effectuate management policies with regard to labor relations
4 or who, in the regular course of his or her duties, has
5 authorized access to information relating to the effectuation
6 or review of the employer's collective bargaining policies.
7 Determinations of confidential employee status shall be based
8 on actual employee job duties and not solely on written job
9 descriptions.

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

12 (e) "Essential services employees" means those public
13 employees performing functions so essential that the
14 interruption or termination of the function will constitute a
15 clear and present danger to the health and safety of the
16 persons in the affected community.

17 (f) "Exclusive representative", except with respect to
18 non-State fire fighters and paramedics employed by fire
19 departments and fire protection districts, non-State peace
20 officers, and peace officers in the Illinois State Police,
21 means the labor organization that has been (i) designated by
22 the Board as the representative of a majority of public
23 employees in an appropriate bargaining unit in accordance with
24 the procedures contained in this Act; ~~and~~ (ii) historically
25 recognized by the State of Illinois or any political
26 subdivision of the State before July 1, 1984 (the effective

1 date of this Act) as the exclusive representative of the
2 employees in an appropriate bargaining unit; ~~17~~ (iii) after July
3 1, 1984 (the effective date of this Act) recognized by an
4 employer upon evidence, acceptable to the Board, that the
5 labor organization has been designated as the exclusive
6 representative by a majority of the employees in an
7 appropriate bargaining unit; (iv) recognized as the exclusive
8 representative of personal assistants under Executive Order
9 2003-8 prior to July 16, 2003 (the effective date of Public Act
10 93-204) ~~this amendatory Act of the 93rd General Assembly~~, and
11 the organization shall be considered to be the exclusive
12 representative of the personal assistants as defined in this
13 Section; or (v) recognized as the exclusive representative of
14 child and day care home providers, including licensed and
15 license exempt providers, pursuant to an election held under
16 Executive Order 2005-1 prior to January 1, 2006 (the effective
17 date of Public Act 94-320) ~~this amendatory Act of the 94th~~
18 ~~General Assembly~~, and the organization shall be considered to
19 be the exclusive representative of the child and day care home
20 providers as defined in this Section.

21 With respect to non-State fire fighters and paramedics
22 employed by fire departments and fire protection districts,
23 non-State peace officers, and peace officers in the Illinois
24 State Police, "exclusive representative" means the labor
25 organization that has been (i) designated by the Board as the
26 representative of a majority of peace officers or fire

1 fighters in an appropriate bargaining unit in accordance with
2 the procedures contained in this Act, (ii) historically
3 recognized by the State of Illinois or any political
4 subdivision of the State before January 1, 1986 (the effective
5 date of this amendatory Act of 1985) as the exclusive
6 representative by a majority of the peace officers or fire
7 fighters in an appropriate bargaining unit, or (iii) after
8 January 1, 1986 (the effective date of this amendatory Act of
9 1985) recognized by an employer upon evidence, acceptable to
10 the Board, that the labor organization has been designated as
11 the exclusive representative by a majority of the peace
12 officers or fire fighters in an appropriate bargaining unit.

13 Where a historical pattern of representation exists for
14 the workers of a water system that was owned by a public
15 utility, as defined in Section 3-105 of the Public Utilities
16 Act, prior to becoming certified employees of a municipality
17 or municipalities once the municipality or municipalities have
18 acquired the water system as authorized in Section 11-124-5 of
19 the Illinois Municipal Code, the Board shall find the labor
20 organization that has historically represented the workers to
21 be the exclusive representative under this Act, and shall find
22 the unit represented by the exclusive representative to be the
23 appropriate unit.

24 (g) "Fair share agreement" means an agreement between the
25 employer and an employee organization under which all or any
26 of the employees in a collective bargaining unit are required

1 to pay their proportionate share of the costs of the
2 collective bargaining process, contract administration, and
3 pursuing matters affecting wages, hours, and other conditions
4 of employment, but not to exceed the amount of dues uniformly
5 required of members. The amount certified by the exclusive
6 representative shall not include any fees for contributions
7 related to the election or support of any candidate for
8 political office. Nothing in this subsection (g) shall
9 preclude an employee from making voluntary political
10 contributions in conjunction with his or her fair share
11 payment.

12 (g-1) "Fire fighter" means, for the purposes of this Act
13 only, any person who has been or is hereafter appointed to a
14 fire department or fire protection district or employed by a
15 state university and sworn or commissioned to perform fire
16 fighter duties or paramedic duties, including paramedics
17 employed by a unit of local government, except that the
18 following persons are not included: part-time fire fighters,
19 auxiliary, reserve or voluntary fire fighters, including paid
20 on-call fire fighters, clerks and dispatchers or other
21 civilian employees of a fire department or fire protection
22 district who are not routinely expected to perform fire
23 fighter duties, or elected officials.

24 (g-2) "General Assembly of the State of Illinois" means
25 the legislative branch of the government of the State of
26 Illinois, as provided for under Article IV of the Constitution

1 of the State of Illinois, and includes, but is not limited to,
2 the House of Representatives, the Senate, the Speaker of the
3 House of Representatives, the Minority Leader of the House of
4 Representatives, the President of the Senate, the Minority
5 Leader of the Senate, the Joint Committee on Legislative
6 Support Services, and any legislative support services agency
7 listed in the Legislative Commission Reorganization Act of
8 1984.

9 (h) "Governing body" means, in the case of the State, the
10 State Panel of the Illinois Labor Relations Board, the
11 Director of the Department of Central Management Services, and
12 the Director of the Department of Labor; the county board in
13 the case of a county; the corporate authorities in the case of
14 a municipality; and the appropriate body authorized to provide
15 for expenditures of its funds in the case of any other unit of
16 government.

17 (i) "Labor organization" means any organization in which
18 public employees participate and that exists for the purpose,
19 in whole or in part, of dealing with a public employer
20 concerning wages, hours, and other terms and conditions of
21 employment, including the settlement of grievances.

22 (i-5) "Legislative liaison" means a person who is an
23 employee of a State agency, the Attorney General, the
24 Secretary of State, the Comptroller, or the Treasurer, as the
25 case may be, and whose job duties require the person to
26 regularly communicate in the course of his or her employment

1 with any official or staff of the General Assembly of the State
2 of Illinois for the purpose of influencing any legislative
3 action.

4 (j) "Managerial employee" means an individual who is
5 engaged predominantly in executive and management functions
6 and is charged with the responsibility of directing the
7 effectuation of management policies and practices.
8 Determination of managerial employee status shall be based on
9 actual employee job duties and not solely on written job
10 descriptions. With respect only to State employees in
11 positions under the jurisdiction of the Attorney General,
12 Secretary of State, Comptroller, or Treasurer (i) that were
13 certified in a bargaining unit on or after December 2, 2008,
14 (ii) for which a petition is filed with the Illinois Public
15 Labor Relations Board on or after April 5, 2013 (the effective
16 date of Public Act 97-1172), or (iii) for which a petition is
17 pending before the Illinois Public Labor Relations Board on
18 that date, "managerial employee" means an individual who is
19 engaged in executive and management functions or who is
20 charged with the effectuation of management policies and
21 practices or who represents management interests by taking or
22 recommending discretionary actions that effectively control or
23 implement policy. Nothing in this definition prohibits an
24 individual from also meeting the definition of "supervisor"
25 under subsection (r) of this Section.

26 (k) "Peace officer" means, for the purposes of this Act

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

18 (1) "Person" includes one or more individuals, labor
19 organizations, public employees, associations, corporations,
20 legal representatives, trustees, trustees in bankruptcy,
21 receivers, or the State of Illinois or any political
22 subdivision of the State or governing body, but does not
23 include the General Assembly of the State of Illinois or any
24 individual employed by the General Assembly of the State of
25 Illinois.

26 (m) "Professional employee" means any employee engaged in

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

18 (n) "Public employee" or "employee", for the purposes of
19 this Act, means any individual employed by a public employer,
20 including (i) interns and residents at public hospitals, (ii)
21 as of July 16, 2003 (the effective date of Public Act 93-204)
22 ~~this amendatory Act of the 93rd General Assembly~~, but not
23 before, personal assistants working under the Home Services
24 Program under Section 3 of the Rehabilitation of Persons with
25 Disabilities Act, subject to the limitations set forth in this
26 Act and in the Rehabilitation of Persons with Disabilities

1 Act, (iii) as of January 1, 2006 (the effective date of Public
2 Act 94-320) ~~this amendatory Act of the 94th General Assembly,~~
3 but not before, child and day care home providers
4 participating in the child care assistance program under
5 Section 9A-11 of the Illinois Public Aid Code, subject to the
6 limitations set forth in this Act and in Section 9A-11 of the
7 Illinois Public Aid Code, (iv) as of January 29, 2013 (the
8 effective date of Public Act 97-1158), but not before except
9 as otherwise provided in this subsection (n), home care and
10 home health workers who function as personal assistants and
11 individual maintenance home health workers and who also work
12 under the Home Services Program under Section 3 of the
13 Rehabilitation of Persons with Disabilities Act, no matter
14 whether the State provides those services through direct
15 fee-for-service arrangements, with the assistance of a managed
16 care organization or other intermediary, or otherwise, (v)
17 beginning on July 19, 2013 (the effective date of Public Act
18 98-100) ~~this amendatory Act of the 98th General Assembly~~ and
19 notwithstanding any other provision of this Act, any person
20 employed by a public employer and who is classified as or who
21 holds the employment title of Chief Stationary Engineer,
22 Assistant Chief Stationary Engineer, Sewage Plant Operator,
23 Water Plant Operator, Stationary Engineer, Plant Operating
24 Engineer, and any other employee who holds the position of:
25 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
26 Technical Manager I, Technical Manager II, Technical Manager

1 III, Technical Manager IV, Technical Manager V, Technical
2 Manager VI, Realty Specialist III, Realty Specialist IV,
3 Realty Specialist V, Technical Advisor I, Technical Advisor
4 II, Technical Advisor III, Technical Advisor IV, or Technical
5 Advisor V employed by the Department of Transportation who is
6 in a position which is certified in a bargaining unit on or
7 before July 19, 2013 (the effective date of Public Act 98-100)
8 ~~this amendatory Act of the 98th General Assembly~~, and (vi)
9 beginning on July 19, 2013 (the effective date of Public Act
10 98-100) ~~this amendatory Act of the 98th General Assembly~~ and
11 notwithstanding any other provision of this Act, any mental
12 health administrator in the Department of Corrections who is
13 classified as or who holds the position of Public Service
14 Administrator (Option 8K), any employee of the Office of the
15 Inspector General in the Department of Human Services who is
16 classified as or who holds the position of Public Service
17 Administrator (Option 7), any Deputy of Intelligence in the
18 Department of Corrections who is classified as or who holds
19 the position of Public Service Administrator (Option 7), and
20 any employee of the Illinois State Police who handles issues
21 concerning the Illinois State Police Sex Offender Registry and
22 who is classified as or holds the position of Public Service
23 Administrator (Option 7), but excluding all of the following:
24 employees of the General Assembly of the State of Illinois;
25 elected officials; executive heads of a department; members of
26 boards or commissions; the Executive Inspectors General; any

1 special Executive Inspectors General; employees of each Office
2 of an Executive Inspector General; commissioners and employees
3 of the Executive Ethics Commission; the Auditor General's
4 Inspector General; employees of the Office of the Auditor
5 General's Inspector General; the Legislative Inspector
6 General; any special Legislative Inspectors General; employees
7 of the Office of the Legislative Inspector General;
8 commissioners and employees of the Legislative Ethics
9 Commission; employees of any agency, board or commission
10 created by this Act; employees appointed to State positions of
11 a temporary or emergency nature; all employees of school
12 districts and higher education institutions except
13 firefighters and peace officers employed by a state university
14 and except peace officers employed by a school district in its
15 own police department in existence on July 23, 2010 (the
16 effective date of Public Act 96-1257) ~~this amendatory Act of~~
17 ~~the 96th General Assembly~~; managerial employees; short-term
18 employees; legislative liaisons; a person who is a State
19 employee under the jurisdiction of the Office of the Attorney
20 General who is licensed to practice law or whose position
21 authorizes, either directly or indirectly, meaningful input
22 into government decision-making on issues where there is room
23 for principled disagreement on goals or their implementation;
24 a person who is a State employee under the jurisdiction of the
25 Office of the Comptroller who holds the position of Public
26 Service Administrator or whose position is otherwise exempt

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

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

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

24 Child and day care home providers shall not be considered
25 public employees for any purposes not specifically provided
26 for in Public Act 94-320 ~~this amendatory Act of the 94th~~

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

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

10 (o) Except as otherwise in subsection (o-5), "public
11 employer" or "employer" means the State of Illinois; any
12 political subdivision of the State, unit of local government
13 or school district; authorities including departments,
14 divisions, bureaus, boards, commissions, or other agencies of
15 the foregoing entities; and any person acting within the scope
16 of his or her authority, express or implied, on behalf of those
17 entities in dealing with its employees. As of July 16, 2003
18 ~~(the effective date of Public Act 93-204) the amendatory Act~~
19 ~~of the 93rd General Assembly~~, but not before, the State of
20 Illinois shall be considered the employer of the personal
21 assistants working under the Home Services Program under
22 Section 3 of the Rehabilitation of Persons with Disabilities
23 Act, subject to the limitations set forth in this Act and in
24 the Rehabilitation of Persons with Disabilities Act. As of
25 January 29, 2013 (the effective date of Public Act 97-1158),
26 but not before except as otherwise provided in this subsection

1 (o), the State shall be considered the employer of home care
2 and home health workers who function as personal assistants
3 and individual maintenance home health workers and who also
4 work under the Home Services Program under Section 3 of the
5 Rehabilitation of Persons with Disabilities Act, no matter
6 whether the State provides those services through direct
7 fee-for-service arrangements, with the assistance of a managed
8 care organization or other intermediary, or otherwise, but
9 subject to the limitations set forth in this Act and the
10 Rehabilitation of Persons with Disabilities Act. The State
11 shall not be considered to be the employer of home care and
12 home health workers who function as personal assistants and
13 individual maintenance home health workers and who also work
14 under the Home Services Program under Section 3 of the
15 Rehabilitation of Persons with Disabilities Act, for any
16 purposes not specifically provided for in Public Act 93-204 or
17 Public Act 97-1158, including but not limited to, purposes of
18 vicarious liability in tort and purposes of statutory
19 retirement or health insurance benefits. Home care and home
20 health workers who function as personal assistants and
21 individual maintenance home health workers and who also work
22 under the Home Services Program under Section 3 of the
23 Rehabilitation of Persons with Disabilities Act shall not be
24 covered by the State Employees Group Insurance Act of 1971. As
25 of January 1, 2006 (the effective date of Public Act 94-320)
26 ~~this amendatory Act of the 94th General Assembly~~ but not

1 before, the State of Illinois shall be considered the employer
2 of the day and child care home providers participating in the
3 child care assistance program under Section 9A-11 of the
4 Illinois Public Aid Code, subject to the limitations set forth
5 in this Act and in Section 9A-11 of the Illinois Public Aid
6 Code. The State shall not be considered to be the employer of
7 child and day care home providers for any purposes not
8 specifically provided for in Public Act 94-320 ~~this amendatory~~
9 ~~Act of the 94th General Assembly~~, including, but not limited
10 to, purposes of vicarious liability in tort and purposes of
11 statutory retirement or health insurance benefits. Child and
12 day care home providers shall not be covered by the State
13 Employees Group Insurance Act of 1971.

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

1 with respect to a school district in the employment of peace
2 officers in its own police department in existence on July 23,
3 2010 (the effective date of Public Act 96-1257) ~~this~~
4 ~~amendatory Act of the 96th General Assembly~~. County boards and
5 county sheriffs shall be designated as joint or co-employers
6 of county peace officers appointed under the authority of a
7 county sheriff. Nothing in this subsection (o) shall be
8 construed to prevent the State Panel or the Local Panel from
9 determining that employers are joint or co-employers.

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

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

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

24 (3) For court reporters employed by all other judicial
25 circuits, a group consisting of the chief judges of those
26 circuits, acting jointly by majority vote, is the public

1 employer and employer representative.

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

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

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

20 (r) "Supervisor" is:

21 (1) An employee whose principal work is substantially
22 different from that of his or her subordinates and who has
23 authority, in the interest of the employer, to hire,
24 transfer, suspend, lay off, recall, promote, discharge,
25 direct, reward, or discipline employees, to adjust their
26 grievances, or to effectively recommend any of those

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

23 Notwithstanding the provisions of the preceding
24 paragraph, in determining supervisory status in fire
25 fighter employment, no fire fighter shall be excluded as a
26 supervisor who has established representation rights under

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

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

26 (s)(1) "Unit" means a class of jobs or positions that are

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

1 than such sworn peace officers upon the effective date of this
2 amendatory Act of 1990 or upon the expiration date of any
3 collective bargaining agreement in effect upon the effective
4 date of this amendatory Act of 1990 covering both such sworn
5 peace officers and other employees.

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

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

20 (t) "Active petition for certification in a bargaining
21 unit" means a petition for certification filed with the Board
22 under one of the following case numbers: S-RC-11-110;
23 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
24 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
25 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
26 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;

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

11 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
12 revised 10-13-21.)

13 (5 ILCS 315/9) (from Ch. 48, par. 1609)

14 Sec. 9. Elections; recognition.

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

17 (1) by a public employee or group of public employees
18 or any labor organization acting in their behalf
19 demonstrating that 30% of the public employees in an
20 appropriate unit (A) wish to be represented for the
21 purposes of collective bargaining by a labor organization
22 as exclusive representative, or (B) asserting that the
23 labor organization which has been certified or is
24 currently recognized by the public employer as bargaining
25 representative is no longer the representative of the

1 majority of public employees in the unit; or

2 (2) by a public employer alleging that one or more
3 labor organizations have presented to it a claim that they
4 be recognized as the representative of a majority of the
5 public employees in an appropriate unit, the Board shall
6 investigate such petition, and if it has reasonable cause
7 to believe that a question of representation exists, shall
8 provide for an appropriate hearing upon due notice. Such
9 hearing shall be held at the offices of the Board or such
10 other location as the Board deems appropriate. If it finds
11 upon the record of the hearing that a question of
12 representation exists, it shall direct an election in
13 accordance with subsection (d) of this Section, which
14 election shall be held not later than 120 days after the
15 date the petition was filed regardless of whether that
16 petition was filed before or after July 1, 1988 (the
17 effective date of Public Act 85-924) ~~this amendatory Act~~
18 ~~of 1987~~; provided, however, the Board may extend the time
19 for holding an election by an additional 60 days if, upon
20 motion by a person who has filed a petition under this
21 Section or is the subject of a petition filed under this
22 Section and is a party to such hearing, or upon the Board's
23 own motion, the Board finds that good cause has been shown
24 for extending the election date; provided further, that
25 nothing in this Section shall prohibit the Board, in its
26 discretion, from extending the time for holding an

1 election for so long as may be necessary under the
2 circumstances, where the purpose for such extension is to
3 permit resolution by the Board of an unfair labor practice
4 charge filed by one of the parties to a representational
5 proceeding against the other based upon conduct which may
6 either affect the existence of a question concerning
7 representation or have a tendency to interfere with a fair
8 and free election, where the party filing the charge has
9 not filed a request to proceed with the election; and
10 provided further that prior to the expiration of the total
11 time allotted for holding an election, a person who has
12 filed a petition under this Section or is the subject of a
13 petition filed under this Section and is a party to such
14 hearing or the Board, may move for and obtain the entry of
15 an order in the circuit court of the county in which the
16 majority of the public employees sought to be represented
17 by such person reside, such order extending the date upon
18 which the election shall be held. Such order shall be
19 issued by the circuit court only upon a judicial finding
20 that there has been a sufficient showing that there is
21 good cause to extend the election date beyond such period
22 and shall require the Board to hold the election as soon as
23 is feasible given the totality of the circumstances. Such
24 120-day ~~120-day~~ period may be extended one or more times by
25 the agreement of all parties to the hearing to a date
26 certain without the necessity of obtaining a court order.

1 The showing of interest in support of a petition filed
2 under paragraph (1) of this subsection (a) may be
3 evidenced by electronic communications, and such writing
4 or communication may be evidenced by the electronic
5 signature of the employee as provided under Section 5-120
6 of the Electronic Commerce Security Act. The showing of
7 interest shall be valid only if signed within 12 months
8 prior to the filing of the petition. Nothing in this
9 Section prohibits the waiving of hearings by stipulation
10 for the purpose of a consent election in conformity with
11 the rules and regulations of the Board or an election in a
12 unit agreed upon by the parties. Other interested employee
13 organizations may intervene in the proceedings in the
14 manner and within the time period specified by rules and
15 regulations of the Board. Interested parties who are
16 necessary to the proceedings may also intervene in the
17 proceedings in the manner and within the time period
18 specified by the rules and 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. The showing of
2 interest in support of a petition filed under this subsection
3 (a-5) may be evidenced by electronic communications, and such
4 writing or communication may be evidenced by the electronic
5 signature of the employee as provided under Section 5-120 of
6 the Electronic Commerce Security Act. The showing of interest
7 shall be valid only if signed within 12 months prior to the
8 filing of the petition. All evidence submitted by an employee
9 organization to the Board to ascertain an employee's choice of
10 an employee organization is confidential and shall not be
11 submitted to the employer for review. The Board shall
12 ascertain the employee's choice of employee organization
13 within 120 days after the filing of the majority interest
14 petition; however, the Board may extend time by an additional
15 60 days, upon its own motion or upon the motion of a party to
16 the proceeding. If either party provides to the Board, before
17 the designation of a representative, clear and convincing
18 evidence that the dues deduction authorizations, and other
19 evidence upon which the Board would otherwise rely to
20 ascertain the employees' choice of representative, are
21 fraudulent or were obtained through coercion, the Board shall
22 promptly thereafter conduct an election. The Board shall also
23 investigate and consider a party's allegations that the dues
24 deduction authorizations and other evidence submitted in
25 support of a designation of representative without an election
26 were subsequently changed, altered, withdrawn, or withheld as

1 a result of employer fraud, coercion, or any other unfair
2 labor practice by the employer. If the Board determines that a
3 labor organization would have had a majority interest but for
4 an employer's fraud, coercion, or unfair labor practice, it
5 shall designate the labor organization as an exclusive
6 representative without conducting an election. If a hearing is
7 necessary to resolve any issues of representation under this
8 Section, the Board shall conclude its hearing process and
9 issue a certification of the entire appropriate unit not later
10 than 120 days after the date the petition was filed. The
11 120-day period may be extended one or more times by the
12 agreement of all parties to a hearing to a date certain.

13 (a-6) A labor organization or an employer may file a unit
14 clarification petition seeking to clarify an existing
15 bargaining unit. Unit clarification petitions may be filed if:
16 (1) substantial changes occur in the duties and functions of
17 an existing job title, raising an issue as to the title's unit
18 placement; (2) an existing job title that is logically
19 encompassed within the existing unit was inadvertently
20 excluded by the parties at the time the unit was established;
21 (3) a newly created job title is logically encompassed within
22 an existing unit; (4) a significant change takes place in
23 statutory or case law that affects the bargaining rights of
24 employees; (5) a determination needs to be made as to the unit
25 placement of positions in dispute following a majority
26 interest certification of representative issued under

1 subsection (a-5); (6) a determination needs to be made as to
2 the unit placement of positions in dispute following a
3 certification of representative issued following a direction
4 of election under subsection (d); (7) the parties have agreed
5 to eliminate a position or title because the employer no
6 longer uses it; (8) the parties have agreed to exclude some of
7 the positions in a title or classification from a bargaining
8 unit and include others; or (9) as prescribed in rules set by
9 the Board. 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 Police, a single bargaining
5 unit determined by the Board may not include both supervisors
6 and nonsupervisors, except for bargaining units in existence
7 on the effective date of this Act. With respect to non-State
8 fire fighters and paramedics employed by fire departments and
9 fire protection districts, non-State peace officers and peace
10 officers in the Illinois State Police, a single bargaining
11 unit determined by the Board may not include both supervisors
12 and nonsupervisors, except for bargaining units in existence
13 on January 1, 1986 (the effective date of Public Act 84-1104)
14 ~~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). Such a secret ballot election may be
20 conducted electronically, using an electronic voting system,
21 in addition to paper ballot voting systems. Within 7 days
22 after the Board issues its bargaining unit determination and
23 direction of election or the execution of a stipulation for
24 the purpose of a consent election, the public employer shall
25 submit to the labor organization the complete names and
26 addresses of those employees who are determined by the Board

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

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

1 Board as exclusive representative of all public employees in
2 the unit.

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

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

24 (h) No election shall be directed by the Board in any
25 bargaining unit where there is in force a valid collective
26 bargaining agreement. The Board, however, may process an

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

11 (i) An order of the Board dismissing a representation
12 petition, determining and certifying that a labor organization
13 has been fairly and freely chosen by a majority of employees in
14 an appropriate bargaining unit, determining and certifying
15 that a labor organization has not been fairly and freely
16 chosen by a majority of employees in the bargaining unit or
17 certifying a labor organization as the exclusive
18 representative of employees in an appropriate bargaining unit
19 because of a determination by the Board that the labor
20 organization is the historical bargaining representative of
21 employees in the bargaining unit, is a final order. Any person
22 aggrieved by any such order issued on or after July 1, 1988
23 (the effective date of Public Act 85-924) ~~this amendatory Act~~
24 ~~of 1987~~ may apply for and obtain judicial review in accordance
25 with provisions of the Administrative Review Law, as now or
26 hereafter amended, except that such review shall be afforded

1 directly in the Appellate Court for the district in which the
2 aggrieved party resides or transacts business. 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 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
7 102-596, eff. 8-27-21; revised 10-15-21.)

8 (5 ILCS 315/10) (from Ch. 48, par. 1610)

9 Sec. 10. Unfair labor practices.

10 (a) It shall be an unfair labor practice for an employer or
11 its agents:

12 (1) to interfere with, restrain, or coerce public
13 employees in the exercise of the rights guaranteed in this
14 Act or to dominate or interfere with the formation,
15 existence or administration of any labor organization or
16 contribute financial or other support to it; provided, an
17 employer shall not be prohibited from permitting employees
18 to confer with him during working hours without loss of
19 time or pay;

20 (2) to discriminate in regard to hire or tenure of
21 employment or any term or condition of employment in order
22 to encourage or discourage membership in or other support
23 for any labor organization. Nothing in this Act or any
24 other law precludes a public employer from making an
25 agreement with a labor organization to require as a

1 condition of employment the payment of a fair share under
2 paragraph (e) of Section 6;

3 (3) to discharge or otherwise discriminate against a
4 public employee because he has signed or filed an
5 affidavit, petition, l or charge or provided any information
6 or testimony under this Act;

7 (4) to refuse to bargain collectively in good faith
8 with a labor organization which is the exclusive
9 representative of public employees in an appropriate unit,
10 including, but not limited to, the discussing of
11 grievances with the exclusive representative;

12 (5) to violate any of the rules and regulations
13 established by the Board with jurisdiction over them
14 relating to the conduct of representation elections or the
15 conduct affecting the representation elections;

16 (6) to expend or cause the expenditure of public funds
17 to any external agent, individual, firm, agency,
18 partnership, l or association in any attempt to influence
19 the outcome of representational elections held pursuant to
20 Section 9 of this Act; provided, 7 that nothing in this
21 subsection shall be construed to limit an employer's right
22 to internally communicate with its employees as provided
23 in subsection (c) of this Section, to be represented on
24 any matter pertaining to unit determinations, unfair labor
25 practice charges or pre-election conferences in any formal
26 or informal proceeding before the Board, or to seek or

1 obtain advice from legal counsel. Nothing in this
2 paragraph shall be construed to prohibit an employer from
3 expending or causing the expenditure of public funds on,
4 or seeking or obtaining services or advice from, any
5 organization, group, or association established by and
6 including public or educational employers, whether covered
7 by this Act, the Illinois Educational Labor Relations Act
8 or the public employment labor relations law of any other
9 state or the federal government, provided that such
10 services or advice are generally available to the
11 membership of the organization, group or association, and
12 are not offered solely in an attempt to influence the
13 outcome of a particular representational election;

14 (7) to refuse to reduce a collective bargaining
15 agreement to writing or to refuse to sign such agreement;

16 (8) to interfere with, restrain, coerce, deter, or
17 discourage public employees or applicants to be public
18 employees from: (i) becoming or remaining members of a
19 labor organization; (ii) authorizing representation by a
20 labor organization; or (iii) authorizing dues or fee
21 deductions to a labor organization, nor shall the employer
22 intentionally permit outside third parties to use its
23 email or other communication systems to engage in that
24 conduct. An employer's good faith implementation of a
25 policy to block the use of its email or other
26 communication systems for such purposes shall be a defense

1 to an unfair labor practice;

2 (9) to disclose to any person or entity information
3 set forth in subsection (c-5) of Section 6 of this Act that
4 the employer knows or should know will be used to
5 interfere with, restrain, coerce, deter, or discourage any
6 public employee from: (i) becoming or remaining members of
7 a labor organization, (ii) authorizing representation by a
8 labor organization, or (iii) authorizing dues or fee
9 deductions to a labor organization; or

10 (10) to promise, threaten, or take any action: (i) to
11 permanently replace an employee who participates in a
12 lawful strike as provided under Section 17; (ii) to
13 discriminate against an employee who is working or has
14 unconditionally offered to return to work for the employer
15 because the employee supported or participated in such a
16 lawful strike; or (iii) to lock out ~~lockout~~, suspend, or
17 otherwise withhold employment from employees in order to
18 influence the position of such employees or the
19 representative of such employees in collective bargaining
20 prior to a lawful strike.

21 (b) It shall be an unfair labor practice for a labor
22 organization or its agents:

23 (1) to restrain or coerce public employees in the
24 exercise of the rights guaranteed in this Act, provided,
25 (i) that this paragraph shall not impair the right of a
26 labor organization to prescribe its own rules with respect

1 to the acquisition or retention of membership therein or
2 the determination of fair share payments and (ii) that a
3 labor organization or its agents shall commit an unfair
4 labor practice under this paragraph in duty of fair
5 representation cases only by intentional misconduct in
6 representing employees under this Act;

7 (2) to restrain or coerce a public employer in the
8 selection of his representatives for the purposes of
9 collective bargaining or the settlement of grievances; or

10 (3) to cause, or attempt to cause, an employer to
11 discriminate against an employee in violation of
12 subsection (a)(2);

13 (4) to refuse to bargain collectively in good faith
14 with a public employer, if it has been designated in
15 accordance with the provisions of this Act as the
16 exclusive representative of public employees in an
17 appropriate unit;

18 (5) to violate any of the rules and regulations
19 established by the boards with jurisdiction over them
20 relating to the conduct of representation elections or the
21 conduct affecting the representation elections;

22 (6) to discriminate against any employee because he
23 has signed or filed an affidavit, petition, or charge or
24 provided any information or testimony under this Act;

25 (7) to picket or cause to be picketed, or threaten to
26 picket or cause to be picketed, any public employer where

1 an object thereof is forcing or requiring an employer to
2 recognize or bargain with a labor organization of the
3 representative of its employees, or forcing or requiring
4 the employees of an employer to accept or select such
5 labor organization as their collective bargaining
6 representative, unless such labor organization is
7 currently certified as the representative of such
8 employees:

9 (A) where the employer has lawfully recognized in
10 accordance with this Act any labor organization and a
11 question concerning representation may not
12 appropriately be raised under Section 9 of this Act;

13 (B) where within the preceding 12 months a valid
14 election under Section 9 of this Act has been
15 conducted; or

16 (C) where such picketing has been conducted
17 without a petition under Section 9 being filed within
18 a reasonable period of time not to exceed 30 days from
19 the commencement of such picketing; provided that when
20 such a petition has been filed the Board shall
21 forthwith, without regard to the provisions of
22 subsection (a) of Section 9 or the absence of a showing
23 of a substantial interest on the part of the labor
24 organization, direct an election in such unit as the
25 Board finds to be appropriate and shall certify the
26 results thereof; provided further, that nothing in

1 this subparagraph shall be construed to prohibit any
2 picketing or other publicity for the purpose of
3 truthfully advising the public that an employer does
4 not employ members of, or have a contract with, a labor
5 organization unless an effect of such picketing is to
6 induce any individual employed by any other person in
7 the course of his employment, not to pick up, deliver,
8 or transport any goods or not to perform any services;
9 or

10 (8) to refuse to reduce a collective bargaining
11 agreement to writing or to refuse to sign such agreement.

12 (c) The expressing of any views, argument, or opinion or
13 the dissemination thereof, whether in written, printed,
14 graphic, or visual form, shall not constitute or be evidence
15 of an unfair labor practice under any of the provisions of this
16 Act, if such expression contains no threat of reprisal or
17 force or promise of benefit.

18 (d) The employer shall not discourage public employees or
19 applicants to be public employees from becoming or remaining
20 union members or authorizing dues deductions, and shall not
21 otherwise interfere with the relationship between employees
22 and their exclusive bargaining representative. The employer
23 shall refer all inquiries about union membership to the
24 exclusive bargaining representative, except that the employer
25 may communicate with employees regarding payroll processes and
26 procedures. The employer will establish email policies in an

1 effort to prohibit the use of its email system by outside
2 sources.

3 (Source: P.A. 101-620, eff. 12-20-19; 102-596, eff. 8-27-21;
4 revised 12-2-21.)

5 Section 30. 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 members of the Certification Review Panel under the Illinois
25 Police Training Act; the term "employee" does not mean an
26 independent contractor except as provided in this Section. The

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

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

12 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
13 102-538, eff. 8-20-21; revised 10-6-21.)

14 Section 35. The State Employees Group Insurance Act of
15 1971 is amended by changing Sections 3 and 6.11 as follows:

16 (5 ILCS 375/3) (from Ch. 127, par. 523)

17 Sec. 3. Definitions. Unless the context otherwise
18 requires, the following words and phrases as used in this Act
19 shall have the following meanings. The Department may define
20 these and other words and phrases separately for the purpose
21 of implementing specific programs providing benefits under
22 this Act.

23 (a) "Administrative service organization" means any
24 person, firm or corporation experienced in the handling of

1 claims which is fully qualified, financially sound and capable
2 of meeting the service requirements of a contract of
3 administration executed with the Department.

4 (b) "Annuitant" means (1) an employee who retires, or has
5 retired, on or after January 1, 1966 on an immediate annuity
6 under the provisions of Articles 2, 14 (including an employee
7 who has elected to receive an alternative retirement
8 cancellation payment under Section 14-108.5 of the Illinois
9 Pension Code in lieu of an annuity or who meets the criteria
10 for retirement, but in lieu of receiving an annuity under that
11 Article has elected to receive an accelerated pension benefit
12 payment under Section 14-147.5 of that Article), 15 (including
13 an employee who has retired under the optional retirement
14 program established under Section 15-158.2 or who meets the
15 criteria for retirement but in lieu of receiving an annuity
16 under that Article has elected to receive an accelerated
17 pension benefit payment under Section 15-185.5 of the
18 Article), paragraph ~~paragraphs~~ (2), (3), or (5) of Section
19 16-106 (including an employee who meets the criteria for
20 retirement, but in lieu of receiving an annuity under that
21 Article has elected to receive an accelerated pension benefit
22 payment under Section 16-190.5 of the Illinois Pension Code),
23 or Article 18 of the Illinois Pension Code; (2) any person who
24 was receiving group insurance coverage under this Act as of
25 March 31, 1978 by reason of his status as an annuitant, even
26 though the annuity in relation to which such coverage was

1 provided is a proportional annuity based on less than the
2 minimum period of service required for a retirement annuity in
3 the system involved; (3) any person not otherwise covered by
4 this Act who has retired as a participating member under
5 Article 2 of the Illinois Pension Code but is ineligible for
6 the retirement annuity under Section 2-119 of the Illinois
7 Pension Code; (4) the spouse of any person who is receiving a
8 retirement annuity under Article 18 of the Illinois Pension
9 Code and who is covered under a group health insurance program
10 sponsored by a governmental employer other than the State of
11 Illinois and who has irrevocably elected to waive his or her
12 coverage under this Act and to have his or her spouse
13 considered as the "annuitant" under this Act and not as a
14 "dependent"; or (5) an employee who retires, or has retired,
15 from a qualified position, as determined according to rules
16 promulgated by the Director, under a qualified local
17 government, a qualified rehabilitation facility, a qualified
18 domestic violence shelter or service, or a qualified child
19 advocacy center. (For definition of "retired employee", see
20 (p) post).

21 (b-5) (Blank).

22 (b-6) (Blank).

23 (b-7) (Blank).

24 (c) "Carrier" means (1) an insurance company, a
25 corporation organized under the Limited Health Service
26 Organization Act or the Voluntary Health Services Plans Act, a

1 partnership, or other nongovernmental organization, which is
2 authorized to do group life or group health insurance business
3 in Illinois, or (2) the State of Illinois as a self-insurer.

4 (d) "Compensation" means salary or wages payable on a
5 regular payroll by the State Treasurer on a warrant of the
6 State Comptroller out of any State, trust or federal fund, or
7 by the Governor of the State through a disbursing officer of
8 the State out of a trust or out of federal funds, or by any
9 Department out of State, trust, federal or other funds held by
10 the State Treasurer or the Department, to any person for
11 personal services currently performed, and ordinary or
12 accidental disability benefits under Articles 2, 14, 15
13 (including ordinary or accidental disability benefits under
14 the optional retirement program established under Section
15 15-158.2), ~~paragraph paragraphs~~ (2), (3), or (5) of Section
16 16-106, or Article 18 of the Illinois Pension Code, for
17 disability incurred after January 1, 1966, or benefits payable
18 under the Workers' Compensation or Occupational Diseases Act
19 or benefits payable under a sick pay plan established in
20 accordance with Section 36 of the State Finance Act.
21 "Compensation" also means salary or wages paid to an employee
22 of any qualified local government, qualified rehabilitation
23 facility, qualified domestic violence shelter or service, or
24 qualified child advocacy center.

25 (e) "Commission" means the State Employees Group Insurance
26 Advisory Commission authorized by this Act. Commencing July 1,

1 1984, "Commission" as used in this Act means the Commission on
2 Government Forecasting and Accountability as established by
3 the Legislative Commission Reorganization Act of 1984.

4 (f) "Contributory", when referred to as contributory
5 coverage, shall mean optional coverages or benefits elected by
6 the member toward the cost of which such member makes
7 contribution, or which are funded in whole or in part through
8 the acceptance of a reduction in earnings or the foregoing of
9 an increase in earnings by an employee, as distinguished from
10 noncontributory coverage or benefits which are paid entirely
11 by the State of Illinois without reduction of the member's
12 salary.

13 (g) "Department" means any department, institution, board,
14 commission, officer, court or any agency of the State
15 government receiving appropriations and having power to
16 certify payrolls to the Comptroller authorizing payments of
17 salary and wages against such appropriations as are made by
18 the General Assembly from any State fund, or against trust
19 funds held by the State Treasurer and includes boards of
20 trustees of the retirement systems created by Articles 2, 14,
21 15, 16, and 18 of the Illinois Pension Code. "Department" also
22 includes the Illinois Comprehensive Health Insurance Board,
23 the Board of Examiners established under the Illinois Public
24 Accounting Act, and the Illinois Finance Authority.

25 (h) "Dependent", when the term is used in the context of
26 the health and life plan, means a member's spouse and any child

1 (1) from birth to age 26 including an adopted child, a child
2 who lives with the member from the time of the placement for
3 adoption until entry of an order of adoption, a stepchild or
4 adjudicated child, or a child who lives with the member if such
5 member is a court appointed guardian of the child or (2) age 19
6 or over who has a mental or physical disability from a cause
7 originating prior to the age of 19 (age 26 if enrolled as an
8 adult child dependent). For the health plan only, the term
9 "dependent" also includes (1) any person enrolled prior to the
10 effective date of this Section who is dependent upon the
11 member to the extent that the member may claim such person as a
12 dependent for income tax deduction purposes and (2) any person
13 who has received after June 30, 2000 an organ transplant and
14 who is financially dependent upon the member and eligible to
15 be claimed as a dependent for income tax purposes. A member
16 requesting to cover any dependent must provide documentation
17 as requested by the Department of Central Management Services
18 and file with the Department any and all forms required by the
19 Department.

20 (i) "Director" means the Director of the Illinois
21 Department of Central Management Services.

22 (j) "Eligibility period" means the period of time a member
23 has to elect enrollment in programs or to select benefits
24 without regard to age, sex or health.

25 (k) "Employee" means and includes each officer or employee
26 in the service of a department who (1) receives his

1 compensation for service rendered to the department on a
2 warrant issued pursuant to a payroll certified by a department
3 or on a warrant or check issued and drawn by a department upon
4 a trust, federal or other fund or on a warrant issued pursuant
5 to a payroll certified by an elected or duly appointed officer
6 of the State or who receives payment of the performance of
7 personal services on a warrant issued pursuant to a payroll
8 certified by a Department and drawn by the Comptroller upon
9 the State Treasurer against appropriations made by the General
10 Assembly from any fund or against trust funds held by the State
11 Treasurer, and (2) is employed full-time or part-time in a
12 position normally requiring actual performance of duty during
13 not less than 1/2 of a normal work period, as established by
14 the Director in cooperation with each department, except that
15 persons elected by popular vote will be considered employees
16 during the entire term for which they are elected regardless
17 of hours devoted to the service of the State, and (3) except
18 that "employee" does not include any person who is not
19 eligible by reason of such person's employment to participate
20 in one of the State retirement systems under Articles 2, 14, 15
21 (either the regular Article 15 system or the optional
22 retirement program established under Section 15-158.2), or 18,
23 or under paragraph (2), (3), or (5) of Section 16-106, of the
24 Illinois Pension Code, but such term does include persons who
25 are employed during the 6-month ~~6-month~~ qualifying period
26 under Article 14 of the Illinois Pension Code. Such term also

1 includes any person who (1) after January 1, 1966, is
2 receiving ordinary or accidental disability benefits under
3 Articles 2, 14, 15 (including ordinary or accidental
4 disability benefits under the optional retirement program
5 established under Section 15-158.2), ~~paragraph paragraphs~~ (2),
6 (3), or (5) of Section 16-106, or Article 18 of the Illinois
7 Pension Code, for disability incurred after January 1, 1966,
8 (2) receives total permanent or total temporary disability
9 under the Workers' Compensation Act or Occupational Disease
10 Act as a result of injuries sustained or illness contracted in
11 the course of employment with the State of Illinois, or (3) is
12 not otherwise covered under this Act and has retired as a
13 participating member under Article 2 of the Illinois Pension
14 Code but is ineligible for the retirement annuity under
15 Section 2-119 of the Illinois Pension Code. However, a person
16 who satisfies the criteria of the foregoing definition of
17 "employee" except that such person is made ineligible to
18 participate in the State Universities Retirement System by
19 clause (4) of subsection (a) of Section 15-107 of the Illinois
20 Pension Code is also an "employee" for the purposes of this
21 Act. "Employee" also includes any person receiving or eligible
22 for benefits under a sick pay plan established in accordance
23 with Section 36 of the State Finance Act. "Employee" also
24 includes (i) each officer or employee in the service of a
25 qualified local government, including persons appointed as
26 trustees of sanitary districts regardless of hours devoted to

1 the service of the sanitary district, (ii) each employee in
2 the service of a qualified rehabilitation facility, (iii) each
3 full-time employee in the service of a qualified domestic
4 violence shelter or service, and (iv) each full-time employee
5 in the service of a qualified child advocacy center, as
6 determined according to rules promulgated by the Director.

7 (l) "Member" means an employee, annuitant, retired
8 employee, or survivor. In the case of an annuitant or retired
9 employee who first becomes an annuitant or retired employee on
10 or after January 13, 2012 (the effective date of Public Act
11 97-668), the individual must meet the minimum vesting
12 requirements of the applicable retirement system in order to
13 be eligible for group insurance benefits under that system. In
14 the case of a survivor who first becomes a survivor on or after
15 January 13, 2012 (the effective date of Public Act 97-668),
16 the deceased employee, annuitant, or retired employee upon
17 whom the annuity is based must have been eligible to
18 participate in the group insurance system under the applicable
19 retirement system in order for the survivor to be eligible for
20 group insurance benefits under that system.

21 (m) "Optional coverages or benefits" means those coverages
22 or benefits available to the member on his or her voluntary
23 election, and at his or her own expense.

24 (n) "Program" means the group life insurance, health
25 benefits and other employee benefits designed and contracted
26 for by the Director under this Act.

1 (o) "Health plan" means a health benefits program offered
2 by the State of Illinois for persons eligible for the plan.

3 (p) "Retired employee" means any person who would be an
4 annuitant as that term is defined herein but for the fact that
5 such person retired prior to January 1, 1966. Such term also
6 includes any person formerly employed by the University of
7 Illinois in the Cooperative Extension Service who would be an
8 annuitant but for the fact that such person was made
9 ineligible to participate in the State Universities Retirement
10 System by clause (4) of subsection (a) of Section 15-107 of the
11 Illinois Pension Code.

12 (q) "Survivor" means a person receiving an annuity as a
13 survivor of an employee or of an annuitant. "Survivor" also
14 includes: (1) the surviving dependent of a person who
15 satisfies the definition of "employee" except that such person
16 is made ineligible to participate in the State Universities
17 Retirement System by clause (4) of subsection (a) of Section
18 15-107 of the Illinois Pension Code; (2) the surviving
19 dependent of any person formerly employed by the University of
20 Illinois in the Cooperative Extension Service who would be an
21 annuitant except for the fact that such person was made
22 ineligible to participate in the State Universities Retirement
23 System by clause (4) of subsection (a) of Section 15-107 of the
24 Illinois Pension Code; (3) the surviving dependent of a person
25 who was an annuitant under this Act by virtue of receiving an
26 alternative retirement cancellation payment under Section

1 14-108.5 of the Illinois Pension Code; and (4) a person who
2 would be receiving an annuity as a survivor of an annuitant
3 except that the annuitant elected on or after June 4, 2018 to
4 receive an accelerated pension benefit payment under Section
5 14-147.5, 15-185.5, or 16-190.5 of the Illinois Pension Code
6 in lieu of receiving an annuity.

7 (q-2) "SERS" means the State Employees' Retirement System
8 of Illinois, created under Article 14 of the Illinois Pension
9 Code.

10 (q-3) "SURS" means the State Universities Retirement
11 System, created under Article 15 of the Illinois Pension Code.

12 (q-4) "TRS" means the Teachers' Retirement System of the
13 State of Illinois, created under Article 16 of the Illinois
14 Pension Code.

15 (q-5) (Blank).

16 (q-6) (Blank).

17 (q-7) (Blank).

18 (r) "Medical services" means the services provided within
19 the scope of their licenses by practitioners in all categories
20 licensed under the Medical Practice Act of 1987.

21 (s) "Unit of local government" means any county,
22 municipality, township, school district (including a
23 combination of school districts under the Intergovernmental
24 Cooperation Act), special district or other unit, designated
25 as a unit of local government by law, which exercises limited
26 governmental powers or powers in respect to limited

1 governmental subjects, any not-for-profit association with a
2 membership that primarily includes townships and township
3 officials, that has duties that include provision of research
4 service, dissemination of information, and other acts for the
5 purpose of improving township government, and that is funded
6 wholly or partly in accordance with Section 85-15 of the
7 Township Code; any not-for-profit corporation or association,
8 with a membership consisting primarily of municipalities, that
9 operates its own utility system, and provides research,
10 training, dissemination of information, or other acts to
11 promote cooperation between and among municipalities that
12 provide utility services and for the advancement of the goals
13 and purposes of its membership; the Southern Illinois
14 Collegiate Common Market, which is a consortium of higher
15 education institutions in Southern Illinois; the Illinois
16 Association of Park Districts; and any hospital provider that
17 is owned by a county that has 100 or fewer hospital beds and
18 has not already joined the program. "Qualified local
19 government" means a unit of local government approved by the
20 Director and participating in a program created under
21 subsection (i) of Section 10 of this Act.

22 (t) "Qualified rehabilitation facility" means any
23 not-for-profit organization that is accredited by the
24 Commission on Accreditation of Rehabilitation Facilities or
25 certified by the Department of Human Services (as successor to
26 the Department of Mental Health and Developmental

1 Disabilities) to provide services to persons with disabilities
2 and which receives funds from the State of Illinois for
3 providing those services, approved by the Director and
4 participating in a program created under subsection (j) of
5 Section 10 of this Act.

6 (u) "Qualified domestic violence shelter or service" means
7 any Illinois domestic violence shelter or service and its
8 administrative offices funded by the Department of Human
9 Services (as successor to the Illinois Department of Public
10 Aid), approved by the Director and participating in a program
11 created under subsection (k) of Section 10.

12 (v) "TRS benefit recipient" means a person who:

13 (1) is not a "member" as defined in this Section; and

14 (2) is receiving a monthly benefit or retirement
15 annuity under Article 16 of the Illinois Pension Code or
16 would be receiving such monthly benefit or retirement
17 annuity except that the benefit recipient elected on or
18 after June 4, 2018 to receive an accelerated pension
19 benefit payment under Section 16-190.5 of the Illinois
20 Pension Code in lieu of receiving an annuity; and

21 (3) either (i) has at least 8 years of creditable
22 service under Article 16 of the Illinois Pension Code, or
23 (ii) was enrolled in the health insurance program offered
24 under that Article on January 1, 1996, or (iii) is the
25 survivor of a benefit recipient who had at least 8 years of
26 creditable service under Article 16 of the Illinois

1 Pension Code or was enrolled in the health insurance
2 program offered under that Article on June 21, 1995 (the
3 effective date of Public Act 89-25), or (iv) is a
4 recipient or survivor of a recipient of a disability
5 benefit under Article 16 of the Illinois Pension Code.

6 (w) "TRS dependent beneficiary" means a person who:

7 (1) is not a "member" or "dependent" as defined in
8 this Section; and

9 (2) is a TRS benefit recipient's: (A) spouse, (B)
10 dependent parent who is receiving at least half of his or
11 her support from the TRS benefit recipient, or (C)
12 natural, step, adjudicated, or adopted child who is (i)
13 under age 26, (ii) was, on January 1, 1996, participating
14 as a dependent beneficiary in the health insurance program
15 offered under Article 16 of the Illinois Pension Code, or
16 (iii) age 19 or over who has a mental or physical
17 disability from a cause originating prior to the age of 19
18 (age 26 if enrolled as an adult child).

19 "TRS dependent beneficiary" does not include, as indicated
20 under paragraph (2) of this subsection (w), a dependent of the
21 survivor of a TRS benefit recipient who first becomes a
22 dependent of a survivor of a TRS benefit recipient on or after
23 January 13, 2012 (the effective date of Public Act 97-668)
24 unless that dependent would have been eligible for coverage as
25 a dependent of the deceased TRS benefit recipient upon whom
26 the survivor benefit is based.

1 (x) "Military leave" refers to individuals in basic
2 training for reserves, special/advanced training, annual
3 training, emergency call up, activation by the President of
4 the United States, or any other training or duty in service to
5 the United States Armed Forces.

6 (y) (Blank).

7 (z) "Community college benefit recipient" means a person
8 who:

9 (1) is not a "member" as defined in this Section; and

10 (2) is receiving a monthly survivor's annuity or
11 retirement annuity under Article 15 of the Illinois
12 Pension Code or would be receiving such monthly survivor's
13 annuity or retirement annuity except that the benefit
14 recipient elected on or after June 4, 2018 to receive an
15 accelerated pension benefit payment under Section 15-185.5
16 of the Illinois Pension Code in lieu of receiving an
17 annuity; and

18 (3) either (i) was a full-time employee of a community
19 college district or an association of community college
20 boards created under the Public Community College Act
21 (other than an employee whose last employer under Article
22 15 of the Illinois Pension Code was a community college
23 district subject to Article VII of the Public Community
24 College Act) and was eligible to participate in a group
25 health benefit plan as an employee during the time of
26 employment with a community college district (other than a

1 community college district subject to Article VII of the
2 Public Community College Act) or an association of
3 community college boards, or (ii) is the survivor of a
4 person described in item (i).

5 (aa) "Community college dependent beneficiary" means a
6 person who:

7 (1) is not a "member" or "dependent" as defined in
8 this Section; and

9 (2) is a community college benefit recipient's: (A)
10 spouse, (B) dependent parent who is receiving at least
11 half of his or her support from the community college
12 benefit recipient, or (C) natural, step, adjudicated, or
13 adopted child who is (i) under age 26, or (ii) age 19 or
14 over and has a mental or physical disability from a cause
15 originating prior to the age of 19 (age 26 if enrolled as
16 an adult child).

17 "Community college dependent beneficiary" does not
18 include, as indicated under paragraph (2) of this subsection
19 (aa), a dependent of the survivor of a community college
20 benefit recipient who first becomes a dependent of a survivor
21 of a community college benefit recipient on or after January
22 13, 2012 (the effective date of Public Act 97-668) unless that
23 dependent would have been eligible for coverage as a dependent
24 of the deceased community college benefit recipient upon whom
25 the survivor annuity is based.

26 (bb) "Qualified child advocacy center" means any Illinois

1 child advocacy center and its administrative offices funded by
2 the Department of Children and Family Services, as defined by
3 the Children's Advocacy Center Act (55 ILCS 80/), approved by
4 the Director and participating in a program created under
5 subsection (n) of Section 10.

6 (cc) "Placement for adoption" means the assumption and
7 retention by a member of a legal obligation for total or
8 partial support of a child in anticipation of adoption of the
9 child. The child's placement with the member terminates upon
10 the termination of such legal obligation.

11 (Source: P.A. 101-242, eff. 8-9-19; 102-558, eff. 8-20-21;
12 revised 12-2-21.)

13 (5 ILCS 375/6.11)

14 Sec. 6.11. Required health benefits; Illinois Insurance
15 Code requirements. The program of health benefits shall
16 provide the post-mastectomy care benefits required to be
17 covered by a policy of accident and health insurance under
18 Section 356t of the Illinois Insurance Code. The program of
19 health benefits shall provide the coverage required under
20 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,
21 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,
22 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,
23 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
24 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, and
25 356z.51 ~~and 356z.43~~ of the Illinois Insurance Code. The

1 program of health benefits must comply with Sections 155.22a,
2 155.37, 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of
3 the Illinois Insurance Code. The Department of Insurance shall
4 enforce the requirements of this Section with respect to
5 Sections 370c and 370c.1 of the Illinois Insurance Code; all
6 other requirements of this Section shall be enforced by the
7 Department of Central Management Services.

8 Rulemaking authority to implement Public Act 95-1045, if
9 any, is conditioned on the rules being adopted in accordance
10 with all provisions of the Illinois Administrative Procedure
11 Act and all rules and procedures of the Joint Committee on
12 Administrative Rules; any purported rule not so adopted, for
13 whatever reason, is unauthorized.

14 (Source: P.A. 101-13, eff. 6-12-19; 101-281, eff. 1-1-20;
15 101-393, eff. 1-1-20; 101-452, eff. 1-1-20; 101-461, eff.
16 1-1-20; 101-625, eff. 1-1-21; 102-30, eff. 1-1-22; 102-103,
17 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
18 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised
19 10-26-21.)

20 Section 40. The Sick Leave Bank Act is amended by changing
21 Section 5.10 as follows:

22 (5 ILCS 400/5.10) (from Ch. 127, par. 4255.10)

23 Sec. 5.10. "Agency" means any branch, department, board,
24 committee or commission of State government, but does not

1 include units of local government, school districts, ~~or~~ boards
2 of election commissioners, or the State Board of Education.

3 (Source: P.A. 102-539, eff. 8-20-21; revised 12-2-21.)

4 Section 45. The Illinois Governmental Ethics Act is
5 amended by changing Sections 4A-102 and 4A-107 as follows:

6 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

7 Sec. 4A-102. The statement of economic interests required
8 by this Article shall include the economic interests of the
9 person making the statement as provided in this Section.

10 (a) The interest (if constructively controlled by the
11 person making the statement) of a spouse or any other party,
12 shall be considered to be the same as the interest of the
13 person making the statement. Campaign receipts shall not be
14 included in this statement. The following interests shall be
15 listed by all persons required to file:

16 (1) each asset that has a value of more than \$10,000 as
17 of the end of the preceding calendar year and is: (i) held
18 in the filer's name, (ii) held jointly by the filer with
19 his or her spouse, or (iii) held jointly by the filer with
20 his or her minor child or children. For a beneficial
21 interest in a trust, the value is based on the total value
22 of the assets either subject to the beneficial interest,
23 or from which income is to be derived for the benefit of
24 the beneficial interest, regardless of whether any

1 distributions have been made for the benefit of the
2 beneficial interest;

3 (2) excluding the income from the position that
4 requires the filing of a statement of economic interests
5 under this Act, each source of income in excess of \$7,500
6 during the preceding calendar year (as required to be
7 reported on the filer's federal income tax return covering
8 the preceding calendar year) for the filer and his or her
9 spouse and, if the sale or transfer of an asset produced
10 more than \$7,500 in capital gains during the preceding
11 calendar year, the transaction date on which that asset
12 was sold or transferred;

13 (3) each creditor of a debt in excess of \$10,000 that,
14 during the preceding calendar year, was: (i) owed by the
15 filer, (ii) owed jointly by the filer with his or her
16 spouse or (iii) owed jointly by the filer with his or her
17 minor child or children;

18 (4) the name of each unit of government of which the
19 filer or his or her spouse was an employee, contractor, or
20 office holder during the preceding calendar year other
21 than the unit or units of government in relation to which
22 the person is required to file and the title of the
23 position or nature of the contractual services;

24 (5) each person known to the filer to be registered as
25 a lobbyist with any unit of government in the State of
26 Illinois: (i) with whom the filer maintains an economic

1 relationship, or (ii) who is a member of the filer's
2 family; ~~and~~

3 (6) each source and type of gift or gifts, or
4 honorarium or honoraria, valued singly or in the aggregate
5 in excess of \$500 that was received during the preceding
6 calendar year, excluding any gift or gifts from a member
7 of the filer's family that was not known to the filer to be
8 registered as a lobbyist with any unit of government in
9 the State of Illinois; ~~and~~

10 (7) the name of any spouse or immediate family member
11 living with such person employed by a public utility in
12 this State and the name of the public utility that employs
13 such person.

14 For the purposes of this Section, the unit of local
15 government in relation to which a person is required to file
16 under item (e) of Section 4A-101.5 shall be the unit of local
17 government that contributes to the pension fund of which such
18 person is a member of the board.

19 (b) Beginning December 1, 2025, and for every 5 years
20 thereafter, the Secretary of State shall adjust the amounts
21 specified under this Section that prompt disclosure under this
22 Act for purposes of inflation as determined by the Consumer
23 Price Index for All Urban Consumers as issued by the United
24 States Department of Labor and rounded to the nearest \$100.
25 The Secretary shall publish this information on the official
26 website of the Secretary of State, and make changes to the

1 statement of economic interests form to be completed for the
2 following year.

3 (c) The Secretary of State shall develop and make publicly
4 available on his or her website written guidance relating to
5 the completion and filing of the statement of economic
6 interests upon which a filer may reasonably and in good faith
7 rely.

8 ~~(d) The following interest shall also be listed by~~
9 ~~persons listed in items (a) through (f) of Section 4A-101:~~
10 ~~the name of any spouse or immediate family member living~~
11 ~~with such person employed by a public utility in this~~
12 ~~State and the name of the public utility that employs such~~
13 ~~person. is~~

14 (Source: P.A. 101-221, eff. 8-9-19; 102-662, eff. 9-15-21;
15 102-664, eff. 1-1-22; revised 11-17-21.)

16 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

17 Sec. 4A-107. Any person required to file a statement of
18 economic interests under this Article who willfully files a
19 false or incomplete statement shall be guilty of a Class A
20 misdemeanor; provided, a filer's statement made in reasonable,
21 good faith reliance on the guidance provided by the Secretary
22 of State pursuant to Section 4A-102 or his or her ethics
23 officer shall not constitute a willful false or incomplete
24 statement.

25 Except when the fees and penalties for late filing have

1 been waived under Section 4A-105, failure to file a statement
2 within the time prescribed shall result in ineligibility for,
3 or forfeiture of, office or position of employment, as the
4 case may be; provided, however, that if the notice of failure
5 to file a statement of economic interests provided in Section
6 4A-105 of this Act is not given by the Secretary of State or
7 the county clerk, as the case may be, no forfeiture shall
8 result if a statement is filed within 30 days of actual notice
9 of the failure to file. The Secretary of State shall provide
10 the Attorney General with the names of persons who failed to
11 file a statement. The county clerk shall provide the State's
12 Attorney of the county of the entity for which the filing of a
13 statement of economic interest is required with the name of
14 persons who failed to file a statement.

15 The Attorney General, with respect to offices or positions
16 described in items (a) through (f) and items (j), (l), (n), and
17 (p) of Section 4A-101 of this Act, or the State's Attorney of
18 the county of the entity for which the filing of statements of
19 economic interests is required, with respect to offices or
20 positions described in items (a) through (e) of Section
21 4A-101.5, shall bring an action in quo warranto against any
22 person who has failed to file by either May 31 or June 30 of
23 any given year and for whom the fees and penalties for late
24 filing have not been waived under Section 4A-105.

25 (Source: P.A. 101-221, eff. 8-9-19; 102-664, eff. 1-1-22;
26 revised 12-16-21.)

1 Section 50. The State Officials and Employees Ethics Act
2 is amended by changing Section 5-50 as follows:

3 (5 ILCS 430/5-50)

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

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

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

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

24 (c) An ex parte communication received by any agency,

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

21 (d) "Interested party" means a person or entity whose
22 rights, privileges, or interests are the subject of or are
23 directly affected by a regulatory, quasi-adjudicatory,
24 investment, or licensing matter. For purposes of an ex parte
25 communication received by either the Illinois Commerce
26 Commission or the Illinois Power Agency, "interested party"

1 also includes: (1) an organization comprised of 2 or more
2 businesses, persons, nonprofit entities, or any combination
3 thereof, that are working in concert to advance public policy
4 advocated by the organization, or (2) any party selling
5 renewable energy resources procured by the Illinois Power
6 Agency pursuant to Section 16-111.5 of the Public Utilities
7 Act and Section 1-75 of the Illinois Power Agency Act.

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

9 Executive Ethics Commission

10 Illinois Commerce Commission

11 Illinois Power Agency

12 Educational Labor Relations Board

13 State Board of Elections

14 Illinois Gaming Board

15 Health Facilities and Services Review Board

16 Illinois Workers' Compensation Commission

17 Illinois Labor Relations Board

18 Illinois Liquor Control Commission

19 Pollution Control Board

20 Property Tax Appeal Board

21 Illinois Racing Board

22 Illinois Purchased Care Review Board

23 Illinois State Police Merit Board

24 Motor Vehicle Review Board

25 Prisoner Review Board

26 Civil Service Commission

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

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

25 (Source: P.A. 102-538, eff. 8-20-21; 102-662, eff. 9-15-21;
26 revised 11-17-21.)

1 Section 55. The Community-Law Enforcement and Other First
2 Responder Partnership for Deflection and Substance Use
3 Disorder Treatment Act is amended by changing Sections 10 and
4 35 as follows:

5 (5 ILCS 820/10)

6 Sec. 10. Definitions. In this Act:

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

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

19 "Other first responder" means and includes emergency
20 medical services providers that are public units of
21 government, fire departments and districts, and officials and
22 responders representing and employed by these entities.

23 "Deflection program" means a program in which a peace
24 officer or member of a law enforcement agency or other first

1 responder facilitates contact between an individual and a
2 licensed substance use treatment provider or clinician for
3 assessment and coordination of treatment planning, including
4 co-responder approaches that incorporate behavioral health,
5 peer, or social work professionals with law enforcement or
6 other first responders at the scene. This facilitation
7 includes defined criteria for eligibility and communication
8 protocols agreed to by the law enforcement agency or other
9 first responder entity and the licensed treatment provider for
10 the purpose of providing substance use treatment to those
11 persons in lieu of arrest or further justice system
12 involvement, or unnecessary admissions to the emergency
13 department. Deflection programs may include, but are not
14 limited to, the following types of responses:

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

20 (2) a self-referral deflection response initiated by
21 an individual by contacting a peace officer or law
22 enforcement agency or other first responder in the
23 acknowledgment of their substance use or disorder;

24 (3) an active outreach deflection response initiated
25 by a peace officer or law enforcement agency or other
26 first responder as a result of proactive identification of

1 persons thought likely to have a substance use disorder;

2 (4) an officer or other first responder prevention
3 deflection response initiated by a peace officer or law
4 enforcement agency in response to a community call when no
5 criminal charges are present; and

6 (5) an officer intervention deflection response when
7 criminal charges are present but held in abeyance pending
8 engagement with treatment.

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

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

1 "Peace officer" means any peace officer or member of any
2 duly organized State, county, or municipal peace officer unit,
3 any police force of another State, or any police force whose
4 members, by statute, are granted and authorized to exercise
5 powers similar to those conferred upon any peace officer
6 employed by a law enforcement agency of this State.

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

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

20 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
21 revised 10-6-21.)

22 (5 ILCS 820/35)

23 Sec. 35. Funding.

24 (a) The General Assembly may appropriate funds to the
25 Illinois Criminal Justice Information Authority for the

1 purpose of funding law enforcement agencies or other first
2 responder entities for services provided by deflection program
3 partners as part of deflection programs subject to subsection
4 (d) of Section 15 of this Act.

5 (a.1) Up to 10 percent of appropriated funds may be
6 expended on activities related to knowledge dissemination,
7 training, technical assistance, or other similar activities
8 intended to increase practitioner and public awareness of
9 deflection and/or to support its implementation. The Illinois
10 Criminal Justice Information Authority may adopt guidelines
11 and requirements to direct the distribution of funds for these
12 activities.

13 (b) For all appropriated funds not distributed under
14 subsection (a.1) ~~a.1~~, the Illinois Criminal Justice
15 Information Authority may adopt guidelines and requirements to
16 direct the distribution of funds for expenses related to
17 deflection programs. Funding shall be made available to
18 support both new and existing deflection programs in a broad
19 spectrum of geographic regions in this State, including urban,
20 suburban, and rural communities. Funding for deflection
21 programs shall be prioritized for communities that have been
22 impacted by the war on drugs, communities that have a
23 police/community relations issue, and communities that have a
24 disproportionate lack of access to mental health and drug
25 treatment. Activities eligible for funding under this Act may
26 include, but are not limited to, the following:

1 (1) activities related to program administration,
2 coordination, or management, including, but not limited
3 to, the development of collaborative partnerships with
4 licensed treatment providers and community members or
5 organizations; collection of program data; or monitoring
6 of compliance with a local deflection program plan;

7 (2) case management including case management provided
8 prior to assessment, diagnosis, and engagement in
9 treatment, as well as assistance navigating and gaining
10 access to various treatment modalities and support
11 services;

12 (3) peer recovery or recovery support services that
13 include the perspectives of persons with the experience of
14 recovering from a substance use disorder, either
15 themselves or as family members;

16 (4) transportation to a licensed treatment provider or
17 other program partner location;

18 (5) program evaluation activities;~~;~~

19 (6) naloxone and related supplies necessary for
20 carrying out overdose reversal for purposes of
21 distribution to program participants or for use by law
22 enforcement or other first responders; and

23 (7) treatment necessary to prevent gaps in service
24 delivery between linkage and coverage by other funding
25 sources when otherwise non-reimbursable.

26 (c) Specific linkage agreements with recovery support

1 services or self-help entities may be a requirement of the
2 program services protocols. All deflection programs shall
3 encourage the involvement of key family members and
4 significant others as a part of a family-based approach to
5 treatment. All deflection programs are encouraged to use
6 evidence-based practices and outcome measures in the provision
7 of substance use disorder treatment and medication-assisted
8 treatment for persons with opioid use disorders.

9 (Source: P.A. 100-1025, eff. 1-1-19; 101-81, eff. 7-12-19;
10 101-652, eff. 7-1-21; revised 11-24-21.)

11 Section 60. The Gun Trafficking Information Act is amended
12 by changing Section 10-5 as follows:

13 (5 ILCS 830/10-5)

14 Sec. 10-5. Gun trafficking information.

15 (a) The Illinois State Police shall use all reasonable
16 efforts in making publicly available, on a regular and ongoing
17 basis, key information related to firearms used in the
18 commission of crimes in this State, including, but not limited
19 to: reports on crimes committed with firearms, locations where
20 the crimes occurred, the number of persons killed or injured
21 in the commission of the crimes, the state where the firearms
22 used originated, the Federal Firearms Licensee that sold the
23 firearm, the type of firearms used, annual statistical
24 information concerning Firearm Owner's Identification Card and

1 concealed carry license applications, revocations, and
2 compliance with Section 9.5 of the Firearm Owners
3 Identification Card Act, firearm restraining order
4 dispositions, and firearm dealer license certification
5 inspections. The Illinois State Police shall make the
6 information available on its website, which may be presented
7 in a dashboard format, in addition to electronically filing a
8 report with the Governor and the General Assembly. The report
9 to the General Assembly shall be filed with the Clerk of the
10 House of Representatives and the Secretary of the Senate in
11 electronic form only, in the manner that the Clerk and the
12 Secretary shall direct.

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

1 Identification Card number, instead of releasing the Firearm
2 Owner's Identification Card number itself.

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

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 revised 10-5-21.)

16 Section 65. The Election Code is amended by changing
17 Section 19-2 as follows:

18 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

19 Sec. 19-2. Except as otherwise provided in this Code, any
20 elector as defined in Section 19-1 may by mail or
21 electronically on the website of the appropriate election
22 authority, not more than 90 nor less than 5 days prior to the
23 date of such election, or by personal delivery not more than 90
24 nor less than one day prior to the date of such election, make

1 application to the county clerk or to the Board of Election
2 Commissioners for an official ballot for the voter's precinct
3 to be voted at such election ~~to~~. Such a ballot shall be
4 delivered to the elector only upon separate application by the
5 elector for each election. Voters who make an application for
6 permanent vote by mail ballot status shall follow the
7 procedures specified in Section 19-3 and may apply year round.
8 Voters whose application for permanent vote by mail status is
9 accepted by the election authority shall remain on the
10 permanent vote by mail list until the voter requests to be
11 removed from permanent vote by mail status, the voter provides
12 notice to the election authority of a change in registration
13 that affects their registration status, or the election
14 authority receives confirmation that the voter has
15 subsequently registered to vote in another election authority
16 jurisdiction. The URL address at which voters may
17 electronically request a vote by mail ballot shall be fixed no
18 later than 90 calendar days before an election and shall not be
19 changed until after the election.

20 (Source: P.A. 102-15, eff. 6-17-21; 102-668, eff. 11-15-21;
21 102-687, eff. 12-17-21; revised 1-5-22.)

22 Section 70. The Secretary of State Act is amended by
23 setting forth, renumbering, and changing multiple versions of
24 Section 35 as follows:

1 (15 ILCS 305/35)

2 (Section scheduled to be repealed on July 1, 2022)

3 Sec. 35. Task Force on Best Practices and Licensing of
4 Non-Transplant Organ Donation Organizations.

5 (a) The General Assembly finds and declares that:

6 (1) Non-transplant organ donation organizations that
7 accept or process whole body donations or body parts not
8 for transplantation owe a duty of transparency and
9 safekeeping to the donor and his or her next of kin.
10 Medical and scientific research is critical to a continued
11 understanding of the human body, disease, and training the
12 next generation of medical professionals, funeral home
13 directors, coroners, and mortuary students. Non-transplant
14 organ donation organizations do not include organizations
15 that receive body parts for the purposes of
16 transplantation.

17 (2) Recently, non-transplant organizations that
18 receive or process whole body donation or body part
19 donation not for transplantation purposes, have misused or
20 mishandled donor bodies and body parts.

21 (3) Neither State nor federal law adequately regulates
22 this industry.

23 (b) As used in this Section, "Task Force" means the Task
24 Force on Best Practices and Licensing of Non-Transplant Organ
25 Donation Organizations.

26 (c) There is created a Task Force on Best Practices and

1 Licensing of Non-Transplant Organ Donation Organizations to
2 review and report on national standards for best practices in
3 relation to the licensing and regulation of organizations that
4 solicit or accept non-transplantation whole bodies and body
5 parts, including licensing standards, State regulation,
6 identification of bodies and body parts, and sanctions. The
7 goal of the Task Force is to research the industry,
8 investigate State and local standards, and provide
9 recommendations to the General Assembly and Office of the
10 Governor.

11 (d) The Task Force's report shall include, but not be
12 limited to, standards for organizations that accept whole body
13 and body part donation, the application process for licensure,
14 best practices regarding consent, the identification,
15 labeling, handling and return of bodies and body parts to
16 ensure proper end-use and return to the next of kin, and best
17 practices for ensuring donors and next of kin are treated with
18 transparency and dignity. The report shall also evaluate and
19 make a recommendation as to the area of State government most
20 appropriate for licensing organizations and regulation of the
21 industry. The report shall also make a recommendation on
22 legislation to enact the findings of the Task Force.

23 (e) The Task Force shall meet no less than 5 times between
24 July 9, 2021 (the effective date of Public Act 102-96) ~~this~~
25 ~~amendatory Act of the 102nd General Assembly~~ and December 31,
26 2021. The Task Force shall prepare a report that summarizes

1 its work and makes recommendations resulting from its review.
2 The Task Force shall submit the report of its findings and
3 recommendations to the Governor and General Assembly no later
4 than January 15, 2022.

5 (f) The Task Force shall consist of the following 8
6 members:

7 (1) the Secretary of State or his or her designee;

8 (2) one member appointed by the Secretary of State
9 from the Department of Organ Donor of the Office of the
10 Secretary of State;

11 (3) one member appointed by the President of the
12 Senate;

13 (4) one member appointed by the Minority Leader of the
14 Senate;

15 (5) one member appointed by the Speaker of the House
16 of Representatives;

17 (6) one member appointed by the Minority Leader of the
18 House of Representatives;

19 (7) one member appointed by the Director of Public
20 Health; and

21 (8) one member from a University or Mortuary School
22 that has experience in receiving whole body donations,
23 appointed by the Governor.

24 (g) The Secretary of State shall designate which member
25 shall serve as chairperson and facilitate the Task Force. The
26 members of the Task Force shall be appointed no later than 90

1 days after July 9, 2021 (the effective date of Public Act
2 102-96) ~~this amendatory Act of the 102nd General Assembly.~~

3 Vacancies in the membership of the Task Force shall be filled
4 in the same manner as the original appointment. The members of
5 the Task Force shall not receive compensation for serving as
6 members of the Task Force.

7 (h) The Office of the Secretary of State shall provide the
8 Task Force with administrative and other support.

9 (i) This Section is repealed on July 1, 2022.

10 (Source: P.A. 102-96, eff. 7-9-21; revised 10-27-21.)

11 (15 ILCS 305/36)

12 Sec. 36 ~~35~~. Authority to accept electronic signatures.

13 (a) Through the adoption of administrative rules, the
14 Secretary may authorize the filing of documents with his or
15 her office that have been signed by electronic means.

16 (b) The administrative rules adopted by the Secretary
17 shall set forth the following:

18 (1) the type of electronic signature required;

19 (2) the manner and format in which the electronic
20 signature must be affixed to the electronic record;

21 (3) the types of transactions which may be filed with
22 his or her office with electronic signatures;

23 (4) the procedures for seeking certification of
24 compliance with electronic signature requirements; and

25 (5) the date on which the Secretary will begin

1 accepting electronic signatures.

2 (c) Any entity seeking to provide services to third
3 parties for the execution of electronic signatures for filing
4 with the Secretary of State shall apply for a certification of
5 compliance with the requirements for the submission of
6 electronic signatures. To receive a certification of
7 compliance, the entity must establish the ability to comply
8 with all of the requirements of this Section and the
9 administrative rules adopted pursuant to this Section. There
10 is no limitation on the number of entities that may be issued a
11 certification of compliance. The Secretary shall include on
12 its Internet website a list of the entities that have been
13 issued a certification of compliance.

14 (d) The Secretary shall only accept electronic signatures
15 created by use of the services of an entity that has received a
16 certification of compliance as set forth in this Section.

17 (e) An electronic signature must meet all of the following
18 requirements:

19 (1) Be executed or adopted by a person with the intent
20 to sign the document so as to indicate the person's
21 approval of the information contained in the document.

22 (2) Be attached to or logically associated with the
23 information contained in the document being signed.

24 (3) Be capable of reliable identification and
25 authentication of the person as the signer. Identification
26 and authentication may be accomplished through additional

1 security procedures or processes if reliably correlated to
2 the electronic signature.

3 (4) Be linked to the document in a manner that would
4 invalidate the electronic signature if the document is
5 changed.

6 (5) Be linked to the document so as to preserve its
7 integrity as an accurate and complete record for the full
8 retention period of the document.

9 (6) Be compatible with the standards and technology
10 for electronic signatures that are generally used in
11 commerce and industry and by state governments.

12 (f) If the Secretary determines an electronic signature is
13 not in compliance with this Section or the administrative
14 rules adopted pursuant to this Section, or is not in
15 compliance with other applicable statutory or regulatory
16 provisions, the Secretary may refuse to accept the signature.

17 (g) Electronic signatures accepted by the Secretary of
18 State shall have the same force and effect as manual
19 signatures.

20 (h) Electronic delivery of records accepted by the
21 Secretary of State shall have the same force and effect as
22 physical delivery of records.

23 (i) Electronic records and electronic signatures accepted
24 by the Secretary of State shall be admissible in all
25 administrative, quasi-judicial, and judicial proceedings. In
26 any such proceeding, nothing in the application of the rules

1 of evidence shall apply so as to deny the admissibility of an
2 electronic record or electronic signature into evidence on the
3 sole ground that it is an electronic record or electronic
4 signature, or on the grounds that it is not in its original
5 form or is not an original. Information in the form of an
6 electronic record shall be given due evidentiary weight by the
7 trier of fact.

8 (Source: P.A. 102-213, eff. 1-1-22; revised 10-27-21.)

9 Section 75. The Secretary of State Merit Employment Code
10 is amended by changing Section 10b.1 as follows:

11 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

12 Sec. 10b.1. Competitive examinations.

13 (a) For open competitive examinations to test the relative
14 fitness of applicants for the respective positions. Tests
15 shall be designed to eliminate those who are not qualified for
16 entrance into the Office of the Secretary of State and to
17 discover the relative fitness of those who are qualified. The
18 Director may use any one of or any combination of the following
19 examination methods which in his judgment best serves this
20 end: investigation of education and experience; test of
21 cultural knowledge; test of capacity; test of knowledge; test
22 of manual skill; test of linguistic ability; test of
23 character; test of physical skill; test of psychological
24 fitness. No person with a record of misdemeanor convictions

1 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
2 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
3 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,
4 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
5 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs (1),
6 (6), and (8) of subsection (a) ~~sub sections 1, 6 and 8~~ of
7 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, or arrested for any cause but not convicted thereon
9 shall be disqualified from taking such examinations or
10 subsequent appointment unless the person is attempting to
11 qualify for a position which would give him the powers of a
12 peace officer, in which case the person's conviction or arrest
13 record may be considered as a factor in determining the
14 person's fitness for the position. All examinations shall be
15 announced publicly at least 2 weeks in advance of the date of
16 examinations and may be advertised through the press, radio or
17 other media.

18 The Director may, at his discretion, accept the results of
19 competitive examinations conducted by any merit system
20 established by Federal law or by the law of any state ~~State~~,
21 and may compile eligible lists therefrom or may add the names
22 of successful candidates in examinations conducted by those
23 merit systems to existing eligible lists in accordance with
24 their respective ratings. No person who is a non-resident of
25 the State of Illinois may be appointed from those eligible
26 lists, however, unless the requirement that applicants be

1 residents of the State of Illinois is waived by the Director of
2 Personnel and unless there are less than 3 Illinois residents
3 available for appointment from the appropriate eligible list.
4 The results of the examinations conducted by other merit
5 systems may not be used unless they are comparable in
6 difficulty and comprehensiveness to examinations conducted by
7 the Department of Personnel for similar positions. Special
8 linguistic options may also be established where deemed
9 appropriate.

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

1 State Police and Federal Bureau of Investigation criminal
2 history records databases. If the Illinois State Police and
3 the Federal Bureau of Investigation conduct an investigation
4 directly for the Secretary of State's Office, then the
5 Illinois State Police shall charge a fee for conducting the
6 criminal history records check, which shall be deposited in
7 the State Police Services Fund and shall not exceed the actual
8 cost of the records check. The Illinois State Police shall
9 provide information concerning any criminal convictions, and
10 their disposition, brought against the applicant or
11 prospective employee of the Secretary of State upon request of
12 the Department of Personnel when the request is made in the
13 form and manner required by the Illinois State Police. The
14 information derived from this investigation, including the
15 source of this information, and any conclusions or
16 recommendations derived from this information by the Director
17 of Personnel shall be provided to the applicant or prospective
18 employee, or his designee, upon request to the Director of
19 Personnel prior to any final action by the Director of
20 Personnel on the application. No information obtained from
21 such investigation may be placed in any automated information
22 system. Any criminal convictions and their disposition
23 information obtained by the Director of Personnel shall be
24 confidential and may not be transmitted outside the Office of
25 the Secretary of State, except as required herein, and may not
26 be transmitted to anyone within the Office of the Secretary of

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

20 (Source: P.A. 102-538, eff. 8-20-21; revised 12-2-21.)

21 Section 80. The State Comptroller Act is amended by
22 setting forth and renumbering multiple versions of Section 28
23 as follows:

24 (15 ILCS 405/28)

1 Sec. 28. State Comptroller purchase of real property.

2 (a) Subject to the provisions of the Public Contract Fraud
3 Act, the State Comptroller, on behalf of the State of
4 Illinois, is authorized during State fiscal years 2021 and
5 2022 to acquire real property located in the City of
6 Springfield, which the State Comptroller deems necessary to
7 properly carry out the powers and duties vested in him or her.
8 Real property acquired under this Section may be acquired
9 subject to any third party interests in the property that do
10 not prevent the State Comptroller from exercising the intended
11 beneficial use of such property. This subsection (a) is
12 inoperative on and after July 1, 2022.

13 (b) Subject to the provisions of the Comptroller's
14 Procurement Rules, which shall be substantially in accordance
15 with the requirements of the Illinois Procurement Code, the
16 State Comptroller may:

17 (1) enter into contracts relating to construction,
18 reconstruction, or renovation projects for any such
19 buildings or lands acquired under subsection (a); and

20 (2) equip, lease, repair, operate, and maintain those
21 grounds, buildings, and facilities as may be appropriate
22 to carry out his or her statutory purposes and duties.

23 (c) The State Comptroller may enter into agreements for
24 the purposes of exercising his or her authority under this
25 Section.

26 (d) The exercise of the authority vested in the

1 Comptroller to acquire property under this Section is subject
2 to appropriation.

3 (e) The Capital Facility and Technology Modernization Fund
4 is hereby created as a special fund in the State treasury.
5 Subject to appropriation, moneys in the Fund shall be used by
6 the Comptroller for the purchase, reconstruction, lease,
7 repair, and maintenance of real property as may be acquired
8 under this Section, including for expenses related to the
9 modernization and maintenance of information technology
10 systems and infrastructure.

11 (Source: P.A. 101-665, eff. 4-2-21.)

12 (15 ILCS 405/29)

13 Sec. 29 ~~28~~. Comptroller recess appointments. If, during a
14 recess of the Senate, there is a vacancy in an office filled by
15 appointment by the Comptroller by and with the advice and
16 consent of the Senate, the Comptroller shall make a temporary
17 appointment until the next meeting of the Senate, when he or
18 she shall make a nomination to fill such office. Any
19 nomination not acted upon by the Senate within 60 session days
20 after the receipt thereof shall be deemed to have received the
21 advice and consent of the Senate. No person rejected by the
22 Senate for an office shall, except at the Senate's request, be
23 nominated again for that office at the same session or be
24 appointed to that office during a recess of that Senate.

25 (Source: P.A. 102-291, eff. 8-6-21; revised 10-27-21.)

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

3 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

4 Sec. 10b.1. Competitive examinations. For open competitive
5 examinations to test the relative fitness of applicants for
6 the respective positions. Tests shall be designed to eliminate
7 those who are not qualified for entrance into the Office of the
8 Comptroller and to discover the relative fitness of those who
9 are qualified. The Director may use any one of or any
10 combination of the following examination methods which in his
11 judgment best serves this end: investigation of education and
12 experience; test of cultural knowledge; test of capacity; test
13 of knowledge; test of manual skill; test of linguistic
14 ability; test of character; test of physical skill; test of
15 psychological fitness. No person with a record of misdemeanor
16 convictions except those under Sections 11-1.50, 11-6, 11-7,
17 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
18 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
19 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
20 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
21 paragraphs (1), (6), and (8) of subsection (a) ~~sub-sections 1,~~
22 ~~6 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 entails financial
3 responsibilities, in which case the person's conviction or
4 arrest record may be considered as a factor in determining the
5 person's fitness for the position. All examinations shall be
6 announced publicly at least 2 weeks in advance of the date of
7 examinations and may be advertised through the press, radio or
8 other media.

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

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
2 revised 12-2-21.)

3 Section 90. The Deposit of State Moneys Act is amended by
4 changing Section 22.5 as follows:

5 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

6 (For force and effect of certain provisions, see Section
7 90 of P.A. 94-79)

8 Sec. 22.5. Permitted investments. The State Treasurer may
9 invest and reinvest any State money in the State Treasury
10 which is not needed for current expenditures due or about to
11 become due, in obligations of the United States government or
12 its agencies or of National Mortgage Associations established
13 by or under the National Housing Act, 12 U.S.C. 1701 et seq.,
14 or in mortgage participation certificates representing
15 undivided interests in specified, first-lien conventional
16 residential Illinois mortgages that are underwritten, insured,
17 guaranteed, or purchased by the Federal Home Loan Mortgage
18 Corporation or in Affordable Housing Program Trust Fund Bonds
19 or Notes as defined in and issued pursuant to the Illinois
20 Housing Development Act. All such obligations shall be
21 considered as cash and may be delivered over as cash by a State
22 Treasurer to his successor.

23 The State Treasurer may purchase any state bonds with any
24 money in the State Treasury that has been set aside and held

1 for the payment of the principal of and interest on the bonds.
2 The bonds shall be considered as cash and may be delivered over
3 as cash by the State Treasurer to his successor.

4 The State Treasurer may invest or reinvest any State money
5 in the State Treasury that is not needed for current
6 expenditures due or about to become due, or any money in the
7 State Treasury that has been set aside and held for the payment
8 of the principal of and interest on any State bonds, in bonds
9 issued by counties or municipal corporations of the State of
10 Illinois.

11 The State Treasurer may invest or reinvest up to 5% of the
12 College Savings Pool Administrative Trust Fund, the Illinois
13 Public Treasurer Investment Pool (IPTIP) Administrative Trust
14 Fund, and the State Treasurer's Administrative Fund that is
15 not needed for current expenditures due or about to become
16 due, in common or preferred stocks of publicly traded
17 corporations, partnerships, or limited liability companies,
18 organized in the United States, with assets exceeding
19 \$500,000,000 if: (i) the purchases do not exceed 1% of the
20 corporation's or the limited liability company's outstanding
21 common and preferred stock; (ii) no more than 10% of the total
22 funds are invested in any one publicly traded corporation,
23 partnership, or limited liability company; and (iii) the
24 corporation or the limited liability company has not been
25 placed on the list of restricted companies by the Illinois
26 Investment Policy Board under Section 1-110.16 of the Illinois

1 Pension Code.

2 Whenever the total amount of vouchers presented to the
3 Comptroller under Section 9 of the State Comptroller Act
4 exceeds the funds available in the General Revenue Fund by
5 \$1,000,000,000 or more, then the State Treasurer may invest
6 any State money in the State Treasury, other than money in the
7 General Revenue Fund, Health Insurance Reserve Fund, Attorney
8 General Court Ordered and Voluntary Compliance Payment
9 Projects Fund, Attorney General Whistleblower Reward and
10 Protection Fund, and Attorney General's State Projects and
11 Court Ordered Distribution Fund, which is not needed for
12 current expenditures, due or about to become due, or any money
13 in the State Treasury which has been set aside and held for the
14 payment of the principal of and the interest on any State bonds
15 with the Office of the Comptroller in order to enable the
16 Comptroller to pay outstanding vouchers. At any time, and from
17 time to time outstanding, such investment shall not be greater
18 than \$2,000,000,000. Such investment shall be deposited into
19 the General Revenue Fund or Health Insurance Reserve Fund as
20 determined by the Comptroller. Such investment shall be repaid
21 by the Comptroller with an interest rate tied to the London
22 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an
23 equivalent market established variable rate, but in no case
24 shall such interest rate exceed the lesser of the penalty rate
25 established under the State Prompt Payment Act or the timely
26 pay interest rate under Section 368a of the Illinois Insurance

1 Code. The State Treasurer and the Comptroller shall enter into
2 an intergovernmental agreement to establish procedures for
3 such investments, which market established variable rate to
4 which the interest rate for the investments should be tied,
5 and other terms which the State Treasurer and Comptroller
6 reasonably believe to be mutually beneficial concerning these
7 investments by the State Treasurer. The State Treasurer and
8 Comptroller shall also enter into a written agreement for each
9 such investment that specifies the period of the investment,
10 the payment interval, the interest rate to be paid, the funds
11 in the State Treasury from which the State Treasurer will draw
12 the investment, and other terms upon which the State Treasurer
13 and Comptroller mutually agree. Such investment agreements
14 shall be public records and the State Treasurer shall post the
15 terms of all such investment agreements on the State
16 Treasurer's official website. In compliance with the
17 intergovernmental agreement, the Comptroller shall order and
18 the State Treasurer shall transfer amounts sufficient for the
19 payment of principal and interest invested by the State
20 Treasurer with the Office of the Comptroller under this
21 paragraph from the General Revenue Fund or the Health
22 Insurance Reserve Fund to the respective funds in the State
23 Treasury from which the State Treasurer drew the investment.
24 Public Act 100-1107 shall constitute an irrevocable and
25 continuing authority for all amounts necessary for the payment
26 of principal and interest on the investments made with the

1 Office of the Comptroller by the State Treasurer under this
2 paragraph, and the irrevocable and continuing authority for
3 and direction to the Comptroller and State Treasurer to make
4 the necessary transfers.

5 The State Treasurer may invest or reinvest any State money
6 in the State Treasury that is not needed for current
7 expenditure, due or about to become due, or any money in the
8 State Treasury that has been set aside and held for the payment
9 of the principal of and the interest on any State bonds, in any
10 of the following:

11 (1) Bonds, notes, certificates of indebtedness,
12 Treasury bills, or other securities now or hereafter
13 issued that are guaranteed by the full faith and credit of
14 the United States of America as to principal and interest.

15 (2) Bonds, notes, debentures, or other similar
16 obligations of the United States of America, its agencies,
17 and instrumentalities, or other obligations that are
18 issued or guaranteed by supranational entities; provided,
19 that at the time of investment, the entity has the United
20 States government as a shareholder.

21 (2.5) Bonds, notes, debentures, or other similar
22 obligations of a foreign government, other than the
23 Republic of the Sudan, that are guaranteed by the full
24 faith and credit of that government as to principal and
25 interest, but only if the foreign government has not
26 defaulted and has met its payment obligations in a timely

1 manner on all similar obligations for a period of at least
2 25 years immediately before the time of acquiring those
3 obligations.

4 (3) Interest-bearing savings accounts,
5 interest-bearing certificates of deposit,
6 interest-bearing time deposits, or any other investments
7 constituting direct obligations of any bank as defined by
8 the Illinois Banking Act.

9 (4) Interest-bearing accounts, certificates of
10 deposit, or any other investments constituting direct
11 obligations of any savings and loan associations
12 incorporated under the laws of this State or any other
13 state or under the laws of the United States.

14 (5) Dividend-bearing share accounts, share certificate
15 accounts, or class of share accounts of a credit union
16 chartered under the laws of this State or the laws of the
17 United States; provided, however, the principal office of
18 the credit union must be located within the State of
19 Illinois.

20 (6) Bankers' acceptances of banks whose senior
21 obligations are rated in the top 2 rating categories by 2
22 national rating agencies and maintain that rating during
23 the term of the investment and the bank has not been placed
24 on the list of restricted companies by the Illinois
25 Investment Policy Board under Section 1-110.16 of the
26 Illinois Pension Code.

1 (7) Short-term obligations of either corporations or
2 limited liability companies organized in the United States
3 with assets exceeding \$500,000,000 if (i) the obligations
4 are rated at the time of purchase at one of the 3 highest
5 classifications established by at least 2 standard rating
6 services and mature not later than 270 days from the date
7 of purchase, (ii) the purchases do not exceed 10% of the
8 corporation's or the limited liability company's
9 outstanding obligations, (iii) no more than one-third of
10 the public agency's funds are invested in short-term
11 obligations of either corporations or limited liability
12 companies, and (iv) the corporation or the limited
13 liability company has not been placed on the list of
14 restricted companies by the Illinois Investment Policy
15 Board under Section 1-110.16 of the Illinois Pension Code.

16 (7.5) Obligations of either corporations or limited
17 liability companies organized in the United States, that
18 have a significant presence in this State, with assets
19 exceeding \$500,000,000 if: (i) the obligations are rated
20 at the time of purchase at one of the 3 highest
21 classifications established by at least 2 standard rating
22 services and mature more than 270 days, but less than 10
23 years, from the date of purchase; (ii) the purchases do
24 not exceed 10% of the corporation's or the limited
25 liability company's outstanding obligations; (iii) no more
26 than one-third of the public agency's funds are invested

1 in such obligations of corporations or limited liability
2 companies; and (iv) the corporation or the limited
3 liability company has not been placed on the list of
4 restricted companies by the Illinois Investment Policy
5 Board under Section 1-110.16 of the Illinois Pension Code.

6 (8) Money market mutual funds registered under the
7 Investment Company Act of 1940.

8 (9) The Public Treasurers' Investment Pool created
9 under Section 17 of the State Treasurer Act or in a fund
10 managed, operated, and administered by a bank.

11 (10) Repurchase agreements of government securities
12 having the meaning set out in the Government Securities
13 Act of 1986, as now or hereafter amended or succeeded,
14 subject to the provisions of that Act and the regulations
15 issued thereunder.

16 (11) Investments made in accordance with the
17 Technology Development Act.

18 (12) Investments made in accordance with the Student
19 Investment Account Act.

20 (13) Investments constituting direct obligations of a
21 community development financial institution, which is
22 certified by the United States Treasury Community
23 Development Financial Institutions Fund and is operating
24 in the State of Illinois.

25 (14) Investments constituting direct obligations of a
26 minority depository institution, as designated by the

1 Federal Deposit Insurance Corporation, that is operating
2 in the State of Illinois.

3 (15) ~~(13)~~ Investments made in accordance with any
4 other law that authorizes the State Treasurer to invest or
5 deposit funds.

6 For purposes of this Section, "agencies" of the United
7 States Government includes:

8 (i) the federal land banks, federal intermediate
9 credit banks, banks for cooperatives, federal farm credit
10 banks, or any other entity authorized to issue debt
11 obligations under the Farm Credit Act of 1971 (12 U.S.C.
12 2001 et seq.) and Acts amendatory thereto;

13 (ii) the federal home loan banks and the federal home
14 loan mortgage corporation;

15 (iii) the Commodity Credit Corporation; and

16 (iv) any other agency created by Act of Congress.

17 The State Treasurer may lend any securities acquired under
18 this Act. However, securities may be lent under this Section
19 only in accordance with Federal Financial Institution
20 Examination Council guidelines and only if the securities are
21 collateralized at a level sufficient to assure the safety of
22 the securities, taking into account market value fluctuation.
23 The securities may be collateralized by cash or collateral
24 acceptable under Sections 11 and 11.1.

25 (Source: P.A. 101-81, eff. 7-12-19; 101-206, eff. 8-2-19;
26 101-586, eff. 8-26-19; 101-657, eff. 3-23-21; 102-297, eff.

1 8-6-21; 102-558, eff. 8-20-21; revised 10-6-21.)

2 Section 95. The Civil Administrative Code of Illinois is
3 amended by changing Section 5-715 as follows:

4 (20 ILCS 5/5-715)

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

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

15 (a-5) The Department of Financial and Professional
16 Regulation shall within 180 days after January 1, 2020 (the
17 effective date of Public Act 101-240) designate one staff
18 member as the military liaison within the Department of
19 Financial and Professional Regulation to ensure proper
20 enactment of the requirements of this Section. The military
21 liaison's responsibilities shall also include, but are not
22 limited to: (1) the management of all expedited applications
23 to ensure processing within 30 days after receipt of a
24 completed application; (2) coordination with all military

1 installation military and family support center directors
2 within this State, including virtual, phone, or in-person
3 periodic meetings with each military installation military and
4 family support center; and (3) training by the military
5 liaison to all directors of each division that issues an
6 occupational or professional license to ensure proper
7 application of this Section. At the end of each calendar year,
8 the military liaison shall provide an annual report
9 documenting the expedited licensure program for service
10 members and spouses, and shall deliver that report to the
11 Secretary of Financial and Professional Regulation and the
12 Lieutenant Governor.

13 (b) Each director of a department that issues an
14 occupational or professional license is authorized to and
15 shall issue an expedited license to a service member who meets
16 the requirements under this Section. Review and determination
17 of an application for a license issued by the department shall
18 be expedited by the department within 30 days after the date on
19 which the department receives all necessary documentation
20 required for licensure, including any required information
21 from State and federal agencies. An expedited license shall be
22 issued by the department to any service members meeting the
23 application requirements of this Section, regardless of
24 whether the service member currently resides in this State.
25 The service member shall apply to the department on forms
26 provided by the department. An application must include proof

1 that:

2 (1) the applicant is a service member;

3 (2) the applicant holds a valid license in good
4 standing for the occupation or profession issued by
5 another state, commonwealth, possession, or territory of
6 the United States, the District of Columbia, or any
7 foreign jurisdiction;

8 (2.5) the applicant meets the requirements and
9 standards for licensure through endorsement or reciprocity
10 for the occupation or profession for which the applicant
11 is applying;

12 (3) the applicant is assigned to a duty station in
13 this State, has established legal residence in this State,
14 or will reside in this State within 6 months after the date
15 of application for licensure;

16 (4) a complete set of the applicant's fingerprints has
17 been submitted to the Illinois State Police for statewide
18 and national criminal history checks, if applicable to the
19 requirements of the department issuing the license; the
20 applicant shall pay the fee to the Illinois State Police
21 or to the fingerprint vendor for electronic fingerprint
22 processing; no temporary occupational or professional
23 license shall be issued to an applicant if the statewide
24 or national criminal history check discloses information
25 that would cause the denial of an application for
26 licensure under any applicable occupational or

1 professional licensing Act;

2 (5) the applicant is not ineligible for licensure
3 pursuant to Section 2105-165 of the Civil Administrative
4 Code of Illinois;

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

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

9 (c) Each director of a department that issues an
10 occupational or professional license is authorized to and
11 shall issue an expedited license to the spouse of a service
12 member who meets the requirements under this Section. Review
13 and determination of an application for a license shall be
14 expedited by the department within 30 days after the date on
15 which the department receives all necessary documentation
16 required for licensure, including information from State and
17 federal agencies. An expedited license shall be issued by the
18 department to any spouse of a service member meeting the
19 application requirements of this Section, regardless of
20 whether the spouse or the service member currently resides
21 ~~reside~~ in this State. The spouse of a service member shall
22 apply to the department on forms provided by the department.
23 An application must include proof that:

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

25 (2) the applicant holds a valid license in good
26 standing for the occupation or profession issued by

1 another state, commonwealth, possession, or territory of
2 the United States, the District of Columbia, or any
3 foreign jurisdiction;

4 (2.5) the applicant meets the requirements and
5 standards for licensure through endorsement or reciprocity
6 for the occupation or profession for which the applicant
7 is applying;

8 (3) the applicant's spouse is assigned to a duty
9 station in this State, has established legal residence in
10 this State, or will reside in this State within 6 months
11 after the date of application for licensure;

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

24 (5) the applicant is not ineligible for licensure
25 pursuant to Section 2105-165 of the Civil Administrative
26 Code of Illinois;

1 (6) the applicant has submitted an application for
2 full licensure; and

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

5 (c-5) If a service member or his or her spouse relocates
6 from this State, he or she shall be provided an opportunity to
7 place his or her license in inactive status through
8 coordination with the military liaison. If the service member
9 or his or her spouse returns to this State, he or she may
10 reactivate the license in accordance with the statutory
11 provisions regulating the profession and any applicable
12 administrative rules. The license reactivation shall be
13 expedited and completed within 30 days after receipt of a
14 completed application to reactivate the license. A license
15 reactivation is only applicable when the valid license for
16 which the first issuance of a license was predicated is still
17 valid and in good standing. An application to reactivate a
18 license must include proof that the applicant still holds a
19 valid license in good standing for the occupation or
20 profession issued in another State, commonwealth, possession,
21 or territory of the United States, the District of Columbia,
22 or any foreign jurisdiction.

23 (d) All relevant experience of a service member or his or
24 her spouse in the discharge of official duties, including
25 full-time and part-time experience, shall be credited in the
26 calculation of any years of practice in an occupation or

1 profession as may be required under any applicable
2 occupational or professional licensing Act. All relevant
3 training provided by the military and completed by a service
4 member shall be credited to that service member as meeting any
5 training or education requirement under any applicable
6 occupational or professional licensing Act, provided that the
7 training or education is determined by the department to meet
8 the requirements under any applicable Act and is not otherwise
9 contrary to any other licensure requirement.

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

13 (Source: P.A. 101-240, eff. 1-1-20; 102-384, eff. 1-1-22;
14 102-538, eff. 8-20-21; revised 1-15-22.)

15 Section 100. The Substance Use Disorder Act is amended by
16 changing Section 30-5 as follows:

17 (20 ILCS 301/30-5)

18 Sec. 30-5. Patients' rights established.

19 (a) For purposes of this Section, "patient" means any
20 person who is receiving or has received early intervention,
21 treatment, or other recovery support services under this Act
22 or any category of service licensed as "intervention" under
23 this Act.

24 (b) No patient shall be deprived of any rights, benefits,

1 or privileges guaranteed by law, the Constitution of the
2 United States of America, or the Constitution of the State of
3 Illinois solely because of his or her status as a patient.

4 (c) Persons who have substance use disorders who are also
5 suffering from medical conditions shall not be discriminated
6 against in admission or treatment by any hospital that
7 receives support in any form supported in whole or in part by
8 funds appropriated to any State department or agency.

9 (d) Every patient shall have impartial access to services
10 without regard to race, religion, sex, ethnicity, age, sexual
11 orientation, gender identity, marital status, or other
12 disability.

13 (e) Patients shall be permitted the free exercise of
14 religion.

15 (f) Every patient's personal dignity shall be recognized
16 in the provision of services, and a patient's personal privacy
17 shall be assured and protected within the constraints of his
18 or her individual treatment.

19 (g) Treatment services shall be provided in the least
20 restrictive environment possible.

21 (h) Each patient receiving treatment services shall be
22 provided an individual treatment plan, which shall be
23 periodically reviewed and updated as mandated by
24 administrative rule.

25 (i) Treatment shall be person-centered, meaning that every
26 patient shall be permitted to participate in the planning of

1 his or her total care and medical treatment to the extent that
2 his or her condition permits.

3 (j) A person shall not be denied treatment solely because
4 he or she has withdrawn from treatment against medical advice
5 on a prior occasion or had prior treatment episodes.

6 (k) The patient in residential treatment shall be
7 permitted visits by family and significant others, unless such
8 visits are clinically contraindicated.

9 (l) A patient in residential treatment shall be allowed to
10 conduct private telephone conversations with family and
11 friends unless clinically contraindicated.

12 (m) A patient in residential treatment shall be permitted
13 to send and receive mail without hindrance, unless clinically
14 contraindicated.

15 (n) A patient shall be permitted to manage his or her own
16 financial affairs unless the patient or the patient's
17 guardian, or if the patient is a minor, the patient's parent,
18 authorizes another competent person to do so.

19 (o) A patient shall be permitted to request the opinion of
20 a consultant at his or her own expense, or to request an
21 in-house review of a treatment plan, as provided in the
22 specific procedures of the provider. A treatment provider is
23 not liable for the negligence of any consultant.

24 (p) Unless otherwise prohibited by State or federal law,
25 every patient shall be permitted to obtain from his or her own
26 physician, the treatment provider, or the treatment provider's

1 consulting physician complete and current information
2 concerning the nature of care, procedures, and treatment that
3 he or she will receive.

4 (q) A patient shall be permitted to refuse to participate
5 in any experimental research or medical procedure without
6 compromising his or her access to other, non-experimental
7 services. Before a patient is placed in an experimental
8 research or medical procedure, the provider must first obtain
9 his or her informed written consent or otherwise comply with
10 the federal requirements regarding the protection of human
11 subjects contained in 45 CFR ~~C.F.R.~~ Part 46.

12 (r) All medical treatment and procedures shall be
13 administered as ordered by a physician and in accordance with
14 all Department rules.

15 (s) Every patient in treatment shall be permitted to
16 refuse medical treatment and to know the consequences of such
17 action. Such refusal by a patient shall free the treatment
18 licensee from the obligation to provide the treatment.

19 (t) Unless otherwise prohibited by State or federal law,
20 every patient, patient's guardian, or parent, if the patient
21 is a minor, shall be permitted to inspect and copy all clinical
22 and other records kept by the intervention or treatment
23 licensee or by his or her physician concerning his or her care
24 and maintenance. The licensee or physician may charge a
25 reasonable fee for the duplication of a record.

26 (u) No owner, licensee, administrator, employee, or agent

1 of a licensed intervention or treatment program shall abuse or
2 neglect a patient. It is the duty of any individual who becomes
3 aware of such abuse or neglect to report it to the Department
4 immediately.

5 (v) The licensee may refuse access to any person if the
6 actions of that person are or could be injurious to the health
7 and safety of a patient or the licensee, or if the person seeks
8 access for commercial purposes.

9 (w) All patients admitted to community-based treatment
10 facilities shall be considered voluntary treatment patients
11 and such patients shall not be contained within a locked
12 setting.

13 (x) Patients and their families or legal guardians shall
14 have the right to present complaints to the provider or the
15 Department concerning the quality of care provided to the
16 patient, without threat of discharge or reprisal in any form
17 or manner whatsoever. The complaint process and procedure
18 shall be adopted by the Department by rule. The treatment
19 provider shall have in place a mechanism for receiving and
20 responding to such complaints, and shall inform the patient
21 and the patient's family or legal guardian of this mechanism
22 and how to use it. The provider shall analyze any complaint
23 received and, when indicated, take appropriate corrective
24 action. Every patient and his or her family member or legal
25 guardian who makes a complaint shall receive a timely response
26 from the provider that substantively addresses the complaint.

1 The provider shall inform the patient and the patient's family
2 or legal guardian about other sources of assistance if the
3 provider has not resolved the complaint to the satisfaction of
4 the patient or the patient's family or legal guardian.

5 (y) A patient may refuse to perform labor at a program
6 unless such labor is a part of the patient's individual
7 treatment plan as documented in the patient's clinical record.

8 (z) A person who is in need of services may apply for
9 voluntary admission in the manner and with the rights provided
10 for under regulations promulgated by the Department. If a
11 person is refused admission, then staff, subject to rules
12 promulgated by the Department, shall refer the person to
13 another facility or to other appropriate services.

14 (aa) No patient shall be denied services based solely on
15 HIV status. Further, records and information governed by the
16 AIDS Confidentiality Act and the AIDS Confidentiality and
17 Testing Code (77 Ill. Adm. Code 697) shall be maintained in
18 accordance therewith.

19 (bb) Records of the identity, diagnosis, prognosis or
20 treatment of any patient maintained in connection with the
21 performance of any service or activity relating to substance
22 use disorder education, early intervention, intervention,
23 training, or treatment that is regulated, authorized, or
24 directly or indirectly assisted by any Department or agency of
25 this State or under any provision of this Act shall be
26 confidential and may be disclosed only in accordance with the

1 provisions of federal law and regulations concerning the
2 confidentiality of substance use disorder patient records as
3 contained in 42 U.S.C. Sections 290dd-2 and 42 CFR ~~C.F.R.~~ Part
4 2, or any successor federal statute or regulation.

5 (1) The following are exempt from the confidentiality
6 protections set forth in 42 CFR ~~C.F.R.~~ Section 2.12(c):

7 (A) Veteran's Administration records.

8 (B) Information obtained by the Armed Forces.

9 (C) Information given to qualified service
10 organizations.

11 (D) Communications within a program or between a
12 program and an entity having direct administrative
13 control over that program.

14 (E) Information given to law enforcement personnel
15 investigating a patient's commission of a crime on the
16 program premises or against program personnel.

17 (F) Reports under State law of incidents of
18 suspected child abuse and neglect; however,
19 confidentiality restrictions continue to apply to the
20 records and any follow-up information for disclosure
21 and use in civil or criminal proceedings arising from
22 the report of suspected abuse or neglect.

23 (2) If the information is not exempt, a disclosure can
24 be made only under the following circumstances:

25 (A) With patient consent as set forth in 42 CFR
26 ~~C.F.R.~~ Sections 2.1(b)(1) and 2.31, and as consistent

1 with pertinent State law.

2 (B) For medical emergencies as set forth in 42 CFR
3 ~~C.F.R.~~ Sections 2.1(b) (2) and 2.51.

4 (C) For research activities as set forth in 42 CFR
5 ~~C.F.R.~~ Sections 2.1(b) (2) and 2.52.

6 (D) For audit evaluation activities as set forth
7 in 42 CFR ~~C.F.R.~~ Section 2.53.

8 (E) With a court order as set forth in 42 CFR
9 ~~C.F.R.~~ Sections 2.61 through 2.67.

10 (3) The restrictions on disclosure and use of patient
11 information apply whether the holder of the information
12 already has it, has other means of obtaining it, is a law
13 enforcement or other official, has obtained a subpoena, or
14 asserts any other justification for a disclosure or use
15 that is not permitted by 42 CFR ~~C.F.R.~~ Part 2. Any court
16 orders authorizing disclosure of patient records under
17 this Act must comply with the procedures and criteria set
18 forth in 42 CFR ~~C.F.R.~~ Sections 2.64 and 2.65. Except as
19 authorized by a court order granted under this Section, no
20 record referred to in this Section may be used to initiate
21 or substantiate any charges against a patient or to
22 conduct any investigation of a patient.

23 (4) The prohibitions of this subsection shall apply to
24 records concerning any person who has been a patient,
25 regardless of whether or when the person ceases to be a
26 patient.

1 (5) Any person who discloses the content of any record
2 referred to in this Section except as authorized shall,
3 upon conviction, be guilty of a Class A misdemeanor.

4 (6) The Department shall prescribe regulations to
5 carry out the purposes of this subsection. These
6 regulations may contain such definitions, and may provide
7 for such safeguards and procedures, including procedures
8 and criteria for the issuance and scope of court orders,
9 as in the judgment of the Department are necessary or
10 proper to effectuate the purposes of this Section, to
11 prevent circumvention or evasion thereof, or to facilitate
12 compliance therewith.

13 (cc) Each patient shall be given a written explanation of
14 all the rights enumerated in this Section and a copy, signed by
15 the patient, shall be kept in every patient record. If a
16 patient is unable to read such written explanation, it shall
17 be read to the patient in a language that the patient
18 understands. A copy of all the rights enumerated in this
19 Section shall be posted in a conspicuous place within the
20 program where it may readily be seen and read by program
21 patients and visitors.

22 (dd) The program shall ensure that its staff is familiar
23 with and observes the rights and responsibilities enumerated
24 in this Section.

25 (ee) Licensed organizations shall comply with the right of
26 any adolescent to consent to treatment without approval of the

1 parent or legal guardian in accordance with the Consent by
2 Minors to Health Care Services ~~Medical Procedures~~ Act.

3 (ff) At the point of admission for services, licensed
4 organizations must obtain written informed consent, as defined
5 in Section 1-10 and in administrative rule, from each client,
6 patient, or legal guardian.

7 (Source: P.A. 99-143, eff. 7-27-15; 100-759, eff. 1-1-19;
8 revised 12-1-21.)

9 Section 105. The Department of Central Management Services
10 Law of the Civil Administrative Code of Illinois is amended by
11 by setting forth and renumbering multiple versions of Section
12 405-535 as follows:

13 (20 ILCS 405/405-535)

14 Sec. 405-535. Race and gender wage reports.

15 (a) Each State agency and public institution of higher
16 education shall annually submit to the Commission on Equity
17 and Inclusion a report, categorized by both race and gender,
18 specifying the respective wage earnings of employees of that
19 State agency or public institution of higher education.

20 (b) The Commission shall compile the information submitted
21 under this Section and make that information available to the
22 public on the Internet website of the Commission.

23 (c) The Commission shall annually submit a report of the
24 information compiled under this Section to the Governor and

1 the General Assembly.

2 (d) As used in this Section:

3 "Public institution of higher education" has the meaning
4 provided in Section 1 of the Board of Higher Education Act.

5 "State agency" has the meaning provided in subsection (b)
6 of Section 405-5.

7 (Source: P.A. 101-657, Article 25, Section 25-5, eff. 3-23-21;
8 102-29, eff. 6-25-21.)

9 (20 ILCS 405/405-536)

10 Sec. 405-536 ~~405-535~~. State building municipal
11 identification card access. Any State-owned building that
12 requires the display of a State-issued identification card for
13 the purpose of gaining access to the premises shall, in
14 addition to other acceptable forms of identification, accept
15 the use of any Illinois municipal identification card as an
16 acceptable form of identification for the purpose of entering
17 the premises. An Illinois municipal identification card may
18 not be sufficient to access certain secure areas within the
19 premises and may require additional authorization or
20 identification at the discretion of the premises' security,
21 the Department of Central Management Services, or the user
22 agency.

23 For the purposes of this Section, "municipal
24 identification card" means a photo identification card that is
25 issued by an Illinois municipality, as defined under Section

1 1-1-2 of the Illinois Municipal Code, in accordance with its
2 ordinances or codes that consists of the photo, name, and
3 address of the card holder.

4 (Source: P.A. 102-561, eff. 1-1-22; revised 10-27-21.)

5 Section 110. The Personnel Code is amended by changing
6 Sections 4c and 8b.1 as follows:

7 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

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

12 (1) All officers elected by the people.

13 (2) All positions under the Lieutenant Governor,
14 Secretary of State, State Treasurer, State Comptroller,
15 State Board of Education, Clerk of the Supreme Court,
16 Attorney General, and State Board of Elections.

17 (3) Judges, and officers and employees of the courts,
18 and notaries public.

19 (4) All officers and employees of the Illinois General
20 Assembly, all employees of legislative commissions, all
21 officers and employees of the Illinois Legislative
22 Reference Bureau and the Legislative Printing Unit.

23 (5) All positions in the Illinois National Guard and
24 Illinois State Guard, paid from federal funds or positions

1 in the State Military Service filled by enlistment and
2 paid from State funds.

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

5 (7) Directors of Departments, the Adjutant General,
6 the Assistant Adjutant General, the Director of the
7 Illinois Emergency Management Agency, members of boards
8 and commissions, and all other positions appointed by the
9 Governor by and with the consent of the Senate.

10 (8) The presidents, other principal administrative
11 officers, and teaching, research and extension faculties
12 of Chicago State University, Eastern Illinois University,
13 Governors State University, Illinois State University,
14 Northeastern Illinois University, Northern Illinois
15 University, Western Illinois University, the Illinois
16 Community College Board, Southern Illinois University,
17 Illinois Board of Higher Education, University of
18 Illinois, State Universities Civil Service System,
19 University Retirement System of Illinois, and the
20 administrative officers and scientific and technical staff
21 of the Illinois State Museum.

22 (9) All other employees except the presidents, other
23 principal administrative officers, and teaching, research
24 and extension faculties of the universities under the
25 jurisdiction of the Board of Regents and the colleges and
26 universities under the jurisdiction of the Board of

1 Governors of State Colleges and Universities, Illinois
2 Community College Board, Southern Illinois University,
3 Illinois Board of Higher Education, Board of Governors of
4 State Colleges and Universities, the Board of Regents,
5 University of Illinois, State Universities Civil Service
6 System, University Retirement System of Illinois, so long
7 as these are subject to the provisions of the State
8 Universities Civil Service Act.

9 (10) The Illinois State Police so long as they are
10 subject to the merit provisions of the Illinois State
11 Police Act. Employees of the Illinois State Police Merit
12 Board are subject to the provisions of this Code.

13 (11) (Blank).

14 (12) The technical and engineering staffs of the
15 Department of Transportation, the Department of Nuclear
16 Safety, the Pollution Control Board, and the Illinois
17 Commerce Commission, and the technical and engineering
18 staff providing architectural and engineering services in
19 the Department of Central Management Services.

20 (13) All employees of the Illinois State Toll Highway
21 Authority.

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

24 (15) All persons who are appointed or employed by the
25 Director of Insurance under authority of Section 202 of
26 the Illinois Insurance Code to assist the Director of

1 Insurance in discharging his responsibilities relating to
2 the rehabilitation, liquidation, conservation, and
3 dissolution of companies that are subject to the
4 jurisdiction of the Illinois Insurance Code.

5 (16) All employees of the St. Louis Metropolitan Area
6 Airport Authority.

7 (17) All investment officers employed by the Illinois
8 State Board of Investment.

9 (18) Employees of the Illinois Young Adult
10 Conservation Corps program, administered by the Illinois
11 Department of Natural Resources, authorized grantee under
12 Title VIII of the Comprehensive Employment and Training
13 Act of 1973, 29 U.S.C. ~~USE~~ 993.

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

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

23 (21) All hearing officers of the Human Rights
24 Commission.

25 (22) All employees of the Illinois Mathematics and
26 Science Academy.

1 (23) All employees of the Kankakee River Valley Area
2 Airport Authority.

3 (24) The commissioners and employees of the Executive
4 Ethics Commission.

5 (25) The Executive Inspectors General, including
6 special Executive Inspectors General, and employees of
7 each Office of an Executive Inspector General.

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

10 (27) The Legislative Inspector General, including
11 special Legislative Inspectors General, and employees of
12 the Office of the Legislative Inspector General.

13 (28) The Auditor General's Inspector General and
14 employees of the Office of the Auditor General's Inspector
15 General.

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

17 (30) Employees having demonstrable, defined advanced
18 skills in accounting, financial reporting, or technical
19 expertise who are employed within executive branch
20 agencies and whose duties are directly related to the
21 submission to the Office of the Comptroller of financial
22 information for the publication of the Comprehensive
23 Annual Financial Report.

24 (31) All employees of the Illinois Sentencing Policy
25 Advisory Council.

26 (Source: P.A. 101-652, eff. 1-1-22; 102-291, eff. 8-6-21;

1 102-538, eff. 8-20-21; revised 10-5-21.)

2 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

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

1 the powers of a peace officer, in which case the person's
2 conviction or arrest record may be considered as a factor in
3 determining the person's fitness for the position. The
4 eligibility conditions specified for the position of Assistant
5 Director of Healthcare and Family Services in the Department
6 of Healthcare and Family Services in Section 5-230 of the
7 Departments of State Government Law of the Civil
8 Administrative Code of Illinois ~~(20 ILCS 5/5-230)~~ shall be
9 applied to that position in addition to other standards, tests
10 or criteria established by the Director. All examinations
11 shall be announced publicly at least 2 weeks in advance of the
12 date of the examinations and may be advertised through the
13 press, radio and other media. The Director may, however, in
14 his discretion, continue to receive applications and examine
15 candidates long enough to assure a sufficient number of
16 eligibles to meet the needs of the service and may add the
17 names of successful candidates to existing eligible lists in
18 accordance with their respective ratings.

19 The Director may, in his discretion, accept the results of
20 competitive examinations conducted by any merit system
21 established by federal law or by the law of any state ~~State~~,
22 and may compile eligible lists therefrom or may add the names
23 of successful candidates in examinations conducted by those
24 merit systems to existing eligible lists in accordance with
25 their respective ratings. No person who is a non-resident of
26 the State of Illinois may be appointed from those eligible

1 lists, however, unless the requirement that applicants be
2 residents of the State of Illinois is waived by the Director of
3 Central Management Services and unless there are less than 3
4 Illinois residents available for appointment from the
5 appropriate eligible list. The results of the examinations
6 conducted by other merit systems may not be used unless they
7 are comparable in difficulty and comprehensiveness to
8 examinations conducted by the Department of Central Management
9 Services for similar positions. Special linguistic options may
10 also be established where deemed appropriate.

11 When an agency requests an open competitive eligible list
12 from the Department, the Director shall also provide to the
13 agency a Successful Disability Opportunities Program eligible
14 candidate list.

15 (Source: P.A. 101-192, eff. 1-1-20; revised 12-2-21.)

16 Section 115. The Children and Family Services Act is
17 amended by changing Section 7.3a as follows:

18 (20 ILCS 505/7.3a)

19 Sec. 7.3a. Normalcy parenting for children in foster care;
20 participation in childhood activities.

21 (a) Legislative findings.

22 (1) Every day parents make important decisions about
23 their child's participation in extracurricular activities.

24 Caregivers for children in out-of-home care are faced with

1 making the same decisions.

2 (2) When a caregiver makes decisions, he or she must
3 consider applicable laws, rules, and regulations to
4 safeguard the health, safety, and best interests of a
5 child in out-of-home care.

6 (3) Participation in extracurricular activities is
7 important to a child's well-being, not only emotionally,
8 but also in developing valuable life skills.

9 (4) The General Assembly recognizes the importance of
10 making every effort to normalize the lives of children in
11 out-of-home care and to empower a caregiver to approve or
12 not approve a child's participation in appropriate
13 extracurricular activities based on the caregiver's own
14 assessment using the reasonable and prudent parent
15 standard, without prior approval of the Department, the
16 caseworker, or the court.

17 (5) Nothing in this Section shall be presumed to
18 discourage or diminish the engagement of families and
19 guardians in the child's life activities.

20 (b) Definitions. As used in this Section:

21 "Appropriate activities" means activities or items that
22 are generally accepted as suitable for children of the same
23 chronological age or developmental level of maturity.
24 Appropriateness is based on the development of cognitive,
25 emotional, physical, and behavioral capacity that is typical
26 for an age or age group, taking into account the individual

1 child's cognitive, emotional, physical, and behavioral
2 development.

3 "Caregiver" means a person with whom the child is placed
4 in out-of-home care or a designated official for child care
5 facilities licensed by the Department as defined in the Child
6 Care Act of 1969.

7 "Reasonable and prudent parent standard" means the
8 standard characterized by careful and sensible parental
9 decisions that maintain the child's health, safety, and best
10 interests while at the same time supporting the child's
11 emotional and developmental growth that a caregiver shall use
12 when determining whether to allow a child in out-of-home care
13 to participate in extracurricular, enrichment, cultural, and
14 social activities.

15 (c) Requirements for decision-making.

16 (1) Each child who comes into the care and custody of
17 the Department is fully entitled to participate in
18 appropriate extracurricular, enrichment, cultural, and
19 social activities in a manner that allows that child to
20 participate in his or her community to the fullest extent
21 possible.

22 (2) Caregivers must use the reasonable and prudent
23 parent standard in determining whether to give permission
24 for a child in out-of-home care to participate in
25 appropriate extracurricular, enrichment, cultural, and
26 social activities. Caregivers are expected to promote and

1 support a child's participation in such activities. When
2 using the reasonable and prudent parent standard, the
3 caregiver shall consider:

4 (A) the child's age, maturity, and developmental
5 level to promote the overall health, safety, and best
6 interests of the child;

7 (B) the best interest of the child based on
8 information known by the caregiver;

9 (C) the importance and fundamental value of
10 encouraging the child's emotional and developmental
11 growth gained through participation in activities in
12 his or her community;

13 (D) the importance and fundamental value of
14 providing the child with the most family-like living
15 experience possible; and

16 (E) the behavioral history of the child and the
17 child's ability to safely participate in the proposed
18 activity.

19 (3) A caregiver is not liable for harm caused to a
20 child in out-of-home care who participates in an activity
21 approved by the caregiver, provided that the caregiver has
22 acted as a reasonable and prudent parent in permitting the
23 child to engage in the activity.

24 (c-5) No youth in care shall be required to store his or
25 her belongings in plastic bags or in similar forms of
26 disposable containers, including, but not limited to, trash

1 bags, paper or plastic shopping bags, or pillow cases when
2 relocating from one placement type to another placement type
3 or when discharged from the custody or guardianship of the
4 Department. The Department shall ensure that each youth in
5 care has appropriate baggage and other items to store his or
6 her belongings when moving through the State's child welfare
7 system. As used in this subsection, "purchase of service
8 agency" means any entity that contracts with the Department to
9 provide services that are consistent with the purposes of this
10 Act.

11 (d) Rulemaking. The Department shall adopt, by rule,
12 procedures no later than June 1, 2017 that promote and protect
13 the ability of children to participate in appropriate
14 extracurricular, enrichment, cultural, and social activities.

15 (e) The Department shall ensure that every youth in care
16 who is entering his or her final year of high school has
17 completed a Free Application for Federal Student Aid form, if
18 applicable, or an application for State financial aid on or
19 after October 1, but no later than November 1, of the youth's
20 final year of high school.

21 (Source: P.A. 102-70, eff. 1-1-22; 102-545, eff. 1-1-22;
22 revised 10-5-21.)

23 Section 120. The Department of Commerce and Economic
24 Opportunity Law of the Civil Administrative Code of Illinois
25 is amended by setting forth and renumbering multiple versions

1 of Section 605-1055 and by changing Section 605-1057 as
2 follows:

3 (20 ILCS 605/605-1055)

4 Sec. 605-1055. Illinois SBIR/STTR Matching Funds Program.

5 (a) There is established the Illinois Small Business
6 Innovation Research (SBIR) and Small Business Technology
7 Transfer (STTR) Matching Funds Program to be administered by
8 the Department. In order to foster job creation and economic
9 development in the State, the Department may make grants to
10 eligible businesses to match funds received by the business as
11 an SBIR or STTR Phase I award and to encourage businesses to
12 apply for Phase II awards.

13 (b) In order to be eligible for a grant under this Section,
14 a business must satisfy all of the following conditions:

15 (1) The business must be a for-profit, Illinois-based
16 business. For the purposes of this Section, an
17 Illinois-based business is one that has its principal
18 place of business in this State;

19 (2) The business must have received an SBIR/STTR Phase
20 I award from a participating federal agency in response to
21 a specific federal solicitation. To receive the full
22 match, the business must also have submitted a final Phase
23 I report, demonstrated that the sponsoring agency has
24 interest in the Phase II proposal, and submitted a Phase
25 II proposal to the agency.

1 (3) The business must satisfy all federal SBIR/STTR
2 requirements.

3 (4) The business shall not receive concurrent funding
4 support from other sources that duplicates the purpose of
5 this Section.

6 (5) The business must certify that at least 51% of the
7 research described in the federal SBIR/STTR Phase II
8 proposal will be conducted in this State and that the
9 business will remain an Illinois-based business for the
10 duration of the SBIR/STTR Phase II project.

11 (6) The business must demonstrate its ability to
12 conduct research in its SBIR/STTR Phase II proposal.

13 (c) The Department may award grants to match the funds
14 received by a business through an SBIR/STTR Phase I proposal
15 up to a maximum of \$50,000. Seventy-five percent of the total
16 grant shall be remitted to the business upon receipt of the
17 SBIR/STTR Phase I award and application for funds under this
18 Section. Twenty-five percent of the total grant shall be
19 remitted to the business upon submission by the business of
20 the Phase II application to the funding agency and acceptance
21 of the Phase I report by the funding agency. A business may
22 receive only one grant under this Section per year. A business
23 may receive only one grant under this Section with respect to
24 each federal proposal submission. Over its lifetime, a
25 business may receive a maximum of 5 awards under this Section.

26 (d) A business shall apply, under oath, to the Department

1 for a grant under this Section on a form prescribed by the
2 Department that includes at least all of the following:

3 (1) the name of the business, the form of business
4 organization under which it is operated, and the names and
5 addresses of the principals or management of the business;

6 (2) an acknowledgment of receipt of the Phase I report
7 and Phase II proposal by the relevant federal agency; and

8 (3) any other information necessary for the Department
9 to evaluate the application.

10 (Source: P.A. 101-657, eff. 3-23-21.)

11 (20 ILCS 605/605-1057)

12 (Section scheduled to be repealed on July 1, 2031)

13 Sec. 605-1057. State-designated cultural districts.

14 (a) As used in this Section, "State-designated cultural
15 district" means a geographical area certified under this
16 Section that has a distinct, historic, and cultural identity.
17 Municipalities or 501(c)(3) organizations working on behalf of
18 a certified geographical area should seek to:

19 (1) Promote a distinct historic and cultural
20 community.

21 (2) Encourage economic development and support
22 ~~supports~~ entrepreneurship in the geographic area and
23 community.

24 (3) Encourage the preservation and development of
25 historic and culturally significant structures,

1 traditions, and languages.

2 (4) Foster local cultural development and education.

3 (5) Provide a focal point for celebrating and
4 strengthening the unique cultural identity of the
5 community.

6 (6) Promote growth and opportunity without generating
7 displacement or expanding inequality.

8 (b) Administrative authority. The Department of Commerce
9 and Economic Opportunity shall establish criteria and
10 guidelines for State-designated cultural districts by rule in
11 accordance with qualifying criteria outlined in subsection
12 (c). In executing its powers and duties under this Section,
13 the Department shall:

14 (1) establish a competitive application system by
15 which a community may apply for certification as a
16 State-designated cultural district;

17 (2) provide technical assistance for State-designated
18 cultural districts by collaborating with all relevant
19 offices and grantees of the Department to help them
20 identify and achieve their goals for cultural
21 preservation, including, but not limited to, promotional
22 support of State-designated cultural districts and support
23 for small businesses looking to access resources;

24 (3) collaborate with other State agencies, units of
25 local government, community organizations, and private
26 entities to maximize the benefits of State-designated

1 cultural districts; and

2 (4) establish an advisory committee to advise the
3 Department on program rules and the certification process.
4 The advisory committee shall reflect the diversity of the
5 State of Illinois, including geographic, racial, and
6 ethnic diversity. The advisory committee must include:

7 (A) a representative of the Department of Commerce
8 and Economic Opportunity appointed by the Director;

9 (B) a representative of the Department of
10 Agriculture appointed by the Director of Agriculture;

11 (C) a representative of the Illinois Housing
12 Development Authority appointed by the Executive
13 Director of the Illinois Housing Development
14 Authority;

15 (D) two members of the House of Representatives
16 appointed one each by the Speaker of the House of
17 Representatives and the Minority Leader of the House
18 of Representatives;

19 (E) two members of the Senate appointed one each
20 by the President of the Senate and the Minority Leader
21 of the Senate; and

22 (F) four community representatives appointed by
23 the Governor representing diverse racial, ethnic, and
24 geographic groups not captured in the membership of
25 the other designees, with the input of community and
26 stakeholder groups.

1 (c) Certification. A geographical area within the State
2 may be certified as a State-designated cultural district by
3 applying to the Department for certification. Certification as
4 a State-designated cultural district shall be for a period of
5 10 years, after which the district may renew certification
6 every 5 years. A municipality or 501(c)(3) organization may
7 apply for certification on behalf of a geographic area. The
8 applying entity is responsible for complying with reporting
9 requirements under subsection (f). The Department shall
10 develop criteria to assess whether an applicant qualifies for
11 certification under this Section. That criteria must include a
12 demonstration that the applicant and the community:

13 (1) have been historically impacted and are currently
14 at risk of losing their cultural identity because of
15 gentrification, displacement, or the COVID-19 pandemic;

16 (2) can demonstrate a history of economic
17 disinvestment; and

18 (3) can demonstrate strong community support for the
19 cultural district designation through active and formal
20 participation by community organizations and municipal and
21 regional government agencies or officials.

22 (d) Each applicant shall be encouraged by the Department
23 to:

24 (1) have development plans that include and prioritize
25 the preservation of local businesses and retention of
26 existing residents and businesses; and

1 (2) have an education framework in place informed with
2 a vision of food justice, social justice, community
3 sustainability, and social equity.

4 (e) The Department shall award no more than 5
5 State-designated cultural districts every year. At no point
6 shall the total amount of State-designated cultural districts
7 be more than 15, unless otherwise directed by the Director of
8 the Department of Commerce and Economic Opportunity in
9 consultation with the advisory committee.

10 (f) Within 12 months after being designated a cultural
11 district, the State-designated cultural district shall submit
12 a report to the Department detailing its current programs and
13 goals for the next 4 years of its designation. For each year
14 thereafter that the district remains a State-designated
15 cultural district, it shall submit a report to the Department
16 on the status of the program and future developments of the
17 district. Any State-designated cultural district that fails to
18 file a report for 2 consecutive years shall lose its status.

19 (g) This Section is repealed on July 1, 2031.

20 (Source: P.A. 102-628, eff. 1-1-22; revised 12-6-21.)

21 (20 ILCS 605/605-1080)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 605-1080 ~~605-1055~~. Personal care products industry
24 supplier disparity study.

25 (a) The Department shall compile and publish a disparity

1 study by December 31, 2022 that: (1) evaluates whether there
2 exists intentional discrimination at the supplier or
3 distribution level for retailers of beauty products,
4 cosmetics, hair care supplies, and personal care products in
5 the State of Illinois; and (2) if so, evaluates the impact of
6 such discrimination on the State and includes recommendations
7 for reducing or eliminating any barriers to entry to those
8 wishing to establish businesses at the retail level involving
9 such products. The Department shall forward a copy of its
10 findings and recommendations to the General Assembly and
11 Governor.

12 (b) The Department may compile, collect, or otherwise
13 gather data necessary for the administration of this Section
14 and to carry out the Department's duty relating to the
15 recommendation of policy changes. The Department shall compile
16 all of the data into a single report, submit the report to the
17 Governor and the General Assembly, and publish the report on
18 its website.

19 (c) This Section is repealed on January 1, 2024.

20 (Source: P.A. 101-658, eff. 3-23-21; revised 11-2-21.)

21 (20 ILCS 605/605-1085)

22 Sec. 605-1085 ~~605-1055~~. The Illinois Small Business Fund.
23 The Illinois Small Business Fund is created as a
24 nonappropriated separate and apart trust fund in the State
25 Treasury. The Department shall use moneys in the Fund to

1 manage proceeds that result from investments that the
2 Department has undertaken through economic development
3 programs, including, but not limited to, the Department's
4 Venture Capital Investment Program. The Department may use
5 moneys collected to reinvest in small business and economic
6 development initiatives through grants or loans. The Fund may
7 receive any grants or other moneys designated for small
8 business growth from the State, or any unit of federal or local
9 government, or any other person, firm, partnership, or
10 corporation. Any interest earnings that are attributable to
11 moneys in the Fund must be deposited into the Fund.

12 (Source: P.A. 102-330, eff. 1-1-22; revised 11-2-21.)

13 (20 ILCS 605/605-1090)

14 Sec. 605-1090 ~~605-1055~~. Illinois Innovation Voucher
15 Program.

16 (a) The Department is authorized to establish the Illinois
17 Innovation Voucher Program to be administered in accordance
18 with this Section for the purpose of fostering research and
19 development in key industry clusters leading to the creation
20 of new products and services that can be marketed by Illinois
21 businesses. Subject to appropriation, the Department may award
22 innovation vouchers to eligible businesses to offset a portion
23 of expenses incurred through a collaborative research
24 engagement with an Illinois institution of higher education.

25 (b) Subject to appropriation, the Department may award

1 matching funds in the form of innovation vouchers up to 75% of
2 the cost of the research engagement not to exceed \$75,000. A
3 business may receive only one innovation voucher under this
4 Section per year.

5 (c) The Department, when administering the Program under
6 this Section:

7 (1) must encourage participation among small and
8 mid-sized businesses;

9 (2) must encourage participation in the Program in
10 diverse geographic and economic areas, including urban,
11 suburban, and rural areas of the State; and

12 (3) must encourage participation in the Program from
13 businesses that operate in key industries, as defined by
14 the Department. These industries include, but are not
15 limited to, the following: (i) agribusiness and agtech;
16 (ii) energy; (iii) information technology; (iv) life
17 sciences and healthcare; (v) manufacturing; and (vi)
18 transportation and logistics.

19 (d) In order to be eligible for an innovation voucher
20 under this Section, a business must satisfy all of the
21 following conditions:

22 (1) the business must be an Illinois-based business.
23 For the purposes of this Section, "Illinois-based
24 business" means a business that has its principal place of
25 business in this State or that employs at least 100
26 full-time employees, as defined under Section 5-5 of the

1 Economic Development for a Growing Economy Tax Credit Act,
2 in this State;

3 (2) the business must remain in this State for the
4 duration of research engagement; and

5 (3) the partnering institution of higher education
6 must be an Illinois-based institution of higher education
7 and non-profit. For the purposes of this Section,
8 "Illinois-based institution of higher education" means an
9 institution of higher education that has its main physical
10 campus in this State.

11 (e) The Department may adopt any rules necessary to
12 administer the provisions of this Section.

13 (Source: P.A. 102-648, eff. 8-27-21; revised 11-2-21.)

14 Section 125. The Illinois Enterprise Zone Act is amended
15 by changing Section 5.5 as follows:

16 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

17 Sec. 5.5. High Impact Business.

18 (a) In order to respond to unique opportunities to assist
19 in the encouragement, development, growth, and expansion of
20 the private sector through large scale investment and
21 development projects, the Department is authorized to receive
22 and approve applications for the designation of "High Impact
23 Businesses" in Illinois subject to the following conditions:

24 (1) such applications may be submitted at any time

1 during the year;

2 (2) such business is not located, at the time of
3 designation, in an enterprise zone designated pursuant to
4 this Act;

5 (3) the business intends to do one or more of the
6 following:

7 (A) the business intends to make a minimum
8 investment of \$12,000,000 which will be placed in
9 service in qualified property and intends to create
10 500 full-time equivalent jobs at a designated location
11 in Illinois or intends to make a minimum investment of
12 \$30,000,000 which will be placed in service in
13 qualified property and intends to retain 1,500
14 full-time retained jobs at a designated location in
15 Illinois. The business must certify in writing that
16 the investments would not be placed in service in
17 qualified property and the job creation or job
18 retention would not occur without the tax credits and
19 exemptions set forth in subsection (b) of this
20 Section. The terms "placed in service" and "qualified
21 property" have the same meanings as described in
22 subsection (h) of Section 201 of the Illinois Income
23 Tax Act; or

24 (B) the business intends to establish a new
25 electric generating facility at a designated location
26 in Illinois. "New electric generating facility", for

1 purposes of this Section, means a newly constructed
2 ~~newly constructed~~ electric generation plant or a newly
3 constructed ~~newly constructed~~ generation capacity
4 expansion at an existing electric generation plant,
5 including the transmission lines and associated
6 equipment that transfers electricity from points of
7 supply to points of delivery, and for which such new
8 foundation construction commenced not sooner than July
9 1, 2001. Such facility shall be designed to provide
10 baseload electric generation and shall operate on a
11 continuous basis throughout the year; and (i) shall
12 have an aggregate rated generating capacity of at
13 least 1,000 megawatts for all new units at one site if
14 it uses natural gas as its primary fuel and foundation
15 construction of the facility is commenced on or before
16 December 31, 2004, or shall have an aggregate rated
17 generating capacity of at least 400 megawatts for all
18 new units at one site if it uses coal or gases derived
19 from coal as its primary fuel and shall support the
20 creation of at least 150 new Illinois coal mining
21 jobs, or (ii) shall be funded through a federal
22 Department of Energy grant before December 31, 2010
23 and shall support the creation of Illinois coal-mining
24 jobs, or (iii) shall use coal gasification or
25 integrated gasification-combined cycle units that
26 generate electricity or chemicals, or both, and shall

1 support the creation of Illinois coal-mining jobs. The
2 business must certify in writing that the investments
3 necessary to establish a new electric generating
4 facility would not be placed in service and the job
5 creation in the case of a coal-fueled plant would not
6 occur without the tax credits and exemptions set forth
7 in subsection (b-5) of this Section. The term "placed
8 in service" has the same meaning as described in
9 subsection (h) of Section 201 of the Illinois Income
10 Tax Act; or

11 (B-5) the business intends to establish a new
12 gasification facility at a designated location in
13 Illinois. As used in this Section, "new gasification
14 facility" means a newly constructed coal gasification
15 facility that generates chemical feedstocks or
16 transportation fuels derived from coal (which may
17 include, but are not limited to, methane, methanol,
18 and nitrogen fertilizer), that supports the creation
19 or retention of Illinois coal-mining jobs, and that
20 qualifies for financial assistance from the Department
21 before December 31, 2010. A new gasification facility
22 does not include a pilot project located within
23 Jefferson County or within a county adjacent to
24 Jefferson County for synthetic natural gas from coal;
25 or

26 (C) the business intends to establish production

1 operations at a new coal mine, re-establish production
2 operations at a closed coal mine, or expand production
3 at an existing coal mine at a designated location in
4 Illinois not sooner than July 1, 2001; provided that
5 the production operations result in the creation of
6 150 new Illinois coal mining jobs as described in
7 subdivision (a)(3)(B) of this Section, and further
8 provided that the coal extracted from such mine is
9 utilized as the predominant source for a new electric
10 generating facility. The business must certify in
11 writing that the investments necessary to establish a
12 new, expanded, or reopened coal mine would not be
13 placed in service and the job creation would not occur
14 without the tax credits and exemptions set forth in
15 subsection (b-5) of this Section. The term "placed in
16 service" has the same meaning as described in
17 subsection (h) of Section 201 of the Illinois Income
18 Tax Act; or

19 (D) the business intends to construct new
20 transmission facilities or upgrade existing
21 transmission facilities at designated locations in
22 Illinois, for which construction commenced not sooner
23 than July 1, 2001. For the purposes of this Section,
24 "transmission facilities" means transmission lines
25 with a voltage rating of 115 kilovolts or above,
26 including associated equipment, that transfer

1 electricity from points of supply to points of
2 delivery and that transmit a majority of the
3 electricity generated by a new electric generating
4 facility designated as a High Impact Business in
5 accordance with this Section. The business must
6 certify in writing that the investments necessary to
7 construct new transmission facilities or upgrade
8 existing transmission facilities would not be placed
9 in service without the tax credits and exemptions set
10 forth in subsection (b-5) of this Section. The term
11 "placed in service" has the same meaning as described
12 in subsection (h) of Section 201 of the Illinois
13 Income Tax Act; or

14 (E) the business intends to establish a new wind
15 power facility at a designated location in Illinois.
16 For purposes of this Section, "new wind power
17 facility" means a newly constructed electric
18 generation facility, a newly constructed expansion of
19 an existing electric generation facility, or the
20 replacement of an existing electric generation
21 facility, including the demolition and removal of an
22 electric generation facility irrespective of whether
23 it will be replaced, placed in service or replaced on
24 or after July 1, 2009, that generates electricity
25 using wind energy devices, and such facility shall be
26 deemed to include any permanent structures associated

1 with the electric generation facility and all
2 associated transmission lines, substations, and other
3 equipment related to the generation of electricity
4 from wind energy devices. For purposes of this
5 Section, "wind energy device" means any device, with a
6 nameplate capacity of at least 0.5 megawatts, that is
7 used in the process of converting kinetic energy from
8 the wind to generate electricity; or

9 (E-5) the business intends to establish a new
10 utility-scale solar facility at a designated location
11 in Illinois. For purposes of this Section, "new
12 utility-scale solar power facility" means a newly
13 constructed electric generation facility, or a newly
14 constructed expansion of an existing electric
15 generation facility, placed in service on or after
16 July 1, 2021, that (i) generates electricity using
17 photovoltaic cells and (ii) has a nameplate capacity
18 that is greater than 5,000 kilowatts, and such
19 facility shall be deemed to include all associated
20 transmission lines, substations, energy storage
21 facilities, and other equipment related to the
22 generation and storage of electricity from
23 photovoltaic cells; or

24 (F) the business commits to (i) make a minimum
25 investment of \$500,000,000, which will be placed in
26 service in a qualified property, (ii) create 125

1 full-time equivalent jobs at a designated location in
2 Illinois, (iii) establish a fertilizer plant at a
3 designated location in Illinois that complies with the
4 set-back standards as described in Table 1: Initial
5 Isolation and Protective Action Distances in the 2012
6 Emergency Response Guidebook published by the United
7 States Department of Transportation, (iv) pay a
8 prevailing wage for employees at that location who are
9 engaged in construction activities, and (v) secure an
10 appropriate level of general liability insurance to
11 protect against catastrophic failure of the fertilizer
12 plant or any of its constituent systems; in addition,
13 the business must agree to enter into a construction
14 project labor agreement including provisions
15 establishing wages, benefits, and other compensation
16 for employees performing work under the project labor
17 agreement at that location; for the purposes of this
18 Section, "fertilizer plant" means a newly constructed
19 or upgraded plant utilizing gas used in the production
20 of anhydrous ammonia and downstream nitrogen
21 fertilizer products for resale; for the purposes of
22 this Section, "prevailing wage" means the hourly cash
23 wages plus fringe benefits for training and
24 apprenticeship programs approved by the U.S.
25 Department of Labor, Bureau of Apprenticeship and
26 Training, health and welfare, insurance, vacations and

1 pensions paid generally, in the locality in which the
2 work is being performed, to employees engaged in work
3 of a similar character on public works; this paragraph
4 (F) applies only to businesses that submit an
5 application to the Department within 60 days after
6 July 25, 2013 (the effective date of Public Act
7 98-109); and

8 (4) no later than 90 days after an application is
9 submitted, the Department shall notify the applicant of
10 the Department's determination of the qualification of the
11 proposed High Impact Business under this Section.

12 (b) Businesses designated as High Impact Businesses
13 pursuant to subdivision (a)(3)(A) of this Section shall
14 qualify for the credits and exemptions described in the
15 following Acts: Section 9-222 and Section 9-222.1A of the
16 Public Utilities Act, subsection (h) of Section 201 of the
17 Illinois Income Tax Act, and Section 1d of the Retailers'
18 Occupation Tax Act; provided that these credits and exemptions
19 described in these Acts shall not be authorized until the
20 minimum investments set forth in subdivision (a)(3)(A) of this
21 Section have been placed in service in qualified properties
22 and, in the case of the exemptions described in the Public
23 Utilities Act and Section 1d of the Retailers' Occupation Tax
24 Act, the minimum full-time equivalent jobs or full-time
25 retained jobs set forth in subdivision (a)(3)(A) of this
26 Section have been created or retained. Businesses designated

1 as High Impact Businesses under this Section shall also
2 qualify for the exemption described in Section 51 of the
3 Retailers' Occupation Tax Act. The credit provided in
4 subsection (h) of Section 201 of the Illinois Income Tax Act
5 shall be applicable to investments in qualified property as
6 set forth in subdivision (a) (3) (A) of this Section.

7 (b-5) Businesses designated as High Impact Businesses
8 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
9 and (a) (3) (D) of this Section shall qualify for the credits
10 and exemptions described in the following Acts: Section 51 of
11 the Retailers' Occupation Tax Act, Section 9-222 and Section
12 9-222.1A of the Public Utilities Act, and subsection (h) of
13 Section 201 of the Illinois Income Tax Act; however, the
14 credits and exemptions authorized under Section 9-222 and
15 Section 9-222.1A of the Public Utilities Act, and subsection
16 (h) of Section 201 of the Illinois Income Tax Act shall not be
17 authorized until the new electric generating facility, the new
18 gasification facility, the new transmission facility, or the
19 new, expanded, or reopened coal mine is operational, except
20 that a new electric generating facility whose primary fuel
21 source is natural gas is eligible only for the exemption under
22 Section 51 of the Retailers' Occupation Tax Act.

23 (b-6) Businesses designated as High Impact Businesses
24 pursuant to subdivision (a) (3) (E) or (a) (3) (E-5) of this
25 Section shall qualify for the exemptions described in Section
26 51 of the Retailers' Occupation Tax Act; any business so

1 designated as a High Impact Business being, for purposes of
2 this Section, a "Wind Energy Business".

3 (b-7) Beginning on January 1, 2021, businesses designated
4 as High Impact Businesses by the Department shall qualify for
5 the High Impact Business construction jobs credit under
6 subsection (h-5) of Section 201 of the Illinois Income Tax Act
7 if the business meets the criteria set forth in subsection (i)
8 of this Section. The total aggregate amount of credits awarded
9 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9)
10 shall not exceed \$20,000,000 in any State fiscal year.

11 (c) High Impact Businesses located in federally designated
12 foreign trade zones or sub-zones are also eligible for
13 additional credits, exemptions and deductions as described in
14 the following Acts: Section 9-221 and Section 9-222.1 of the
15 Public Utilities Act; and subsection (g) of Section 201, and
16 Section 203 of the Illinois Income Tax Act.

17 (d) Except for businesses contemplated under subdivision
18 (a)(3)(E) or (a)(3)(E-5) of this Section, existing Illinois
19 businesses which apply for designation as a High Impact
20 Business must provide the Department with the prospective plan
21 for which 1,500 full-time retained jobs would be eliminated in
22 the event that the business is not designated.

23 (e) Except for new wind power facilities contemplated
24 under subdivision (a)(3)(E) of this Section, new proposed
25 facilities which apply for designation as High Impact Business
26 must provide the Department with proof of alternative

1 non-Illinois sites which would receive the proposed investment
2 and job creation in the event that the business is not
3 designated as a High Impact Business.

4 (f) Except for businesses contemplated under subdivision
5 (a)(3)(E) of this Section, in the event that a business is
6 designated a High Impact Business and it is later determined
7 after reasonable notice and an opportunity for a hearing as
8 provided under the Illinois Administrative Procedure Act, that
9 the business would have placed in service in qualified
10 property the investments and created or retained the requisite
11 number of jobs without the benefits of the High Impact
12 Business designation, the Department shall be required to
13 immediately revoke the designation and notify the Director of
14 the Department of Revenue who shall begin proceedings to
15 recover all wrongfully exempted State taxes with interest. The
16 business shall also be ineligible for all State funded
17 Department programs for a period of 10 years.

18 (g) The Department shall revoke a High Impact Business
19 designation if the participating business fails to comply with
20 the terms and conditions of the designation.

21 (h) Prior to designating a business, the Department shall
22 provide the members of the General Assembly and Commission on
23 Government Forecasting and Accountability with a report
24 setting forth the terms and conditions of the designation and
25 guarantees that have been received by the Department in
26 relation to the proposed business being designated.

1 (i) High Impact Business construction jobs credit.
2 Beginning on January 1, 2021, a High Impact Business may
3 receive a tax credit against the tax imposed under subsections
4 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
5 amount equal to 50% of the amount of the incremental income tax
6 attributable to High Impact Business construction jobs credit
7 employees employed in the course of completing a High Impact
8 Business construction jobs project. However, the High Impact
9 Business construction jobs credit may equal 75% of the amount
10 of the incremental income tax attributable to High Impact
11 Business construction jobs credit employees if the High Impact
12 Business construction jobs credit project is located in an
13 underserved area.

14 The Department shall certify to the Department of Revenue:
15 (1) the identity of taxpayers that are eligible for the High
16 Impact Business construction jobs credit; and (2) the amount
17 of High Impact Business construction jobs credits that are
18 claimed pursuant to subsection (h-5) of Section 201 of the
19 Illinois Income Tax Act in each taxable year. Any business
20 entity that receives a High Impact Business construction jobs
21 credit shall maintain a certified payroll pursuant to
22 subsection (j) of this Section.

23 As used in this subsection (i):

24 "High Impact Business construction jobs credit" means an
25 amount equal to 50% (or 75% if the High Impact Business
26 construction project is located in an underserved area) of the

1 incremental income tax attributable to High Impact Business
2 construction job employees. The total aggregate amount of
3 credits awarded under the Blue Collar Jobs Act (Article 20 of
4 Public Act 101-9) shall not exceed \$20,000,000 in any State
5 fiscal year

6 "High Impact Business construction job employee" means a
7 laborer or worker who is employed by an Illinois contractor or
8 subcontractor in the actual construction work on the site of a
9 High Impact Business construction job project.

10 "High Impact Business construction jobs project" means
11 building a structure or building or making improvements of any
12 kind to real property, undertaken and commissioned by a
13 business that was designated as a High Impact Business by the
14 Department. The term "High Impact Business construction jobs
15 project" does not include the routine operation, routine
16 repair, or routine maintenance of existing structures,
17 buildings, or real property.

18 "Incremental income tax" means the total amount withheld
19 during the taxable year from the compensation of High Impact
20 Business construction job employees.

21 "Underserved area" means a geographic area that meets one
22 or more of the following conditions:

23 (1) the area has a poverty rate of at least 20%
24 according to the latest American Community Survey;

25 (2) 35% or more of the families with children in the
26 area are living below 130% of the poverty line, according

1 to the latest American Community Survey;

2 (3) at least 20% of the households in the area receive
3 assistance under the Supplemental Nutrition Assistance
4 Program (SNAP); or

5 (4) the area has an average unemployment rate, as
6 determined by the Illinois Department of Employment
7 Security, that is more than 120% of the national
8 unemployment average, as determined by the U.S. Department
9 of Labor, for a period of at least 2 consecutive calendar
10 years preceding the date of the application.

11 (j) Each contractor and subcontractor who is engaged in
12 and executing a High Impact Business Construction jobs
13 project, as defined under subsection (i) of this Section, for
14 a business that is entitled to a credit pursuant to subsection
15 (i) of this Section shall:

16 (1) make and keep, for a period of 5 years from the
17 date of the last payment made on or after June 5, 2019 (the
18 effective date of Public Act 101-9) on a contract or
19 subcontract for a High Impact Business Construction Jobs
20 Project, records for all laborers and other workers
21 employed by the contractor or subcontractor on the
22 project; the records shall include:

23 (A) the worker's name;

24 (B) the worker's address;

25 (C) the worker's telephone number, if available;

26 (D) the worker's social security number;

1 (E) the worker's classification or
2 classifications;

3 (F) the worker's gross and net wages paid in each
4 pay period;

5 (G) the worker's number of hours worked each day;

6 (H) the worker's starting and ending times of work
7 each day;

8 (I) the worker's hourly wage rate;

9 (J) the worker's hourly overtime wage rate;

10 (K) the worker's race and ethnicity; and

11 (L) the worker's gender;

12 (2) no later than the 15th day of each calendar month,
13 provide a certified payroll for the immediately preceding
14 month to the taxpayer in charge of the High Impact
15 Business construction jobs project; within 5 business days
16 after receiving the certified payroll, the taxpayer shall
17 file the certified payroll with the Department of Labor
18 and the Department of Commerce and Economic Opportunity; a
19 certified payroll must be filed for only those calendar
20 months during which construction on a High Impact Business
21 construction jobs project has occurred; the certified
22 payroll shall consist of a complete copy of the records
23 identified in paragraph (1) of this subsection (j), but
24 may exclude the starting and ending times of work each
25 day; the certified payroll shall be accompanied by a
26 statement signed by the contractor or subcontractor or an

1 officer, employee, or agent of the contractor or
2 subcontractor which avers that:

3 (A) he or she has examined the certified payroll
4 records required to be submitted by the Act and such
5 records are true and accurate; and

6 (B) the contractor or subcontractor is aware that
7 filing a certified payroll that he or she knows to be
8 false is a Class A misdemeanor.

9 A general contractor is not prohibited from relying on a
10 certified payroll of a lower-tier subcontractor, provided the
11 general contractor does not knowingly rely upon a
12 subcontractor's false certification.

13 Any contractor or subcontractor subject to this
14 subsection, and any officer, employee, or agent of such
15 contractor or subcontractor whose duty as an officer,
16 employee, or agent it is to file a certified payroll under this
17 subsection, who willfully fails to file such a certified
18 payroll on or before the date such certified payroll is
19 required by this paragraph to be filed and any person who
20 willfully files a false certified payroll that is false as to
21 any material fact is in violation of this Act and guilty of a
22 Class A misdemeanor.

23 The taxpayer in charge of the project shall keep the
24 records submitted in accordance with this subsection on or
25 after June 5, 2019 (the effective date of Public Act 101-9) for
26 a period of 5 years from the date of the last payment for work

1 on a contract or subcontract for the High Impact Business
2 construction jobs project.

3 The records submitted in accordance with this subsection
4 shall be considered public records, except an employee's
5 address, telephone number, and social security number, and
6 made available in accordance with the Freedom of Information
7 Act. The Department of Labor shall share the information with
8 the Department in order to comply with the awarding of a High
9 Impact Business construction jobs credit. A contractor,
10 subcontractor, or public body may retain records required
11 under this Section in paper or electronic format.

12 (k) Upon 7 business days' notice, each contractor and
13 subcontractor shall make available for inspection and copying
14 at a location within this State during reasonable hours, the
15 records identified in this subsection (j) to the taxpayer in
16 charge of the High Impact Business construction jobs project,
17 its officers and agents, the Director of the Department of
18 Labor and his or her deputies and agents, and to federal,
19 State, or local law enforcement agencies and prosecutors.

20 (Source: P.A. 101-9, eff. 6-5-19; 102-108, eff. 1-1-22;
21 102-558, eff. 8-20-21; 102-605, eff. 8-27-21; 102-662, eff.
22 9-15-21; 102-673, eff. 11-30-21; revised 12-8-21.)

23 Section 130. The Illinois Promotion Act is amended by
24 changing Section 8a as follows:

1 (20 ILCS 665/8a) (from Ch. 127, par. 200-28a)

2 Sec. 8a. Tourism grants and loans.

3 (1) The Department is authorized to make grants and loans,
4 subject to appropriations by the General Assembly for this
5 purpose from the Tourism Promotion Fund, to counties,
6 municipalities, other units of local government, local
7 promotion groups, not-for-profit organizations, or for-profit
8 businesses for the development or improvement of tourism
9 attractions in Illinois. Individual grants and loans shall not
10 exceed \$1,000,000 and shall not exceed 50% of the entire
11 amount of the actual expenditures for the development or
12 improvement of a tourist attraction. Agreements for loans made
13 by the Department pursuant to this subsection may contain
14 provisions regarding term, interest rate, security as may be
15 required by the Department and any other provisions the
16 Department may require to protect the State's interest.

17 (2) From appropriations to the Department from the State
18 CURE fund for this purpose, the Department shall establish
19 Tourism Attraction grants for purposes outlined in subsection
20 (1). Grants under this subsection shall not exceed \$1,000,000
21 but may exceed 50% of the entire amount of the actual
22 expenditure for the development or improvement of a tourist
23 attraction, including, but not limited to, festivals.
24 Expenditures of such funds shall be in accordance with the
25 permitted purposes under Section 9901 of the American Rescue
26 Plan Act of 2021 and all related federal guidance.

1 (Source: P.A. 102-16, eff. 6-17-21; 102-287, eff. 8-6-21;
2 revised 9-28-21.)

3 Section 135. The Financial Institutions Code is amended by
4 changing Section 6 as follows:

5 (20 ILCS 1205/6) (from Ch. 17, par. 106)

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

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

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

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

1 to the buying and selling of foreign exchange and the
2 transmission or transfer of money to foreign countries",
3 approved June 28, 1923, as amended.

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

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

18 (6) To administer and enforce the Safety Deposit License
19 Act ~~"An Act to license and regulate the keeping and letting of~~
20 ~~safety deposit boxes, safes, and vaults, and the opening~~
21 ~~thereof, and to repeal a certain Act therein named", approved~~
22 ~~June 13, 1945, as amended.~~

23 (7) Whenever the Department is authorized or required by
24 law to consider some aspect of criminal history record
25 information for the purpose of carrying out its statutory
26 powers and responsibilities, then, upon request and payment of

1 fees in conformance with the requirements of Section 2605-400
2 of the Illinois State Police Law, the Illinois State Police is
3 authorized to furnish, pursuant to positive identification,
4 such information contained in State files as is necessary to
5 fulfill the request.

6 (8) To administer the Payday Loan Reform Act, the Consumer
7 Installment Loan Act, the Predatory Loan Prevention Act, the
8 Motor Vehicle Retail Installment Sales Act, and the Retail
9 Installment Sales Act.

10 (Source: P.A. 101-658, eff. 3-23-21; 102-538, eff. 8-20-21;
11 revised 10-5-21.)

12 Section 140. The Department of Innovation and Technology
13 Act is amended by changing Section 1-5 as follows:

14 (20 ILCS 1370/1-5)

15 Sec. 1-5. Definitions. In this Act:

16 "Client agency" means each transferring agency, or its
17 successor, and any other public agency to which the Department
18 provides service to the extent specified in an interagency
19 agreement with the public agency.

20 "Dedicated unit" means the dedicated bureau, division,
21 office, or other unit within a transferring agency that is
22 responsible for the information technology functions of the
23 transferring agency.

24 "Department" means the Department of Innovation and

1 Technology.

2 "Information technology" means technology,
3 infrastructure, equipment, systems, software, networks, and
4 processes used to create, send, receive, and store electronic
5 or digital information, including, without limitation,
6 computer systems and telecommunication services and systems.

7 "Information technology" shall be construed broadly to
8 incorporate future technologies (such as sensors and balanced
9 private hybrid or public cloud posture tailored to the mission
10 of the agency) that change or supplant those in effect as of
11 the effective date of this Act.

12 "Information technology functions" means the development,
13 procurement, installation, retention, maintenance, operation,
14 possession, storage, and related functions of all information
15 technology.

16 "Secretary" means the Secretary of Innovation and
17 Technology.

18 "State agency" means each State agency, department, board,
19 and commission under the jurisdiction of the Governor.

20 "Transferring agency" means the Department on Aging; the
21 Departments of Agriculture, Central Management Services,
22 Children and Family Services, Commerce and Economic
23 Opportunity, Corrections, Employment Security, Financial and
24 Professional Regulation, Healthcare and Family Services, Human
25 Rights, Human Services, Insurance, Juvenile Justice, Labor,
26 Lottery, Military Affairs, Natural Resources, Public Health,

1 Revenue, Transportation, and Veterans' Affairs; the Illinois
2 State Police; the Capital Development Board; the Deaf and Hard
3 of Hearing Commission; the Environmental Protection Agency;
4 the Governor's Office of Management and Budget; the
5 Guardianship and Advocacy Commission; the Abraham Lincoln
6 Presidential Library and Museum; the Illinois Arts Council;
7 the Illinois Council on Developmental Disabilities; the
8 Illinois Emergency Management Agency; the Illinois Gaming
9 Board; the Illinois Health Information Exchange Authority; the
10 Illinois Liquor Control Commission; the Office of the State
11 Fire Marshal; and the Prisoner Review Board.

12 (Source: P.A. 102-376, eff. 1-1-22; 102-538, eff. 8-20-21;
13 revised 9-28-21.)

14 Section 145. The Department of Insurance Law of the Civil
15 Administrative Code of Illinois is amended by setting forth,
16 renumbering, and changing multiple versions of Section 1405-40
17 as follows:

18 (20 ILCS 1405/1405-40)

19 Sec. 1405-40. Transfer of functions.

20 (a) On July 1, 2021 (the effective date of Public Act
21 102-37) ~~this amendatory Act of the 102nd General Assembly~~, all
22 powers, duties, rights, and responsibilities of the Insurance
23 Compliance Division within the Illinois Workers' Compensation
24 Commission are transferred to the Department of Insurance. The

1 personnel of the Insurance Compliance Division are transferred
2 to the Department of Insurance. The status and rights of such
3 personnel under the Personnel Code are not affected by the
4 transfer. The rights of the employees and the State of
5 Illinois and its agencies under the Personnel Code and
6 applicable collective bargaining agreements or under any
7 pension, retirement, or annuity plan are not affected by
8 Public Act 102-37 ~~this amendatory Act of the 102nd General~~
9 ~~Assembly~~. All books, records, papers, documents, property
10 (real and personal), contracts, causes of action, and pending
11 business pertaining to the powers, duties, rights, and
12 responsibilities transferred by Public Act 102-37 ~~this~~
13 ~~amendatory Act of the 102nd General Assembly~~ from the
14 Insurance Compliance Division to the Department of Insurance,
15 including, but not limited to, material in electronic or
16 magnetic format and necessary computer hardware and software,
17 are transferred to the Department of Insurance. The powers,
18 duties, rights, and responsibilities relating to the Insurance
19 Compliance Division transferred by Public Act 102-37 ~~this~~
20 ~~amendatory Act of the 102nd General Assembly~~ are vested in the
21 Department of Insurance.

22 (b) Whenever reports or notices are required to be made or
23 given or papers or documents furnished or served by any person
24 to or upon the Insurance Compliance Division in connection
25 with any of the powers, duties, rights, and responsibilities
26 transferred by Public Act 102-37 ~~this amendatory Act of the~~

1 ~~102nd General Assembly~~, the Department of Insurance shall
2 make, give, furnish, or serve them.

3 (c) Public Act 102-37 ~~This amendatory Act of the 102nd~~
4 ~~General Assembly~~ does not affect any act done, ratified, or
5 canceled, any right occurring or established, or any action or
6 proceeding had or commenced in an administrative, civil, or
7 criminal cause by the Insurance Compliance Division before
8 July 1, 2021 (the effective date of Public Act 102-37) ~~this~~
9 ~~amendatory Act of the 102nd General Assembly~~. Such actions or
10 proceedings may be prosecuted and continued by the Department
11 of Insurance.

12 (d) Any rules that relate to its powers, duties, rights,
13 and responsibilities of the Insurance Compliance Division and
14 are in force on July 1, 2021 (the effective date of Public Act
15 102-37) ~~this amendatory Act of the 102nd General Assembly~~
16 become the rules of the Department of Insurance. Public Act
17 102-37 ~~This amendatory Act of the 102nd General Assembly~~ does
18 not affect the legality of any such rules.

19 (e) Any proposed rules filed with the Secretary of State
20 by the Illinois Workers' Compensation Commission that are
21 pending in the rulemaking process on July 1, 2021 (the
22 effective date of Public Act 102-37) ~~this amendatory Act of~~
23 ~~the 102nd General Assembly~~ and pertain to the transferred
24 powers, duties, rights, and responsibilities are deemed to
25 have been filed by the Department of Insurance. As soon as
26 practicable, the Department of Insurance shall revise and

1 clarify the rules transferred to it under Public Act 102-37
2 ~~this amendatory Act of the 102nd General Assembly~~ to reflect
3 the reorganization of powers, duties, rights, and
4 responsibilities affected by Public Act 102-37 ~~this amendatory~~
5 ~~Act of the 102nd General Assembly~~, using the procedures for
6 recodification of rules available under the Illinois
7 Administrative Procedure Act, except that existing title,
8 part, and section numbering for the affected rules may be
9 retained. The Department of Insurance may propose and adopt
10 under the Illinois Administrative Procedure Act other rules of
11 the Illinois Workers' Compensation Commission pertaining to
12 Public Act 102-37 ~~this amendatory Act of the 102nd General~~
13 ~~Assembly~~ that are administered by the Department of Insurance.
14 (Source: P.A. 102-37, eff. 7-1-21; revised 11-3-21.)

15 (20 ILCS 1405/1405-45)

16 Sec. 1405-45 ~~1405-40~~. Transfer of the Illinois
17 Comprehensive Health Insurance Plan. Upon entry of an Order of
18 Rehabilitation or Liquidation against the Comprehensive Health
19 Insurance Plan in accordance with Article XIII of the Illinois
20 Insurance Code, all powers, duties, rights, and
21 responsibilities of the Illinois Comprehensive Health
22 Insurance Plan and the Illinois Comprehensive Health Insurance
23 Board under the Comprehensive Health Insurance Plan Act shall
24 be transferred to and vested in the Director of Insurance as
25 rehabilitator or liquidator as provided in the provisions of

1 Public Act 102-159 ~~this amendatory Act of the 102nd General~~
2 ~~Assembly.~~

3 (Source: P.A. 102-159, eff. 7-23-21; revised 11-3-21.)

4 Section 150. The Department of Labor Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 1505-215 as follows:

7 (20 ILCS 1505/1505-215)

8 Sec. 1505-215. Bureau on Apprenticeship Programs and Clean
9 Energy Jobs.

10 (a) For purposes of this Section, "clean energy sector"
11 means solar energy, wind energy, energy efficiency, solar
12 thermal, green hydrogen, geothermal, and electric vehicle
13 industries and other renewable energy industries, industries
14 achieving emission reductions, and related industries that
15 manufacture, develop, build, maintain, or provide ancillary
16 services to renewable energy resources or energy efficiency
17 products or services, including the manufacture and
18 installation of healthier building materials that contain
19 fewer hazardous chemicals.

20 (b) There is created within the Department of Labor a
21 Bureau on Apprenticeship Programs and Clean Energy Jobs. This
22 Bureau shall work to increase minority participation in active
23 apprentice programs in Illinois that are approved by the
24 United States Department of Labor and in clean energy jobs in

1 Illinois. The Bureau shall identify barriers to minorities
2 gaining access to construction careers and careers in the
3 clean energy sector and make recommendations to the Governor
4 and the General Assembly for policies to remove those
5 barriers. The Department may hire staff to perform outreach in
6 promoting diversity in active apprenticeship programs approved
7 by the United States Department of Labor.

8 (c) The Bureau shall annually compile racial and gender
9 workforce diversity information from contractors receiving
10 State or other public funds and by labor unions with members
11 working on projects receiving State or other public funds.

12 (d) The Bureau shall compile racial and gender workforce
13 diversity information from certified transcripts of payroll
14 reports filed in the preceding year pursuant to the Prevailing
15 Wage Act for all clean energy sector construction projects.
16 The Bureau shall work with the Department of Commerce and
17 Economic Opportunity, the Illinois Power Agency, the Illinois
18 Commerce Commission, and other agencies, as necessary, to
19 receive and share data and reporting on racial and gender
20 workforce diversity, demographic data, and any other data
21 necessary to achieve the goals of this Section.

22 (e) By April 15, 2022 and every April 15 thereafter, the
23 Bureau shall publish and make available on the Department's
24 website a report summarizing the racial and gender diversity
25 of the workforce on all clean energy sector projects by
26 county. The report shall use a consistent structure for

1 information requests and presentation, with an easy-to-use
2 table of contents, to enable comparable year-over-year
3 solicitation and benchmarking of data. The development of the
4 report structure shall be open to a public review and comment
5 period. That report shall compare the race, ethnicity, and
6 gender of the workers on covered clean energy sector projects
7 to the general population of the county in which the project is
8 located. The report shall also disaggregate such data to
9 compare the race, ethnicity, and gender of workers employed by
10 union and nonunion contractors and compare the race,
11 ethnicity, and gender of workers who reside in Illinois and
12 those who reside outside of Illinois. The report shall also
13 include the race, ethnicity, and gender of the workers by
14 prevailing wage classification.

15 (f) The Bureau shall present its annual report to the
16 Energy Workforce Advisory Council in order to inform its
17 program evaluations, recommendations, and objectives pursuant
18 to Section 5-65 of the Energy Transition Act. The Bureau shall
19 also present its annual report to the Illinois Power Agency in
20 order to inform its ongoing equity and compliance efforts in
21 the clean energy sector.

22 The Bureau and all entities subject to the requirements of
23 subsection (d) shall hold an annual workshop open to the
24 public in 2022 and every year thereafter on the state of racial
25 and gender workforce diversity in the clean energy sector in
26 order to collaboratively seek solutions to structural

1 impediments to achieving diversity, equity, and inclusion
2 goals, including testimony from each participating entity,
3 subject matter experts, and advocates.

4 (g) The Bureau shall publish each annual report prepared
5 and filed pursuant to subsection (d) on the Department of
6 Labor's website for at least 5 years.

7 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
8 102-558, eff. 8-20-21; 102-662, eff. 9-15-21; revised
9 10-12-21.)

10 Section 155. The Illinois Lottery Law is amended by
11 changing Section 21.8 as follows:

12 (20 ILCS 1605/21.8)

13 Sec. 21.8. Quality of Life scratch-off game.

14 (a) The Department shall offer a special instant
15 scratch-off game with the title of "Quality of Life". The game
16 shall commence on July 1, 2007 or as soon thereafter, in the
17 discretion of the Director, as is reasonably practical, and
18 shall be discontinued on December 31, 2025. The operation of
19 the game is governed by this Act and by any rules adopted by
20 the Department. The Department must consult with the Quality
21 of Life Board, which is established under Section 2310-348 of
22 the Department of Public Health Powers and Duties Law of the
23 Civil Administrative Code of Illinois, regarding the design
24 and promotion of the game. If any provision of this Section is

1 inconsistent with any other provision of this Act, then this
2 Section governs.

3 (b) The Quality of Life Endowment Fund is created as a
4 special fund in the State treasury. The net revenue from the
5 Quality of Life special instant scratch-off game must be
6 deposited into the Fund for appropriation by the General
7 Assembly solely to the Department of Public Health for the
8 purpose of HIV/AIDS-prevention education and for making grants
9 to public or private entities in Illinois for the purpose of
10 funding organizations that serve the highest at-risk
11 categories for contracting HIV or developing AIDS. Grants
12 shall be targeted to serve at-risk populations in proportion
13 to the distribution of recent reported Illinois HIV/AIDS cases
14 among risk groups as reported by the Illinois Department of
15 Public Health. The recipient organizations must be engaged in
16 HIV/AIDS-prevention education and HIV/AIDS healthcare
17 treatment. The Department must, before grants are awarded,
18 provide copies of all grant applications to the Quality of
19 Life Board, receive and review the Board's recommendations and
20 comments, and consult with the Board regarding the grants.
21 Organizational size will determine an organization's
22 competitive slot in the "Request for Proposal" process.
23 Organizations with an annual budget of \$300,000 or less will
24 compete with like size organizations for 50% of the Quality of
25 Life annual fund. Organizations with an annual budget of
26 \$300,001 to \$700,000 will compete with like organizations for

1 25% of the Quality of Life annual fund, and organizations with
2 an annual budget of \$700,001 and upward will compete with like
3 organizations for 25% of the Quality of Life annual fund. The
4 lottery may designate a percentage of proceeds for marketing
5 purposes ~~purpose~~. The grant funds may not be used for
6 institutional, organizational, or community-based overhead
7 costs, indirect costs, or levies.

8 Grants awarded from the Fund are intended to augment the
9 current and future State funding for the prevention and
10 treatment of HIV/AIDS and are not intended to replace that
11 funding.

12 Moneys received for the purposes of this Section,
13 including, without limitation, net revenue from the special
14 instant scratch-off game and gifts, grants, and awards from
15 any public or private entity, must be deposited into the Fund.
16 Any interest earned on moneys in the Fund must be deposited
17 into the Fund.

18 For purposes of this subsection, "net revenue" means the
19 total amount for which tickets have been sold less the sum of
20 the amount paid out in prizes and the actual administrative
21 expenses of the Department solely related to the Quality of
22 Life game.

23 (c) During the time that tickets are sold for the Quality
24 of Life game, the Department shall not unreasonably diminish
25 the efforts devoted to marketing any other instant scratch-off
26 lottery game.

1 (d) The Department may adopt any rules necessary to
2 implement and administer the provisions of this Section in
3 consultation with the Quality of Life Board.

4 (Source: P.A. 98-499, eff. 8-16-13; 99-791, eff. 8-12-16;
5 revised 12-2-21.)

6 Section 160. The Department of Healthcare and Family
7 Services Law of the Civil Administrative Code of Illinois is
8 amended by renumbering Section 30 as follows:

9 (20 ILCS 2205/2205-31)

10 Sec. 2205-31 ~~30~~. Health care telementoring.

11 (a) The Department of Healthcare and Family Services shall
12 designate one or more health care telementoring entities based
13 on an application to be developed by the Department of
14 Healthcare and Family Services. Applicants shall demonstrate a
15 record of expertise and demonstrated success in providing
16 health care telementoring services. Approved applicants from
17 Illinois shall be eligible for State funding in accordance
18 with rules developed by the Department of Healthcare and
19 Family Services. Funding shall be provided based on the number
20 of physicians who are assisted by each approved health care
21 telementoring entity and the hours of assistance provided to
22 each physician.

23 (b) In this Section, "health care telementoring" means a
24 program:

1 (1) based on interactive video technology that
2 connects groups of community health care providers in
3 urban and rural underserved areas with specialists in
4 regular real-time collaborative sessions;

5 (2) designed around case-based learning and
6 mentorship; and

7 (3) that helps local health care providers gain the
8 expertise required to more effectively provide needed
9 services.

10 "Health care telementoring" includes, but is not limited
11 to, a program provided to improve services in a variety of
12 areas, including, but not limited to, adolescent health,
13 Hepatitis C, complex diabetes, geriatrics, mental illness,
14 opioid use disorders, substance use disorders, maternity care,
15 childhood adversity and trauma, pediatric ADHD, and other
16 priorities identified by the Department of Healthcare and
17 Family Services.

18 (Source: P.A. 102-512, eff. 1-1-22; revised 9-30-21.)

19 Section 165. The Department of Public Health Powers and
20 Duties Law of the Civil Administrative Code of Illinois is
21 amended by changing Section 2310-223 and by setting forth and
22 renumbering multiple versions of Section 2310-431 as follows:

23 (20 ILCS 2310/2310-223)

24 Sec. 2310-223. Maternal care.

1 (a) The Department shall establish a classification system
2 for the following levels of maternal care:

3 (1) basic care: care of uncomplicated pregnancies with
4 the ability to detect, stabilize, and initiate management
5 of unanticipated maternal-fetal or neonatal problems that
6 occur during the antepartum, intrapartum, or postpartum
7 period until the patient can be transferred to a facility
8 at which specialty maternal care is available;

9 (2) specialty care: basic care plus care of
10 appropriate high-risk antepartum, intrapartum, or
11 postpartum conditions, both directly admitted and
12 transferred to another facility;

13 (3) subspecialty care: specialty care plus care of
14 more complex maternal medical conditions, obstetric
15 complications, and fetal conditions; and

16 (4) regional perinatal health care: subspecialty care
17 plus on-site medical and surgical care of the most complex
18 maternal conditions, critically ill pregnant women, and
19 fetuses throughout antepartum, intrapartum, and postpartum
20 care.

21 (b) The Department shall:

22 (1) introduce uniform designations for levels of
23 maternal care that are complementary ~~complimentary~~ but
24 distinct from levels of neonatal care;

25 (2) establish clear, uniform criteria for designation
26 of maternal centers that are integrated with emergency

1 response systems to help ensure that the appropriate
2 personnel, physical space, equipment, and technology are
3 available to achieve optimal outcomes, as well as to
4 facilitate subsequent data collection regarding
5 risk-appropriate care;

6 (3) require each health care facility to have a clear
7 understanding of its capability to handle increasingly
8 complex levels of maternal care, and to have a
9 well-defined threshold for transferring women to health
10 care facilities that offer a higher level of care; to
11 ensure optimal care of all pregnant women, the Department
12 shall require all birth centers, hospitals, and
13 higher-level facilities to collaborate in order to develop
14 and maintain maternal and neonatal transport plans and
15 cooperative agreements capable of managing the health care
16 needs of women who develop complications; the Department
17 shall require that receiving hospitals openly accept
18 transfers;

19 (4) require higher-level facilities to provide
20 training for quality improvement initiatives, educational
21 support, and severe morbidity and mortality case review
22 for lower-level hospitals; the Department shall ensure
23 that, in those regions that do not have a facility that
24 qualifies as a regional perinatal health care facility,
25 any specialty care facility in the region will provide the
26 educational and consultation function;

1 (5) require facilities and regional systems to develop
2 methods to track severe maternal morbidity and mortality
3 to assess the efficacy of utilizing maternal levels of
4 care;

5 (6) analyze data collected from all facilities and
6 regional systems in order to inform future updates to the
7 levels of maternal care;

8 (7) require follow-up interdisciplinary work groups to
9 further explore the implementation needs that are
10 necessary to adopt the proposed classification system for
11 levels of maternal care in all facilities that provide
12 maternal care;

13 (8) disseminate data and materials to raise public
14 awareness about the importance of prenatal care and
15 maternal health;

16 (9) engage the Illinois Chapter of the American
17 Academy of Pediatrics in creating a quality improvement
18 initiative to expand efforts of pediatricians conducting
19 postpartum depression screening at well baby visits during
20 the first year of life; and

21 (10) adopt rules in accordance with the Illinois
22 Administrative Procedure Act to implement this subsection.

23 (Source: P.A. 101-447, eff. 8-23-19; 102-558, eff. 8-20-21;
24 revised 12-1-21.)

25 (20 ILCS 2310/2310-431)

1 Sec. 2310-431. Healthy Illinois Survey.

2 (a) The General Assembly finds the following:

3 (1) The Coronavirus pandemic that struck in 2020
4 caused more illness and death in Black, Latinx, and other
5 communities with people of color in Illinois.

6 (2) Many rural and other underserved communities in
7 Illinois experienced higher rates of COVID-19 illness and
8 death than higher-resourced communities.

9 (3) The structural racism and underlying health and
10 social disparities in communities of color and other
11 underserved communities that produced these COVID-19
12 disparities also produce disparities in chronic disease,
13 access to care, and social determinants of health, such as
14 overcrowded housing and prevalence of working in low-wage
15 essential jobs.

16 (4) Traditional public health data collected by
17 existing methods is insufficient to help State and local
18 governments, health care partners, and communities
19 understand local health concerns and social factors
20 associated with health. Nor does the data provide adequate
21 information to help identify policies and interventions
22 that address health inequities.

23 (5) Comprehensive, relevant, and current public health
24 data could be used to: identify health concerns for
25 communities across Illinois; understand environmental,
26 neighborhood, and social factors associated with health;

1 and support the development, implementation, and progress
2 of programs for public health interventions and addressing
3 health inequities.

4 (b) Subject to appropriation, the Department shall
5 administer an annual survey, which shall be named the Healthy
6 Illinois Survey. The Healthy Illinois Survey shall:

7 (1) include interviews of a sample of State residents
8 such that statistically reliable data for every county,
9 zip code groupings within more highly populated counties
10 and cities, suburban Cook County municipalities, and
11 Chicago community areas can be developed, as well as
12 statistically reliable data on racial, ethnic, gender,
13 age, and other demographic groups of State residents
14 important to inform health equity goals;

15 (2) be collected at the zip code level; and

16 (3) include questions on a range of topics designed to
17 establish an initial baseline public health data set and
18 annual updates, including:

19 (A) access to health services;

20 (B) civic engagement;

21 (C) childhood experiences;

22 (D) chronic health conditions;

23 (E) COVID-19;

24 (F) diet;

25 (G) financial security;

26 (H) food security;

- 1 (I) mental health;
- 2 (J) community conditions;
- 3 (K) physical activity;
- 4 (L) physical safety;
- 5 (M) substance abuse; and
- 6 (N) violence.

7 (c) In developing the Healthy Illinois Survey, the
8 Department shall consult with local public health departments
9 and stakeholders with expertise in health, mental health,
10 nutrition, physical activity, violence prevention, safety,
11 tobacco and drug use, and emergency preparedness with the goal
12 of developing a comprehensive survey that will assist the
13 State and other partners in developing the data to measure
14 public health and health equity.

15 (d) The Department shall provide the results of the
16 Healthy Illinois Survey in forms useful to cities,
17 communities, local health departments, hospitals, and other
18 potential users, including annually publishing on its website
19 data at the most granular geographic and demographic levels
20 possible while protecting identifying information. The
21 Department shall produce periodic special reports and analyses
22 relevant to ongoing and emerging health and social issues in
23 communities and the State. The Department shall use this data
24 to inform the development and monitoring of its State Health
25 Assessment. The Department shall provide the full relevant
26 jurisdictional data set to local health departments for their

1 local use and analysis each year.

2 (e) The identity, or any group of facts that tends to lead
3 to the identity, of any person whose condition or treatment is
4 submitted to the Healthy Illinois Survey is confidential and
5 shall not be open to public inspection or dissemination and is
6 exempt from disclosure under Section 7 of the Freedom of
7 Information Act. Information for specific research purposes
8 may be released in accordance with procedures established by
9 the Department.

10 (Source: P.A. 102-483, eff. 1-1-22.)

11 (20 ILCS 2310/2310-432)

12 Sec. 2310-432 ~~2310-431~~. Medical examiner offices; medical
13 facilities. The Department shall ensure that medical examiner
14 offices are included as part of medical facilities for the
15 purposes of complying with and implementing Sections 212(e)
16 and 214(1) of the federal Immigration and Nationality Act (8
17 U.S.C. 1182(e) and 8 U.S.C. 1184(1)) and 22 CFR 62 regarding
18 the federal Exchange Visitor Program.

19 (Source: P.A. 102-488, eff. 1-1-22; revised 11-3-21.)

20 Section 170. The Illinois State Police Law of the Civil
21 Administrative Code of Illinois is amended by changing
22 Sections 2605-35, 2605-40, 2605-50, 2605-410, and 2605-605 and
23 by setting forth, renumbering, and changing multiple versions
24 of Section 2601-51 as follows:

1 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

2 Sec. 2605-35. Division of Criminal Investigation.

3 (a) The Division of Criminal Investigation shall exercise
4 the following functions and those in Section 2605-30:

5 (1) Exercise the rights, powers, and duties vested by
6 law in the Illinois State Police by the Illinois Horse
7 Racing Act of 1975, including those set forth in Section
8 2605-215.

9 (2) Investigate the origins, activities, personnel,
10 and incidents of crime and enforce the criminal laws of
11 this State related thereto.

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

17 (4) Cooperate with the police of cities, villages, and
18 incorporated towns and with the police officers of any
19 county in enforcing the laws of the State and in making
20 arrests and recovering property.

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

25 (6) Investigate recipients and providers under the

1 Illinois Public Aid Code and any personnel involved in the
2 administration of the Code who are suspected of any
3 violation of the Code pertaining to fraud in the
4 administration, receipt, or provision of assistance and
5 pertaining to any violation of criminal law; and exercise
6 the functions required under Section 2605-220 in the
7 conduct of those investigations.

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

9 (8) Investigate public corruption.➤

10 (9) Exercise other duties that may be assigned by the
11 Director in order to fulfill the responsibilities and
12 achieve the purposes of the Illinois State Police, which
13 may include the coordination of gang, terrorist, and
14 organized crime prevention, control activities, and
15 assisting local law enforcement in their crime control
16 activities.

17 (b) (Blank).

18 (Source: P.A. 102-538, eff. 8-20-21; revised 12-2-21.)

19 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

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

22 (1) Provide crime scene services and traffic crash
23 reconstruction.➤

24 (2) Exercise the rights, powers, and duties vested by
25 law in the Illinois State Police by Section 2605-300 of

1 this Law.

2 (3) Provide assistance to local law enforcement
3 agencies through training, management, and consultant
4 services.

5 (4) (Blank).

6 (5) Exercise other duties that may be assigned by the
7 Director in order to fulfill the responsibilities and
8 achieve the purposes of the Illinois State Police.

9 (6) Establish and operate a forensic science
10 laboratory system, including a forensic toxicological
11 laboratory service, for the purpose of testing specimens
12 submitted by coroners and other law enforcement officers
13 in their efforts to determine whether alcohol, drugs, or
14 poisonous or other toxic substances have been involved in
15 deaths, accidents, or illness. Forensic toxicological
16 laboratories shall be established in Springfield, Chicago,
17 and elsewhere in the State as needed.

18 (6.5) Establish administrative rules in order to set
19 forth standardized requirements for the disclosure of
20 toxicology results and other relevant documents related to
21 a toxicological analysis. These administrative rules are
22 to be adopted to produce uniform and sufficient
23 information to allow a proper, well-informed determination
24 of the admissibility of toxicology evidence and to ensure
25 that this evidence is presented competently. These
26 administrative rules are designed to provide a minimum

1 standard for compliance of toxicology evidence and are not
2 intended to limit the production and discovery of material
3 information.

4 (7) Subject to specific appropriations made for these
5 purposes, establish and coordinate a system for providing
6 accurate and expedited forensic science and other
7 investigative and laboratory services to local law
8 enforcement agencies and local State's Attorneys in aid of
9 the investigation and trial of capital cases.

10 (Source: P.A. 101-378, eff. 1-1-20; 102-538, eff. 8-20-21;
11 revised 12-2-21.)

12 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

13 Sec. 2605-50. Division of Internal Investigation. The
14 Division of Internal Investigation shall have jurisdiction and
15 initiate internal Illinois State Police investigations and, at
16 the direction of the Governor, investigate complaints and
17 initiate investigations of official misconduct by State
18 officers and all State employees. Notwithstanding any other
19 provisions of law, the Division shall serve as the
20 investigative body for the Illinois State Police for purposes
21 of compliance with the provisions of Sections 12.6 and 12.7 of
22 the Illinois State Police ~~this~~ Act.

23 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
24 revised 10-4-21.)

1 (20 ILCS 2605/2605-51)

2 Sec. 2605-51. Division of the Academy and Training.

3 (a) The Division of the Academy and Training shall
4 exercise, but not be limited to, the following functions:

5 (1) Oversee and operate the Illinois State Police
6 Training Academy.

7 (2) Train and prepare new officers for a career in law
8 enforcement, with innovative, quality training and
9 educational practices.

10 (3) Offer continuing training and educational programs
11 for Illinois State Police employees.

12 (4) Oversee the Illinois State Police's recruitment
13 initiatives.

14 (5) Oversee and operate the Illinois State Police's
15 quartermaster.

16 (6) Duties assigned to the Illinois State Police in
17 Article 5, Chapter 11 of the Illinois Vehicle Code
18 concerning testing and training officers on the detection
19 of impaired driving.

20 (7) Duties assigned to the Illinois State Police in
21 Article 108B of the Code of Criminal Procedure.

22 (b) The Division of the Academy and Training shall
23 exercise the rights, powers, and duties vested in the former
24 Division of State Troopers by Section 17 of the Illinois State
25 Police Act.

26 (c) Specialized training.

1 (1) Training; cultural diversity. The Division of the
2 Academy and Training shall provide training and continuing
3 education to State police officers concerning cultural
4 diversity, including sensitivity toward racial and ethnic
5 differences. This training and continuing education shall
6 include, but not be limited to, an emphasis on the fact
7 that the primary purpose of enforcement of the Illinois
8 Vehicle Code is safety and equal and uniform enforcement
9 under the law.

10 (2) Training; death and homicide investigations. The
11 Division of the Academy and Training shall provide
12 training in death and homicide investigation for State
13 police officers. Only State police officers who
14 successfully complete the training may be assigned as lead
15 investigators in death and homicide investigations.
16 Satisfactory completion of the training shall be evidenced
17 by a certificate issued to the officer by the Division of
18 the Academy and Training. The Director shall develop a
19 process for waiver applications for officers whose prior
20 training and experience as homicide investigators may
21 qualify them for a waiver. The Director may issue a
22 waiver, at his or her discretion, based solely on the
23 prior training and experience of an officer as a homicide
24 investigator.

25 (3) Training; police dog training standards. All
26 police dogs used by the Illinois State Police for drug

1 enforcement purposes pursuant to the Cannabis Control Act,
2 the Illinois Controlled Substances Act, and the
3 Methamphetamine Control and Community Protection Act shall
4 be trained by programs that meet the certification
5 requirements set by the Director or the Director's
6 designee. Satisfactory completion of the training shall be
7 evidenced by a certificate issued by the Division of the
8 Academy and Training.

9 (4) Training; post-traumatic stress disorder. The
10 Division of the Academy and Training shall conduct or
11 approve a training program in post-traumatic stress
12 disorder for State police officers. The purpose of that
13 training shall be to equip State police officers to
14 identify the symptoms of post-traumatic stress disorder
15 and to respond appropriately to individuals exhibiting
16 those symptoms.

17 (5) Training; opioid antagonists. The Division of the
18 Academy and Training shall conduct or approve a training
19 program for State police officers in the administration of
20 opioid antagonists as defined in paragraph (1) of
21 subsection (e) of Section 5-23 of the Substance Use
22 Disorder Act that is in accordance with that Section. As
23 used in this Section, "State police officers" includes
24 full-time or part-time State police officers,
25 investigators, and any other employee of the Illinois
26 State Police exercising the powers of a peace officer.

1 (6) Training; sexual assault and sexual abuse.

2 (A) Every 3 years, the Division of the Academy and
3 Training shall present in-service training on sexual
4 assault and sexual abuse response and report writing
5 training requirements, including, but not limited to,
6 the following:

7 (i) recognizing the symptoms of trauma;

8 (ii) understanding the role trauma has played
9 in a victim's life;

10 (iii) responding to the needs and concerns of
11 a victim;

12 (iv) delivering services in a compassionate,
13 sensitive, and nonjudgmental manner;

14 (v) interviewing techniques in accordance with
15 the curriculum standards in this paragraph (6);

16 (vi) understanding cultural perceptions and
17 common myths of sexual assault and sexual abuse;
18 and

19 (vii) report writing techniques in accordance
20 with the curriculum standards in this paragraph
21 (6).

22 (B) This training must also be presented in all
23 full and part-time basic law enforcement academies.

24 (C) Instructors providing this training shall have
25 successfully completed training on evidence-based,
26 trauma-informed, victim-centered responses to cases of

1 sexual assault and sexual abuse and have experience
2 responding to sexual assault and sexual abuse cases.

3 (D) The Illinois State Police shall adopt rules,
4 in consultation with the Office of the Attorney
5 General and the Illinois Law Enforcement Training
6 Standards Board, to determine the specific training
7 requirements for these courses, including, but not
8 limited to, the following:

9 (i) evidence-based curriculum standards for
10 report writing and immediate response to sexual
11 assault and sexual abuse, including
12 trauma-informed, victim-centered interview
13 techniques, which have been demonstrated to
14 minimize retraumatization, for all State police
15 officers; and

16 (ii) evidence-based curriculum standards for
17 trauma-informed, victim-centered investigation
18 and interviewing techniques, which have been
19 demonstrated to minimize retraumatization, for
20 cases of sexual assault and sexual abuse for all
21 State police officers who conduct sexual assault
22 and sexual abuse investigations.

23 (7) Training; human trafficking. The Division of the
24 Academy and Training shall conduct or approve a training
25 program in the detection and investigation of all forms of
26 human trafficking, including, but not limited to,

1 involuntary servitude under subsection (b) of Section 10-9
2 of the Criminal Code of 2012, involuntary sexual servitude
3 of a minor under subsection (c) of Section 10-9 of the
4 Criminal Code of 2012, and trafficking in persons under
5 subsection (d) of Section 10-9 of the Criminal Code of
6 2012. This program shall be made available to all cadets
7 and State police officers.

8 (8) Training; hate crimes. The Division of the Academy
9 and Training shall provide training for State police
10 officers in identifying, responding to, and reporting all
11 hate crimes.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (20 ILCS 2605/2605-51.1)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 (Section scheduled to be repealed on June 1, 2026)

17 Sec. 2605-51.1 ~~2605-51~~. Commission on Implementing the
18 Firearms Restraining Order Act.

19 (a) There is created the Commission on Implementing the
20 Firearms Restraining Order Act composed of at least 12 members
21 to advise on the strategies of education and implementation of
22 the Firearms Restraining Order Act. The Commission shall be
23 appointed by the Director of the Illinois State Police or his
24 or her designee and shall include a liaison or representative
25 nominated from the following:

1 (1) the Office of the Attorney General, appointed by
2 the Attorney General;

3 (2) the Director of the Illinois State Police or his
4 or her designee;

5 (3) at least 3 State's Attorneys, nominated by the
6 Director of the Office of the State's Attorneys Appellate
7 Prosecutor;

8 (4) at least 2 municipal police department
9 representatives, nominated by the Illinois Association of
10 Chiefs of Police;

11 (5) an Illinois sheriff, nominated by the Illinois
12 Sheriffs' Association;

13 (6) the Director of Public Health or his or her
14 designee;

15 (7) the Illinois Law Enforcement Training Standards
16 Board, nominated by the Executive Director of the Board;

17 (8) a representative from a public defender's office,
18 nominated by the State Appellate Defender;

19 (9) a circuit court judge, nominated by the Chief
20 Justice of the Supreme Court;

21 (10) a prosecutor with experience managing or
22 directing a program in another state where the
23 implementation of that state's extreme risk protection
24 order law has achieved high rates of petition filings
25 nominated by the National District Attorneys Association;
26 and

1 (11) an expert from law enforcement who has experience
2 managing or directing a program in another state where the
3 implementation of that state's extreme risk protection
4 order law has achieved high rates of petition filings
5 nominated by the Director of the Illinois State Police.

6 (b) The Commission shall be chaired by the Director of the
7 Illinois State Police or his or her designee. The Commission
8 shall meet, either virtually or in person, to discuss the
9 implementation of the Firearms Restraining Order Act as
10 determined by the Commission while the strategies are being
11 established.

12 (c) The members of the Commission shall serve without
13 compensation and shall serve 3-year terms.

14 (d) An annual report shall be submitted to the General
15 Assembly by the Commission that may include summary
16 information about firearms restraining order use by county,
17 challenges to Firearms Restraining Order Act implementation,
18 and recommendations for increasing and improving
19 implementation.

20 (e) The Commission shall develop a model policy with an
21 overall framework for the timely relinquishment of firearms
22 whenever a firearms restraining order is issued. The model
23 policy shall be finalized within the first 4 months of
24 convening. In formulating the model policy, the Commission
25 shall consult counties in Illinois and other states with
26 extreme risk protection order laws which have achieved a high

1 rate of petition filings. Once approved, the Illinois State
2 Police shall work with their local law enforcement agencies
3 within their county to design a comprehensive strategy for the
4 timely relinquishment of firearms, using the model policy as
5 an overall framework. Each individual agency may make small
6 modifications as needed to the model policy and must approve
7 and adopt a policy that aligns with the model policy. The
8 Illinois State Police shall convene local police chiefs and
9 sheriffs within their county as needed to discuss the
10 relinquishment of firearms.

11 (f) The Commission shall be dissolved June 1, 2025 (3
12 years after the effective date of Public Act 102-345) ~~this~~
13 ~~amendatory Act of the 102nd General Assembly.~~

14 (g) This Section is repealed June 1, 2026 (4 years after
15 the effective date of Public Act 102-345) ~~this amendatory Act~~
16 ~~of the 102nd General Assembly.~~

17 (Source: P.A. 102-345, eff. 6-1-22; revised 11-3-21.)

18 (20 ILCS 2605/2605-410)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 2605-410. Over Dimensional Load Police Escort Fund.
21 To charge, collect, and receive fees or moneys as described in
22 Section 15-312 of the Illinois Vehicle Code. All fees received
23 by the Illinois State Police under Section 15-312 of the
24 Illinois Vehicle Code shall be deposited into the Over
25 Dimensional Load Police Escort Fund, a special fund that is

1 created in the State treasury. Subject to appropriation, the
2 money in the Over Dimensional Load Police Escort Fund shall be
3 used by the Illinois State Police for its expenses in
4 providing police escorts and commercial vehicle enforcement
5 activities. This Fund is dissolved upon the transfer of the
6 remaining balance from the Over Dimensional Load Police Escort
7 Fund to the State Police Operations Assistance Fund as
8 provided under subsection (a-5) of Section 6z-82 of the State
9 Finance Act. This Section is repealed on January 1, 2023.

10 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;
11 revised 10-4-21.)

12 (20 ILCS 2605/2605-605)

13 Sec. 2605-605. Violent Crime Intelligence Task Force. The
14 Director of the Illinois State Police shall establish a
15 statewide multi-jurisdictional Violent Crime Intelligence Task
16 Force led by the Illinois State Police dedicated to combating
17 gun violence, gun-trafficking, and other violent crime with
18 the primary mission of preservation of life and reducing the
19 occurrence and the fear of crime. The objectives of the Task
20 Force shall include, but not be limited to, reducing and
21 preventing illegal possession and use of firearms,
22 firearm-related homicides, and other violent crimes, and
23 solving firearm-related crimes.

24 (1) The Task Force may develop and acquire information,
25 training, tools, and resources necessary to implement a

1 data-driven approach to policing, with an emphasis on
2 intelligence development.

3 (2) The Task Force may utilize information sharing,
4 partnerships, crime analysis, and evidence-based practices to
5 assist in the reduction of firearm-related shootings,
6 homicides, and gun-trafficking, including, but not limited to,
7 ballistic data, eTrace data, DNA evidence, latent
8 fingerprints, firearm training data, and National Integrated
9 Ballistic Information Network (NIBIN) data. The Task Force may
10 design a model crime gun intelligence strategy which may
11 include, but is not limited to, comprehensive collection and
12 documentation of all ballistic evidence, timely transfer of
13 NIBIN and eTrace leads to an intelligence center, which may
14 include the Division of Criminal Investigation of the Illinois
15 State Police, timely dissemination of intelligence to
16 investigators, investigative follow-up, and coordinated
17 prosecution.

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

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

25 (5) The Task Force may assist in violence suppression
26 strategies including, but not limited to, details in

1 identified locations that have shown to be the most prone to
2 gun violence and violent crime, focused deterrence against
3 violent gangs and groups considered responsible for the
4 violence in communities, and other intelligence driven methods
5 deemed necessary to interrupt cycles of violence or prevent
6 retaliation.

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

18 (7) The Task Force shall conduct enforcement operations
19 against persons whose Firearm Owner's Identification Cards
20 have been revoked or suspended and persons who fail to comply
21 with the requirements of Section 9.5 of the Firearm Owners
22 Identification Card Act, prioritizing individuals presenting a
23 clear and present danger to themselves or to others under
24 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
25 Owners Identification Card Act.

26 (8) The Task Force shall collaborate with local law

1 enforcement agencies to enforce provisions of the Firearm
2 Owners Identification Card Act, the Firearm Concealed Carry
3 Act, the Firearm Dealer License Certification Act, and Article
4 24 of the Criminal Code of 2012.

5 (9) To implement this Section, the Director of the
6 Illinois State Police may establish intergovernmental
7 agreements with law enforcement agencies in accordance with
8 the Intergovernmental Cooperation Act.

9 (10) Law enforcement agencies that participate in
10 activities described in paragraphs (7) through (9) may apply
11 to the Illinois State Police for grants from the State Police
12 Revocation Enforcement Fund.

13 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
14 revised 10-4-21.)

15 Section 175. The Illinois State Police Act is amended by
16 changing Sections 3, 8, 9, 12.6, 12.7, 14, and 46 as follows:

17 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

18 Sec. 3. The Governor shall appoint, by and with the advice
19 and consent of the Senate, an Illinois State Police Merit
20 Board, hereinafter called the Board, consisting of 7 members
21 to hold office. The Governor shall appoint new board members
22 within 30 days for the vacancies created under Public Act
23 101-652 ~~this amendatory Act~~. Board members shall be appointed
24 to four-year terms. No member shall be appointed to more than 2

1 terms. In making the appointments, the Governor shall make a
2 good faith effort to appoint members reflecting the
3 geographic, ethnic ~~ethic~~, and cultural diversity of this
4 State. In making the appointments, the Governor should also
5 consider appointing: persons with professional backgrounds,
6 possessing legal, management, personnel, or labor experience;
7 at least one member with at least 10 years of experience as a
8 licensed physician or clinical psychologist with expertise in
9 mental health; and at least one member affiliated with an
10 organization committed ~~commitment~~ to social and economic
11 rights and to eliminating discrimination. ~~—~~ No more than 4
12 members of the Board shall be affiliated with the same
13 political party. If the Senate is not in session at the time
14 initial appointments are made pursuant to this Section
15 ~~section~~, the Governor shall make temporary appointments as in
16 the case of a vacancy. In order to avoid actual conflicts of
17 interest, or the appearance of conflicts of interest, no board
18 member shall be a retired or former employee of the Illinois
19 State Police. When a Board member may have an actual,
20 perceived, or potential conflict of interest that could
21 prevent the Board member from making a fair and impartial
22 decision on a complaint or formal complaint against an
23 Illinois State Police officer, the Board member shall recuse
24 himself or herself; or, if ~~if~~ the Board member fails to recuse
25 himself or herself, then the Board may, by a simple majority,
26 vote to recuse the Board member.

1 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
2 revised 11-22-21.)

3 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

4 Sec. 8. Board jurisdiction.

5 (a) The Board shall exercise jurisdiction over the
6 certification for appointment and promotion, and over the
7 discipline, removal, demotion, and suspension of Illinois
8 State Police officers. The Board and the Illinois State Police
9 should also ensure Illinois State Police cadets and officers
10 represent the utmost integrity and professionalism and
11 represent the geographic, ethnic, and cultural diversity of
12 this State. The Board shall also exercise jurisdiction to
13 certify and terminate Illinois State Police officers ~~Officers~~
14 in compliance with certification standards consistent with
15 Sections 9, 11.5, and 12.6 of this Act. Pursuant to recognized
16 merit principles of public employment, the Board shall
17 formulate, adopt, and put into effect rules, regulations, and
18 procedures for its operation and the transaction of its
19 business. The Board shall establish a classification of ranks
20 of persons subject to its jurisdiction and shall set standards
21 and qualifications for each rank. Each Illinois State Police
22 officer appointed by the Director shall be classified as a
23 State Police officer as follows: trooper, sergeant, master
24 sergeant, lieutenant, captain, major, or Special Agent.

25 (b) The Board shall publish all standards and

1 qualifications for each rank, including Cadet, on its website.
2 This shall include, but not be limited to, all physical
3 fitness, medical, visual, and hearing standards. The Illinois
4 State Police shall cooperate with the Board by providing any
5 necessary information to complete this requirement.

6 (Source: P.A. 101-652, eff. 1-1-22; 102-538, eff. 8-20-21;
7 revised 10-4-21.)

8 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

9 Sec. 9. Appointment; qualifications.

10 (a) Except as otherwise provided in this Section, the
11 appointment of Illinois State Police officers shall be made
12 from those applicants who have been certified by the Board as
13 being qualified for appointment. All persons so appointed
14 shall, at the time of their appointment, be not less than 21
15 years of age, or 20 years of age and have successfully
16 completed an associate's degree or 60 credit hours at an
17 accredited college or university. Any person appointed
18 subsequent to successful completion of an associate's degree
19 or 60 credit hours at an accredited college or university
20 shall not have power of arrest, nor shall he or she be
21 permitted to carry firearms, until he or she reaches 21 years
22 of age. In addition, all persons so certified for appointment
23 shall be of sound mind and body, be of good moral character, be
24 citizens of the United States, have no criminal records,
25 possess such prerequisites of training, education, and

1 experience as the Board may from time to time prescribe so long
2 as persons who have an associate's degree or 60 credit hours at
3 an accredited college or university are not disqualified, and
4 shall be required to pass successfully such mental and
5 physical tests and examinations as may be prescribed by the
6 Board. All persons who meet one of the following requirements
7 are deemed to have met the collegiate educational
8 requirements:

9 (i) have been honorably discharged and who have been
10 awarded a Southwest Asia Service Medal, Kosovo Campaign
11 Medal, Korean Defense Service Medal, Afghanistan Campaign
12 Medal, Iraq Campaign Medal, or Global War on Terrorism
13 Expeditionary Medal by the United States Armed Forces;

14 (ii) are active members of the Illinois National Guard
15 or a reserve component of the United States Armed Forces
16 and who have been awarded a Southwest Asia Service Medal,
17 Kosovo Campaign Medal, Korean Defense Service Medal,
18 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
19 War on Terrorism Expeditionary Medal as a result of
20 honorable service during deployment on active duty;

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

24 (iv) have at least 3 years of full active and
25 continuous military duty and received an honorable
26 discharge before hiring.

1 Preference shall be given in such appointments to persons
2 who have honorably served in the military or naval services of
3 the United States. All appointees shall serve a probationary
4 period of 12 months from the date of appointment and during
5 that period may be discharged at the will of the Director.
6 However, the Director may in his or her sole discretion extend
7 the probationary period of an officer up to an additional 6
8 months when to do so is deemed in the best interest of the
9 Illinois State Police. Nothing in this subsection (a) limits
10 the Board's ability to prescribe education prerequisites or
11 requirements to certify Illinois State Police officers for
12 promotion as provided in Section 10 of this Act.

13 (b) Notwithstanding the other provisions of this Act,
14 after July 1, 1977 and before July 1, 1980, the Director of
15 State Police may appoint and promote not more than 20 persons
16 having special qualifications as special agents as he or she
17 deems necessary to carry out the Department's objectives. Any
18 such appointment or promotion shall be ratified by the Board.

19 (c) During the 90 days following March 31, 1995 (the
20 effective date of Public Act 89-9) ~~this amendatory Act of~~
21 ~~1995~~, the Director of State Police may appoint up to 25 persons
22 as State Police officers. These appointments shall be made in
23 accordance with the requirements of this subsection (c) and
24 any additional criteria that may be established by the
25 Director, but are not subject to any other requirements of
26 this Act. The Director may specify the initial rank for each

1 person appointed under this subsection.

2 All appointments under this subsection (c) shall be made
3 from personnel certified by the Board. A person certified by
4 the Board and appointed by the Director under this subsection
5 must have been employed by the Illinois Commerce Commission on
6 November 30, 1994 in a job title subject to the Personnel Code
7 and in a position for which the person was eligible to earn
8 "eligible creditable service" as a "noncovered employee", as
9 those terms are defined in Article 14 of the Illinois Pension
10 Code.

11 Persons appointed under this subsection (c) shall
12 thereafter be subject to the same requirements and procedures
13 as other State police officers. A person appointed under this
14 subsection must serve a probationary period of 12 months from
15 the date of appointment, during which he or she may be
16 discharged at the will of the Director.

17 This subsection (c) does not affect or limit the
18 Director's authority to appoint other State Police officers
19 under subsection (a) of this Section.

20 (d) During the 180 days following January 1, 2022 (the
21 effective date of Public Act 101-652) ~~this amendatory Act of~~
22 ~~the 101st General Assembly~~, the Director of the Illinois State
23 Police may appoint current Illinois State Police employees
24 ~~Employees~~ serving in law enforcement officer positions
25 previously within Central Management Services as State Police
26 officers ~~Officers~~. These appointments shall be made in

1 accordance with the requirements of this subsection (d) and
2 any institutional criteria that may be established by the
3 Director, but are not subject to any other requirements of
4 this Act. All appointments under this subsection (d) shall be
5 made from personnel certified by the Board. A person certified
6 by the Board and appointed by the Director under this
7 subsection must have been employed by the a State ~~state~~
8 agency, board, or commission on January 1, 2021~~7~~ in a job title
9 subject to the Personnel Code and in a position for which the
10 person was eligible to earn "eligible creditable service" as a
11 "noncovered employee", as those terms are defined in Article
12 14 of the Illinois Pension Code. Persons appointed under this
13 subsection (d) shall thereafter be subject to the same
14 requirements, and subject to the same contractual benefits and
15 obligations, as other State police officers. This subsection
16 (d) does not affect or limit the Director's authority to
17 appoint other State Police officers under subsection (a) of
18 this Section.

19 (e) The Merit Board shall review Illinois State Police
20 Cadet applicants. The Illinois State Police may provide
21 background check and investigation material to the Board for
22 its ~~their~~ review ~~to~~ pursuant to this Section ~~section~~. The
23 Board shall approve and ensure that no cadet applicant is
24 certified unless the applicant is a person of good character
25 and has not been convicted of, or entered a plea of guilty to,
26 a felony offense, any of the misdemeanors specified in this

1 Section or if committed in any other state would be an offense
2 similar to Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1,
3 11-14, 11-14.1, 11-30, 12-2, 12- 3.2, 12-3.5, 16-1, 17-1,
4 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
5 violation of any Section ~~section~~ of Part E of Title III of the
6 Criminal Code of 1961 or the Criminal Code of 2012, 32-4a, or
7 32-7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 or subsection (a) of Section 17-32 of the Criminal Code of 1961
9 or the Criminal Code of 2012, to Section 5 or 5.2 of the
10 Cannabis Control Act, or any felony or misdemeanor in
11 violation of federal law or the law of any state that is the
12 equivalent of any of the offenses specified therein. The
13 Officer Professional Conduct ~~Misconduct~~ Database, provided for
14 in Section 9.2 of the Illinois Police Training Act, shall be
15 searched as part of this process. For purposes of this
16 Section, "convicted of, or entered a plea of guilty"
17 regardless of whether the adjudication of guilt or sentence is
18 withheld or not entered thereon. This includes sentences of
19 supervision, conditional discharge, or first offender
20 probation, or any similar disposition provided for by law.

21 (f) The Board shall by rule establish an application fee
22 waiver program for any person who meets one or more of the
23 following criteria:

24 (1) his or her available personal income is 200% or
25 less of the current poverty level; or

26 (2) he or she is, in the discretion of the Board,

1 unable to proceed in an action with payment of application
2 fee and payment of that fee would result in substantial
3 hardship to the person or the person's family.

4 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;
5 102-538, eff 8-20-21; revised 11-22-21.)

6 (20 ILCS 2610/12.6)

7 Sec. 12.6. Automatic termination of Illinois State Police
8 officers. The Board shall terminate a State ~~state~~ police
9 officer convicted of a felony offense under the laws of this
10 State or any other state which if committed in this State would
11 be punishable as a felony. The Board must also terminate
12 Illinois State Police officers who were convicted of, or
13 entered a plea of guilty to, on or after the effective date of
14 this amendatory Act of the 101st General Assembly, 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, 11-6.5, 11-6.6, 11-9.1, 11-14, 11-14.1, 11-30, 12-2,
18 12-3.2, 12-3.5, 16-1, 17-1, 17-2, 26.5-1, 26.5-2, 26.5-3,
19 28-3, 29-1, any misdemeanor in violation of any Section
20 ~~section~~ of Part E of Title III of the Criminal Code of 1961 or
21 the Criminal Code of 2012, 32-4a, or 32-7 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, or subsection (a) of
23 Section 17-32 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, to Section 5 or 5.2 of the Cannabis Control Act, or
25 any felony or misdemeanor in violation of federal law or the

1 law of any state that is the equivalent of any of the offenses
2 specified therein. The Illinois State Police Merit Board shall
3 report terminations under this Section to the Officer
4 Professional Conduct ~~Misconduct~~ Database, provided in Section
5 9.2 of the Illinois Police Training Act. For purposes of this
6 Section, ~~section~~ "convicted of, or entered a plea of guilty"
7 regardless of whether the adjudication of guilt or sentence is
8 withheld or not entered thereon. This includes sentences of
9 supervision, conditional discharge, or first offender
10 probation, or any similar disposition provided for by law.

11 (Source: P.A. 101-652, eff. 1-1-22; revised 12-1-21.)

12 (20 ILCS 2610/12.7)

13 Sec. 12.7. Discretionary termination of Illinois State
14 Police officers.

15 (a) Definitions. For purposes of this Section 12.7 ~~6-3~~:

16 "Duty to intervene" means an obligation to intervene to
17 prevent harm from occurring that arises when an officer is
18 present and has reason to know:

19 (1) that excessive force is being used; or

20 (2) that any constitutional violation has been
21 committed by a law enforcement official; and the officer
22 has a realistic opportunity to intervene.

23 This duty applies equally to supervisory and
24 nonsupervisory officers. If aid is required, the officer
25 shall not, when reasonable to administer aid, knowingly

1 and willingly refuse to render aid as defined by State or
2 federal law. An officer does not violate this duty if the
3 failure to render aid is due to circumstances such as lack
4 of appropriate specialized training, lack of resources or
5 equipment, or both, or if it is unsafe or impracticable to
6 render aid.

7 "Excessive use of force" means using force in violation of
8 State or federal law.

9 "False statement" means:

10 (1) any knowingly false statement provided on a form
11 or report;

12 (2) that the writer does not believe to be true; and

13 (3) that the writer includes to mislead a public
14 servant in performing that public servant's official
15 functions.

16 "Perjury" has the meaning as defined under Sections 32-2
17 and 32-3 of the Criminal Code of 2012.

18 "Tampers with or fabricates evidence" means if a law
19 enforcement officer:

20 (1) has reason to believe that an official proceeding
21 is pending or may be instituted; and

22 (2) alters, destroys, conceals, or removes any record,
23 document, data, video or thing to impair its validity or
24 availability in the proceeding.

25 (b) Discretionary termination conduct. The Board may
26 terminate an Illinois State Police officer upon a

1 determination by the Board that the Illinois State Police
2 officer has:

3 (1) committed an act that would constitute a felony or
4 misdemeanor which could serve as basis for automatic
5 decertification, whether or not the law enforcement
6 officer was criminally prosecuted, and whether or not the
7 law enforcement officer's employment was terminated;

8 (2) exercised excessive use of force;

9 (3) failed to comply with the officer's duty to
10 intervene, including through acts or omission;

11 (4) tampered with a dash camera or body-worn camera or
12 data recorded by a dash camera or body-worn camera or
13 directed another to tamper with or turn off a dash camera
14 or body-worn camera or data recorded by a dash camera or
15 body-worn camera for the purpose of concealing, destroying
16 or altering potential evidence;

17 (5) engaged in the following conduct relating to the
18 reporting, investigation, or prosecution of a crime:
19 committed perjury, made a false statement, or knowingly
20 tampered with or fabricated evidence;

21 (6) engaged in any unprofessional, unethical,
22 deceptive, or deleterious conduct or practice harmful to
23 the public; such conduct or practice need not have
24 resulted in actual injury to any person. As used in this
25 paragraph, the term "unprofessional conduct" shall include
26 any departure from, or failure to conform to, the minimal

1 standards of acceptable and prevailing practice of an
2 officer.

3 (c) ~~(b)~~ If an officer enters a plea of guilty, nolo
4 contendere, stipulates to the facts or is found guilty of a
5 violation of any law, or if there is any other Board or
6 judicial determination that will support any punitive measure
7 taken against the officer, such action by the officer or
8 judicial entity may be considered for the purposes of this
9 Section. Termination under this Section shall be by clear and
10 convincing evidence. If the Board votes to terminate, the
11 Board shall put its decision in writing, setting forth the
12 specific reasons for its decision. Final decisions under this
13 Section are reviewable under the Administrative Review Law.

14 (d) ~~(e)~~ The Illinois State Police Merit Board shall report
15 all terminations under this Section to the Officer
16 Professional Conduct ~~Misconduct~~ Database, provided in Section
17 9.2 of the Illinois Police Training Act.

18 (e) ~~(d)~~ Nothing in this Act shall require an Illinois
19 State Police officer to waive any applicable constitutional
20 rights.

21 (f) ~~(e)~~ Nothing in this Section shall prohibit the Merit
22 Board from administering discipline up to and including
23 termination for violations of Illinois State Police policies
24 and procedures pursuant to other Sections ~~sections~~ of this
25 Act.

26 (Source: P.A. 101-652, eff. 1-1-22; revised 12-1-21.)

1 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

2 Sec. 14. Except as is otherwise provided in this Act, no
3 Illinois State Police officer shall be removed, demoted, or
4 suspended except for cause, upon written charges filed with
5 the Board by the Director and a hearing before the Board
6 thereon upon not less than 10 days' notice at a place to be
7 designated by the chairman thereof. At such hearing, the
8 accused shall be afforded full opportunity to be heard in his
9 or her own defense and to produce proof in his or her defense.
10 It shall not be a requirement of a person filing a complaint
11 against a State Police officer ~~officer~~ to have a complaint
12 supported by a sworn affidavit or any other legal
13 documentation. This ban on an affidavit requirement shall
14 apply to any collective bargaining agreements entered after
15 the effective date of this provision.

16 Before any such officer may be interrogated or examined by
17 or before the Board, or by an Illinois State Police agent or
18 investigator specifically assigned to conduct an internal
19 investigation, the results of which hearing, interrogation, or
20 examination may be the basis for filing charges seeking his or
21 her suspension for more than 15 days or his or her removal or
22 discharge, he or she shall be advised in writing as to what
23 specific improper or illegal act he or she is alleged to have
24 committed; he or she shall be advised in writing that his or
25 her admissions made in the course of the hearing,

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

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

26 If the accused is found not guilty or has served a period

1 of suspension greater than prescribed by the Board, the Board
2 shall order that the officer receive compensation for the
3 period involved. The award of compensation shall include
4 interest at the rate of 7% per annum.

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

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

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

26 Notwithstanding the provisions of this Section, a policy

1 making officer, as defined in the Employee Rights Violation
2 Act, of the Illinois State Police shall be discharged from the
3 Illinois State Police as provided in the Employee Rights
4 Violation Act, enacted by the 85th General Assembly.

5 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
6 revised 10-4-21.)

7 (20 ILCS 2610/46)

8 Sec. 46. Officer Professional Conduct Database; reporting,
9 transparency.

10 (a) The Illinois State Police Merit Board shall be
11 responsible for reporting all required information contained
12 in the Officer Professional Conduct ~~Misconduct~~ Database,
13 provided in Section 9.2 of the Illinois Police Training Act.

14 (b) Before the Illinois State Police Merit Board certifies
15 any Illinois State Police Cadet the Board shall conduct a
16 search of all Illinois State Police Cadet applicants in the
17 Officer Professional Conduct Database.

18 (c) The database, documents, materials, or other
19 information in the possession or control of the Board that are
20 obtained by or disclosed to the Board pursuant to this
21 subsection shall be confidential by law and privileged, shall
22 not be subject to subpoena, and shall not be subject to
23 discovery or admissible in evidence in any private civil
24 action. However, the Board is authorized to use such
25 documents, materials, or other information in furtherance of

1 any regulatory or legal action brought as part of the Board's
2 official duties. Unless otherwise required by law, the Board
3 shall not disclose the database or make such documents,
4 materials, or other information public without the prior
5 written consent of the governmental agency and the law
6 enforcement officer. The Board nor any person who received
7 documents, materials or other information shared pursuant to
8 this subsection shall be required to testify in any private
9 civil action concerning the database or any confidential
10 documents, materials, or information subject to this
11 subsection.

12 Nothing in this Section shall exempt a governmental agency
13 from disclosing public records in accordance with the Freedom
14 of Information Act.

15 (Source: P.A. 101-652, eff. 1-1-22; revised 12-1-21.)

16 Section 180. The Criminal Identification Act is amended by
17 changing Section 5.2 as follows:

18 (20 ILCS 2630/5.2)

19 Sec. 5.2. Expungement, sealing, and immediate sealing.

20 (a) General Provisions.

21 (1) Definitions. In this Act, words and phrases have
22 the meanings set forth in this subsection, except when a
23 particular context clearly requires a different meaning.

24 (A) The following terms shall have the meanings

1 ascribed to them in the following Sections of the
2 Unified Code of Corrections, ~~730 ILCS 5/5-1-2 through~~
3 ~~5/5-1-22:~~

4 ~~(i) Business Offense, Section 5-1-2. (730 ILCS~~
5 ~~5/5-1-2),~~

6 ~~(ii) Charge, Section 5-1-3. (730 ILCS~~
7 ~~5/5-1-3),~~

8 ~~(iii) Court, Section 5-1-6. (730 ILCS~~
9 ~~5/5-1-6),~~

10 ~~(iv) Defendant, Section 5-1-7. (730 ILCS~~
11 ~~5/5-1-7),~~

12 ~~(v) Felony, Section 5-1-9. (730 ILCS 5/5-1-9),~~

13 ~~(vi) Imprisonment, Section 5-1-10. (730 ILCS~~
14 ~~5/5-1-10),~~

15 ~~(vii) Judgment, Section 5-1-12. (730 ILCS~~
16 ~~5/5-1-12),~~

17 ~~(viii) Misdemeanor, Section 5-1-14. (730 ILCS~~
18 ~~5/5-1-14),~~

19 ~~(ix) Offense, Section 5-1-15. (730 ILCS~~
20 ~~5/5-1-15),~~

21 ~~(x) Parole, Section 5-1-16. (730 ILCS~~
22 ~~5/5-1-16),~~

23 ~~(xi) Petty Offense, Section 5-1-17. (730 ILCS~~
24 ~~5/5-1-17),~~

25 ~~(xii) Probation, Section 5-1-18. (730 ILCS~~
26 ~~5/5-1-18),~~

1 ~~(xiii)~~ Sentence, Section 5-1-19. ~~(730 ILCS~~
2 ~~5/5-1-19)~~,

3 ~~(xiv)~~ Supervision, Section 5-1-21. ~~(730 ILCS~~
4 ~~5/5-1-21)~~, and

5 ~~(xv)~~ Victim, Section 5-1-22. ~~(730 ILCS~~
6 ~~5/5-1-22)~~.

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by Section 5-1-3
9 of the Unified Code of Corrections ~~730 ILCS 5/5-1-3~~)
10 brought against a defendant where the defendant is not
11 arrested prior to or as a direct result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered
15 by a legally constituted jury or by a court of
16 competent jurisdiction authorized to try the case
17 without a jury. An order of supervision successfully
18 completed by the petitioner is not a conviction. An
19 order of qualified probation (as defined in subsection
20 (a) (1) (J)) successfully completed by the petitioner is
21 not a conviction. An order of supervision or an order
22 of qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the
8 records or return them to the petitioner and to
9 obliterate the petitioner's name from any official
10 index or public record, or both. Nothing in this Act
11 shall require the physical destruction of the circuit
12 court file, but such records relating to arrests or
13 charges, or both, ordered expunged shall be impounded
14 as required by subsections (d)(9)(A)(ii) and
15 (d)(9)(B)(ii).

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively
2 considered the "last sentence" regardless of whether
3 they were ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (G-5) "Minor Cannabis Offense" means a violation
9 of Section 4 or 5 of the Cannabis Control Act
10 concerning not more than 30 grams of any substance
11 containing cannabis, provided the violation did not
12 include a penalty enhancement under Section 7 of the
13 Cannabis Control Act and is not associated with an
14 arrest, conviction or other disposition for a violent
15 crime as defined in subsection (c) of Section 3 of the
16 Rights of Crime Victims and Witnesses Act.

17 (H) "Municipal ordinance violation" means an
18 offense defined by a municipal or local ordinance that
19 is criminal in nature and with which the petitioner
20 was charged or for which the petitioner was arrested
21 and released without charging.

22 (I) "Petitioner" means an adult or a minor
23 prosecuted as an adult who has applied for relief
24 under this Section.

25 (J) "Qualified probation" means an order of
26 probation under Section 10 of the Cannabis Control

1 Act, Section 410 of the Illinois Controlled Substances
2 Act, Section 70 of the Methamphetamine Control and
3 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
4 of the Unified Code of Corrections, Section
5 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
6 those provisions existed before their deletion by
7 Public Act 89-313), Section 10-102 of the Illinois
8 Alcoholism and Other Drug Dependency Act, Section
9 40-10 of the Substance Use Disorder Act, or Section 10
10 of the Steroid Control Act. For the purpose of this
11 Section, "successful completion" of an order of
12 qualified probation under Section 10-102 of the
13 Illinois Alcoholism and Other Drug Dependency Act and
14 Section 40-10 of the Substance Use Disorder Act means
15 that the probation was terminated satisfactorily and
16 the judgment of conviction was vacated.

17 (K) "Seal" means to physically and electronically
18 maintain the records, unless the records would
19 otherwise be destroyed due to age, but to make the
20 records unavailable without a court order, subject to
21 the exceptions in Sections 12 and 13 of this Act. The
22 petitioner's name shall also be obliterated from the
23 official index required to be kept by the circuit
24 court clerk under Section 16 of the Clerks of Courts
25 Act, but any index issued by the circuit court clerk
26 before the entry of the order to seal shall not be

1 affected.

2 (L) "Sexual offense committed against a minor"
3 includes, but is not limited to, the offenses of
4 indecent solicitation of a child or criminal sexual
5 abuse when the victim of such offense is under 18 years
6 of age.

7 (M) "Terminate" as it relates to a sentence or
8 order of supervision or qualified probation includes
9 either satisfactory or unsatisfactory termination of
10 the sentence, unless otherwise specified in this
11 Section. A sentence is terminated notwithstanding any
12 outstanding financial legal obligation.

13 (2) Minor Traffic Offenses. Orders of supervision or
14 convictions for minor traffic offenses shall not affect a
15 petitioner's eligibility to expunge or seal records
16 pursuant to this Section.

17 (2.5) Commencing 180 days after July 29, 2016 (the
18 effective date of Public Act 99-697), the law enforcement
19 agency issuing the citation shall automatically expunge,
20 on or before January 1 and July 1 of each year, the law
21 enforcement records of a person found to have committed a
22 civil law violation of subsection (a) of Section 4 of the
23 Cannabis Control Act or subsection (c) of Section 3.5 of
24 the Drug Paraphernalia Control Act in the law enforcement
25 agency's possession or control and which contains the
26 final satisfactory disposition which pertain to the person

1 issued a citation for that offense. The law enforcement
2 agency shall provide by rule the process for access,
3 review, and to confirm the automatic expungement by the
4 law enforcement agency issuing the citation. Commencing
5 180 days after July 29, 2016 (the effective date of Public
6 Act 99-697), the clerk of the circuit court shall expunge,
7 upon order of the court, or in the absence of a court order
8 on or before January 1 and July 1 of each year, the court
9 records of a person found in the circuit court to have
10 committed a civil law violation of subsection (a) of
11 Section 4 of the Cannabis Control Act or subsection (c) of
12 Section 3.5 of the Drug Paraphernalia Control Act in the
13 clerk's possession or control and which contains the final
14 satisfactory disposition which pertain to the person
15 issued a citation for any of those offenses.

16 (3) Exclusions. Except as otherwise provided in
17 subsections (b)(5), (b)(6), (b)(8), (e), (e-5), and (e-6)
18 of this Section, the court shall not order:

19 (A) the sealing or expungement of the records of
20 arrests or charges not initiated by arrest that result
21 in an order of supervision for or conviction of: (i)
22 any sexual offense committed against a minor; (ii)
23 Section 11-501 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance; or (iii)
25 Section 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, unless the

1 arrest or charge is for a misdemeanor violation of
2 subsection (a) of Section 11-503 or a similar
3 provision of a local ordinance, that occurred prior to
4 the offender reaching the age of 25 years and the
5 offender has no other conviction for violating Section
6 11-501 or 11-503 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance.

8 (B) the sealing or expungement of records of minor
9 traffic offenses (as defined in subsection (a)(1)(G)),
10 unless the petitioner was arrested and released
11 without charging.

12 (C) the sealing of the records of arrests or
13 charges not initiated by arrest which result in an
14 order of supervision or a conviction for the following
15 offenses:

16 (i) offenses included in Article 11 of the
17 Criminal Code of 1961 or the Criminal Code of 2012
18 or a similar provision of a local ordinance,
19 except Section 11-14 and a misdemeanor violation
20 of Section 11-30 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, or a similar provision
22 of a local ordinance;

23 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
24 26-5, or 48-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, or a similar provision of a
26 local ordinance;

1 (iii) Sections 12-3.1 or 12-3.2 of the
2 Criminal Code of 1961 or the Criminal Code of
3 2012, or Section 125 of the Stalking No Contact
4 Order Act, or Section 219 of the Civil No Contact
5 Order Act, or a similar provision of a local
6 ordinance;

7 (iv) Class A misdemeanors or felony offenses
8 under the Humane Care for Animals Act; or

9 (v) any offense or attempted offense that
10 would subject a person to registration under the
11 Sex Offender Registration Act.

12 (D) (blank).

13 (b) Expungement.

14 (1) A petitioner may petition the circuit court to
15 expunge the records of his or her arrests and charges not
16 initiated by arrest when each arrest or charge not
17 initiated by arrest sought to be expunged resulted in: (i)
18 acquittal, dismissal, or the petitioner's release without
19 charging, unless excluded by subsection (a)(3)(B); (ii) a
20 conviction which was vacated or reversed, unless excluded
21 by subsection (a)(3)(B); (iii) an order of supervision and
22 such supervision was successfully completed by the
23 petitioner, unless excluded by subsection (a)(3)(A) or
24 (a)(3)(B); or (iv) an order of qualified probation (as
25 defined in subsection (a)(1)(J)) and such probation was
26 successfully completed by the petitioner.

1 (1.5) When a petitioner seeks to have a record of
2 arrest expunged under this Section, and the offender has
3 been convicted of a criminal offense, the State's Attorney
4 may object to the expungement on the grounds that the
5 records contain specific relevant information aside from
6 the mere fact of the arrest.

7 (2) Time frame for filing a petition to expunge.

8 (A) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an acquittal,
10 dismissal, the petitioner's release without charging,
11 or the reversal or vacation of a conviction, there is
12 no waiting period to petition for the expungement of
13 such records.

14 (B) When the arrest or charge not initiated by
15 arrest sought to be expunged resulted in an order of
16 supervision, successfully completed by the petitioner,
17 the following time frames will apply:

18 (i) Those arrests or charges that resulted in
19 orders of supervision under Section 3-707, 3-708,
20 3-710, or 5-401.3 of the Illinois Vehicle Code or
21 a similar provision of a local ordinance, or under
22 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
23 Code of 1961 or the Criminal Code of 2012, or a
24 similar provision of a local ordinance, shall not
25 be eligible for expungement until 5 years have
26 passed following the satisfactory termination of

1 the supervision.

2 (i-5) Those arrests or charges that resulted
3 in orders of supervision for a misdemeanor
4 violation of subsection (a) of Section 11-503 of
5 the Illinois Vehicle Code or a similar provision
6 of a local ordinance, that occurred prior to the
7 offender reaching the age of 25 years and the
8 offender has no other conviction for violating
9 Section 11-501 or 11-503 of the Illinois Vehicle
10 Code or a similar provision of a local ordinance
11 shall not be eligible for expungement until the
12 petitioner has reached the age of 25 years.

13 (ii) Those arrests or charges that resulted in
14 orders of supervision for any other offenses shall
15 not be eligible for expungement until 2 years have
16 passed following the satisfactory termination of
17 the supervision.

18 (C) When the arrest or charge not initiated by
19 arrest sought to be expunged resulted in an order of
20 qualified probation, successfully completed by the
21 petitioner, such records shall not be eligible for
22 expungement until 5 years have passed following the
23 satisfactory termination of the probation.

24 (3) Those records maintained by the Illinois State
25 Police Department for persons arrested prior to their 17th
26 birthday shall be expunged as provided in Section 5-915 of

1 the Juvenile Court Act of 1987.

2 (4) Whenever a person has been arrested for or
3 convicted of any offense, in the name of a person whose
4 identity he or she has stolen or otherwise come into
5 possession of, the aggrieved person from whom the identity
6 was stolen or otherwise obtained without authorization,
7 upon learning of the person having been arrested using his
8 or her identity, may, upon verified petition to the chief
9 judge of the circuit wherein the arrest was made, have a
10 court order entered nunc pro tunc by the Chief Judge to
11 correct the arrest record, conviction record, if any, and
12 all official records of the arresting authority, the
13 Illinois State Police Department, other criminal justice
14 agencies, the prosecutor, and the trial court concerning
15 such arrest, if any, by removing his or her name from all
16 such records in connection with the arrest and conviction,
17 if any, and by inserting in the records the name of the
18 offender, if known or ascertainable, in lieu of the
19 aggrieved's name. The records of the circuit court clerk
20 shall be sealed until further order of the court upon good
21 cause shown and the name of the aggrieved person
22 obliterated on the official index required to be kept by
23 the circuit court clerk under Section 16 of the Clerks of
24 Courts Act, but the order shall not affect any index
25 issued by the circuit court clerk before the entry of the
26 order. Nothing in this Section shall limit the Illinois

1 ~~Department of~~ State Police or other criminal justice
2 agencies or prosecutors from listing under an offender's
3 name the false names he or she has used.

4 (5) Whenever a person has been convicted of criminal
5 sexual assault, aggravated criminal sexual assault,
6 predatory criminal sexual assault of a child, criminal
7 sexual abuse, or aggravated criminal sexual abuse, the
8 victim of that offense may request that the State's
9 Attorney of the county in which the conviction occurred
10 file a verified petition with the presiding trial judge at
11 the petitioner's trial to have a court order entered to
12 seal the records of the circuit court clerk in connection
13 with the proceedings of the trial court concerning that
14 offense. However, the records of the arresting authority
15 and the Illinois ~~Department of~~ State Police concerning the
16 offense shall not be sealed. The court, upon good cause
17 shown, shall make the records of the circuit court clerk
18 in connection with the proceedings of the trial court
19 concerning the offense available for public inspection.

20 (6) If a conviction has been set aside on direct
21 review or on collateral attack and the court determines by
22 clear and convincing evidence that the petitioner was
23 factually innocent of the charge, the court that finds the
24 petitioner factually innocent of the charge shall enter an
25 expungement order for the conviction for which the
26 petitioner has been determined to be innocent as provided

1 in subsection (b) of Section 5-5-4 of the Unified Code of
2 Corrections.

3 (7) Nothing in this Section shall prevent the Illinois
4 ~~Department of State Police~~ from maintaining all records of
5 any person who is admitted to probation upon terms and
6 conditions and who fulfills those terms and conditions
7 pursuant to Section 10 of the Cannabis Control Act,
8 Section 410 of the Illinois Controlled Substances Act,
9 Section 70 of the Methamphetamine Control and Community
10 Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified
11 Code of Corrections, Section 12-4.3 or subdivision (b)(1)
12 of Section 12-3.05 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, Section 10-102 of the Illinois
14 Alcoholism and Other Drug Dependency Act, Section 40-10 of
15 the Substance Use Disorder Act, or Section 10 of the
16 Steroid Control Act.

17 (8) If the petitioner has been granted a certificate
18 of innocence under Section 2-702 of the Code of Civil
19 Procedure, the court that grants the certificate of
20 innocence shall also enter an order expunging the
21 conviction for which the petitioner has been determined to
22 be innocent as provided in subsection (h) of Section 2-702
23 of the Code of Civil Procedure.

24 (c) Sealing.

25 (1) Applicability. Notwithstanding any other provision
26 of this Act to the contrary, and cumulative with any

1 rights to expungement of criminal records, this subsection
2 authorizes the sealing of criminal records of adults and
3 of minors prosecuted as adults. Subsection (g) of this
4 Section provides for immediate sealing of certain records.

5 (2) Eligible Records. The following records may be
6 sealed:

7 (A) All arrests resulting in release without
8 charging;

9 (B) Arrests or charges not initiated by arrest
10 resulting in acquittal, dismissal, or conviction when
11 the conviction was reversed or vacated, except as
12 excluded by subsection (a) (3) (B);

13 (C) Arrests or charges not initiated by arrest
14 resulting in orders of supervision, including orders
15 of supervision for municipal ordinance violations,
16 successfully completed by the petitioner, unless
17 excluded by subsection (a) (3);

18 (D) Arrests or charges not initiated by arrest
19 resulting in convictions, including convictions on
20 municipal ordinance violations, unless excluded by
21 subsection (a) (3);

22 (E) Arrests or charges not initiated by arrest
23 resulting in orders of first offender probation under
24 Section 10 of the Cannabis Control Act, Section 410 of
25 the Illinois Controlled Substances Act, Section 70 of
26 the Methamphetamine Control and Community Protection

1 Act, or Section 5-6-3.3 of the Unified Code of
2 Corrections; and

3 (F) Arrests or charges not initiated by arrest
4 resulting in felony convictions unless otherwise
5 excluded by subsection (a) paragraph (3) of this
6 Section.

7 (3) When Records Are Eligible to Be Sealed. Records
8 identified as eligible under subsection (c)(2) may be
9 sealed as follows:

10 (A) Records identified as eligible under
11 subsection (c)(2)(A) and (c)(2)(B) may be sealed at
12 any time.

13 (B) Except as otherwise provided in subparagraph
14 (E) of this paragraph (3), records identified as
15 eligible under subsection (c)(2)(C) may be sealed 2
16 years after the termination of petitioner's last
17 sentence (as defined in subsection (a)(1)(F)).

18 (C) Except as otherwise provided in subparagraph
19 (E) of this paragraph (3), records identified as
20 eligible under subsections (c)(2)(D), (c)(2)(E), and
21 (c)(2)(F) may be sealed 3 years after the termination
22 of the petitioner's last sentence (as defined in
23 subsection (a)(1)(F)). Convictions requiring public
24 registration under the Arsonist Registration Act, the
25 Sex Offender Registration Act, or the Murderer and
26 Violent Offender Against Youth Registration Act may

1 not be sealed until the petitioner is no longer
2 required to register under that relevant Act.

3 (D) Records identified in subsection
4 (a) (3) (A) (iii) may be sealed after the petitioner has
5 reached the age of 25 years.

6 (E) Records identified as eligible under
7 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or
8 (c) (2) (F) may be sealed upon termination of the
9 petitioner's last sentence if the petitioner earned a
10 high school diploma, associate's degree, career
11 certificate, vocational technical certification, or
12 bachelor's degree, or passed the high school level
13 Test of General Educational Development, during the
14 period of his or her sentence or mandatory supervised
15 release. This subparagraph shall apply only to a
16 petitioner who has not completed the same educational
17 goal prior to the period of his or her sentence or
18 mandatory supervised release. If a petition for
19 sealing eligible records filed under this subparagraph
20 is denied by the court, the time periods under
21 subparagraph (B) or (C) shall apply to any subsequent
22 petition for sealing filed by the petitioner.

23 (4) Subsequent felony convictions. A person may not
24 have subsequent felony conviction records sealed as
25 provided in this subsection (c) if he or she is convicted
26 of any felony offense after the date of the sealing of

1 prior felony convictions as provided in this subsection
2 (c). The court may, upon conviction for a subsequent
3 felony offense, order the unsealing of prior felony
4 conviction records previously ordered sealed by the court.

5 (5) Notice of eligibility for sealing. Upon entry of a
6 disposition for an eligible record under this subsection
7 (c), the petitioner shall be informed by the court of the
8 right to have the records sealed and the procedures for
9 the sealing of the records.

10 (d) Procedure. The following procedures apply to
11 expungement under subsections (b), (e), and (e-6) and sealing
12 under subsections (c) and (e-5):

13 (1) Filing the petition. Upon becoming eligible to
14 petition for the expungement or sealing of records under
15 this Section, the petitioner shall file a petition
16 requesting the expungement or sealing of records with the
17 clerk of the court where the arrests occurred or the
18 charges were brought, or both. If arrests occurred or
19 charges were brought in multiple jurisdictions, a petition
20 must be filed in each such jurisdiction. The petitioner
21 shall pay the applicable fee, except no fee shall be
22 required if the petitioner has obtained a court order
23 waiving fees under Supreme Court Rule 298 or it is
24 otherwise waived.

25 (1.5) County fee waiver pilot program. From August 9,
26 2019 (the effective date of Public Act 101-306) through

1 December 31, 2020, in a county of 3,000,000 or more
2 inhabitants, no fee shall be required to be paid by a
3 petitioner if the records sought to be expunged or sealed
4 were arrests resulting in release without charging or
5 arrests or charges not initiated by arrest resulting in
6 acquittal, dismissal, or conviction when the conviction
7 was reversed or vacated, unless excluded by subsection
8 (a)(3)(B). The provisions of this paragraph (1.5), other
9 than this sentence, are inoperative on and after January
10 1, 2022.

11 (2) Contents of petition. The petition shall be
12 verified and shall contain the petitioner's name, date of
13 birth, current address and, for each arrest or charge not
14 initiated by arrest sought to be sealed or expunged, the
15 case number, the date of arrest (if any), the identity of
16 the arresting authority, and such other information as the
17 court may require. During the pendency of the proceeding,
18 the petitioner shall promptly notify the circuit court
19 clerk of any change of his or her address. If the
20 petitioner has received a certificate of eligibility for
21 sealing from the Prisoner Review Board under paragraph
22 (10) of subsection (a) of Section 3-3-2 of the Unified
23 Code of Corrections, the certificate shall be attached to
24 the petition.

25 (3) Drug test. The petitioner must attach to the
26 petition proof that the petitioner has passed a test taken

1 within 30 days before the filing of the petition showing
2 the absence within his or her body of all illegal
3 substances as defined by the Illinois Controlled
4 Substances Act, the Methamphetamine Control and Community
5 Protection Act, and the Cannabis Control Act if he or she
6 is petitioning to:

7 (A) seal felony records under clause (c) (2) (E);

8 (B) seal felony records for a violation of the
9 Illinois Controlled Substances Act, the
10 Methamphetamine Control and Community Protection Act,
11 or the Cannabis Control Act under clause (c) (2) (F);

12 (C) seal felony records under subsection (e-5); or

13 (D) expunge felony records of a qualified
14 probation under clause (b) (1) (iv).

15 (4) Service of petition. The circuit court clerk shall
16 promptly serve a copy of the petition and documentation to
17 support the petition under subsection (e-5) or (e-6) on
18 the State's Attorney or prosecutor charged with the duty
19 of prosecuting the offense, the Illinois ~~Department of~~
20 State Police, the arresting agency and the chief legal
21 officer of the unit of local government effecting the
22 arrest.

23 (5) Objections.

24 (A) Any party entitled to notice of the petition
25 may file an objection to the petition. All objections
26 shall be in writing, shall be filed with the circuit

1 court clerk, and shall state with specificity the
2 basis of the objection. Whenever a person who has been
3 convicted of an offense is granted a pardon by the
4 Governor which specifically authorizes expungement, an
5 objection to the petition may not be filed.

6 (B) Objections to a petition to expunge or seal
7 must be filed within 60 days of the date of service of
8 the petition.

9 (6) Entry of order.

10 (A) The Chief Judge of the circuit wherein the
11 charge was brought, any judge of that circuit
12 designated by the Chief Judge, or in counties of less
13 than 3,000,000 inhabitants, the presiding trial judge
14 at the petitioner's trial, if any, shall rule on the
15 petition to expunge or seal as set forth in this
16 subsection (d) (6).

17 (B) Unless the State's Attorney or prosecutor, the
18 Illinois ~~Department of~~ State Police, the arresting
19 agency, or the chief legal officer files an objection
20 to the petition to expunge or seal within 60 days from
21 the date of service of the petition, the court shall
22 enter an order granting or denying the petition.

23 (C) Notwithstanding any other provision of law,
24 the court shall not deny a petition for sealing under
25 this Section because the petitioner has not satisfied
26 an outstanding legal financial obligation established,

1 imposed, or originated by a court, law enforcement
2 agency, or a municipal, State, county, or other unit
3 of local government, including, but not limited to,
4 any cost, assessment, fine, or fee. An outstanding
5 legal financial obligation does not include any court
6 ordered restitution to a victim under Section 5-5-6 of
7 the Unified Code of Corrections, unless the
8 restitution has been converted to a civil judgment.
9 Nothing in this subparagraph (C) waives, rescinds, or
10 abrogates a legal financial obligation or otherwise
11 eliminates or affects the right of the holder of any
12 financial obligation to pursue collection under
13 applicable federal, State, or local law.

14 (7) Hearings. If an objection is filed, the court
15 shall set a date for a hearing and notify the petitioner
16 and all parties entitled to notice of the petition of the
17 hearing date at least 30 days prior to the hearing. Prior
18 to the hearing, the State's Attorney shall consult with
19 the Illinois State Police ~~Department~~ as to the
20 appropriateness of the relief sought in the petition to
21 expunge or seal. At the hearing, the court shall hear
22 evidence on whether the petition should or should not be
23 granted, and shall grant or deny the petition to expunge
24 or seal the records based on the evidence presented at the
25 hearing. The court may consider the following:

26 (A) the strength of the evidence supporting the

1 defendant's conviction;

2 (B) the reasons for retention of the conviction
3 records by the State;

4 (C) the petitioner's age, criminal record history,
5 and employment history;

6 (D) the period of time between the petitioner's
7 arrest on the charge resulting in the conviction and
8 the filing of the petition under this Section; and

9 (E) the specific adverse consequences the
10 petitioner may be subject to if the petition is
11 denied.

12 (8) Service of order. After entering an order to
13 expunge or seal records, the court must provide copies of
14 the order to the Illinois State Police Department, in a
15 form and manner prescribed by the Illinois State Police
16 ~~Department~~, to the petitioner, to the State's Attorney or
17 prosecutor charged with the duty of prosecuting the
18 offense, to the arresting agency, to the chief legal
19 officer of the unit of local government effecting the
20 arrest, and to such other criminal justice agencies as may
21 be ordered by the court.

22 (9) Implementation of order.

23 (A) Upon entry of an order to expunge records
24 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or
25 both:

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency,
2 the Illinois State Police ~~Department~~, and any
3 other agency as ordered by the court, within 60
4 days of the date of service of the order, unless a
5 motion to vacate, modify, or reconsider the order
6 is filed pursuant to paragraph (12) of subsection
7 (d) of this Section;

8 (ii) the records of the circuit court clerk
9 shall be impounded until further order of the
10 court upon good cause shown and the name of the
11 petitioner obliterated on the official index
12 required to be kept by the circuit court clerk
13 under Section 16 of the Clerks of Courts Act, but
14 the order shall not affect any index issued by the
15 circuit court clerk before the entry of the order;
16 and

17 (iii) in response to an inquiry for expunged
18 records, the court, the Illinois State Police
19 ~~Department~~, or the agency receiving such inquiry,
20 shall reply as it does in response to inquiries
21 when no records ever existed.

22 (B) Upon entry of an order to expunge records
23 pursuant to subsection (b)(2)(B)(i) or (b)(2)(C), or
24 both:

25 (i) the records shall be expunged (as defined
26 in subsection (a)(1)(E)) by the arresting agency

1 and any other agency as ordered by the court,
2 within 60 days of the date of service of the order,
3 unless a motion to vacate, modify, or reconsider
4 the order is filed pursuant to paragraph (12) of
5 subsection (d) of this Section;

6 (ii) the records of the circuit court clerk
7 shall be impounded until further order of the
8 court upon good cause shown and the name of the
9 petitioner obliterated on the official index
10 required to be kept by the circuit court clerk
11 under Section 16 of the Clerks of Courts Act, but
12 the order shall not affect any index issued by the
13 circuit court clerk before the entry of the order;

14 (iii) the records shall be impounded by the
15 Illinois State Police Department within 60 days of
16 the date of service of the order as ordered by the
17 court, unless a motion to vacate, modify, or
18 reconsider the order is filed pursuant to
19 paragraph (12) of subsection (d) of this Section;

20 (iv) records impounded by the Illinois State
21 Police Department may be disseminated by the
22 Illinois State Police Department only as required
23 by law or to the arresting authority, the State's
24 Attorney, and the court upon a later arrest for
25 the same or a similar offense or for the purpose of
26 sentencing for any subsequent felony, and to the

1 Department of Corrections upon conviction for any
2 offense; and

3 (v) in response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records, the court, the Illinois State Police
6 ~~Department~~, or the agency receiving such inquiry
7 shall reply as it does in response to inquiries
8 when no records ever existed.

9 (B-5) Upon entry of an order to expunge records
10 under subsection (e-6):

11 (i) the records shall be expunged (as defined
12 in subsection (a)(1)(E)) by the arresting agency
13 and any other agency as ordered by the court,
14 within 60 days of the date of service of the order,
15 unless a motion to vacate, modify, or reconsider
16 the order is filed under paragraph (12) of
17 subsection (d) of this Section;

18 (ii) the records of the circuit court clerk
19 shall be impounded until further order of the
20 court upon good cause shown and the name of the
21 petitioner obliterated on the official index
22 required to be kept by the circuit court clerk
23 under Section 16 of the Clerks of Courts Act, but
24 the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order;

26 (iii) the records shall be impounded by the

1 Illinois State Police Department within 60 days of
2 the date of service of the order as ordered by the
3 court, unless a motion to vacate, modify, or
4 reconsider the order is filed under paragraph (12)
5 of subsection (d) of this Section;

6 (iv) records impounded by the Illinois State
7 Police Department may be disseminated by the
8 Illinois State Police Department only as required
9 by law or to the arresting authority, the State's
10 Attorney, and the court upon a later arrest for
11 the same or a similar offense or for the purpose of
12 sentencing for any subsequent felony, and to the
13 Department of Corrections upon conviction for any
14 offense; and

15 (v) in response to an inquiry for these
16 records from anyone not authorized by law to
17 access the records, the court, the Illinois State
18 Police Department, or the agency receiving the
19 inquiry shall reply as it does in response to
20 inquiries when no records ever existed.

21 (C) Upon entry of an order to seal records under
22 subsection (c), the arresting agency, any other agency
23 as ordered by the court, the Illinois State Police
24 Department, and the court shall seal the records (as
25 defined in subsection (a)(1)(K)). In response to an
26 inquiry for such records, from anyone not authorized

1 by law to access such records, the court, the Illinois
2 State Police Department, or the agency receiving such
3 inquiry shall reply as it does in response to
4 inquiries when no records ever existed.

5 (D) The Illinois State Police Department shall
6 send written notice to the petitioner of its
7 compliance with each order to expunge or seal records
8 within 60 days of the date of service of that order or,
9 if a motion to vacate, modify, or reconsider is filed,
10 within 60 days of service of the order resolving the
11 motion, if that order requires the Illinois State
12 Police Department to expunge or seal records. In the
13 event of an appeal from the circuit court order, the
14 Illinois State Police Department shall send written
15 notice to the petitioner of its compliance with an
16 Appellate Court or Supreme Court judgment to expunge
17 or seal records within 60 days of the issuance of the
18 court's mandate. The notice is not required while any
19 motion to vacate, modify, or reconsider, or any appeal
20 or petition for discretionary appellate review, is
21 pending.

22 (E) Upon motion, the court may order that a sealed
23 judgment or other court record necessary to
24 demonstrate the amount of any legal financial
25 obligation due and owing be made available for the
26 limited purpose of collecting any legal financial

1 obligations owed by the petitioner that were
2 established, imposed, or originated in the criminal
3 proceeding for which those records have been sealed.
4 The records made available under this subparagraph (E)
5 shall not be entered into the official index required
6 to be kept by the circuit court clerk under Section 16
7 of the Clerks of Courts Act and shall be immediately
8 re-impounded upon the collection of the outstanding
9 financial obligations.

10 (F) Notwithstanding any other provision of this
11 Section, a circuit court clerk may access a sealed
12 record for the limited purpose of collecting payment
13 for any legal financial obligations that were
14 established, imposed, or originated in the criminal
15 proceedings for which those records have been sealed.

16 (10) Fees. The Illinois State Police Department may
17 charge the petitioner a fee equivalent to the cost of
18 processing any order to expunge or seal records.
19 Notwithstanding any provision of the Clerks of Courts Act
20 to the contrary, the circuit court clerk may charge a fee
21 equivalent to the cost associated with the sealing or
22 expungement of records by the circuit court clerk. From
23 the total filing fee collected for the petition to seal or
24 expunge, the circuit court clerk shall deposit \$10 into
25 the Circuit Court Clerk Operation and Administrative Fund,
26 to be used to offset the costs incurred by the circuit

1 court clerk in performing the additional duties required
2 to serve the petition to seal or expunge on all parties.
3 The circuit court clerk shall collect and remit the
4 Illinois ~~Department of~~ State Police portion of the fee to
5 the State Treasurer and it shall be deposited in the State
6 Police Services Fund. If the record brought under an
7 expungement petition was previously sealed under this
8 Section, the fee for the expungement petition for that
9 same record shall be waived.

10 (11) Final Order. No court order issued under the
11 expungement or sealing provisions of this Section shall
12 become final for purposes of appeal until 30 days after
13 service of the order on the petitioner and all parties
14 entitled to notice of the petition.

15 (12) Motion to Vacate, Modify, or Reconsider. Under
16 Section 2-1203 of the Code of Civil Procedure, the
17 petitioner or any party entitled to notice may file a
18 motion to vacate, modify, or reconsider the order granting
19 or denying the petition to expunge or seal within 60 days
20 of service of the order. If filed more than 60 days after
21 service of the order, a petition to vacate, modify, or
22 reconsider shall comply with subsection (c) of Section
23 2-1401 of the Code of Civil Procedure. Upon filing of a
24 motion to vacate, modify, or reconsider, notice of the
25 motion shall be served upon the petitioner and all parties
26 entitled to notice of the petition.

1 (13) Effect of Order. An order granting a petition
2 under the expungement or sealing provisions of this
3 Section shall not be considered void because it fails to
4 comply with the provisions of this Section or because of
5 any error asserted in a motion to vacate, modify, or
6 reconsider. The circuit court retains jurisdiction to
7 determine whether the order is voidable and to vacate,
8 modify, or reconsider its terms based on a motion filed
9 under paragraph (12) of this subsection (d).

10 (14) Compliance with Order Granting Petition to Seal
11 Records. Unless a court has entered a stay of an order
12 granting a petition to seal, all parties entitled to
13 notice of the petition must fully comply with the terms of
14 the order within 60 days of service of the order even if a
15 party is seeking relief from the order through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order.

18 (15) Compliance with Order Granting Petition to
19 Expunge Records. While a party is seeking relief from the
20 order granting the petition to expunge through a motion
21 filed under paragraph (12) of this subsection (d) or is
22 appealing the order, and unless a court has entered a stay
23 of that order, the parties entitled to notice of the
24 petition must seal, but need not expunge, the records
25 until there is a final order on the motion for relief or,
26 in the case of an appeal, the issuance of that court's

1 mandate.

2 (16) The changes to this subsection (d) made by Public
3 Act 98-163 apply to all petitions pending on August 5,
4 2013 (the effective date of Public Act 98-163) and to all
5 orders ruling on a petition to expunge or seal on or after
6 August 5, 2013 (the effective date of Public Act 98-163).

7 (e) Whenever a person who has been convicted of an offense
8 is granted a pardon by the Governor which specifically
9 authorizes expungement, he or she may, upon verified petition
10 to the Chief Judge of the circuit where the person had been
11 convicted, any judge of the circuit designated by the Chief
12 Judge, or in counties of less than 3,000,000 inhabitants, the
13 presiding trial judge at the defendant's trial, have a court
14 order entered expunging the record of arrest from the official
15 records of the arresting authority and order that the records
16 of the circuit court clerk and the Illinois State Police
17 ~~Department~~ be sealed until further order of the court upon
18 good cause shown or as otherwise provided herein, and the name
19 of the defendant obliterated from the official index requested
20 to be kept by the circuit court clerk under Section 16 of the
21 Clerks of Courts Act in connection with the arrest and
22 conviction for the offense for which he or she had been
23 pardoned but the order shall not affect any index issued by the
24 circuit court clerk before the entry of the order. All records
25 sealed by the Illinois State Police ~~Department~~ may be
26 disseminated by the Illinois State Police ~~Department~~ only to

1 the arresting authority, the State's Attorney, and the court
2 upon a later arrest for the same or similar offense or for the
3 purpose of sentencing for any subsequent felony. Upon
4 conviction for any subsequent offense, the Department of
5 Corrections shall have access to all sealed records of the
6 Illinois State Police ~~Department~~ pertaining to that
7 individual. Upon entry of the order of expungement, the
8 circuit court clerk shall promptly mail a copy of the order to
9 the person who was pardoned.

10 (e-5) Whenever a person who has been convicted of an
11 offense is granted a certificate of eligibility for sealing by
12 the Prisoner Review Board which specifically authorizes
13 sealing, he or she may, upon verified petition to the Chief
14 Judge of the circuit where the person had been convicted, any
15 judge of the circuit designated by the Chief Judge, or in
16 counties of less than 3,000,000 inhabitants, the presiding
17 trial judge at the petitioner's trial, have a court order
18 entered sealing the record of arrest from the official records
19 of the arresting authority and order that the records of the
20 circuit court clerk and the Illinois State Police ~~Department~~
21 be sealed until further order of the court upon good cause
22 shown or as otherwise provided herein, and the name of the
23 petitioner obliterated from the official index requested to be
24 kept by the circuit court clerk under Section 16 of the Clerks
25 of Courts Act in connection with the arrest and conviction for
26 the offense for which he or she had been granted the

1 certificate but the order shall not affect any index issued by
2 the circuit court clerk before the entry of the order. All
3 records sealed by the Illinois State Police ~~Department~~ may be
4 disseminated by the Illinois State Police ~~Department~~ only as
5 required by this Act or to the arresting authority, a law
6 enforcement agency, the State's Attorney, and the court upon a
7 later arrest for the same or similar offense or for the purpose
8 of sentencing for any subsequent felony. Upon conviction for
9 any subsequent offense, the Department of Corrections shall
10 have access to all sealed records of the Illinois State Police
11 ~~Department~~ pertaining to that individual. Upon entry of the
12 order of sealing, the circuit court clerk shall promptly mail
13 a copy of the order to the person who was granted the
14 certificate of eligibility for sealing.

15 (e-6) Whenever a person who has been convicted of an
16 offense is granted a certificate of eligibility for
17 expungement by the Prisoner Review Board which specifically
18 authorizes expungement, he or she may, upon verified petition
19 to the Chief Judge of the circuit where the person had been
20 convicted, any judge of the circuit designated by the Chief
21 Judge, or in counties of less than 3,000,000 inhabitants, the
22 presiding trial judge at the petitioner's trial, have a court
23 order entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the circuit court clerk and the Illinois State Police
26 ~~Department~~ be sealed until further order of the court upon

1 good cause shown or as otherwise provided herein, and the name
2 of the petitioner obliterated from the official index
3 requested to be kept by the circuit court clerk under Section
4 16 of the Clerks of Courts Act in connection with the arrest
5 and conviction for the offense for which he or she had been
6 granted the certificate but the order shall not affect any
7 index issued by the circuit court clerk before the entry of the
8 order. All records sealed by the Illinois State Police
9 ~~Department~~ may be disseminated by the Illinois State Police
10 ~~Department~~ only as required by this Act or to the arresting
11 authority, a law enforcement agency, the State's Attorney, and
12 the court upon a later arrest for the same or similar offense
13 or for the purpose of sentencing for any subsequent felony.
14 Upon conviction for any subsequent offense, the Department of
15 Corrections shall have access to all expunged records of the
16 Illinois State Police ~~Department~~ pertaining to that
17 individual. Upon entry of the order of expungement, the
18 circuit court clerk shall promptly mail a copy of the order to
19 the person who was granted the certificate of eligibility for
20 expungement.

21 (f) Subject to available funding, the Illinois Department
22 of Corrections shall conduct a study of the impact of sealing,
23 especially on employment and recidivism rates, utilizing a
24 random sample of those who apply for the sealing of their
25 criminal records under Public Act 93-211. At the request of
26 the Illinois Department of Corrections, records of the

1 Illinois Department of Employment Security shall be utilized
2 as appropriate to assist in the study. The study shall not
3 disclose any data in a manner that would allow the
4 identification of any particular individual or employing unit.
5 The study shall be made available to the General Assembly no
6 later than September 1, 2010.

7 (g) Immediate Sealing.

8 (1) Applicability. Notwithstanding any other provision
9 of this Act to the contrary, and cumulative with any
10 rights to expungement or sealing of criminal records, this
11 subsection authorizes the immediate sealing of criminal
12 records of adults and of minors prosecuted as adults.

13 (2) Eligible Records. Arrests or charges not initiated
14 by arrest resulting in acquittal or dismissal with
15 prejudice, except as excluded by subsection (a)(3)(B),
16 that occur on or after January 1, 2018 (the effective date
17 of Public Act 100-282), may be sealed immediately if the
18 petition is filed with the circuit court clerk on the same
19 day and during the same hearing in which the case is
20 disposed.

21 (3) When Records are Eligible to be Immediately
22 Sealed. Eligible records under paragraph (2) of this
23 subsection (g) may be sealed immediately after entry of
24 the final disposition of a case, notwithstanding the
25 disposition of other charges in the same case.

26 (4) Notice of Eligibility for Immediate Sealing. Upon

1 entry of a disposition for an eligible record under this
2 subsection (g), the defendant shall be informed by the
3 court of his or her right to have eligible records
4 immediately sealed and the procedure for the immediate
5 sealing of these records.

6 (5) Procedure. The following procedures apply to
7 immediate sealing under this subsection (g).

8 (A) Filing the Petition. Upon entry of the final
9 disposition of the case, the defendant's attorney may
10 immediately petition the court, on behalf of the
11 defendant, for immediate sealing of eligible records
12 under paragraph (2) of this subsection (g) that are
13 entered on or after January 1, 2018 (the effective
14 date of Public Act 100-282). The immediate sealing
15 petition may be filed with the circuit court clerk
16 during the hearing in which the final disposition of
17 the case is entered. If the defendant's attorney does
18 not file the petition for immediate sealing during the
19 hearing, the defendant may file a petition for sealing
20 at any time as authorized under subsection (c) (3) (A).

21 (B) Contents of Petition. The immediate sealing
22 petition shall be verified and shall contain the
23 petitioner's name, date of birth, current address, and
24 for each eligible record, the case number, the date of
25 arrest if applicable, the identity of the arresting
26 authority if applicable, and other information as the

1 court may require.

2 (C) Drug Test. The petitioner shall not be
3 required to attach proof that he or she has passed a
4 drug test.

5 (D) Service of Petition. A copy of the petition
6 shall be served on the State's Attorney in open court.
7 The petitioner shall not be required to serve a copy of
8 the petition on any other agency.

9 (E) Entry of Order. The presiding trial judge
10 shall enter an order granting or denying the petition
11 for immediate sealing during the hearing in which it
12 is filed. Petitions for immediate sealing shall be
13 ruled on in the same hearing in which the final
14 disposition of the case is entered.

15 (F) Hearings. The court shall hear the petition
16 for immediate sealing on the same day and during the
17 same hearing in which the disposition is rendered.

18 (G) Service of Order. An order to immediately seal
19 eligible records shall be served in conformance with
20 subsection (d) (8).

21 (H) Implementation of Order. An order to
22 immediately seal records shall be implemented in
23 conformance with subsections (d) (9) (C) and (d) (9) (D).

24 (I) Fees. The fee imposed by the circuit court
25 clerk and the Illinois ~~Department of~~ State Police
26 shall comply with paragraph (1) of subsection (d) of

1 this Section.

2 (J) Final Order. No court order issued under this
3 subsection (g) shall become final for purposes of
4 appeal until 30 days after service of the order on the
5 petitioner and all parties entitled to service of the
6 order in conformance with subsection (d) (8).

7 (K) Motion to Vacate, Modify, or Reconsider. Under
8 Section 2-1203 of the Code of Civil Procedure, the
9 petitioner, State's Attorney, or the Illinois
10 ~~Department~~ of State Police may file a motion to
11 vacate, modify, or reconsider the order denying the
12 petition to immediately seal within 60 days of service
13 of the order. If filed more than 60 days after service
14 of the order, a petition to vacate, modify, or
15 reconsider shall comply with subsection (c) of Section
16 2-1401 of the Code of Civil Procedure.

17 (L) Effect of Order. An order granting an
18 immediate sealing petition shall not be considered
19 void because it fails to comply with the provisions of
20 this Section or because of an error asserted in a
21 motion to vacate, modify, or reconsider. The circuit
22 court retains jurisdiction to determine whether the
23 order is voidable, and to vacate, modify, or
24 reconsider its terms based on a motion filed under
25 subparagraph (L) of this subsection (g).

26 (M) Compliance with Order Granting Petition to

1 Seal Records. Unless a court has entered a stay of an
2 order granting a petition to immediately seal, all
3 parties entitled to service of the order must fully
4 comply with the terms of the order within 60 days of
5 service of the order.

6 (h) Sealing; trafficking victims.

7 (1) A trafficking victim as defined by paragraph (10)
8 of subsection (a) of Section 10-9 of the Criminal Code of
9 2012 shall be eligible to petition for immediate sealing
10 of his or her criminal record upon the completion of his or
11 her last sentence if his or her participation in the
12 underlying offense was a direct result of human
13 trafficking under Section 10-9 of the Criminal Code of
14 2012 or a severe form of trafficking under the federal
15 Trafficking Victims Protection Act.

16 (2) A petitioner under this subsection (h), in
17 addition to the requirements provided under paragraph (4)
18 of subsection (d) of this Section, shall include in his or
19 her petition a clear and concise statement that: (A) he or
20 she was a victim of human trafficking at the time of the
21 offense; and (B) that his or her participation in the
22 offense was a direct result of human trafficking under
23 Section 10-9 of the Criminal Code of 2012 or a severe form
24 of trafficking under the federal Trafficking Victims
25 Protection Act.

26 (3) If an objection is filed alleging that the

1 petitioner is not entitled to immediate sealing under this
2 subsection (h), the court shall conduct a hearing under
3 paragraph (7) of subsection (d) of this Section and the
4 court shall determine whether the petitioner is entitled
5 to immediate sealing under this subsection (h). A
6 petitioner is eligible for immediate relief under this
7 subsection (h) if he or she shows, by a preponderance of
8 the evidence, that: (A) he or she was a victim of human
9 trafficking at the time of the offense; and (B) that his or
10 her participation in the offense was a direct result of
11 human trafficking under Section 10-9 of the Criminal Code
12 of 2012 or a severe form of trafficking under the federal
13 Trafficking Victims Protection Act.

14 (i) Minor Cannabis Offenses under the Cannabis Control
15 Act.

16 (1) Expungement of Arrest Records of Minor Cannabis
17 Offenses.

18 (A) The Illinois ~~Department of~~ State Police and
19 all law enforcement agencies within the State shall
20 automatically expunge all criminal history records of
21 an arrest, charge not initiated by arrest, order of
22 supervision, or order of qualified probation for a
23 Minor Cannabis Offense committed prior to June 25,
24 2019 (the effective date of Public Act 101-27) if:

25 (i) One year or more has elapsed since the
26 date of the arrest or law enforcement interaction

1 documented in the records; and

2 (ii) No criminal charges were filed relating
3 to the arrest or law enforcement interaction or
4 criminal charges were filed and subsequently
5 dismissed or vacated or the arrestee was
6 acquitted.

7 (B) If the law enforcement agency is unable to
8 verify satisfaction of condition (ii) in paragraph
9 (A), records that satisfy condition (i) in paragraph
10 (A) shall be automatically expunged.

11 (C) Records shall be expunged by the law
12 enforcement agency under the following timelines:

13 (i) Records created prior to June 25, 2019
14 (the effective date of Public Act 101-27), but on
15 or after January 1, 2013, shall be automatically
16 expunged prior to January 1, 2021;

17 (ii) Records created prior to January 1, 2013,
18 but on or after January 1, 2000, shall be
19 automatically expunged prior to January 1, 2023;

20 (iii) Records created prior to January 1, 2000
21 shall be automatically expunged prior to January
22 1, 2025.

23 In response to an inquiry for expunged records,
24 the law enforcement agency receiving such inquiry
25 shall reply as it does in response to inquiries when no
26 records ever existed; however, it shall provide a

1 certificate of disposition or confirmation that the
2 record was expunged to the individual whose record was
3 expunged if such a record exists.

4 (D) Nothing in this Section shall be construed to
5 restrict or modify an individual's right to have that
6 individual's records expunged except as otherwise may
7 be provided in this Act, or diminish or abrogate any
8 rights or remedies otherwise available to the
9 individual.

10 (2) Pardons Authorizing Expungement of Minor Cannabis
11 Offenses.

12 (A) Upon June 25, 2019 (the effective date of
13 Public Act 101-27), the Department of State Police
14 shall review all criminal history record information
15 and identify all records that meet all of the
16 following criteria:

17 (i) one or more convictions for a Minor
18 Cannabis Offense;

19 (ii) the conviction identified in paragraph
20 (2)(A)(i) did not include a penalty enhancement
21 under Section 7 of the Cannabis Control Act; and

22 (iii) the conviction identified in paragraph
23 (2)(A)(i) is not associated with a conviction for
24 a violent crime as defined in subsection (c) of
25 Section 3 of the Rights of Crime Victims and
26 Witnesses Act.

1 (B) Within 180 days after June 25, 2019 (the
2 effective date of Public Act 101-27), the Department
3 of State Police shall notify the Prisoner Review Board
4 of all such records that meet the criteria established
5 in paragraph (2) (A).

6 (i) The Prisoner Review Board shall notify the
7 State's Attorney of the county of conviction of
8 each record identified by State Police in
9 paragraph (2) (A) that is classified as a Class 4
10 felony. The State's Attorney may provide a written
11 objection to the Prisoner Review Board on the sole
12 basis that the record identified does not meet the
13 criteria established in paragraph (2) (A). Such an
14 objection must be filed within 60 days or by such
15 later date set by the Prisoner Review Board in the
16 notice after the State's Attorney received notice
17 from the Prisoner Review Board.

18 (ii) In response to a written objection from a
19 State's Attorney, the Prisoner Review Board is
20 authorized to conduct a non-public hearing to
21 evaluate the information provided in the
22 objection.

23 (iii) The Prisoner Review Board shall make a
24 confidential and privileged recommendation to the
25 Governor as to whether to grant a pardon
26 authorizing expungement for each of the records

1 identified by the Department of State Police as
2 described in paragraph (2) (A).

3 (C) If an individual has been granted a pardon
4 authorizing expungement as described in this Section,
5 the Prisoner Review Board, through the Attorney
6 General, shall file a petition for expungement with
7 the Chief Judge of the circuit or any judge of the
8 circuit designated by the Chief Judge where the
9 individual had been convicted. Such petition may
10 include more than one individual. Whenever an
11 individual who has been convicted of an offense is
12 granted a pardon by the Governor that specifically
13 authorizes expungement, an objection to the petition
14 may not be filed. Petitions to expunge under this
15 subsection (i) may include more than one individual.
16 Within 90 days of the filing of such a petition, the
17 court shall enter an order expunging the records of
18 arrest from the official records of the arresting
19 authority and order that the records of the circuit
20 court clerk and the Illinois ~~Department of~~ State
21 Police be expunged and the name of the defendant
22 obliterated from the official index requested to be
23 kept by the circuit court clerk under Section 16 of the
24 Clerks of Courts Act in connection with the arrest and
25 conviction for the offense for which the individual
26 had received a pardon but the order shall not affect

1 any index issued by the circuit court clerk before the
2 entry of the order. Upon entry of the order of
3 expungement, the circuit court clerk shall promptly
4 provide a copy of the order and a certificate of
5 disposition to the individual who was pardoned to the
6 individual's last known address or by electronic means
7 (if available) or otherwise make it available to the
8 individual upon request.

9 (D) Nothing in this Section is intended to
10 diminish or abrogate any rights or remedies otherwise
11 available to the individual.

12 (3) Any individual may file a motion to vacate and
13 expunge a conviction for a misdemeanor or Class 4 felony
14 violation of Section 4 or Section 5 of the Cannabis
15 Control Act. Motions to vacate and expunge under this
16 subsection (i) may be filed with the circuit court, Chief
17 Judge of a judicial circuit or any judge of the circuit
18 designated by the Chief Judge. The circuit court clerk
19 shall promptly serve a copy of the motion to vacate and
20 expunge, and any supporting documentation, on the State's
21 Attorney or prosecutor charged with the duty of
22 prosecuting the offense. When considering such a motion to
23 vacate and expunge, a court shall consider the following:
24 the reasons to retain the records provided by law
25 enforcement, the petitioner's age, the petitioner's age at
26 the time of offense, the time since the conviction, and

1 the specific adverse consequences if denied. An individual
2 may file such a petition after the completion of any
3 non-financial sentence or non-financial condition imposed
4 by the conviction. Within 60 days of the filing of such
5 motion, a State's Attorney may file an objection to such a
6 petition along with supporting evidence. If a motion to
7 vacate and expunge is granted, the records shall be
8 expunged in accordance with subparagraphs (d)(8) and
9 (d)(9)(A) of this Section. An agency providing civil legal
10 aid, as defined by Section 15 of the Public Interest
11 Attorney Assistance Act, assisting individuals seeking to
12 file a motion to vacate and expunge under this subsection
13 may file motions to vacate and expunge with the Chief
14 Judge of a judicial circuit or any judge of the circuit
15 designated by the Chief Judge, and the motion may include
16 more than one individual. Motions filed by an agency
17 providing civil legal aid concerning more than one
18 individual may be prepared, presented, and signed
19 electronically.

20 (4) Any State's Attorney may file a motion to vacate
21 and expunge a conviction for a misdemeanor or Class 4
22 felony violation of Section 4 or Section 5 of the Cannabis
23 Control Act. Motions to vacate and expunge under this
24 subsection (i) may be filed with the circuit court, Chief
25 Judge of a judicial circuit or any judge of the circuit
26 designated by the Chief Judge, and may include more than

1 one individual. Motions filed by a State's Attorney
2 concerning more than one individual may be prepared,
3 presented, and signed electronically. When considering
4 such a motion to vacate and expunge, a court shall
5 consider the following: the reasons to retain the records
6 provided by law enforcement, the individual's age, the
7 individual's age at the time of offense, the time since
8 the conviction, and the specific adverse consequences if
9 denied. Upon entry of an order granting a motion to vacate
10 and expunge records pursuant to this Section, the State's
11 Attorney shall notify the Prisoner Review Board within 30
12 days. Upon entry of the order of expungement, the circuit
13 court clerk shall promptly provide a copy of the order and
14 a certificate of disposition to the individual whose
15 records will be expunged to the individual's last known
16 address or by electronic means (if available) or otherwise
17 make available to the individual upon request. If a motion
18 to vacate and expunge is granted, the records shall be
19 expunged in accordance with subparagraphs (d)(8) and
20 (d)(9)(A) of this Section.

21 (5) In the public interest, the State's Attorney of a
22 county has standing to file motions to vacate and expunge
23 pursuant to this Section in the circuit court with
24 jurisdiction over the underlying conviction.

25 (6) If a person is arrested for a Minor Cannabis
26 Offense as defined in this Section before June 25, 2019

1 (the effective date of Public Act 101-27) and the person's
2 case is still pending but a sentence has not been imposed,
3 the person may petition the court in which the charges are
4 pending for an order to summarily dismiss those charges
5 against him or her, and expunge all official records of
6 his or her arrest, plea, trial, conviction, incarceration,
7 supervision, or expungement. If the court determines, upon
8 review, that: (A) the person was arrested before June 25,
9 2019 (the effective date of Public Act 101-27) for an
10 offense that has been made eligible for expungement; (B)
11 the case is pending at the time; and (C) the person has not
12 been sentenced of the minor cannabis violation eligible
13 for expungement under this subsection, the court shall
14 consider the following: the reasons to retain the records
15 provided by law enforcement, the petitioner's age, the
16 petitioner's age at the time of offense, the time since
17 the conviction, and the specific adverse consequences if
18 denied. If a motion to dismiss and expunge is granted, the
19 records shall be expunged in accordance with subparagraph
20 (d) (9) (A) of this Section.

21 (7) A person imprisoned solely as a result of one or
22 more convictions for Minor Cannabis Offenses under this
23 subsection (i) shall be released from incarceration upon
24 the issuance of an order under this subsection.

25 (8) The Illinois ~~Department of~~ State Police shall
26 allow a person to use the access and review process,

1 established in the Illinois ~~Department of~~ State Police,
2 for verifying that his or her records relating to Minor
3 Cannabis Offenses of the Cannabis Control Act eligible
4 under this Section have been expunged.

5 (9) No conviction vacated pursuant to this Section
6 shall serve as the basis for damages for time unjustly
7 served as provided in the Court of Claims Act.

8 (10) Effect of Expungement. A person's right to
9 expunge an expungeable offense shall not be limited under
10 this Section. The effect of an order of expungement shall
11 be to restore the person to the status he or she occupied
12 before the arrest, charge, or conviction.

13 (11) Information. The Illinois ~~Department of~~ State
14 Police shall post general information on its website about
15 the expungement process described in this subsection (i).

16 (j) Felony Prostitution Convictions.

17 (1) Any individual may file a motion to vacate and
18 expunge a conviction for a prior Class 4 felony violation
19 of prostitution. Motions to vacate and expunge under this
20 subsection (j) may be filed with the circuit court, Chief
21 Judge of a judicial circuit, or any judge of the circuit
22 designated by the Chief Judge. When considering the motion
23 to vacate and expunge, a court shall consider the
24 following:

25 (A) the reasons to retain the records provided by
26 law enforcement;

1 (B) the petitioner's age;
2 (C) the petitioner's age at the time of offense;
3 and

4 (D) the time since the conviction, and the
5 specific adverse consequences if denied. An individual
6 may file the petition after the completion of any
7 sentence or condition imposed by the conviction.
8 Within 60 days of the filing of the motion, a State's
9 Attorney may file an objection to the petition along
10 with supporting evidence. If a motion to vacate and
11 expunge is granted, the records shall be expunged in
12 accordance with subparagraph (d) (9) (A) of this
13 Section. An agency providing civil legal aid, as
14 defined in Section 15 of the Public Interest Attorney
15 Assistance Act, assisting individuals seeking to file
16 a motion to vacate and expunge under this subsection
17 may file motions to vacate and expunge with the Chief
18 Judge of a judicial circuit or any judge of the circuit
19 designated by the Chief Judge, and the motion may
20 include more than one individual.

21 (2) Any State's Attorney may file a motion to vacate
22 and expunge a conviction for a Class 4 felony violation of
23 prostitution. Motions to vacate and expunge under this
24 subsection (j) may be filed with the circuit court, Chief
25 Judge of a judicial circuit, or any judge of the circuit
26 court designated by the Chief Judge, and may include more

1 than one individual. When considering the motion to vacate
2 and expunge, a court shall consider the following reasons:

3 (A) the reasons to retain the records provided by
4 law enforcement;

5 (B) the petitioner's age;

6 (C) the petitioner's age at the time of offense;

7 (D) the time since the conviction; and

8 (E) the specific adverse consequences if denied.

9 If the State's Attorney files a motion to vacate and
10 expunge records for felony prostitution convictions
11 pursuant to this Section, the State's Attorney shall
12 notify the Prisoner Review Board within 30 days of the
13 filing. If a motion to vacate and expunge is granted, the
14 records shall be expunged in accordance with subparagraph
15 (d) (9) (A) of this Section.

16 (3) In the public interest, the State's Attorney of a
17 county has standing to file motions to vacate and expunge
18 pursuant to this Section in the circuit court with
19 jurisdiction over the underlying conviction.

20 (4) The Illinois State Police shall allow a person to
21 use the access and review process, established in the
22 Illinois State Police, for verifying that his or her
23 records relating to felony prostitution eligible under
24 this Section have been expunged.

25 (5) No conviction vacated pursuant to this Section
26 shall serve as the basis for damages for time unjustly

1 served as provided in the Court of Claims Act.

2 (6) Effect of Expungement. A person's right to expunge
3 an expungeable offense shall not be limited under this
4 Section. The effect of an order of expungement shall be to
5 restore the person to the status he or she occupied before
6 the arrest, charge, or conviction.

7 (7) Information. The Illinois State Police shall post
8 general information on its website about the expungement
9 process described in this subsection (j).

10 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
11 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
12 12-4-19; 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
13 102-558, 8-20-21; 102-639, eff. 8-27-21; revised 10-5-21.)

14 Section 185. The Department of Veterans' Affairs Act is
15 amended by changing Sections 2.01a and 2.04 as follows:

16 (20 ILCS 2805/2.01a) (from Ch. 126 1/2, par. 67.01a)

17 Sec. 2.01a. Members benefits fund; personal property. The
18 Department shall direct the expenditure of all money which has
19 been or may be received by any officer of an Illinois Veterans
20 Home including profit on sales from commissary stores. The
21 money shall be deposited into the members benefits fund and
22 expenditures from the fund shall be made under the direction
23 of the Department for the special comfort, pleasure, and
24 amusement of residents and employees, provided that amounts

1 expended for comfort, pleasure, and amusement of employees
2 shall not exceed the amount of profits derived from sales made
3 to employees by such commissaries, as determined by the
4 Department. The Department may also make expenditures from the
5 fund, subject to approval by the Director of Veterans'
6 Affairs, for recognition and appreciation programs for
7 volunteers who assist the Veterans Homes. Expenditures from
8 the fund may not be used to supplement a shortfall in the
9 ordinary and contingent operating expenses of the Home and
10 shall be expended only for the special comfort, pleasure, and
11 amusement of the residents.

12 The Department shall prepare a quarterly report on all
13 locally held ~~locally held~~ member's benefits funds from each
14 Illinois Veterans Home. The report shall contain the amount of
15 donations received for each veterans' home, including monetary
16 and nonmonetary items, the expenditures and items disbursed
17 ~~dispersed~~, and the end of quarter balance of the locally held
18 ~~locally held~~ member's benefits funds. The Department shall
19 submit the quarterly report to the General Assembly and to the
20 Governor and publish the report on its website.

21 Money received as interest and income on funds deposited
22 for residents of an Illinois Veterans Home shall be paid to the
23 individual accounts of the residents. If home residents choose
24 to hold savings accounts or other investments outside the
25 Home, interest or income on the individual savings accounts or
26 investments of residents shall accrue to the individual

1 accounts of the residents.

2 Any money belonging to residents separated by death,
3 discharge, or unauthorized absence from an Illinois Veterans
4 Home, in custody of officers thereof, may, if unclaimed by the
5 resident or the legal representatives thereof for a period of
6 2 years, be expended at the direction of the Department for the
7 purposes and in the manner specified above. Articles of
8 personal property, with the exception of clothing left in the
9 custody of officers, shall, if unclaimed for the period of 2
10 years, be sold and the money disposed of in the same manner.

11 Clothing left at a Home by residents at the time of
12 separation may be used as determined by the Home if unclaimed
13 by the resident or legal representatives thereof within 30
14 days after notification.

15 (Source: P.A. 102-549, eff. 1-1-22; revised 12-1-21.)

16 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

17 Sec. 2.04. There shall be established in the State
18 Treasury special funds known as (i) the LaSalle Veterans Home
19 Fund, (ii) the Anna Veterans Home Fund, (iii) the Manteno
20 Veterans Home Fund, and (iv) the Quincy Veterans Home Fund.
21 All moneys received by an Illinois Veterans Home from Medicare
22 and from maintenance charges to veterans, spouses, and
23 surviving spouses residing at that Home shall be paid into
24 that Home's Fund. All moneys received from the U.S. Department
25 of Veterans Affairs for patient care shall be transmitted to

1 the Treasurer of the State for deposit in the Veterans Home
2 Fund for the Home in which the veteran resides. Appropriations
3 shall be made from a Fund only for the needs of the Home,
4 including capital improvements, building rehabilitation, and
5 repairs. The Illinois Veterans' Homes Fund shall be the
6 Veterans Home Fund for the Illinois Veterans Home at Chicago.

7 The administrator of each Veterans Home shall establish a
8 locally held ~~locally held~~ member's benefits fund. The Director
9 may authorize the Veterans Home to conduct limited fundraising
10 in accordance with applicable laws and regulations for which
11 the sole purpose is to benefit the Veterans Home's member's
12 benefits fund. Revenues accruing to an Illinois Veterans Home,
13 including any donations, grants for the operation of the Home,
14 profits from commissary stores, and funds received from any
15 individual or other source, including limited fundraising,
16 shall be deposited into that Home's benefits fund.
17 Expenditures from the benefits funds shall be solely for the
18 special comfort, pleasure, and amusement of residents.
19 Contributors of unsolicited private donations may specify the
20 purpose for which the private donations are to be used.

21 Upon request of the Department, the State's Attorney of
22 the county in which a resident or living former resident of an
23 Illinois Veterans Home who is liable under this Act for
24 payment of sums representing maintenance charges resides shall
25 file an action in a court of competent jurisdiction against
26 any such person who fails or refuses to pay such sums. The

1 court may order the payment of sums due to maintenance charges
2 for such period or periods of time as the circumstances
3 require.

4 Upon the death of a person who is or has been a resident of
5 an Illinois Veterans Home who is liable for maintenance
6 charges and who is possessed of property, the Department may
7 present a claim for such sum or for the balance due in case
8 less than the rate prescribed under this Act has been paid. The
9 claim shall be allowed and paid as other lawful claims against
10 the estate.

11 The administrator of each Veterans Home shall establish a
12 locally held ~~locally held~~ trust fund to maintain moneys held
13 for residents. Whenever the Department finds it necessary to
14 preserve order, preserve health, or enforce discipline, the
15 resident shall deposit in a trust account at the Home such
16 monies from any source of income as may be determined
17 necessary, and disbursement of these funds to the resident
18 shall be made only by direction of the administrator.

19 If a resident of an Illinois Veterans Home has a dependent
20 child, spouse, or parent the administrator may require that
21 all monies received be deposited in a trust account with
22 dependency contributions being made at the direction of the
23 administrator. The balance retained in the trust account shall
24 be disbursed to the resident at the time of discharge from the
25 Home or to his or her heirs or legal representative at the time
26 of the resident's death, subject to Department regulations or

1 order of the court.

2 The Director of Central Management Services, with the
3 consent of the Director of Veterans' Affairs, is authorized
4 and empowered to lease or let any real property held by the
5 Department of Veterans' Affairs for an Illinois Veterans Home
6 to entities or persons upon terms and conditions which are
7 considered to be in the best interest of that Home. The real
8 property must not be needed for any direct or immediate
9 purpose of the Home. In any leasing or letting, primary
10 consideration shall be given to the use of real property for
11 agricultural purposes, and all moneys received shall be
12 transmitted to the Treasurer of the State for deposit in the
13 appropriate Veterans Home Fund.

14 Each administrator of an Illinois Veterans Home who has an
15 established locally held ~~locally held~~ member's benefits fund
16 shall prepare and submit to the Department a monthly report of
17 all donations received, including donations of a nonmonetary
18 nature. The report shall include the end of month balance of
19 the locally held ~~locally held~~ member's benefits fund.

20 (Source: P.A. 102-549, eff. 1-1-22; revised 12-1-21.)

21 Section 190. The State Fire Marshal Act is amended by
22 changing Section 3 as follows:

23 (20 ILCS 2905/3) (from Ch. 127 1/2, par. 3)

24 Sec. 3. There is created the Illinois Fire Advisory

1 Commission which shall advise the Office in the exercise of
2 its powers and duties. The Commission shall be appointed by
3 the Governor as follows:

4 (1) 3 professional, full-time paid firefighters;

5 (2) one volunteer firefighter;

6 (3) one Fire Protection Engineer who is registered in
7 Illinois;

8 (4) one person who is a representative of the fire
9 insurance industry in Illinois;

10 (5) one person who is a representative of a registered
11 United States Department of Labor apprenticeship program
12 primarily instructing in the installation and repair of
13 fire extinguishing systems;

14 (6) one licensed operating or stationary engineer who
15 has an associate degree in facilities engineering
16 technology and has knowledge of the operation and
17 maintenance of fire alarm and fire extinguishing systems
18 primarily for the life safety of occupants in a variety of
19 commercial or residential structures; and

20 (7) 3 persons with an interest in and knowledgeable
21 about fire prevention methods.

22 In addition, the following shall serve as ex officio
23 members of the Commission: the Chicago Fire Commissioner, or
24 his or her designee; the executive officer, or his or her
25 designee, of each of the following organizations: the Illinois
26 Fire Chiefs Association, the Illinois Fire Protection District

1 Association, the Illinois Fire Inspectors Association, the
2 Illinois Professional Firefighters Association, the Illinois
3 Firemen's Association, the Associated Firefighters of
4 Illinois, the Illinois Society of Fire Service Instructors,
5 the Illinois Chapter of the International Association of Arson
6 Investigators, the Mutual Aid Box Alarm System (MABAS)
7 Illinois, and the Fire Service Institute, University of
8 Illinois.

9 The Governor shall designate, at the time of appointment,
10 3 members to serve terms expiring on the third Monday in
11 January, 1979; 3 members to serve terms expiring the third
12 Monday in January, 1980; and 2 members to serve terms expiring
13 the third Monday in January, 1981. The additional member
14 appointed by the Governor pursuant to Public Act 85-718 shall
15 serve for a term expiring the third Monday in January, 1990.
16 Thereafter, all terms shall be for 3 years. A member shall
17 serve until his or her successor is appointed and qualified. A
18 vacancy shall be filled for the unexpired term.

19 The Governor shall designate one of the appointed members
20 to be chairperson of the Commission.

21 Members shall serve without compensation but shall be
22 reimbursed for their actual reasonable expenses incurred in
23 the performance of their duties.

24 (Source: P.A. 101-234, eff. 8-9-19; 102-269, eff. 8-6-21;
25 102-558, eff. 8-20-21; revised 10-5-21.)

1 Section 195. The Energy Efficient Building Act is amended
2 by changing Sections 10, 15, and 30 as follows:

3 (20 ILCS 3125/10)

4 Sec. 10. Definitions.

5 "Agency" means the Environmental Protection Agency.

6 "Board" means the Capital Development Board.

7 "Building" includes both residential buildings and
8 commercial buildings.

9 "Code" means the latest published edition of the
10 International Code Council's International Energy Conservation
11 Code as adopted by the Board, including any published
12 supplements adopted by the Board and any amendments and
13 adaptations to the Code that are made by the Board.

14 "Commercial building" means any building except a building
15 that is a residential building, as defined in this Section.

16 "Municipality" means any city, village, or incorporated
17 town.

18 "Residential building" means (i) a detached one-family or
19 2-family dwelling or (ii) any building that is 3 stories or
20 less in height above grade that contains multiple dwelling
21 units, in which the occupants reside on a primarily permanent
22 basis, such as a townhouse, a row house, an apartment house, a
23 convent, a monastery, a rectory, a fraternity or sorority
24 house, a dormitory, and a rooming house; provided, however,
25 that when applied to a building located within the boundaries

1 of a municipality having a population of 1,000,000 or more,
2 the term "residential building" means a building containing
3 one or more dwelling units, not exceeding 4 stories above
4 grade, where occupants are primarily permanent.

5 "Site energy index" means a scalar published by the
6 Pacific Northwest National Laboratories representing the ratio
7 of the site energy performance of an evaluated code compared
8 to the site energy performance of the 2006 International
9 Energy Conservation Code. A "site energy index" includes only
10 conservation measures and excludes net energy credit for any
11 on-site or off-site energy production.

12 (Source: P.A. 101-144, eff. 7-26-19; 102-444, eff. 8-20-21;
13 102-662, eff. 9-15-21; revised 10-12-21.)

14 (20 ILCS 3125/15)

15 Sec. 15. Energy Efficient Building Code. The Board, in
16 consultation with the Agency, shall adopt the Code as minimum
17 requirements for commercial buildings, applying to the
18 construction of, renovations to, and additions to all
19 commercial buildings in the State. The Board, in consultation
20 with the Agency, shall also adopt the Code as the minimum and
21 maximum requirements for residential buildings, applying to
22 the construction of, renovations to, and additions to all
23 residential buildings in the State, except as provided for in
24 Section 45 of this Act. The Board may appropriately adapt the
25 International Energy Conservation Code to apply to the

1 particular economy, population distribution, geography, and
2 climate of the State and construction therein, consistent with
3 the public policy objectives of this Act.

4 (Source: P.A. 102-444, eff. 8-20-21; 102-662, eff. 9-15-21;
5 revised 10-21-21.)

6 (20 ILCS 3125/30)

7 Sec. 30. Enforcement. The Board, in consultation with the
8 Agency, shall determine procedures for compliance with the
9 Code. These procedures may include but need not be limited to
10 certification by a national, State, or local accredited energy
11 conservation program or inspections from private
12 Code-certified inspectors using the Code. For purposes of the
13 Illinois Stretch Energy Code under Section 55, the Board shall
14 allow and encourage, as an alternative compliance mechanism,
15 project certification by a nationally recognized nonprofit
16 certification organization specializing in high-performance
17 passive buildings and offering climate-specific building
18 energy standards that require equal or better energy
19 performance than the Illinois Stretch Energy Code.

20 (Source: P.A. 102-444, eff. 8-20-21; 102-662, eff. 9-15-21;
21 revised 10-19-21.)

22 Section 200. The Illinois Emergency Management Agency Act
23 is amended by changing Section 5 as follows:

1 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

2 Sec. 5. Illinois Emergency Management Agency.

3 (a) There is created within the executive branch of the
4 State Government an Illinois Emergency Management Agency and a
5 Director of the Illinois Emergency Management Agency, herein
6 called the "Director" who shall be the head thereof. The
7 Director shall be appointed by the Governor, with the advice
8 and consent of the Senate, and shall serve for a term of 2
9 years beginning on the third Monday in January of the
10 odd-numbered year, and until a successor is appointed and has
11 qualified; except that the term of the first Director
12 appointed under this Act shall expire on the third Monday in
13 January, 1989. The Director shall not hold any other
14 remunerative public office. For terms ending before December
15 31, 2019, the Director shall receive an annual salary as set by
16 the Compensation Review Board. For terms beginning after
17 January 18, 2019 (the effective date of Public Act 100-1179)
18 ~~this amendatory Act of the 100th General Assembly,~~ the annual
19 salary of the Director shall be as provided in Section 5-300 of
20 the Civil Administrative Code of Illinois.

21 (b) The Illinois Emergency Management Agency shall obtain,
22 under the provisions of the Personnel Code, technical,
23 clerical, stenographic and other administrative personnel, and
24 may make expenditures within the appropriation therefor as may
25 be necessary to carry out the purpose of this Act. The agency
26 created by this Act is intended to be a successor to the agency

1 created under the Illinois Emergency Services and Disaster
2 Agency Act of 1975 and the personnel, equipment, records, and
3 appropriations of that agency are transferred to the successor
4 agency as of June 30, 1988 (the effective date of this Act).

5 (c) The Director, subject to the direction and control of
6 the Governor, shall be the executive head of the Illinois
7 Emergency Management Agency and the State Emergency Response
8 Commission and shall be responsible under the direction of the
9 Governor, for carrying out the program for emergency
10 management of this State. The Director shall also maintain
11 liaison and cooperate with the emergency management
12 organizations of this State and other states and of the
13 federal government.

14 (d) The Illinois Emergency Management Agency shall take an
15 integral part in the development and revision of political
16 subdivision emergency operations plans prepared under
17 paragraph (f) of Section 10. To this end it shall employ or
18 otherwise secure the services of professional and technical
19 personnel capable of providing expert assistance to the
20 emergency services and disaster agencies. These personnel
21 shall consult with emergency services and disaster agencies on
22 a regular basis and shall make field examinations of the
23 areas, circumstances, and conditions that particular political
24 subdivision emergency operations plans are intended to apply.

25 (e) The Illinois Emergency Management Agency and political
26 subdivisions shall be encouraged to form an emergency

1 management advisory committee composed of private and public
2 personnel representing the emergency management phases of
3 mitigation, preparedness, response, and recovery. The Local
4 Emergency Planning Committee, as created under the Illinois
5 Emergency Planning and Community Right to Know Act, shall
6 serve as an advisory committee to the emergency services and
7 disaster agency or agencies serving within the boundaries of
8 that Local Emergency Planning Committee planning district for:

9 (1) the development of emergency operations plan
10 provisions for hazardous chemical emergencies; and

11 (2) the assessment of emergency response capabilities
12 related to hazardous chemical emergencies.

13 (f) The Illinois Emergency Management Agency shall:

14 (1) Coordinate the overall emergency management
15 program of the State.

16 (2) Cooperate with local governments, the federal
17 government, and any public or private agency or entity in
18 achieving any purpose of this Act and in implementing
19 emergency management programs for mitigation,
20 preparedness, response, and recovery.

21 (2.5) Develop a comprehensive emergency preparedness
22 and response plan for any nuclear accident in accordance
23 with Section 65 of the Nuclear Safety Law of 2004 and in
24 development of the Illinois Nuclear Safety Preparedness
25 program in accordance with Section 8 of the Illinois
26 Nuclear Safety Preparedness Act.

1 (2.6) Coordinate with the Department of Public Health
2 with respect to planning for and responding to public
3 health emergencies.

4 (3) Prepare, for issuance by the Governor, executive
5 orders, proclamations, and regulations as necessary or
6 appropriate in coping with disasters.

7 (4) Promulgate rules and requirements for political
8 subdivision emergency operations plans that are not
9 inconsistent with and are at least as stringent as
10 applicable federal laws and regulations.

11 (5) Review and approve, in accordance with Illinois
12 Emergency Management Agency rules, emergency operations
13 plans for those political subdivisions required to have an
14 emergency services and disaster agency pursuant to this
15 Act.

16 (5.5) Promulgate rules and requirements for the
17 political subdivision emergency management exercises,
18 including, but not limited to, exercises of the emergency
19 operations plans.

20 (5.10) Review, evaluate, and approve, in accordance
21 with Illinois Emergency Management Agency rules, political
22 subdivision emergency management exercises for those
23 political subdivisions required to have an emergency
24 services and disaster agency pursuant to this Act.

25 (6) Determine requirements of the State and its
26 political subdivisions for food, clothing, and other

1 necessities in event of a disaster.

2 (7) Establish a register of persons with types of
3 emergency management training and skills in mitigation,
4 preparedness, response, and recovery.

5 (8) Establish a register of government and private
6 response resources available for use in a disaster.

7 (9) Expand the Earthquake Awareness Program and its
8 efforts to distribute earthquake preparedness materials to
9 schools, political subdivisions, community groups, civic
10 organizations, and the media. Emphasis will be placed on
11 those areas of the State most at risk from an earthquake.
12 Maintain the list of all school districts, hospitals,
13 airports, power plants, including nuclear power plants,
14 lakes, dams, emergency response facilities of all types,
15 and all other major public or private structures which are
16 at the greatest risk of damage from earthquakes under
17 circumstances where the damage would cause subsequent harm
18 to the surrounding communities and residents.

19 (10) Disseminate all information, completely and
20 without delay, on water levels for rivers and streams and
21 any other data pertaining to potential flooding supplied
22 by the Division of Water Resources within the Department
23 of Natural Resources to all political subdivisions to the
24 maximum extent possible.

25 (11) Develop agreements, if feasible, with medical
26 supply and equipment firms to supply resources as are

1 necessary to respond to an earthquake or any other
2 disaster as defined in this Act. These resources will be
3 made available upon notifying the vendor of the disaster.
4 Payment for the resources will be in accordance with
5 Section 7 of this Act. The Illinois Department of Public
6 Health shall determine which resources will be required
7 and requested.

8 (11.5) In coordination with the Illinois State Police,
9 develop and implement a community outreach program to
10 promote awareness among the State's parents and children
11 of child abduction prevention and response.

12 (12) Out of funds appropriated for these purposes,
13 award capital and non-capital grants to Illinois hospitals
14 or health care facilities located outside of a city with a
15 population in excess of 1,000,000 to be used for purposes
16 that include, but are not limited to, preparing to respond
17 to mass casualties and disasters, maintaining and
18 improving patient safety and quality of care, and
19 protecting the confidentiality of patient information. No
20 single grant for a capital expenditure shall exceed
21 \$300,000. No single grant for a non-capital expenditure
22 shall exceed \$100,000. In awarding such grants, preference
23 shall be given to hospitals that serve a significant
24 number of Medicaid recipients, but do not qualify for
25 disproportionate share hospital adjustment payments under
26 the Illinois Public Aid Code. To receive such a grant, a

1 hospital or health care facility must provide funding of
2 at least 50% of the cost of the project for which the grant
3 is being requested. In awarding such grants the Illinois
4 Emergency Management Agency shall consider the
5 recommendations of the Illinois Hospital Association.

6 (13) Do all other things necessary, incidental or
7 appropriate for the implementation of this Act.

8 (g) The Illinois Emergency Management Agency is authorized
9 to make grants to various higher education institutions,
10 public K-12 school districts, area vocational centers as
11 designated by the State Board of Education, inter-district
12 special education cooperatives, regional safe schools, and
13 nonpublic K-12 schools for safety and security improvements.
14 For the purpose of this subsection (g), "higher education
15 institution" means a public university, a public community
16 college, or an independent, not-for-profit or for-profit
17 higher education institution located in this State. Grants
18 made under this subsection (g) shall be paid out of moneys
19 appropriated for that purpose from the Build Illinois Bond
20 Fund. The Illinois Emergency Management Agency shall adopt
21 rules to implement this subsection (g). These rules may
22 specify: (i) the manner of applying for grants; (ii) project
23 eligibility requirements; (iii) restrictions on the use of
24 grant moneys; (iv) the manner in which the various higher
25 education institutions must account for the use of grant
26 moneys; and (v) any other provision that the Illinois

1 Emergency Management Agency determines to be necessary or
2 useful for the administration of this subsection (g).

3 (g-5) The Illinois Emergency Management Agency is
4 authorized to make grants to not-for-profit organizations
5 which are exempt from federal income taxation under section
6 501(c)(3) of the Federal Internal Revenue Code for eligible
7 security improvements that assist the organization in
8 preventing, preparing for, or responding to acts of terrorism.
9 The Director shall establish procedures and forms by which
10 applicants may apply for a grant and procedures for
11 distributing grants to recipients. The procedures shall
12 require each applicant to do the following:

13 (1) identify and substantiate prior threats or attacks
14 by a terrorist organization, network, or cell against the
15 not-for-profit organization;

16 (2) indicate the symbolic or strategic value of one or
17 more sites that renders the site a possible target of
18 terrorism;

19 (3) discuss potential consequences to the organization
20 if the site is damaged, destroyed, or disrupted by a
21 terrorist act;

22 (4) describe how the grant will be used to integrate
23 organizational preparedness with broader State and local
24 preparedness efforts;

25 (5) submit a vulnerability assessment conducted by
26 experienced security, law enforcement, or military

1 personnel, and a description of how the grant award will
2 be used to address the vulnerabilities identified in the
3 assessment; and

4 (6) submit any other relevant information as may be
5 required by the Director.

6 The Agency is authorized to use funds appropriated for the
7 grant program described in this subsection (g-5) to administer
8 the program.

9 (h) Except as provided in Section 17.5 of this Act, any
10 moneys received by the Agency from donations or sponsorships
11 unrelated to a disaster shall be deposited in the Emergency
12 Planning and Training Fund and used by the Agency, subject to
13 appropriation, to effectuate planning and training activities.
14 Any moneys received by the Agency from donations during a
15 disaster and intended for disaster response or recovery shall
16 be deposited into the Disaster Response and Recovery Fund and
17 used for disaster response and recovery pursuant to the
18 Disaster Relief Act.

19 (i) The Illinois Emergency Management Agency may by rule
20 assess and collect reasonable fees for attendance at
21 Agency-sponsored conferences to enable the Agency to carry out
22 the requirements of this Act. Any moneys received under this
23 subsection shall be deposited in the Emergency Planning and
24 Training Fund and used by the Agency, subject to
25 appropriation, for planning and training activities.

26 (j) The Illinois Emergency Management Agency is authorized

1 to make grants to other State agencies, public universities,
2 units of local government, and statewide mutual aid
3 organizations to enhance statewide emergency preparedness and
4 response.

5 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
6 revised 10-5-21.)

7 Section 205. The Nuclear Safety Law of 2004 is amended by
8 changing Section 40 as follows:

9 (20 ILCS 3310/40)

10 Sec. 40. Regulation of nuclear safety. The Illinois
11 Emergency Management Agency shall have primary responsibility
12 for the coordination and oversight of all State governmental
13 functions concerning the regulation of nuclear power,
14 including low level waste management, environmental
15 monitoring, environmental radiochemical analysis, and
16 transportation of nuclear waste. Functions performed by the
17 Illinois State Police and the Department of Transportation in
18 the area of nuclear safety, on the effective date of this Act,
19 may continue to be performed by these agencies but under the
20 direction of the Illinois Emergency Management Agency. All
21 other governmental functions regulating nuclear safety shall
22 be coordinated by the Illinois Emergency Management Agency.

23 (Source: P.A. 102-133, eff. 7-23-21; 102-538, eff. 8-20-21;
24 revised 9-28-21.)

1 Section 210. The Illinois Criminal Justice Information Act
2 is amended by changing Section 7.7 as follows:

3 (20 ILCS 3930/7.7)

4 Sec. 7.7. Pretrial data collection.

5 (a) The Administrative Director of the Administrative
6 Office ~~Officer~~ of the Illinois Courts shall convene an
7 oversight board to be known as the Pretrial Practices Data
8 Oversight Board to oversee the collection and analysis of data
9 regarding pretrial practices in circuit court systems. The
10 Board shall include, but is not limited to, designees from the
11 Administrative Office of the Illinois Courts, the Illinois
12 Criminal Justice Information Authority, and other entities
13 that possess knowledge of pretrial practices and data
14 collection issues. Members of the Board shall serve without
15 compensation.

16 (b) The Oversight Board shall:

17 (1) identify existing pretrial data collection
18 processes in local jurisdictions;

19 (2) define, gather and maintain records of pretrial
20 data relating to the topics listed in subsection (c) from
21 circuit clerks' offices, sheriff's departments, law
22 enforcement agencies, jails, pretrial departments,
23 probation department, State's Attorneys' offices, public
24 defenders' offices and other applicable criminal justice

1 system agencies;

2 (3) identify resources necessary to systematically
3 collect and report data related to the topics listed in
4 subsection ~~subsections~~ (c); and

5 (4) develop a plan to implement data collection
6 processes sufficient to collect data on the topics listed
7 in subsection (c) no later than one year after July 1, 2021
8 (the effective date of Public Act 101-652) ~~this amendatory~~
9 ~~Act of the 101st General Assembly~~. The plan and, once
10 implemented, the reports and analysis shall be published
11 and made publicly available on the Administrative Office
12 of the Illinois Courts (AOIC) website.

13 (c) The Pretrial Practices Data Oversight Board shall
14 develop a strategy to collect quarterly, county-level data on
15 the following topics; which collection of data shall begin
16 starting one year after July 1, 2021 (the effective date of
17 Public Act 101-652) ~~this amendatory Act of the 101st General~~
18 ~~Assembly~~:

19 (1) information on all persons arrested and charged
20 with misdemeanor or felony charges, or both, including
21 information on persons released directly from law
22 enforcement custody;

23 (2) information on the outcomes of pretrial conditions
24 and pretrial detention hearings in the county courts,
25 including but not limited to the number of hearings held,
26 the number of defendants detained, the number of

1 defendants released, and the number of defendants released
2 with electronic monitoring;

3 (3) information regarding persons detained in the
4 county jail pretrial, including, but not limited to, the
5 number of persons detained in the jail pretrial and the
6 number detained in the jail for other reasons, the
7 demographics of the pretrial jail population, race, sex,
8 sexual orientation, gender identity, age, and ethnicity,
9 the charges including on which pretrial defendants are
10 detained, the average length of stay of pretrial
11 defendants;

12 (4) information regarding persons placed on electronic
13 monitoring programs pretrial, including, but not limited
14 to, the number of participants, the demographics of the
15 participant population, including race, sex, sexual
16 orientation, gender identity, age, and ethnicity, the
17 charges on which participants are ordered to the program,
18 and the average length of participation in the program;

19 (5) discharge data regarding persons detained pretrial
20 in the county jail, including, but not limited to, the
21 number who are sentenced to the Illinois Department of
22 Corrections, the number released after being sentenced to
23 time served, the number who are released on probation,
24 conditional discharge, or other community supervision, the
25 number found not guilty, the number whose cases are
26 dismissed, the number whose cases are dismissed as part of

1 diversion or deferred prosecution program, and the number
2 who are released pretrial after a hearing re-examining
3 their pretrial detention;

4 (6) information on the pretrial rearrest of
5 individuals released pretrial, including the number
6 arrested and charged with a new misdemeanor offense while
7 released, the number arrested and charged with a new
8 felony offense while released, and the number arrested and
9 charged with a new forcible felony offense while released,
10 and how long after release these arrests occurred;

11 (7) information on the pretrial failure to appear
12 rates of individuals released pretrial, including the
13 number who missed one or more court dates, how many
14 warrants for failures to appear were issued, and how many
15 individuals were detained pretrial or placed on electronic
16 monitoring pretrial after a failure to appear in court;

17 (8) what, if any, validated pretrial risk assessment
18 tools are in use in each jurisdiction, and comparisons of
19 the pretrial release and pretrial detention decisions of
20 judges as compared to and the risk assessment scores of
21 individuals; and

22 (9) any other information the Pretrial Practices Data
23 Oversight Board considers important and probative of the
24 effectiveness of pretrial practices in the State ~~state~~ of
25 Illinois.

26 (d) ~~d~~ Circuit clerks' offices, sheriff's departments, law

1 enforcement agencies, jails, pretrial departments, probation
2 department, State's Attorneys' offices, public defenders'
3 offices and other applicable criminal justice system agencies
4 are mandated to provide data to the Administrative Office of
5 the Illinois Courts as described in subsection (c).

6 (Source: P.A. 101-652, eff. 7-1-21; revised 12-3-21.)

7 Section 215. The State Finance Act is amended by setting
8 forth and renumbering multiple versions of Sections 5.935,
9 5.937, and 5.938, by setting forth, renumbering, and changing
10 multiple versions of Sections 5.936 and 6z-125, and by
11 changing Sections 6z-82, 6z-99, 8.3, and 25 as follows:

12 (30 ILCS 105/5.935)

13 Sec. 5.935. The Freedom Schools Fund.

14 (Source: P.A. 101-654, eff. 3-8-21.)

15 (30 ILCS 105/5.936)

16 Sec. 5.936. The Law Enforcement Training Fund.

17 (Source: P.A. 102-16, eff. 6-17-21.)

18 (30 ILCS 105/5.937)

19 Sec. 5.937. The Sickle Cell Chronic Disease Fund.

20 (Source: P.A. 102-4, eff. 4-27-21.)

21 (30 ILCS 105/5.938)

1 Sec. 5.938. The DoIT Special Projects Fund.

2 (Source: P.A. 102-16, eff. 6-17-21.)

3 (30 ILCS 105/5.942)

4 Sec. 5.942 ~~5.935~~. The Equal Pay Registration Fund.

5 (Source: P.A. 101-656, eff. 3-23-21; revised 10-5-21.)

6 (30 ILCS 105/5.943)

7 Sec. 5.943 ~~5.935~~. The Capital Facility and Technology
8 Modernization Fund.

9 (Source: P.A. 101-665, eff. 4-2-21; revised 10-5-21.)

10 (30 ILCS 105/5.944)

11 Sec. 5.944 ~~5.935~~. The Managed Care Oversight Fund.

12 (Source: P.A. 102-4, Article 160, Section 160-5, eff. 4-27-21;
13 revised 10-5-21.)

14 (30 ILCS 105/5.945)

15 Sec. 5.945 ~~5.935~~. The Medicaid Technical Assistance Center
16 Fund.

17 (Source: P.A. 102-4, Article 185, Section 185-90, eff.
18 4-27-21; revised 10-5-21.)

19 (30 ILCS 105/5.946)

20 Sec. 5.946 ~~5.935~~. The State Police Training and Academy
21 Fund.

1 (Source: P.A. 102-16, eff. 6-17-21; revised 10-5-21.)

2 (30 ILCS 105/5.947)

3 Sec. 5.947 ~~5.935~~. The Ronald McDonald House Charities
4 Fund.

5 (Source: P.A. 102-73, eff. 7-9-21; revised 10-5-21.)

6 (30 ILCS 105/5.948)

7 Sec. 5.948 ~~5.935~~. The Illinois Higher Education Savings
8 Program Fund.

9 (Source: P.A. 102-129, eff. 7-23-21; revised 10-5-21.)

10 (30 ILCS 105/5.949)

11 Sec. 5.949 ~~5.935~~. The Infrastructure Development Fund.

12 (Source: P.A. 102-141, eff. 7-23-21; revised 10-5-21.)

13 (30 ILCS 105/5.950)

14 Sec. 5.950 ~~5.935~~. The Water and Sewer Low-Income
15 Assistance Fund.

16 (Source: P.A. 102-262, eff. 8-6-21; revised 10-5-21.)

17 (30 ILCS 105/5.951)

18 Sec. 5.951 ~~5.935~~. The Department of Juvenile Justice
19 Reimbursement and Education Fund.

20 (Source: P.A. 102-350, eff. 8-13-21; revised 10-5-21.)

1 (30 ILCS 105/5.952)

2 Sec. 5.952 ~~5.935~~. The Folds of Honor Foundation Fund.

3 (Source: P.A. 102-383, eff. 1-1-22; revised 10-5-21.)

4 (30 ILCS 105/5.953)

5 Sec. 5.953 ~~5.935~~. The Experimental Aircraft Association
6 Fund.

7 (Source: P.A. 102-422, eff. 8-20-21; revised 10-5-21.)

8 (30 ILCS 105/5.954)

9 Sec. 5.954 ~~5.935~~. The Child Abuse Council of the Quad
10 Cities Fund.

11 (Source: P.A. 102-423, eff. 8-20-21; revised 10-5-21.)

12 (30 ILCS 105/5.955)

13 Sec. 5.955 ~~5.935~~. The Illinois Health Care Workers Benefit
14 Fund.

15 (Source: P.A. 102-515, eff. 1-1-22; revised 10-5-21.)

16 (30 ILCS 105/5.956)

17 Sec. 5.956 ~~5.935~~. The Pembroke Township Natural Gas
18 Investment Pilot Program Fund.

19 (Source: P.A. 102-609, eff. 8-27-21; revised 10-5-21.)

20 (30 ILCS 105/5.957)

21 Sec. 5.957 ~~5.935~~. The Illinois Broadband Adoption Fund.

1 (Source: P.A. 102-648, eff. 8-27-21; revised 10-5-21.)

2 (30 ILCS 105/5.958)

3 Sec. 5.958 ~~5.935~~. The Coal to Solar and Energy Storage
4 Initiative Fund.

5 (Source: P.A. 102-662, eff. 9-15-21; revised 10-5-21.)

6 (30 ILCS 105/5.959)

7 Sec. 5.959 ~~5.936~~. The Illinois Small Business Fund.

8 (Source: P.A. 102-330, eff. 1-1-22; revised 10-5-21.)

9 (30 ILCS 105/5.960)

10 Sec. 5.960 ~~5.936~~. The Energy Transition Assistance Fund.

11 (Source: P.A. 102-662, eff. 9-15-21; revised 10-5-21.)

12 (30 ILCS 105/5.961)

13 Sec. 5.961 ~~5.937~~. The Consumer Intervenor Compensation
14 Fund.

15 (Source: P.A. 102-662, eff. 9-15-21; revised 10-5-21.)

16 (30 ILCS 105/5.962)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 5.962 ~~5.938~~. The Electronic Notarization Fund.

20 (Source: P.A. 102-160 (See Section 99 of P.A. 102-160 for
21 effective date of P.A. 102-160); revised 10-5-21.)

1 (30 ILCS 105/5.963)

2 Sec. 5.963 ~~5.938~~. The State Police Revocation Enforcement
3 Fund.

4 (Source: P.A. 102-237, eff. 1-1-22; revised 10-5-21.)

5 (30 ILCS 105/5.964)

6 Sec. 5.964 ~~5.938~~. The Lead Service Line Replacement Fund.

7 (Source: P.A. 102-613, eff. 1-1-22; revised 10-5-21.)

8 (30 ILCS 105/6z-82)

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

10 (a) There is created in the State treasury a special fund
11 known as the State Police Operations Assistance Fund. The Fund
12 shall receive revenue under the Criminal and Traffic
13 Assessment Act. The Fund may also receive revenue from grants,
14 donations, appropriations, and any other legal source.

15 (a-5) Notwithstanding any other provision of law to the
16 contrary, and in addition to any other transfers that may be
17 provided by law, on August 20, 2021 (the effective date of
18 Public Act 102-505) ~~this amendatory Act of the 102nd General~~
19 ~~Assembly~~, or as soon thereafter as practical, the State
20 Comptroller shall direct and the State Treasurer shall
21 transfer the remaining balance from the Over Dimensional Load
22 Police Escort Fund into the State Police Operations Assistance
23 Fund. Upon completion of the transfer, the Over Dimensional

1 Load Police Escort Fund is dissolved, and any future deposits
2 due to that Fund and any outstanding obligations or
3 liabilities of that Fund shall pass to the State Police
4 Operations Assistance Fund.

5 This Fund may charge, collect, and receive fees or moneys
6 as described in Section 15-312 of the Illinois Vehicle Code,
7 and receive all fees received by the Illinois State Police
8 under that Section. The moneys shall be used by the Illinois
9 State Police for its expenses in providing police escorts and
10 commercial vehicle enforcement activities.

11 (b) The Illinois State Police may use moneys in the Fund to
12 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) (Blank). ~~the Illinois~~

21 (g) Notwithstanding any other provision of State law to
22 the contrary, on or after July 1, 2021, in addition to any
23 other transfers that may be provided for by law, at the
24 direction of and upon notification from the Director of the
25 Illinois State Police, the State Comptroller shall direct and
26 the State Treasurer shall transfer amounts not exceeding

1 \$7,000,000 into the State Police Operations Assistance Fund
2 from the State Police Services Fund.

3 (Source: P.A. 102-16, eff. 6-17-21; 102-505, eff. 8-20-21;
4 102-538, eff. 8-20-21; revised 10-22-21.)

5 (30 ILCS 105/6z-99)

6 Sec. 6z-99. The Mental Health Reporting Fund.

7 (a) There is created in the State treasury a special fund
8 known as the Mental Health Reporting Fund. The Fund shall
9 receive revenue under the Firearm Concealed Carry Act. The
10 Fund may also receive revenue from grants, pass-through
11 grants, donations, appropriations, and any other legal source.

12 (b) The Illinois State Police and Department of Human
13 Services shall coordinate to use moneys in the Fund to finance
14 their respective duties of collecting and reporting data on
15 mental health records and ensuring that mental health firearm
16 possession prohibitors are enforced as set forth under the
17 Firearm Concealed Carry Act and the Firearm Owners
18 Identification Card Act. Any surplus in the Fund beyond what
19 is necessary to ensure compliance with mental health reporting
20 under these Acts shall be used by the Department of Human
21 Services for mental health treatment programs as follows: (1)
22 50% shall be used to fund community-based mental health
23 programs aimed at reducing gun violence, community integration
24 and education, or mental health awareness and prevention,
25 including administrative costs; and (2) 50% shall be used to

1 award grants that use and promote the National School Mental
2 Health Curriculum model for school-based mental health
3 support, integration, and services.

4 (c) Investment income that is attributable to the
5 investment of moneys in the Fund shall be retained in the Fund
6 for the uses specified in this Section.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
8 revised 10-26-21.)

9 (30 ILCS 105/6z-125)

10 Sec. 6z-125. State Police Training and Academy Fund. The
11 State Police Training and Academy Fund is hereby created as a
12 special fund in the State treasury. Moneys in the Fund shall
13 consist of: (i) 10% of the revenue from increasing the
14 insurance producer license fees, as provided under subsection
15 (a-5) of Section 500-135 of the Illinois Insurance Code; and
16 (ii) 10% of the moneys collected from auto insurance policy
17 fees under Section 8.6 of the Illinois Motor Vehicle Theft
18 Prevention and Insurance Verification Act. This Fund shall be
19 used by the Illinois State Police to fund training and other
20 State Police institutions, including, but not limited to,
21 forensic laboratories.

22 (Source: P.A. 102-16, eff. 6-17-21.)

23 (30 ILCS 105/6z-127)

24 Sec. 6z-127 ~~6z-125~~. State Police Revocation Enforcement

1 Fund.

2 (a) The State Police Revocation Enforcement Fund is
3 established as a special fund in the State treasury. This Fund
4 is established to receive moneys from the Firearm Owners
5 Identification Card Act to enforce that Act, the Firearm
6 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
7 and other firearm offenses. The Fund may also receive revenue
8 from grants, donations, appropriations, and any other legal
9 source.

10 (b) The Illinois State Police may use moneys from the Fund
11 to establish task forces and, if necessary, include other law
12 enforcement agencies, under intergovernmental contracts
13 written and executed in conformity with the Intergovernmental
14 Cooperation Act.

15 (c) The Illinois State Police may use moneys in the Fund to
16 hire and train State Police officers and for the prevention of
17 violent crime.

18 (d) The State Police Revocation Enforcement Fund is not
19 subject to administrative chargebacks.

20 (e) Law enforcement agencies that participate in Firearm
21 Owner's Identification Card revocation enforcement in the
22 Violent Crime Intelligence Task Force may apply for grants
23 from the Illinois State Police.

24 (Source: P.A. 102-237, eff. 1-1-22; revised 11-9-21.)

25 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

1 Sec. 8.3. Money in the Road Fund shall, if and when the
2 State of Illinois incurs any bonded indebtedness for the
3 construction of permanent highways, be set aside and used for
4 the purpose of paying and discharging annually the principal
5 and interest on that bonded indebtedness then due and payable,
6 and for no other purpose. The surplus, if any, in the Road Fund
7 after the payment of principal and interest on that bonded
8 indebtedness then annually due shall be used as follows:

9 first -- to pay the cost of administration of Chapters
10 2 through 10 of the Illinois Vehicle Code, except the cost
11 of administration of Articles I and II of Chapter 3 of that
12 Code, and to pay the costs of the Executive Ethics
13 Commission for oversight and administration of the Chief
14 Procurement Officer appointed under paragraph (2) of
15 subsection (a) of Section 10-20 of the Illinois
16 Procurement Code for transportation; and

17 secondly -- for expenses of the Department of
18 Transportation for construction, reconstruction,
19 improvement, repair, maintenance, operation, and
20 administration of highways in accordance with the
21 provisions of laws relating thereto, or for any purpose
22 related or incident to and connected therewith, including
23 the separation of grades of those highways with railroads
24 and with highways and including the payment of awards made
25 by the Illinois Workers' Compensation Commission under the
26 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 2021 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 2022 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 2021 only
20 when no more than \$17,570,000 may be expended and except
21 fiscal year 2022 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 State Police, except for expenditures with
8 respect to the Division of Patrol Operations and Division
9 of Criminal Investigation;

10 2. Department of Transportation, only with respect to
11 Intercity Rail Subsidies, except fiscal year 2021 only
12 when no more than \$50,000,000 may be expended and except
13 fiscal year 2022 only when no more than \$50,000,000 may be
14 expended, and Rail Freight Services.

15 Beginning with fiscal year 1982 and thereafter, no Road
16 Fund monies shall be appropriated to the following Departments
17 or agencies of State government for administration, grants, or
18 operations; but this limitation is not a restriction upon
19 appropriating for those purposes any Road Fund monies that are
20 eligible for federal reimbursement: Department of Central
21 Management Services, except for awards made by the Illinois
22 Workers' Compensation Commission under the terms of the
23 Workers' Compensation Act or Workers' Occupational Diseases
24 Act for injury or death of an employee of the Division of
25 Highways in the Department of Transportation.

26 Beginning with fiscal year 1984 and thereafter, no Road

1 Fund monies shall be appropriated to the following Departments
2 or agencies of State government for administration, grants, or
3 operations; but this limitation is not a restriction upon
4 appropriating for those purposes any Road Fund monies that are
5 eligible for federal reimbursement:

6 1. Illinois State Police, except not more than 40% of
7 the funds appropriated for the Division of Patrol
8 Operations and Division of Criminal Investigation;

9 2. State Officers.

10 Beginning with fiscal year 1984 and thereafter, no Road
11 Fund monies shall be appropriated to any Department or agency
12 of State government for administration, grants, or operations
13 except as provided hereafter; but this limitation is not a
14 restriction upon appropriating for those purposes any Road
15 Fund monies that are eligible for federal reimbursement. It
16 shall not be lawful to circumvent the above appropriation
17 limitations by governmental reorganization or other methods.
18 Appropriations shall be made from the Road Fund only in
19 accordance with the provisions of this Section.

20 Money in the Road Fund shall, if and when the State of
21 Illinois incurs any bonded indebtedness for the construction
22 of permanent highways, be set aside and used for the purpose of
23 paying and discharging during each fiscal year the principal
24 and interest on that bonded indebtedness as it becomes due and
25 payable as provided in the Transportation Bond Act, and for no
26 other purpose. The surplus, if any, in the Road Fund after the

1 payment of principal and interest on that bonded indebtedness
2 then annually due shall be used as follows:

3 first -- to pay the cost of administration of Chapters
4 2 through 10 of the Illinois Vehicle Code; and

5 secondly -- no Road Fund monies derived from fees,
6 excises, or license taxes relating to registration,
7 operation and use of vehicles on public highways or to
8 fuels used for the propulsion of those vehicles, shall be
9 appropriated or expended other than for costs of
10 administering the laws imposing those fees, excises, and
11 license taxes, statutory refunds and adjustments allowed
12 thereunder, administrative costs of the Department of
13 Transportation, including, but not limited to, the
14 operating expenses of the Department relating to the
15 administration of public transportation programs, payment
16 of debts and liabilities incurred in construction and
17 reconstruction of public highways and bridges, acquisition
18 of rights-of-way for and the cost of construction,
19 reconstruction, maintenance, repair, and operation of
20 public highways and bridges under the direction and
21 supervision of the State, political subdivision, or
22 municipality collecting those monies, or during fiscal
23 year 2021 only for the purposes of a grant not to exceed
24 \$8,394,800 to the Regional Transportation Authority on
25 behalf of PACE for the purpose of ADA/Para-transit
26 expenses, or during fiscal year 2022 only for the purposes

1 of a grant not to exceed \$8,394,800 to the Regional
2 Transportation Authority on behalf of PACE for the purpose
3 of ADA/Para-transit expenses, and the costs for patrolling
4 and policing the public highways (by the State, political
5 subdivision, or municipality collecting that money) for
6 enforcement of traffic laws. The separation of grades of
7 such highways with railroads and costs associated with
8 protection of at-grade highway and railroad crossing shall
9 also be permissible.

10 Appropriations for any of such purposes are payable from
11 the Road Fund or the Grade Crossing Protection Fund as
12 provided in Section 8 of the Motor Fuel Tax Law.

13 Except as provided in this paragraph, beginning with
14 fiscal year 1991 and thereafter, no Road Fund monies shall be
15 appropriated to the Illinois State Police for the purposes of
16 this Section in excess of its total fiscal year 1990 Road Fund
17 appropriations for those purposes unless otherwise provided in
18 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
19 2006, and 2007 only, no Road Fund monies shall be appropriated
20 to the Department of State Police for the purposes of this
21 Section in excess of \$97,310,000. For fiscal year 2008 only,
22 no Road Fund monies shall be appropriated to the Department of
23 State Police for the purposes of this Section in excess of
24 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
25 shall be appropriated to the Department of State Police for
26 the purposes of this Section in excess of \$114,700,000.

1 Beginning in fiscal year 2010, no road fund moneys shall be
2 appropriated to the Illinois State Police. It shall not be
3 lawful to circumvent this limitation on appropriations by
4 governmental reorganization or other methods unless otherwise
5 provided in Section 5g of this Act.

6 In fiscal year 1994, no Road Fund monies shall be
7 appropriated to the Secretary of State for the purposes of
8 this Section in excess of the total fiscal year 1991 Road Fund
9 appropriations to the Secretary of State for those purposes,
10 plus \$9,800,000. It shall not be lawful to circumvent this
11 limitation on appropriations by governmental reorganization or
12 other method.

13 Beginning with fiscal year 1995 and thereafter, no Road
14 Fund monies shall be appropriated to the Secretary of State
15 for the purposes of this Section in excess of the total fiscal
16 year 1994 Road Fund appropriations to the Secretary of State
17 for those purposes. It shall not be lawful to circumvent this
18 limitation on appropriations by governmental reorganization or
19 other methods.

20 Beginning with fiscal year 2000, total Road Fund
21 appropriations to the Secretary of State for the purposes of
22 this Section shall not exceed the amounts specified for the
23 following fiscal years:

24	Fiscal Year 2000	\$80,500,000;
25	Fiscal Year 2001	\$80,500,000;
26	Fiscal Year 2002	\$80,500,000;

1	Fiscal Year 2003	\$130,500,000;
2	Fiscal Year 2004	\$130,500,000;
3	Fiscal Year 2005	\$130,500,000;
4	Fiscal Year 2006	\$130,500,000;
5	Fiscal Year 2007	\$130,500,000;
6	Fiscal Year 2008	\$130,500,000;
7	Fiscal Year 2009	\$130,500,000.

8 For fiscal year 2010, no road fund moneys shall be
9 appropriated to the Secretary of State.

10 Beginning in fiscal year 2011, moneys in the Road Fund
11 shall be appropriated to the Secretary of State for the
12 exclusive purpose of paying refunds due to overpayment of fees
13 related to Chapter 3 of the Illinois Vehicle Code unless
14 otherwise provided for by law.

15 It shall not be lawful to circumvent this limitation on
16 appropriations by governmental reorganization or other
17 methods.

18 No new program may be initiated in fiscal year 1991 and
19 thereafter that is not consistent with the limitations imposed
20 by this Section for fiscal year 1984 and thereafter, insofar
21 as appropriation of Road Fund monies is concerned.

22 Nothing in this Section prohibits transfers from the Road
23 Fund to the State Construction Account Fund under Section 5e
24 of this Act; nor to the General Revenue Fund, as authorized by
25 Public Act 93-25.

26 The additional amounts authorized for expenditure in this

1 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
2 shall be repaid to the Road Fund from the General Revenue Fund
3 in the next succeeding fiscal year that the General Revenue
4 Fund has a positive budgetary balance, as determined by
5 generally accepted accounting principles applicable to
6 government.

7 The additional amounts authorized for expenditure by the
8 Secretary of State and the Department of State Police in this
9 Section by Public Act 94-91 shall be repaid to the Road Fund
10 from the General Revenue Fund in the next succeeding fiscal
11 year that the General Revenue Fund has a positive budgetary
12 balance, as determined by generally accepted accounting
13 principles applicable to government.

14 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
15 102-16, eff. 6-17-21; 102-538, eff. 8-20-21; revised
16 10-15-21.)

17 (30 ILCS 105/25) (from Ch. 127, par. 161)

18 Sec. 25. Fiscal year limitations.

19 (a) All appropriations shall be available for expenditure
20 for the fiscal year or for a lesser period if the Act making
21 that appropriation so specifies. A deficiency or emergency
22 appropriation shall be available for expenditure only through
23 June 30 of the year when the Act making that appropriation is
24 enacted unless that Act otherwise provides.

25 (b) Outstanding liabilities as of June 30, payable from

1 appropriations which have otherwise expired, may be paid out
2 of the expiring appropriations during the 2-month period
3 ending at the close of business on August 31. Any service
4 involving professional or artistic skills or any personal
5 services by an employee whose compensation is subject to
6 income tax withholding must be performed as of June 30 of the
7 fiscal year in order to be considered an "outstanding
8 liability as of June 30" that is thereby eligible for payment
9 out of the expiring appropriation.

10 (b-1) However, payment of tuition reimbursement claims
11 under Section 14-7.03 or 18-3 of the School Code may be made by
12 the State Board of Education from its appropriations for those
13 respective purposes for any fiscal year, even though the
14 claims reimbursed by the payment may be claims attributable to
15 a prior fiscal year, and payments may be made at the direction
16 of the State Superintendent of Education from the fund from
17 which the appropriation is made without regard to any fiscal
18 year limitations, except as required by subsection (j) of this
19 Section. Beginning on June 30, 2021, payment of tuition
20 reimbursement claims under Section 14-7.03 or 18-3 of the
21 School Code as of June 30, payable from appropriations that
22 have otherwise expired, may be paid out of the expiring
23 appropriation during the 4-month period ending at the close of
24 business on October 31.

25 (b-2) (Blank).

26 (b-2.5) (Blank).

1 (b-2.6) (Blank).

2 (b-2.6a) (Blank).

3 (b-2.6b) (Blank).

4 (b-2.6c) (Blank).

5 (b-2.6d) All outstanding liabilities as of June 30, 2020,
6 payable from appropriations that would otherwise expire at the
7 conclusion of the lapse period for fiscal year 2020, and
8 interest penalties payable on those liabilities under the
9 State Prompt Payment Act, may be paid out of the expiring
10 appropriations until December 31, 2020, without regard to the
11 fiscal year in which the payment is made, as long as vouchers
12 for the liabilities are received by the Comptroller no later
13 than September 30, 2020.

14 (b-2.6e) All outstanding liabilities as of June 30, 2021,
15 payable from appropriations that would otherwise expire at the
16 conclusion of the lapse period for fiscal year 2021, and
17 interest penalties payable on those liabilities under the
18 State Prompt Payment Act, may be paid out of the expiring
19 appropriations until September 30, 2021, without regard to the
20 fiscal year in which the payment is made.

21 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, 2019,
22 2020, 2021, and 2022, interest penalties payable under the
23 State Prompt Payment Act associated with a voucher for which
24 payment is issued after June 30 may be paid out of the next
25 fiscal year's appropriation. The future year appropriation
26 must be for the same purpose and from the same fund as the

1 original payment. An interest penalty voucher submitted
2 against a future year appropriation must be submitted within
3 60 days after the issuance of the associated voucher, except
4 that, for fiscal year 2018 only, an interest penalty voucher
5 submitted against a future year appropriation must be
6 submitted within 60 days of June 5, 2019 (the effective date of
7 Public Act 101-10). The Comptroller must issue the interest
8 payment within 60 days after acceptance of the interest
9 voucher.

10 (b-3) Medical payments may be made by the Department of
11 Veterans' Affairs from its appropriations for those purposes
12 for any fiscal year, without regard to the fact that the
13 medical services being compensated for by such payment may
14 have been rendered in a prior fiscal year, except as required
15 by subsection (j) of this Section. Beginning on June 30, 2021,
16 medical payments payable from appropriations that have
17 otherwise expired may be paid out of the expiring
18 appropriation during the 4-month period ending at the close of
19 business on October 31.

20 (b-4) Medical payments and child care payments may be made
21 by the Department of Human Services (as successor to the
22 Department of Public Aid) from appropriations for those
23 purposes for any fiscal year, without regard to the fact that
24 the medical or child care services being compensated for by
25 such payment may have been rendered in a prior fiscal year; and
26 payments may be made at the direction of the Department of

1 Healthcare and Family Services (or successor agency) from the
2 Health Insurance Reserve Fund without regard to any fiscal
3 year limitations, except as required by subsection (j) of this
4 Section. Beginning on June 30, 2021, medical and child care
5 payments made by the Department of Human Services and payments
6 made at the discretion of the Department of Healthcare and
7 Family Services (or successor agency) from the Health
8 Insurance Reserve Fund and payable from appropriations that
9 have otherwise expired may be paid out of the expiring
10 appropriation during the 4-month period ending at the close of
11 business on October 31.

12 (b-5) Medical payments may be made by the Department of
13 Human Services from its appropriations relating to substance
14 abuse treatment services for any fiscal year, without regard
15 to the fact that the medical services being compensated for by
16 such payment may have been rendered in a prior fiscal year,
17 provided the payments are made on a fee-for-service basis
18 consistent with requirements established for Medicaid
19 reimbursement by the Department of Healthcare and Family
20 Services, except as required by subsection (j) of this
21 Section. Beginning on June 30, 2021, medical payments made by
22 the Department of Human Services relating to substance abuse
23 treatment services payable from appropriations that have
24 otherwise expired may be paid out of the expiring
25 appropriation during the 4-month period ending at the close of
26 business on October 31.

1 (b-6) (Blank).

2 (b-7) Payments may be made in accordance with a plan
3 authorized by paragraph (11) or (12) of Section 405-105 of the
4 Department of Central Management Services Law from
5 appropriations for those payments without regard to fiscal
6 year limitations.

7 (b-8) Reimbursements to eligible airport sponsors for the
8 construction or upgrading of Automated Weather Observation
9 Systems may be made by the Department of Transportation from
10 appropriations for those purposes for any fiscal year, without
11 regard to the fact that the qualification or obligation may
12 have occurred in a prior fiscal year, provided that at the time
13 the expenditure was made the project had been approved by the
14 Department of Transportation prior to June 1, 2012 and, as a
15 result of recent changes in federal funding formulas, can no
16 longer receive federal reimbursement.

17 (b-9) (Blank).

18 (c) Further, payments may be made by the Department of
19 Public Health and the Department of Human Services (acting as
20 successor to the Department of Public Health under the
21 Department of Human Services Act) from their respective
22 appropriations for grants for medical care to or on behalf of
23 premature and high-mortality risk infants and their mothers
24 and for grants for supplemental food supplies provided under
25 the United States Department of Agriculture Women, Infants and
26 Children Nutrition Program, for any fiscal year without regard

1 to the fact that the services being compensated for by such
2 payment may have been rendered in a prior fiscal year, except
3 as required by subsection (j) of this Section. Beginning on
4 June 30, 2021, payments made by the Department of Public
5 Health and the Department of Human Services from their
6 respective appropriations for grants for medical care to or on
7 behalf of premature and high-mortality risk infants and their
8 mothers and for grants for supplemental food supplies provided
9 under the United States Department of Agriculture Women,
10 Infants and Children Nutrition Program payable from
11 appropriations that have otherwise expired may be paid out of
12 the expiring appropriations during the 4-month period ending
13 at the close of business on October 31.

14 (d) The Department of Public Health and the Department of
15 Human Services (acting as successor to the Department of
16 Public Health under the Department of Human Services Act)
17 shall each annually submit to the State Comptroller, Senate
18 President, Senate Minority Leader, Speaker of the House, House
19 Minority Leader, and the respective Chairmen and Minority
20 Spokesmen of the Appropriations Committees of the Senate and
21 the House, on or before December 31, a report of fiscal year
22 funds used to pay for services provided in any prior fiscal
23 year. This report shall document by program or service
24 category those expenditures from the most recently completed
25 fiscal year used to pay for services provided in prior fiscal
26 years.

1 (e) The Department of Healthcare and Family Services, the
2 Department of Human Services (acting as successor to the
3 Department of Public Aid), and the Department of Human
4 Services making fee-for-service payments relating to substance
5 abuse treatment services provided during a previous fiscal
6 year shall each annually submit to the State Comptroller,
7 Senate President, Senate Minority Leader, Speaker of the
8 House, House Minority Leader, the respective Chairmen and
9 Minority Spokesmen of the Appropriations Committees of the
10 Senate and the House, on or before November 30, a report that
11 shall document by program or service category those
12 expenditures from the most recently completed fiscal year used
13 to pay for (i) services provided in prior fiscal years and (ii)
14 services for which claims were received in prior fiscal years.

15 (f) The Department of Human Services (as successor to the
16 Department of Public Aid) shall annually submit to the State
17 Comptroller, Senate President, Senate Minority Leader, Speaker
18 of the House, House Minority Leader, and the respective
19 Chairmen and Minority Spokesmen of the Appropriations
20 Committees of the Senate and the House, on or before December
21 31, a report of fiscal year funds used to pay for services
22 (other than medical care) provided in any prior fiscal year.
23 This report shall document by program or service category
24 those expenditures from the most recently completed fiscal
25 year used to pay for services provided in prior fiscal years.

26 (g) In addition, each annual report required to be

1 submitted by the Department of Healthcare and Family Services
2 under subsection (e) shall include the following information
3 with respect to the State's Medicaid program:

4 (1) Explanations of the exact causes of the variance
5 between the previous year's estimated and actual
6 liabilities.

7 (2) Factors affecting the Department of Healthcare and
8 Family Services' liabilities, including, but not limited
9 to, numbers of aid recipients, levels of medical service
10 utilization by aid recipients, and inflation in the cost
11 of medical services.

12 (3) The results of the Department's efforts to combat
13 fraud and abuse.

14 (h) As provided in Section 4 of the General Assembly
15 Compensation Act, any utility bill for service provided to a
16 General Assembly member's district office for a period
17 including portions of 2 consecutive fiscal years may be paid
18 from funds appropriated for such expenditure in either fiscal
19 year.

20 (i) An agency which administers a fund classified by the
21 Comptroller as an internal service fund may issue rules for:

22 (1) billing user agencies in advance for payments or
23 authorized inter-fund transfers based on estimated charges
24 for goods or services;

25 (2) issuing credits, refunding through inter-fund
26 transfers, or reducing future inter-fund transfers during

1 the subsequent fiscal year for all user agency payments or
2 authorized inter-fund transfers received during the prior
3 fiscal year which were in excess of the final amounts owed
4 by the user agency for that period; and

5 (3) issuing catch-up billings to user agencies during
6 the subsequent fiscal year for amounts remaining due when
7 payments or authorized inter-fund transfers received from
8 the user agency during the prior fiscal year were less
9 than the total amount owed for that period.

10 User agencies are authorized to reimburse internal service
11 funds for catch-up billings by vouchers drawn against their
12 respective appropriations for the fiscal year in which the
13 catch-up billing was issued or by increasing an authorized
14 inter-fund transfer during the current fiscal year. For the
15 purposes of this Act, "inter-fund transfers" means transfers
16 without the use of the voucher-warrant process, as authorized
17 by Section 9.01 of the State Comptroller Act.

18 (i-1) Beginning on July 1, 2021, all outstanding
19 liabilities, not payable during the 4-month lapse period as
20 described in subsections (b-1), (b-3), (b-4), (b-5), and (c)
21 of this Section, that are made from appropriations for that
22 purpose for any fiscal year, without regard to the fact that
23 the services being compensated for by those payments may have
24 been rendered in a prior fiscal year, are limited to only those
25 claims that have been incurred but for which a proper bill or
26 invoice as defined by the State Prompt Payment Act has not been

1 received by September 30th following the end of the fiscal
2 year in which the service was rendered.

3 (j) Notwithstanding any other provision of this Act, the
4 aggregate amount of payments to be made without regard for
5 fiscal year limitations as contained in subsections (b-1),
6 (b-3), (b-4), (b-5), and (c) of this Section, and determined
7 by using Generally Accepted Accounting Principles, shall not
8 exceed the following amounts:

9 (1) \$6,000,000,000 for outstanding liabilities related
10 to fiscal year 2012;

11 (2) \$5,300,000,000 for outstanding liabilities related
12 to fiscal year 2013;

13 (3) \$4,600,000,000 for outstanding liabilities related
14 to fiscal year 2014;

15 (4) \$4,000,000,000 for outstanding liabilities related
16 to fiscal year 2015;

17 (5) \$3,300,000,000 for outstanding liabilities related
18 to fiscal year 2016;

19 (6) \$2,600,000,000 for outstanding liabilities related
20 to fiscal year 2017;

21 (7) \$2,000,000,000 for outstanding liabilities related
22 to fiscal year 2018;

23 (8) \$1,300,000,000 for outstanding liabilities related
24 to fiscal year 2019;

25 (9) \$600,000,000 for outstanding liabilities related
26 to fiscal year 2020; and

1 (10) \$0 for outstanding liabilities related to fiscal
2 year 2021 and fiscal years thereafter.

3 (k) Department of Healthcare and Family Services Medical
4 Assistance Payments.

5 (1) Definition of Medical Assistance.

6 For purposes of this subsection, the term "Medical
7 Assistance" shall include, but not necessarily be
8 limited to, medical programs and services authorized
9 under Titles XIX and XXI of the Social Security Act,
10 the Illinois Public Aid Code, the Children's Health
11 Insurance Program Act, the Covering ALL KIDS Health
12 Insurance Act, the Long Term Acute Care Hospital
13 Quality Improvement Transfer Program Act, and medical
14 care to or on behalf of persons suffering from chronic
15 renal disease, persons suffering from hemophilia, and
16 victims of sexual assault.

17 (2) Limitations on Medical Assistance payments that
18 may be paid from future fiscal year appropriations.

19 (A) The maximum amounts of annual unpaid Medical
20 Assistance bills received and recorded by the
21 Department of Healthcare and Family Services on or
22 before June 30th of a particular fiscal year
23 attributable in aggregate to the General Revenue Fund,
24 Healthcare Provider Relief Fund, Tobacco Settlement
25 Recovery Fund, Long-Term Care Provider Fund, and the
26 Drug Rebate Fund that may be paid in total by the

1 Department from future fiscal year Medical Assistance
2 appropriations to those funds are: \$700,000,000 for
3 fiscal year 2013 and \$100,000,000 for fiscal year 2014
4 and each fiscal year thereafter.

5 (B) Bills for Medical Assistance services rendered
6 in a particular fiscal year, but received and recorded
7 by the Department of Healthcare and Family Services
8 after June 30th of that fiscal year, may be paid from
9 either appropriations for that fiscal year or future
10 fiscal year appropriations for Medical Assistance.
11 Such payments shall not be subject to the requirements
12 of subparagraph (A).

13 (C) Medical Assistance bills received by the
14 Department of Healthcare and Family Services in a
15 particular fiscal year, but subject to payment amount
16 adjustments in a future fiscal year may be paid from a
17 future fiscal year's appropriation for Medical
18 Assistance. Such payments shall not be subject to the
19 requirements of subparagraph (A).

20 (D) Medical Assistance payments made by the
21 Department of Healthcare and Family Services from
22 funds other than those specifically referenced in
23 subparagraph (A) may be made from appropriations for
24 those purposes for any fiscal year without regard to
25 the fact that the Medical Assistance services being
26 compensated for by such payment may have been rendered

1 in a prior fiscal year. Such payments shall not be
2 subject to the requirements of subparagraph (A).

3 (3) Extended lapse period for Department of Healthcare
4 and Family Services Medical Assistance payments.
5 Notwithstanding any other State law to the contrary,
6 outstanding Department of Healthcare and Family Services
7 Medical Assistance liabilities, as of June 30th, payable
8 from appropriations which have otherwise expired, may be
9 paid out of the expiring appropriations during the 4-month
10 period ending at the close of business on October 31st.

11 (1) The changes to this Section made by Public Act 97-691
12 shall be effective for payment of Medical Assistance bills
13 incurred in fiscal year 2013 and future fiscal years. The
14 changes to this Section made by Public Act 97-691 shall not be
15 applied to Medical Assistance bills incurred in fiscal year
16 2012 or prior fiscal years.

17 (m) The Comptroller must issue payments against
18 outstanding liabilities that were received prior to the lapse
19 period deadlines set forth in this Section as soon thereafter
20 as practical, but no payment may be issued after the 4 months
21 following the lapse period deadline without the signed
22 authorization of the Comptroller and the Governor.

23 (Source: P.A. 101-10, eff. 6-5-19; 101-275, eff. 8-9-19;
24 101-636, eff. 6-10-20; 102-16, eff. 6-17-21; 102-291, eff.
25 8-6-21; revised 9-28-21.)

1 Section 220. The Illinois Procurement Code is amended by
2 changing Section 1-10 as follows:

3 (30 ILCS 500/1-10)

4 Sec. 1-10. Application.

5 (a) This Code applies only to procurements for which
6 bidders, offerors, potential contractors, or contractors were
7 first solicited on or after July 1, 1998. This Code shall not
8 be construed to affect or impair any contract, or any
9 provision of a contract, entered into based on a solicitation
10 prior to the implementation date of this Code as described in
11 Article 99, including, but not limited to, any covenant
12 entered into with respect to any revenue bonds or similar
13 instruments. All procurements for which contracts are
14 solicited between the effective date of Articles 50 and 99 and
15 July 1, 1998 shall be substantially in accordance with this
16 Code and its intent.

17 (b) This Code shall apply regardless of the source of the
18 funds with which the contracts are paid, including federal
19 assistance moneys. This Code shall not apply to:

20 (1) Contracts between the State and its political
21 subdivisions or other governments, or between State
22 governmental bodies, except as specifically provided in
23 this Code.

24 (2) Grants, except for the filing requirements of
25 Section 20-80.

1 (3) Purchase of care, except as provided in Section
2 5-30.6 of the Illinois Public Aid Code and this Section.

3 (4) Hiring of an individual as an employee and not as
4 an independent contractor, whether pursuant to an
5 employment code or policy or by contract directly with
6 that individual.

7 (5) Collective bargaining contracts.

8 (6) Purchase of real estate, except that notice of
9 this type of contract with a value of more than \$25,000
10 must be published in the Procurement Bulletin within 10
11 calendar days after the deed is recorded in the county of
12 jurisdiction. The notice shall identify the real estate
13 purchased, the names of all parties to the contract, the
14 value of the contract, and the effective date of the
15 contract.

16 (7) Contracts necessary to prepare for anticipated
17 litigation, enforcement actions, or investigations,
18 provided that the chief legal counsel to the Governor
19 shall give his or her prior approval when the procuring
20 agency is one subject to the jurisdiction of the Governor,
21 and provided that the chief legal counsel of any other
22 procuring entity subject to this Code shall give his or
23 her prior approval when the procuring entity is not one
24 subject to the jurisdiction of the Governor.

25 (8) (Blank).

26 (9) Procurement expenditures by the Illinois

1 Conservation Foundation when only private funds are used.

2 (10) (Blank).

3 (11) Public-private agreements entered into according
4 to the procurement requirements of Section 20 of the
5 Public-Private Partnerships for Transportation Act and
6 design-build agreements entered into according to the
7 procurement requirements of Section 25 of the
8 Public-Private Partnerships for Transportation Act.

9 (12) (A) Contracts for legal, financial, and other
10 professional and artistic services entered into by the
11 Illinois Finance Authority in which the State of Illinois
12 is not obligated. Such contracts shall be awarded through
13 a competitive process authorized by the members of the
14 Illinois Finance Authority and are subject to Sections
15 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
16 as well as the final approval by the members of the
17 Illinois Finance Authority of the terms of the contract.

18 (B) Contracts for legal and financial services entered
19 into by the Illinois Housing Development Authority in
20 connection with the issuance of bonds in which the State
21 of Illinois is not obligated. Such contracts shall be
22 awarded through a competitive process authorized by the
23 members of the Illinois Housing Development Authority and
24 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
25 and 50-37 of this Code, as well as the final approval by
26 the members of the Illinois Housing Development Authority

1 of the terms of the contract.

2 (13) Contracts for services, commodities, and
3 equipment to support the delivery of timely forensic
4 science services in consultation with and subject to the
5 approval of the Chief Procurement Officer as provided in
6 subsection (d) of Section 5-4-3a of the Unified Code of
7 Corrections, except for the requirements of Sections
8 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
9 Code; however, the Chief Procurement Officer may, in
10 writing with justification, waive any certification
11 required under Article 50 of this Code. For any contracts
12 for services which are currently provided by members of a
13 collective bargaining agreement, the applicable terms of
14 the collective bargaining agreement concerning
15 subcontracting shall be followed.

16 On and after January 1, 2019, this paragraph (13),
17 except for this sentence, is inoperative.

18 (14) Contracts for participation expenditures required
19 by a domestic or international trade show or exhibition of
20 an exhibitor, member, or sponsor.

21 (15) Contracts with a railroad or utility that
22 requires the State to reimburse the railroad or utilities
23 for the relocation of utilities for construction or other
24 public purpose. Contracts included within this paragraph
25 (15) shall include, but not be limited to, those
26 associated with: relocations, crossings, installations,

1 and maintenance. For the purposes of this paragraph (15),
2 "railroad" means any form of non-highway ground
3 transportation that runs on rails or electromagnetic
4 guideways and "utility" means: (1) public utilities as
5 defined in Section 3-105 of the Public Utilities Act, (2)
6 telecommunications carriers as defined in Section 13-202
7 of the Public Utilities Act, (3) electric cooperatives as
8 defined in Section 3.4 of the Electric Supplier Act, (4)
9 telephone or telecommunications cooperatives as defined in
10 Section 13-212 of the Public Utilities Act, (5) rural
11 water or waste water systems with 10,000 connections or
12 less, (6) a holder as defined in Section 21-201 of the
13 Public Utilities Act, and (7) municipalities owning or
14 operating utility systems consisting of public utilities
15 as that term is defined in Section 11-117-2 of the
16 Illinois Municipal Code.

17 (16) Procurement expenditures necessary for the
18 Department of Public Health to provide the delivery of
19 timely newborn screening services in accordance with the
20 Newborn Metabolic Screening Act.

21 (17) Procurement expenditures necessary for the
22 Department of Agriculture, the Department of Financial and
23 Professional Regulation, the Department of Human Services,
24 and the Department of Public Health to implement the
25 Compassionate Use of Medical Cannabis Program and Opioid
26 Alternative Pilot Program requirements and ensure access

1 to medical cannabis for patients with debilitating medical
2 conditions in accordance with the Compassionate Use of
3 Medical Cannabis Program Act.

4 (18) This Code does not apply to any procurements
5 necessary for the Department of Agriculture, the
6 Department of Financial and Professional Regulation, the
7 Department of Human Services, the Department of Commerce
8 and Economic Opportunity, and the Department of Public
9 Health to implement the Cannabis Regulation and Tax Act if
10 the applicable agency has made a good faith determination
11 that it is necessary and appropriate for the expenditure
12 to fall within this exemption and if the process is
13 conducted in a manner substantially in accordance with the
14 requirements of Sections 20-160, 25-60, 30-22, 50-5,
15 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
16 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
17 Section 50-35, compliance applies only to contracts or
18 subcontracts over \$100,000. Notice of each contract
19 entered into under this paragraph (18) that is related to
20 the procurement of goods and services identified in
21 paragraph (1) through (9) of this subsection shall be
22 published in the Procurement Bulletin within 14 calendar
23 days after contract execution. The Chief Procurement
24 Officer shall prescribe the form and content of the
25 notice. Each agency shall provide the Chief Procurement
26 Officer, on a monthly basis, in the form and content

1 prescribed by the Chief Procurement Officer, a report of
2 contracts that are related to the procurement of goods and
3 services identified in this subsection. At a minimum, this
4 report shall include the name of the contractor, a
5 description of the supply or service provided, the total
6 amount of the contract, the term of the contract, and the
7 exception to this Code utilized. A copy of any or all of
8 these contracts shall be made available to the Chief
9 Procurement Officer immediately upon request. The Chief
10 Procurement Officer shall submit a report to the Governor
11 and General Assembly no later than November 1 of each year
12 that includes, at a minimum, an annual summary of the
13 monthly information reported to the Chief Procurement
14 Officer. This exemption becomes inoperative 5 years after
15 June 25, 2019 (the effective date of Public Act 101-27).

16 (19) Acquisition of modifications or adjustments,
17 limited to assistive technology devices and assistive
18 technology services, adaptive equipment, repairs, and
19 replacement parts to provide reasonable accommodations (i)
20 that enable a qualified applicant with a disability to
21 complete the job application process and be considered for
22 the position such qualified applicant desires, (ii) that
23 modify or adjust the work environment to enable a
24 qualified current employee with a disability to perform
25 the essential functions of the position held by that
26 employee, (iii) to enable a qualified current employee

1 with a disability to enjoy equal benefits and privileges
2 of employment as are enjoyed by ~~its~~ other similarly
3 situated employees without disabilities, and (iv) that
4 allow a customer, client, claimant, or member of the
5 public seeking State services full use and enjoyment of
6 and access to its programs, services, or benefits.

7 For purposes of this paragraph (19):

8 "Assistive technology devices" means any item, piece
9 of equipment, or product system, whether acquired
10 commercially off the shelf, modified, or customized, that
11 is used to increase, maintain, or improve functional
12 capabilities of individuals with disabilities.

13 "Assistive technology services" means any service that
14 directly assists an individual with a disability in
15 selection, acquisition, or use of an assistive technology
16 device.

17 "Qualified" has the same meaning and use as provided
18 under the federal Americans with Disabilities Act when
19 describing an individual with a disability.

20 (20) ~~(19)~~ Procurement expenditures necessary for the
21 Illinois Commerce Commission to hire third-party
22 facilitators pursuant to Sections 16-105.17 and ~~Section~~
23 16-108.18 of the Public Utilities Act or an ombudsman
24 pursuant to Section 16-107.5 of the Public Utilities Act,
25 a facilitator pursuant to Section 16-105.17 of the Public
26 Utilities Act, or a grid auditor pursuant to Section

1 16-105.10 of the Public Utilities Act.

2 Notwithstanding any other provision of law, for contracts
3 entered into on or after October 1, 2017 under an exemption
4 provided in any paragraph of this subsection (b), except
5 paragraph (1), (2), or (5), each State agency shall post to the
6 appropriate procurement bulletin the name of the contractor, a
7 description of the supply or service provided, the total
8 amount of the contract, the term of the contract, and the
9 exception to the Code utilized. The chief procurement officer
10 shall submit a report to the Governor and General Assembly no
11 later than November 1 of each year that shall include, at a
12 minimum, an annual summary of the monthly information reported
13 to the chief procurement officer.

14 (c) This Code does not apply to the electric power
15 procurement process provided for under Section 1-75 of the
16 Illinois Power Agency Act and Section 16-111.5 of the Public
17 Utilities Act.

18 (d) Except for Section 20-160 and Article 50 of this Code,
19 and as expressly required by Section 9.1 of the Illinois
20 Lottery Law, the provisions of this Code do not apply to the
21 procurement process provided for under Section 9.1 of the
22 Illinois Lottery Law.

23 (e) This Code does not apply to the process used by the
24 Capital Development Board to retain a person or entity to
25 assist the Capital Development Board with its duties related
26 to the determination of costs of a clean coal SNG brownfield

1 facility, as defined by Section 1-10 of the Illinois Power
2 Agency Act, as required in subsection (h-3) of Section 9-220
3 of the Public Utilities Act, including calculating the range
4 of capital costs, the range of operating and maintenance
5 costs, or the sequestration costs or monitoring the
6 construction of clean coal SNG brownfield facility for the
7 full duration of construction.

8 (f) (Blank).

9 (g) (Blank).

10 (h) This Code does not apply to the process to procure or
11 contracts entered into in accordance with Sections 11-5.2 and
12 11-5.3 of the Illinois Public Aid Code.

13 (i) Each chief procurement officer may access records
14 necessary to review whether a contract, purchase, or other
15 expenditure is or is not subject to the provisions of this
16 Code, unless such records would be subject to attorney-client
17 privilege.

18 (j) This Code does not apply to the process used by the
19 Capital Development Board to retain an artist or work or works
20 of art as required in Section 14 of the Capital Development
21 Board Act.

22 (k) This Code does not apply to the process to procure
23 contracts, or contracts entered into, by the State Board of
24 Elections or the State Electoral Board for hearing officers
25 appointed pursuant to the Election Code.

26 (l) This Code does not apply to the processes used by the

1 Illinois Student Assistance Commission to procure supplies and
2 services paid for from the private funds of the Illinois
3 Prepaid Tuition Fund. As used in this subsection (1), "private
4 funds" means funds derived from deposits paid into the
5 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

6 (m) This Code shall apply regardless of the source of
7 funds with which contracts are paid, including federal
8 assistance moneys. Except as specifically provided in this
9 Code, this Code shall not apply to procurement expenditures
10 necessary for the Department of Public Health to conduct the
11 Healthy Illinois Survey in accordance with Section 2310-431 of
12 the Department of Public Health Powers and Duties Law of the
13 Civil Administrative Code of Illinois.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
15 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff.
16 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
17 eff. 9-15-21; revised 11-23-21.)

18 Section 225. The State Property Control Act is amended by
19 changing Sections 7b and 7c as follows:

20 (30 ILCS 605/7b)

21 Sec. 7b. Maintenance and operation of Illinois State
22 Police vehicles. All proceeds received by the Department of
23 Central Management Services under this Act from the sale of
24 vehicles operated by the Illinois State Police shall be

1 deposited into the State Police Vehicle Fund. ~~Illinois~~
2 (Source: P.A. 101-636, eff. 6-10-20; 102-505, eff. 8-20-21;
3 102-538, eff. 8-20-21; revised 10-28-21.)

4 (30 ILCS 605/7c)

5 Sec. 7c. Acquisition of Illinois State Police vehicles.

6 (a) The State Police Vehicle Fund is created as a special
7 fund in the State treasury. All moneys in the Fund, subject to
8 appropriation, shall be used by the Illinois State Police:

9 (1) for the acquisition of vehicles for the Illinois
10 State Police;

11 (2) for debt service on bonds issued to finance the
12 acquisition of vehicles for the Illinois State Police; or

13 (3) for the maintenance and operation of vehicles for
14 the Illinois State Police.

15 (b) Notwithstanding any other provision of law to the
16 contrary, and in addition to any other transfers that may be
17 provided by law, on August 20, 2021 (the effective date of
18 Public Act 102-505) ~~this amendatory Act of the 102nd General~~
19 ~~Assembly~~, or as soon thereafter as practicable, the State
20 Comptroller shall direct and the State Treasurer shall
21 transfer the remaining balance from the State Police Vehicle
22 Maintenance Fund into the State Police Vehicle Fund. Upon
23 completion of the transfer, the State Police Vehicle
24 Maintenance Fund is dissolved, and any future deposits due to
25 that Fund and any outstanding obligations or liabilities of

1 that Fund shall pass to the State Police Vehicle Fund.
2 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;
3 revised 11-2-21.)

4 Section 230. The Grant Accountability and Transparency Act
5 is amended by changing Sections 20 and 45 as follows:

6 (30 ILCS 708/20)

7 Sec. 20. Adoption of federal rules applicable to grants.

8 (a) On or before July 1, 2016, the Governor's Office of
9 Management and Budget, with the advice and technical
10 assistance of the Illinois Single Audit Commission, shall
11 adopt rules which adopt the Uniform Guidance at 2 CFR 200. The
12 rules, which shall apply to all State and federal pass-through
13 awards effective on and after July 1, 2016, shall include the
14 following:

15 (1) Administrative requirements. In accordance with
16 Subparts B through D of 2 CFR 200, the rules shall set
17 forth the uniform administrative requirements for grant
18 and cooperative agreements, including the requirements for
19 the management by State awarding agencies of federal grant
20 programs before State and federal pass-through awards have
21 been made and requirements that State awarding agencies
22 may impose on non-federal entities in State and federal
23 pass-through awards.

24 (2) Cost principles. In accordance with Subpart E of 2

1 CFR 200, the rules shall establish principles for
2 determining the allowable costs incurred by non-federal
3 entities under State and federal pass-through awards. The
4 principles are intended for cost determination, but are
5 not intended to identify the circumstances or dictate the
6 extent of State or federal pass-through participation in
7 financing a particular program or project. The principles
8 shall provide that State and federal awards bear their
9 fair share of cost recognized under these principles,
10 except where restricted or prohibited by State or federal
11 law.

12 (3) Audit and single audit requirements and audit
13 follow-up. In accordance with Subpart F of 2 CFR 200 and
14 the federal Single Audit Act Amendments of 1996, the rules
15 shall set forth standards to obtain consistency and
16 uniformity among State and federal pass-through awarding
17 agencies for the audit of non-federal entities expending
18 State and federal awards. These provisions shall also set
19 forth the policies and procedures for State and federal
20 pass-through entities when using the results of these
21 audits.

22 The provisions of this item (3) do not apply to
23 for-profit subrecipients because for-profit subrecipients
24 are not subject to the requirements of 2 CFR 200, Subpart
25 F, Audits of States, Local and Non-Profit Organizations.
26 Audits of for-profit subrecipients must be conducted

1 pursuant to a Program Audit Guide issued by the Federal
2 awarding agency. If a Program Audit Guide is not
3 available, the State awarding agency must prepare a
4 Program Audit Guide in accordance with the 2 CFR 200,
5 Subpart F - Audit Requirements - Compliance Supplement.
6 For-profit entities are subject to all other general
7 administrative requirements and cost principles applicable
8 to grants.

9 (b) This Act addresses only State and federal pass-through
10 auditing functions and does not address the external audit
11 function of the Auditor General.

12 (c) For public institutions of higher education, the
13 provisions of this Section apply only to awards funded by
14 federal pass-through awards from a State agency to public
15 institutions of higher education. Federal pass-through awards
16 from a State agency to public institutions of higher education
17 are governed by and must comply with federal guidelines under
18 2 CFR 200.

19 (d) The State grant-making agency is responsible for
20 establishing requirements, as necessary, to ensure compliance
21 by for-profit subrecipients. The agreement with the for-profit
22 subrecipient shall describe the applicable compliance
23 requirements and the for-profit subrecipient's compliance
24 responsibility. Methods to ensure compliance for State and
25 federal pass-through awards made to for-profit subrecipients
26 shall include pre-award~~7~~ audits, monitoring during the

1 agreement, and post-award audits. The Governor's Office of
2 Management and Budget shall provide such advice and technical
3 assistance to the State grant-making agency as is necessary or
4 indicated.

5 (Source: P.A. 102-626, eff. 8-27-21; revised 12-2-21.)

6 (30 ILCS 708/45)

7 Sec. 45. Applicability.

8 (a) Except as otherwise provided in this Section, the
9 requirements established under this Act apply to State
10 grant-making agencies that make State and federal pass-through
11 awards to non-federal entities. These requirements apply to
12 all costs related to State and federal pass-through awards.
13 The requirements established under this Act do not apply to
14 private awards, to allocations of State revenues paid over by
15 the Comptroller to units of local government and other taxing
16 districts pursuant to the State Revenue Sharing Act from the
17 Local Government Distributive Fund or the Personal Property
18 Tax Replacement Fund, or to allotments of State motor fuel tax
19 revenues distributed by the Department of Transportation to
20 units of local government pursuant to the Motor Fuel Tax Law
21 from the Motor Fuel Tax Fund or the Transportation Renewal
22 Fund.

23 (a-5) Nothing in this Act shall prohibit the use of State
24 funds for purposes of federal match or maintenance of effort.

25 (b) The terms and conditions of State, federal, and

1 pass-through awards apply to subawards and subrecipients
2 unless a particular Section of this Act or the terms and
3 conditions of the State or federal award specifically indicate
4 otherwise. Non-federal entities shall comply with requirements
5 of this Act regardless of whether the non-federal entity is a
6 recipient or subrecipient of a State or federal pass-through
7 award. Pass-through entities shall comply with the
8 requirements set forth under the rules adopted under
9 subsection (a) of Section 20 of this Act, but not to any
10 requirements in this Act directed towards State or federal
11 awarding agencies, unless the requirements of the State or
12 federal awards indicate otherwise.

13 When a non-federal entity is awarded a cost-reimbursement
14 contract, only 2 CFR 200.330 through 200.332 are incorporated
15 by reference into the contract. However, when the Cost
16 Accounting Standards are applicable to the contract, they take
17 precedence over the requirements of this Act unless they are
18 in conflict with Subpart F of 2 CFR 200. In addition, costs
19 that are made unallowable under 10 U.S.C. 2324(e) and 41
20 U.S.C. 4304(a), as described in the Federal Acquisition
21 Regulations, subpart 31.2 and subpart 31.603, are always
22 unallowable. For requirements other than those covered in
23 Subpart D of 2 CFR 200.330 through 200.332, the terms of the
24 contract and the Federal Acquisition Regulations apply.

25 With the exception of Subpart F of 2 CFR 200, which is
26 required by the Single Audit Act, in any circumstances where

1 the provisions of federal statutes or regulations differ from
2 the provisions of this Act, the provision of the federal
3 statutes or regulations govern. This includes, for agreements
4 with Indian tribes, the provisions of the Indian
5 Self-Determination and Education and Assistance Act, as
6 amended, 25 U.S.C. 450-458ddd-2.

7 (c) State grant-making agencies may apply subparts A
8 through E of 2 CFR 200 to for-profit entities, foreign public
9 entities, or foreign organizations, except where the awarding
10 agency determines that the application of these subparts would
11 be inconsistent with the international obligations of the
12 United States or the statute or regulations of a foreign
13 government.

14 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
15 different types of awards. The same applicability applies to
16 this Act.

17 (e) (Blank).

18 (f) For public institutions of higher education, the
19 provisions of this Act apply only to awards funded by federal
20 pass-through awards from a State agency to public institutions
21 of higher education. This Act shall recognize provisions in 2
22 CFR 200 as applicable to public institutions of higher
23 education, including Appendix III of Part 200 and the cost
24 principles under Subpart E.

25 (g) Each grant-making agency shall enhance its processes
26 to monitor and address noncompliance with reporting

1 requirements and with program performance standards. Where
2 applicable, the process may include a corrective action plan.
3 The monitoring process shall include a plan for tracking and
4 documenting performance-based contracting decisions.

5 (h) Notwithstanding any provision of law to the contrary,
6 grants awarded from federal funds received from the federal
7 Coronavirus State Fiscal Recovery Fund in accordance with
8 Section 9901 of the American Rescue Plan Act of 2021 are
9 subject to the provisions of this Act, but only to the extent
10 required by Section 9901 of the American Rescue Plan Act of
11 2021 and other applicable federal law or regulation.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-16, eff. 6-17-21;
13 102-626, eff. 8-27-21; revised 10-27-21.)

14 Section 235. The Intergovernmental Drug Laws Enforcement
15 Act is amended by changing Section 3 as follows:

16 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

17 Sec. 3. A Metropolitan Enforcement Group which meets the
18 minimum criteria established in this Section is eligible to
19 receive State grants to help defray the costs of operation. To
20 be eligible a MEG must:

21 (1) Be established and operating pursuant to
22 intergovernmental contracts written and executed in
23 conformity with the Intergovernmental Cooperation Act, and
24 involve 2 or more units of local government.

1 (2) Establish a MEG Policy Board composed of an
2 elected official, or his designee, and the chief law
3 enforcement officer, or his designee, from each
4 participating unit of local government to oversee the
5 operations of the MEG and make such reports to the
6 Illinois State Police as the Illinois State Police may
7 require.

8 (3) Designate a single appropriate elected official of
9 a participating unit of local government to act as the
10 financial officer of the MEG for all participating units
11 of local government and to receive funds for the operation
12 of the MEG.

13 (4) Limit its operations to enforcement of drug laws;
14 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
15 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
16 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
17 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code
18 of 2012; Sections 2, 3, 6.1, and 14 of the Firearm Owners
19 Identification Card Act; and the investigation of
20 streetgang related offenses.

21 (5) Cooperate with the Illinois State Police in order
22 to assure compliance with this Act and to enable the
23 Illinois State Police to fulfill its duties under this
24 Act, and supply the Illinois State Police with all
25 information the Illinois State Police deems necessary
26 therefor.

1 (6) Receive funding of at least 50% of the total
2 operating budget of the MEG from the participating units
3 of local government.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
5 revised 10-6-21.)

6 Section 240. The State Mandates Act is amended by changing
7 Sections 8.43, 8.44, and 8.45 as follows:

8 (30 ILCS 805/8.43)

9 Sec. 8.43. Exempt mandate.

10 (a) Notwithstanding Sections 6 and 8 of this Act, no
11 reimbursement by the State is required for the implementation
12 of any mandate created by Public Act 101-11, 101-49, 101-275,
13 101-320, 101-377, 101-387, 101-474, 101-492, 101-502, 101-504,
14 101-522, 101-610, ~~or~~ 101-627, or 101-673.

15 (b) Notwithstanding Sections 6 and 8 of this Act, no
16 reimbursement by the State is required for the implementation
17 of any mandate created by the Seizure Smart School Act.

18 (Source: P.A. 101-11, eff. 6-7-19; 101-49, eff. 7-12-19;
19 101-50, eff. 7-1-20; 101-275, eff. 8-9-19; 101-320, eff.
20 8-9-19; 101-377, eff. 8-16-19; 101-387, eff. 8-16-19; 101-474,
21 eff. 8-23-19; 101-492, eff. 8-23-19; 101-502, eff. 8-23-19;
22 101-504, eff. 7-1-20; 101-522, eff. 8-23-19; 101-610, eff.
23 1-1-20; 101-627, eff. 1-24-20; 101-673, eff. 4-5-21; 102-558,
24 eff. 8-20-21; revised 9-28-21.)

1 (30 ILCS 805/8.44)

2 Sec. 8.44. Exempt mandate.

3 (a) Notwithstanding Sections 6 and 8 of this Act, no
4 reimbursement by the State is required for the implementation
5 of any mandate created by Section 4-7 of the Illinois Local
6 Library Act or Section 30-55.60 of the Public Library District
7 Act of 1991.

8 (b) Notwithstanding Sections 6 and 8 of this Act, no
9 reimbursement by the State is required for the implementation
10 of any mandate created by Public Act 101-633 or 101-653.

11 (Source: P.A. 101-632, eff. 6-5-20; 101-633, eff. 6-5-20;
12 101-653, eff. 2-28-21; 102-558, eff. 8-20-21; revised
13 8-20-21.)

14 (30 ILCS 805/8.45)

15 (Text of Section before amendment by P.A. 102-466)

16 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
17 8 of this Act, no reimbursement by the State is required for
18 the implementation of any mandate created by Public Act
19 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125,
20 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-540,
21 102-552, or 102-636 ~~this amendatory Act of the 102nd General~~
22 ~~Assembly.~~

23 (Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21;
24 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22;

1 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff.
2 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265,
3 eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21;
4 102-540, eff. 8-20-21; 102-552, eff. 1-1-22; 102-636, eff.
5 8-27-21; revised 10-1-21.)

6 (Text of Section after amendment by P.A. 102-466)

7 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
8 of this Act, no reimbursement by the State is required for
9 the implementation of any mandate created by Public Act
10 102-16, 102-63, 102-81, 102-91, 102-97, 102-113, 102-125,
11 102-202, 102-210, 102-263, 102-265, 102-293, 102-342, 102-466,
12 102-540, 102-552, or 102-636 ~~this amendatory Act of the 102nd~~
13 ~~General Assembly.~~

14 (Source: P.A. 102-16, eff. 6-17-21; 102-63, eff. 7-9-21;
15 102-81, eff. 7-9-21; 102-91, eff. 7-9-21; 102-97, eff. 1-1-22;
16 102-113, eff. 7-23-21; 102-125, eff. 7-23-21; 102-202, eff.
17 7-30-21; 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-265,
18 eff. 8-6-21; 102-293, eff. 8-6-21; 102-342, eff. 8-13-21;
19 102-466, eff. 7-1-25; 102-540, eff. 8-20-21; 102-552, eff.
20 1-1-22; 102-636, eff. 8-27-21; revised 10-1-21.)

21 Section 245. The Illinois Income Tax Act is amended by
22 changing Sections 203, 901, and 917 as follows:

23 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

1 Sec. 203. Base income defined.

2 (a) Individuals.

3 (1) In general. In the case of an individual, base
4 income means an amount equal to the taxpayer's adjusted
5 gross income for the taxable year as modified by paragraph
6 (2).

7 (2) Modifications. The adjusted gross income referred
8 to in paragraph (1) shall be modified by adding thereto
9 the sum of the following amounts:

10 (A) An amount equal to all amounts paid or accrued
11 to the taxpayer as interest or dividends during the
12 taxable year to the extent excluded from gross income
13 in the computation of adjusted gross income, except
14 stock dividends of qualified public utilities
15 described in Section 305(e) of the Internal Revenue
16 Code;

17 (B) An amount equal to the amount of tax imposed by
18 this Act to the extent deducted from gross income in
19 the computation of adjusted gross income for the
20 taxable year;

21 (C) An amount equal to the amount received during
22 the taxable year as a recovery or refund of real
23 property taxes paid with respect to the taxpayer's
24 principal residence under the Revenue Act of 1939 and
25 for which a deduction was previously taken under
26 subparagraph (L) of this paragraph (2) prior to July

1 1, 1991, the retrospective application date of Article
2 4 of Public Act 87-17. In the case of multi-unit or
3 multi-use structures and farm dwellings, the taxes on
4 the taxpayer's principal residence shall be that
5 portion of the total taxes for the entire property
6 which is attributable to such principal residence;

7 (D) An amount equal to the amount of the capital
8 gain deduction allowable under the Internal Revenue
9 Code, to the extent deducted from gross income in the
10 computation of adjusted gross income;

11 (D-5) An amount, to the extent not included in
12 adjusted gross income, equal to the amount of money
13 withdrawn by the taxpayer in the taxable year from a
14 medical care savings account and the interest earned
15 on the account in the taxable year of a withdrawal
16 pursuant to subsection (b) of Section 20 of the
17 Medical Care Savings Account Act or subsection (b) of
18 Section 20 of the Medical Care Savings Account Act of
19 2000;

20 (D-10) For taxable years ending after December 31,
21 1997, an amount equal to any eligible remediation
22 costs that the individual deducted in computing
23 adjusted gross income and for which the individual
24 claims a credit under subsection (1) of Section 201;

25 (D-15) For taxable years 2001 and thereafter, an
26 amount equal to the bonus depreciation deduction taken

1 on the taxpayer's federal income tax return for the
2 taxable year under subsection (k) of Section 168 of
3 the Internal Revenue Code;

4 (D-16) If the taxpayer sells, transfers, abandons,
5 or otherwise disposes of property for which the
6 taxpayer was required in any taxable year to make an
7 addition modification under subparagraph (D-15), then
8 an amount equal to the aggregate amount of the
9 deductions taken in all taxable years under
10 subparagraph (Z) with respect to that property.

11 If the taxpayer continues to own property through
12 the last day of the last tax year for which a
13 subtraction is allowed with respect to that property
14 under subparagraph (Z) and for which the taxpayer was
15 allowed in any taxable year to make a subtraction
16 modification under subparagraph (Z), then an amount
17 equal to that subtraction modification.

18 The taxpayer is required to make the addition
19 modification under this subparagraph only once with
20 respect to any one piece of property;

21 (D-17) An amount equal to the amount otherwise
22 allowed as a deduction in computing base income for
23 interest paid, accrued, or incurred, directly or
24 indirectly, (i) for taxable years ending on or after
25 December 31, 2004, to a foreign person who would be a
26 member of the same unitary business group but for the

1 fact that foreign person's business activity outside
2 the United States is 80% or more of the foreign
3 person's total business activity and (ii) for taxable
4 years ending on or after December 31, 2008, to a person
5 who would be a member of the same unitary business
6 group but for the fact that the person is prohibited
7 under Section 1501(a)(27) from being included in the
8 unitary business group because he or she is ordinarily
9 required to apportion business income under different
10 subsections of Section 304. The addition modification
11 required by this subparagraph shall be reduced to the
12 extent that dividends were included in base income of
13 the unitary group for the same taxable year and
14 received by the taxpayer or by a member of the
15 taxpayer's unitary business group (including amounts
16 included in gross income under Sections 951 through
17 964 of the Internal Revenue Code and amounts included
18 in gross income under Section 78 of the Internal
19 Revenue Code) with respect to the stock of the same
20 person to whom the interest was paid, accrued, or
21 incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or
24 incurred, directly or indirectly, to a person who
25 is subject in a foreign country or state, other
26 than a state which requires mandatory unitary

1 reporting, to a tax on or measured by net income
2 with respect to such interest; or

3 (ii) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person if
5 the taxpayer can establish, based on a
6 preponderance of the evidence, both of the
7 following:

8 (a) the person, during the same taxable
9 year, paid, accrued, or incurred, the interest
10 to a person that is not a related member, and

11 (b) the transaction giving rise to the
12 interest expense between the taxpayer and the
13 person did not have as a principal purpose the
14 avoidance of Illinois income tax, and is paid
15 pursuant to a contract or agreement that
16 reflects an arm's-length interest rate and
17 terms; or

18 (iii) the taxpayer can establish, based on
19 clear and convincing evidence, that the interest
20 paid, accrued, or incurred relates to a contract
21 or agreement entered into at arm's-length rates
22 and terms and the principal purpose for the
23 payment is not federal or Illinois tax avoidance;
24 or

25 (iv) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer establishes by clear and convincing
2 evidence that the adjustments are unreasonable; or
3 if the taxpayer and the Director agree in writing
4 to the application or use of an alternative method
5 of apportionment under Section 304(f).

6 Nothing in this subsection shall preclude the
7 Director from making any other adjustment
8 otherwise allowed under Section 404 of this Act
9 for any tax year beginning after the effective
10 date of this amendment provided such adjustment is
11 made pursuant to regulation adopted by the
12 Department and such regulations provide methods
13 and standards by which the Department will utilize
14 its authority under Section 404 of this Act;

15 (D-18) An amount equal to the amount of intangible
16 expenses and costs otherwise allowed as a deduction in
17 computing base income, and that were paid, accrued, or
18 incurred, directly or indirectly, (i) for taxable
19 years ending on or after December 31, 2004, to a
20 foreign person who would be a member of the same
21 unitary business group but for the fact that the
22 foreign person's business activity outside the United
23 States is 80% or more of that person's total business
24 activity and (ii) for taxable years ending on or after
25 December 31, 2008, to a person who would be a member of
26 the same unitary business group but for the fact that

1 the person is prohibited under Section 1501(a)(27)
2 from being included in the unitary business group
3 because he or she is ordinarily required to apportion
4 business income under different subsections of Section
5 304. The addition modification required by this
6 subparagraph shall be reduced to the extent that
7 dividends were included in base income of the unitary
8 group for the same taxable year and received by the
9 taxpayer or by a member of the taxpayer's unitary
10 business group (including amounts included in gross
11 income under Sections 951 through 964 of the Internal
12 Revenue Code and amounts included in gross income
13 under Section 78 of the Internal Revenue Code) with
14 respect to the stock of the same person to whom the
15 intangible expenses and costs were directly or
16 indirectly paid, incurred, or accrued. The preceding
17 sentence does not apply to the extent that the same
18 dividends caused a reduction to the addition
19 modification required under Section 203(a)(2)(D-17) of
20 this Act. As used in this subparagraph, the term
21 "intangible expenses and costs" includes (1) expenses,
22 losses, and costs for, or related to, the direct or
23 indirect acquisition, use, maintenance or management,
24 ownership, sale, exchange, or any other disposition of
25 intangible property; (2) losses incurred, directly or
26 indirectly, from factoring transactions or discounting

1 transactions; (3) royalty, patent, technical, and
2 copyright fees; (4) licensing fees; and (5) other
3 similar expenses and costs. For purposes of this
4 subparagraph, "intangible property" includes patents,
5 patent applications, trade names, trademarks, service
6 marks, copyrights, mask works, trade secrets, and
7 similar types of intangible assets.

8 This paragraph shall not apply to the following:

9 (i) any item of intangible expenses or costs
10 paid, accrued, or incurred, directly or
11 indirectly, from a transaction with a person who
12 is subject in a foreign country or state, other
13 than a state which requires mandatory unitary
14 reporting, to a tax on or measured by net income
15 with respect to such item; or

16 (ii) any item of intangible expense or cost
17 paid, accrued, or incurred, directly or
18 indirectly, if the taxpayer can establish, based
19 on a preponderance of the evidence, both of the
20 following:

21 (a) the person during the same taxable
22 year paid, accrued, or incurred, the
23 intangible expense or cost to a person that is
24 not a related member, and

25 (b) the transaction giving rise to the
26 intangible expense or cost between the

1 taxpayer and the person did not have as a
2 principal purpose the avoidance of Illinois
3 income tax, and is paid pursuant to a contract
4 or agreement that reflects arm's-length terms;
5 or

6 (iii) any item of intangible expense or cost
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person if
9 the taxpayer establishes by clear and convincing
10 evidence, that the adjustments are unreasonable;
11 or if the taxpayer and the Director agree in
12 writing to the application or use of an
13 alternative method of apportionment under Section
14 304(f);

15 Nothing in this subsection shall preclude the
16 Director from making any other adjustment
17 otherwise allowed under Section 404 of this Act
18 for any tax year beginning after the effective
19 date of this amendment provided such adjustment is
20 made pursuant to regulation adopted by the
21 Department and such regulations provide methods
22 and standards by which the Department will utilize
23 its authority under Section 404 of this Act;

24 (D-19) For taxable years ending on or after
25 December 31, 2008, an amount equal to the amount of
26 insurance premium expenses and costs otherwise allowed

1 as a deduction in computing base income, and that were
2 paid, accrued, or incurred, directly or indirectly, to
3 a person who would be a member of the same unitary
4 business group but for the fact that the person is
5 prohibited under Section 1501(a)(27) from being
6 included in the unitary business group because he or
7 she is ordinarily required to apportion business
8 income under different subsections of Section 304. The
9 addition modification required by this subparagraph
10 shall be reduced to the extent that dividends were
11 included in base income of the unitary group for the
12 same taxable year and received by the taxpayer or by a
13 member of the taxpayer's unitary business group
14 (including amounts included in gross income under
15 Sections 951 through 964 of the Internal Revenue Code
16 and amounts included in gross income under Section 78
17 of the Internal Revenue Code) with respect to the
18 stock of the same person to whom the premiums and costs
19 were directly or indirectly paid, incurred, or
20 accrued. The preceding sentence does not apply to the
21 extent that the same dividends caused a reduction to
22 the addition modification required under Section
23 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this
24 Act;

25 (D-20) For taxable years beginning on or after
26 January 1, 2002 and ending on or before December 31,

1 2006, in the case of a distribution from a qualified
2 tuition program under Section 529 of the Internal
3 Revenue Code, other than (i) a distribution from a
4 College Savings Pool created under Section 16.5 of the
5 State Treasurer Act or (ii) a distribution from the
6 Illinois Prepaid Tuition Trust Fund, an amount equal
7 to the amount excluded from gross income under Section
8 529(c)(3)(B). For taxable years beginning on or after
9 January 1, 2007, in the case of a distribution from a
10 qualified tuition program under Section 529 of the
11 Internal Revenue Code, other than (i) a distribution
12 from a College Savings Pool created under Section 16.5
13 of the State Treasurer Act, (ii) a distribution from
14 the Illinois Prepaid Tuition Trust Fund, or (iii) a
15 distribution from a qualified tuition program under
16 Section 529 of the Internal Revenue Code that (I)
17 adopts and determines that its offering materials
18 comply with the College Savings Plans Network's
19 disclosure principles and (II) has made reasonable
20 efforts to inform in-state residents of the existence
21 of in-state qualified tuition programs by informing
22 Illinois residents directly and, where applicable, to
23 inform financial intermediaries distributing the
24 program to inform in-state residents of the existence
25 of in-state qualified tuition programs at least
26 annually, an amount equal to the amount excluded from

1 gross income under Section 529(c)(3)(B).

2 For the purposes of this subparagraph (D-20), a
3 qualified tuition program has made reasonable efforts
4 if it makes disclosures (which may use the term
5 "in-state program" or "in-state plan" and need not
6 specifically refer to Illinois or its qualified
7 programs by name) (i) directly to prospective
8 participants in its offering materials or makes a
9 public disclosure, such as a website posting; and (ii)
10 where applicable, to intermediaries selling the
11 out-of-state program in the same manner that the
12 out-of-state program distributes its offering
13 materials;

14 (D-20.5) For taxable years beginning on or after
15 January 1, 2018, in the case of a distribution from a
16 qualified ABLE program under Section 529A of the
17 Internal Revenue Code, other than a distribution from
18 a qualified ABLE program created under Section 16.6 of
19 the State Treasurer Act, an amount equal to the amount
20 excluded from gross income under Section 529A(c)(1)(B)
21 of the Internal Revenue Code;

22 (D-21) For taxable years beginning on or after
23 January 1, 2007, in the case of transfer of moneys from
24 a qualified tuition program under Section 529 of the
25 Internal Revenue Code that is administered by the
26 State to an out-of-state program, an amount equal to

1 the amount of moneys previously deducted from base
2 income under subsection (a) (2) (Y) of this Section;

3 (D-21.5) For taxable years beginning on or after
4 January 1, 2018, in the case of the transfer of moneys
5 from a qualified tuition program under Section 529 or
6 a qualified ABLE program under Section 529A of the
7 Internal Revenue Code that is administered by this
8 State to an ABLE account established under an
9 out-of-state ABLE account program, an amount equal to
10 the contribution component of the transferred amount
11 that was previously deducted from base income under
12 subsection (a) (2) (Y) or subsection (a) (2) (HH) of this
13 Section;

14 (D-22) For taxable years beginning on or after
15 January 1, 2009, and prior to January 1, 2018, in the
16 case of a nonqualified withdrawal or refund of moneys
17 from a qualified tuition program under Section 529 of
18 the Internal Revenue Code administered by the State
19 that is not used for qualified expenses at an eligible
20 education institution, an amount equal to the
21 contribution component of the nonqualified withdrawal
22 or refund that was previously deducted from base
23 income under subsection (a) (2) (y) of this Section,
24 provided that the withdrawal or refund did not result
25 from the beneficiary's death or disability. For
26 taxable years beginning on or after January 1, 2018:

1 (1) in the case of a nonqualified withdrawal or
2 refund, as defined under Section 16.5 of the State
3 Treasurer Act, of moneys from a qualified tuition
4 program under Section 529 of the Internal Revenue Code
5 administered by the State, an amount equal to the
6 contribution component of the nonqualified withdrawal
7 or refund that was previously deducted from base
8 income under subsection (a)(2)(Y) of this Section, and
9 (2) in the case of a nonqualified withdrawal or refund
10 from a qualified ABLE program under Section 529A of
11 the Internal Revenue Code administered by the State
12 that is not used for qualified disability expenses, an
13 amount equal to the contribution component of the
14 nonqualified withdrawal or refund that was previously
15 deducted from base income under subsection (a)(2)(HH)
16 of this Section;

17 (D-23) An amount equal to the credit allowable to
18 the taxpayer under Section 218(a) of this Act,
19 determined without regard to Section 218(c) of this
20 Act;

21 (D-24) For taxable years ending on or after
22 December 31, 2017, an amount equal to the deduction
23 allowed under Section 199 of the Internal Revenue Code
24 for the taxable year;

25 (D-25) In the case of a resident, an amount equal
26 to the amount of tax for which a credit is allowed

1 pursuant to Section 201(p) (7) of this Act;
2 and by deducting from the total so obtained the sum of the
3 following amounts:

4 (E) For taxable years ending before December 31,
5 2001, any amount included in such total in respect of
6 any compensation (including but not limited to any
7 compensation paid or accrued to a serviceman while a
8 prisoner of war or missing in action) paid to a
9 resident by reason of being on active duty in the Armed
10 Forces of the United States and in respect of any
11 compensation paid or accrued to a resident who as a
12 governmental employee was a prisoner of war or missing
13 in action, and in respect of any compensation paid to a
14 resident in 1971 or thereafter for annual training
15 performed pursuant to Sections 502 and 503, Title 32,
16 United States Code as a member of the Illinois
17 National Guard or, beginning with taxable years ending
18 on or after December 31, 2007, the National Guard of
19 any other state. For taxable years ending on or after
20 December 31, 2001, any amount included in such total
21 in respect of any compensation (including but not
22 limited to any compensation paid or accrued to a
23 serviceman while a prisoner of war or missing in
24 action) paid to a resident by reason of being a member
25 of any component of the Armed Forces of the United
26 States and in respect of any compensation paid or

1 accrued to a resident who as a governmental employee
2 was a prisoner of war or missing in action, and in
3 respect of any compensation paid to a resident in 2001
4 or thereafter by reason of being a member of the
5 Illinois National Guard or, beginning with taxable
6 years ending on or after December 31, 2007, the
7 National Guard of any other state. The provisions of
8 this subparagraph (E) are exempt from the provisions
9 of Section 250;

10 (F) An amount equal to all amounts included in
11 such total pursuant to the provisions of Sections
12 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
13 408 of the Internal Revenue Code, or included in such
14 total as distributions under the provisions of any
15 retirement or disability plan for employees of any
16 governmental agency or unit, or retirement payments to
17 retired partners, which payments are excluded in
18 computing net earnings from self employment by Section
19 1402 of the Internal Revenue Code and regulations
20 adopted pursuant thereto;

21 (G) The valuation limitation amount;

22 (H) An amount equal to the amount of any tax
23 imposed by this Act which was refunded to the taxpayer
24 and included in such total for the taxable year;

25 (I) An amount equal to all amounts included in
26 such total pursuant to the provisions of Section 111

1 of the Internal Revenue Code as a recovery of items
2 previously deducted from adjusted gross income in the
3 computation of taxable income;

4 (J) An amount equal to those dividends included in
5 such total which were paid by a corporation which
6 conducts business operations in a River Edge
7 Redevelopment Zone or zones created under the River
8 Edge Redevelopment Zone Act, and conducts
9 substantially all of its operations in a River Edge
10 Redevelopment Zone or zones. This subparagraph (J) is
11 exempt from the provisions of Section 250;

12 (K) An amount equal to those dividends included in
13 such total that were paid by a corporation that
14 conducts business operations in a federally designated
15 Foreign Trade Zone or Sub-Zone and that is designated
16 a High Impact Business located in Illinois; provided
17 that dividends eligible for the deduction provided in
18 subparagraph (J) of paragraph (2) of this subsection
19 shall not be eligible for the deduction provided under
20 this subparagraph (K);

21 (L) For taxable years ending after December 31,
22 1983, an amount equal to all social security benefits
23 and railroad retirement benefits included in such
24 total pursuant to Sections 72(r) and 86 of the
25 Internal Revenue Code;

26 (M) With the exception of any amounts subtracted

1 under subparagraph (N), an amount equal to the sum of
2 all amounts disallowed as deductions by (i) Sections
3 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
4 and all amounts of expenses allocable to interest and
5 disallowed as deductions by Section 265(a)(1) of the
6 Internal Revenue Code; and (ii) for taxable years
7 ending on or after August 13, 1999, Sections
8 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
9 Internal Revenue Code, plus, for taxable years ending
10 on or after December 31, 2011, Section 45G(e)(3) of
11 the Internal Revenue Code and, for taxable years
12 ending on or after December 31, 2008, any amount
13 included in gross income under Section 87 of the
14 Internal Revenue Code; the provisions of this
15 subparagraph are exempt from the provisions of Section
16 250;

17 (N) An amount equal to all amounts included in
18 such total which are exempt from taxation by this
19 State either by reason of its statutes or Constitution
20 or by reason of the Constitution, treaties or statutes
21 of the United States; provided that, in the case of any
22 statute of this State that exempts income derived from
23 bonds or other obligations from the tax imposed under
24 this Act, the amount exempted shall be the interest
25 net of bond premium amortization;

26 (O) An amount equal to any contribution made to a

1 job training project established pursuant to the Tax
2 Increment Allocation Redevelopment Act;

3 (P) An amount equal to the amount of the deduction
4 used to compute the federal income tax credit for
5 restoration of substantial amounts held under claim of
6 right for the taxable year pursuant to Section 1341 of
7 the Internal Revenue Code or of any itemized deduction
8 taken from adjusted gross income in the computation of
9 taxable income for restoration of substantial amounts
10 held under claim of right for the taxable year;

11 (Q) An amount equal to any amounts included in
12 such total, received by the taxpayer as an
13 acceleration in the payment of life, endowment or
14 annuity benefits in advance of the time they would
15 otherwise be payable as an indemnity for a terminal
16 illness;

17 (R) An amount equal to the amount of any federal or
18 State bonus paid to veterans of the Persian Gulf War;

19 (S) An amount, to the extent included in adjusted
20 gross income, equal to the amount of a contribution
21 made in the taxable year on behalf of the taxpayer to a
22 medical care savings account established under the
23 Medical Care Savings Account Act or the Medical Care
24 Savings Account Act of 2000 to the extent the
25 contribution is accepted by the account administrator
26 as provided in that Act;

1 (T) An amount, to the extent included in adjusted
2 gross income, equal to the amount of interest earned
3 in the taxable year on a medical care savings account
4 established under the Medical Care Savings Account Act
5 or the Medical Care Savings Account Act of 2000 on
6 behalf of the taxpayer, other than interest added
7 pursuant to item (D-5) of this paragraph (2);

8 (U) For one taxable year beginning on or after
9 January 1, 1994, an amount equal to the total amount of
10 tax imposed and paid under subsections (a) and (b) of
11 Section 201 of this Act on grant amounts received by
12 the taxpayer under the Nursing Home Grant Assistance
13 Act during the taxpayer's taxable years 1992 and 1993;

14 (V) Beginning with tax years ending on or after
15 December 31, 1995 and ending with tax years ending on
16 or before December 31, 2004, an amount equal to the
17 amount paid by a taxpayer who is a self-employed
18 taxpayer, a partner of a partnership, or a shareholder
19 in a Subchapter S corporation for health insurance or
20 long-term care insurance for that taxpayer or that
21 taxpayer's spouse or dependents, to the extent that
22 the amount paid for that health insurance or long-term
23 care insurance may be deducted under Section 213 of
24 the Internal Revenue Code, has not been deducted on
25 the federal income tax return of the taxpayer, and
26 does not exceed the taxable income attributable to

1 that taxpayer's income, self-employment income, or
2 Subchapter S corporation income; except that no
3 deduction shall be allowed under this item (V) if the
4 taxpayer is eligible to participate in any health
5 insurance or long-term care insurance plan of an
6 employer of the taxpayer or the taxpayer's spouse. The
7 amount of the health insurance and long-term care
8 insurance subtracted under this item (V) shall be
9 determined by multiplying total health insurance and
10 long-term care insurance premiums paid by the taxpayer
11 times a number that represents the fractional
12 percentage of eligible medical expenses under Section
13 213 of the Internal Revenue Code of 1986 not actually
14 deducted on the taxpayer's federal income tax return;

15 (W) For taxable years beginning on or after
16 January 1, 1998, all amounts included in the
17 taxpayer's federal gross income in the taxable year
18 from amounts converted from a regular IRA to a Roth
19 IRA. This paragraph is exempt from the provisions of
20 Section 250;

21 (X) For taxable year 1999 and thereafter, an
22 amount equal to the amount of any (i) distributions,
23 to the extent includible in gross income for federal
24 income tax purposes, made to the taxpayer because of
25 his or her status as a victim of persecution for racial
26 or religious reasons by Nazi Germany or any other Axis

1 regime or as an heir of the victim and (ii) items of
2 income, to the extent includible in gross income for
3 federal income tax purposes, attributable to, derived
4 from or in any way related to assets stolen from,
5 hidden from, or otherwise lost to a victim of
6 persecution for racial or religious reasons by Nazi
7 Germany or any other Axis regime immediately prior to,
8 during, and immediately after World War II, including,
9 but not limited to, interest on the proceeds
10 receivable as insurance under policies issued to a
11 victim of persecution for racial or religious reasons
12 by Nazi Germany or any other Axis regime by European
13 insurance companies immediately prior to and during
14 World War II; provided, however, this subtraction from
15 federal adjusted gross income does not apply to assets
16 acquired with such assets or with the proceeds from
17 the sale of such assets; provided, further, this
18 paragraph shall only apply to a taxpayer who was the
19 first recipient of such assets after their recovery
20 and who is a victim of persecution for racial or
21 religious reasons by Nazi Germany or any other Axis
22 regime or as an heir of the victim. The amount of and
23 the eligibility for any public assistance, benefit, or
24 similar entitlement is not affected by the inclusion
25 of items (i) and (ii) of this paragraph in gross income
26 for federal income tax purposes. This paragraph is

1 exempt from the provisions of Section 250;

2 (Y) For taxable years beginning on or after
3 January 1, 2002 and ending on or before December 31,
4 2004, moneys contributed in the taxable year to a
5 College Savings Pool account under Section 16.5 of the
6 State Treasurer Act, except that amounts excluded from
7 gross income under Section 529(c)(3)(C)(i) of the
8 Internal Revenue Code shall not be considered moneys
9 contributed under this subparagraph (Y). For taxable
10 years beginning on or after January 1, 2005, a maximum
11 of \$10,000 contributed in the taxable year to (i) a
12 College Savings Pool account under Section 16.5 of the
13 State Treasurer Act or (ii) the Illinois Prepaid
14 Tuition Trust Fund, except that amounts excluded from
15 gross income under Section 529(c)(3)(C)(i) of the
16 Internal Revenue Code shall not be considered moneys
17 contributed under this subparagraph (Y). For purposes
18 of this subparagraph, contributions made by an
19 employer on behalf of an employee, or matching
20 contributions made by an employee, shall be treated as
21 made by the employee. This subparagraph (Y) is exempt
22 from the provisions of Section 250;

23 (Z) For taxable years 2001 and thereafter, for the
24 taxable year in which the bonus depreciation deduction
25 is taken on the taxpayer's federal income tax return
26 under subsection (k) of Section 168 of the Internal

1 Revenue Code and for each applicable taxable year
2 thereafter, an amount equal to "x", where:

3 (1) "y" equals the amount of the depreciation
4 deduction taken for the taxable year on the
5 taxpayer's federal income tax return on property
6 for which the bonus depreciation deduction was
7 taken in any year under subsection (k) of Section
8 168 of the Internal Revenue Code, but not
9 including the bonus depreciation deduction;

10 (2) for taxable years ending on or before
11 December 31, 2005, "x" equals "y" multiplied by 30
12 and then divided by 70 (or "y" multiplied by
13 0.429); and

14 (3) for taxable years ending after December
15 31, 2005:

16 (i) for property on which a bonus
17 depreciation deduction of 30% of the adjusted
18 basis was taken, "x" equals "y" multiplied by
19 30 and then divided by 70 (or "y" multiplied
20 by 0.429);

21 (ii) for property on which a bonus
22 depreciation deduction of 50% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 1.0;

25 (iii) for property on which a bonus
26 depreciation deduction of 100% of the adjusted

1 basis was taken in a taxable year ending on or
2 after December 31, 2021, "x" equals the
3 depreciation deduction that would be allowed
4 on that property if the taxpayer had made the
5 election under Section 168(k)(7) of the
6 Internal Revenue Code to not claim bonus
7 depreciation ~~depreciation~~ on that property; and

8 (iv) for property on which a bonus
9 depreciation deduction of a percentage other
10 than 30%, 50% or 100% of the adjusted basis
11 was taken in a taxable year ending on or after
12 December 31, 2021, "x" equals "y" multiplied
13 by 100 times the percentage bonus depreciation
14 on the property (that is, $100(\text{bonus}\%)$) and
15 then divided by 100 times 1 minus the
16 percentage bonus depreciation on the property
17 (that is, $100(1-\text{bonus}\%)$).

18 The aggregate amount deducted under this
19 subparagraph in all taxable years for any one piece of
20 property may not exceed the amount of the bonus
21 depreciation deduction taken on that property on the
22 taxpayer's federal income tax return under subsection
23 (k) of Section 168 of the Internal Revenue Code. This
24 subparagraph (Z) is exempt from the provisions of
25 Section 250;

26 (AA) If the taxpayer sells, transfers, abandons,

1 or otherwise disposes of property for which the
2 taxpayer was required in any taxable year to make an
3 addition modification under subparagraph (D-15), then
4 an amount equal to that addition modification.

5 If the taxpayer continues to own property through
6 the last day of the last tax year for which a
7 subtraction is allowed with respect to that property
8 under subparagraph (Z) and for which the taxpayer was
9 required in any taxable year to make an addition
10 modification under subparagraph (D-15), then an amount
11 equal to that addition modification.

12 The taxpayer is allowed to take the deduction
13 under this subparagraph only once with respect to any
14 one piece of property.

15 This subparagraph (AA) is exempt from the
16 provisions of Section 250;

17 (BB) Any amount included in adjusted gross income,
18 other than salary, received by a driver in a
19 ridesharing arrangement using a motor vehicle;

20 (CC) The amount of (i) any interest income (net of
21 the deductions allocable thereto) taken into account
22 for the taxable year with respect to a transaction
23 with a taxpayer that is required to make an addition
24 modification with respect to such transaction under
25 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
26 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed

1 the amount of that addition modification, and (ii) any
2 income from intangible property (net of the deductions
3 allocable thereto) taken into account for the taxable
4 year with respect to a transaction with a taxpayer
5 that is required to make an addition modification with
6 respect to such transaction under Section
7 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
8 203(d)(2)(D-8), but not to exceed the amount of that
9 addition modification. This subparagraph (CC) is
10 exempt from the provisions of Section 250;

11 (DD) An amount equal to the interest income taken
12 into account for the taxable year (net of the
13 deductions allocable thereto) with respect to
14 transactions with (i) a foreign person who would be a
15 member of the taxpayer's unitary business group but
16 for the fact that the foreign person's business
17 activity outside the United States is 80% or more of
18 that person's total business activity and (ii) for
19 taxable years ending on or after December 31, 2008, to
20 a person who would be a member of the same unitary
21 business group but for the fact that the person is
22 prohibited under Section 1501(a)(27) from being
23 included in the unitary business group because he or
24 she is ordinarily required to apportion business
25 income under different subsections of Section 304, but
26 not to exceed the addition modification required to be

1 made for the same taxable year under Section
2 203(a)(2)(D-17) for interest paid, accrued, or
3 incurred, directly or indirectly, to the same person.
4 This subparagraph (DD) is exempt from the provisions
5 of Section 250;

6 (EE) An amount equal to the income from intangible
7 property taken into account for the taxable year (net
8 of the deductions allocable thereto) with respect to
9 transactions with (i) a foreign person who would be a
10 member of the taxpayer's unitary business group but
11 for the fact that the foreign person's business
12 activity outside the United States is 80% or more of
13 that person's total business activity and (ii) for
14 taxable years ending on or after December 31, 2008, to
15 a person who would be a member of the same unitary
16 business group but for the fact that the person is
17 prohibited under Section 1501(a)(27) from being
18 included in the unitary business group because he or
19 she is ordinarily required to apportion business
20 income under different subsections of Section 304, but
21 not to exceed the addition modification required to be
22 made for the same taxable year under Section
23 203(a)(2)(D-18) for intangible expenses and costs
24 paid, accrued, or incurred, directly or indirectly, to
25 the same foreign person. This subparagraph (EE) is
26 exempt from the provisions of Section 250;

1 (F) An amount equal to any amount awarded to the
2 taxpayer during the taxable year by the Court of
3 Claims under subsection (c) of Section 8 of the Court
4 of Claims Act for time unjustly served in a State
5 prison. This subparagraph (FF) is exempt from the
6 provisions of Section 250;

7 (GG) For taxable years ending on or after December
8 31, 2011, in the case of a taxpayer who was required to
9 add back any insurance premiums under Section
10 203(a)(2)(D-19), such taxpayer may elect to subtract
11 that part of a reimbursement received from the
12 insurance company equal to the amount of the expense
13 or loss (including expenses incurred by the insurance
14 company) that would have been taken into account as a
15 deduction for federal income tax purposes if the
16 expense or loss had been uninsured. If a taxpayer
17 makes the election provided for by this subparagraph
18 (GG), the insurer to which the premiums were paid must
19 add back to income the amount subtracted by the
20 taxpayer pursuant to this subparagraph (GG). This
21 subparagraph (GG) is exempt from the provisions of
22 Section 250; and

23 (HH) For taxable years beginning on or after
24 January 1, 2018 and prior to January 1, 2023, a maximum
25 of \$10,000 contributed in the taxable year to a
26 qualified ABLE account under Section 16.6 of the State

1 Treasurer Act, except that amounts excluded from gross
2 income under Section 529(c)(3)(C)(i) or Section
3 529A(c)(1)(C) of the Internal Revenue Code shall not
4 be considered moneys contributed under this
5 subparagraph (HH). For purposes of this subparagraph
6 (HH), contributions made by an employer on behalf of
7 an employee, or matching contributions made by an
8 employee, shall be treated as made by the employee.

9 (b) Corporations.

10 (1) In general. In the case of a corporation, base
11 income means an amount equal to the taxpayer's taxable
12 income for the taxable year as modified by paragraph (2).

13 (2) Modifications. The taxable income referred to in
14 paragraph (1) shall be modified by adding thereto the sum
15 of the following amounts:

16 (A) An amount equal to all amounts paid or accrued
17 to the taxpayer as interest and all distributions
18 received from regulated investment companies during
19 the taxable year to the extent excluded from gross
20 income in the computation of taxable income;

21 (B) An amount equal to the amount of tax imposed by
22 this Act to the extent deducted from gross income in
23 the computation of taxable income for the taxable
24 year;

25 (C) In the case of a regulated investment company,

1 an amount equal to the excess of (i) the net long-term
2 capital gain for the taxable year, over (ii) the
3 amount of the capital gain dividends designated as
4 such in accordance with Section 852(b)(3)(C) of the
5 Internal Revenue Code and any amount designated under
6 Section 852(b)(3)(D) of the Internal Revenue Code,
7 attributable to the taxable year (this amendatory Act
8 of 1995 (Public Act 89-89) is declarative of existing
9 law and is not a new enactment);

10 (D) The amount of any net operating loss deduction
11 taken in arriving at taxable income, other than a net
12 operating loss carried forward from a taxable year
13 ending prior to December 31, 1986;

14 (E) For taxable years in which a net operating
15 loss carryback or carryforward from a taxable year
16 ending prior to December 31, 1986 is an element of
17 taxable income under paragraph (1) of subsection (e)
18 or subparagraph (E) of paragraph (2) of subsection
19 (e), the amount by which addition modifications other
20 than those provided by this subparagraph (E) exceeded
21 subtraction modifications in such earlier taxable
22 year, with the following limitations applied in the
23 order that they are listed:

24 (i) the addition modification relating to the
25 net operating loss carried back or forward to the
26 taxable year from any taxable year ending prior to

1 December 31, 1986 shall be reduced by the amount
2 of addition modification under this subparagraph
3 (E) which related to that net operating loss and
4 which was taken into account in calculating the
5 base income of an earlier taxable year, and

6 (ii) the addition modification relating to the
7 net operating loss carried back or forward to the
8 taxable year from any taxable year ending prior to
9 December 31, 1986 shall not exceed the amount of
10 such carryback or carryforward;

11 For taxable years in which there is a net
12 operating loss carryback or carryforward from more
13 than one other taxable year ending prior to December
14 31, 1986, the addition modification provided in this
15 subparagraph (E) shall be the sum of the amounts
16 computed independently under the preceding provisions
17 of this subparagraph (E) for each such taxable year;

18 (E-5) For taxable years ending after December 31,
19 1997, an amount equal to any eligible remediation
20 costs that the corporation deducted in computing
21 adjusted gross income and for which the corporation
22 claims a credit under subsection (l) of Section 201;

23 (E-10) For taxable years 2001 and thereafter, an
24 amount equal to the bonus depreciation deduction taken
25 on the taxpayer's federal income tax return for the
26 taxable year under subsection (k) of Section 168 of

1 the Internal Revenue Code;

2 (E-11) If the taxpayer sells, transfers, abandons,
3 or otherwise disposes of property for which the
4 taxpayer was required in any taxable year to make an
5 addition modification under subparagraph (E-10), then
6 an amount equal to the aggregate amount of the
7 deductions taken in all taxable years under
8 subparagraph (T) with respect to that property.

9 If the taxpayer continues to own property through
10 the last day of the last tax year for which a
11 subtraction is allowed with respect to that property
12 under subparagraph (T) and for which the taxpayer was
13 allowed in any taxable year to make a subtraction
14 modification under subparagraph (T), then an amount
15 equal to that subtraction modification.

16 The taxpayer is required to make the addition
17 modification under this subparagraph only once with
18 respect to any one piece of property;

19 (E-12) An amount equal to the amount otherwise
20 allowed as a deduction in computing base income for
21 interest paid, accrued, or incurred, directly or
22 indirectly, (i) for taxable years ending on or after
23 December 31, 2004, to a foreign person who would be a
24 member of the same unitary business group but for the
25 fact the foreign person's business activity outside
26 the United States is 80% or more of the foreign

1 person's total business activity and (ii) for taxable
2 years ending on or after December 31, 2008, to a person
3 who would be a member of the same unitary business
4 group but for the fact that the person is prohibited
5 under Section 1501(a)(27) from being included in the
6 unitary business group because he or she is ordinarily
7 required to apportion business income under different
8 subsections of Section 304. The addition modification
9 required by this subparagraph shall be reduced to the
10 extent that dividends were included in base income of
11 the unitary group for the same taxable year and
12 received by the taxpayer or by a member of the
13 taxpayer's unitary business group (including amounts
14 included in gross income pursuant to Sections 951
15 through 964 of the Internal Revenue Code and amounts
16 included in gross income under Section 78 of the
17 Internal Revenue Code) with respect to the stock of
18 the same person to whom the interest was paid,
19 accrued, or incurred.

20 This paragraph shall not apply to the following:

21 (i) an item of interest paid, accrued, or
22 incurred, directly or indirectly, to a person who
23 is subject in a foreign country or state, other
24 than a state which requires mandatory unitary
25 reporting, to a tax on or measured by net income
26 with respect to such interest; or

1 (ii) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a person if
3 the taxpayer can establish, based on a
4 preponderance of the evidence, both of the
5 following:

6 (a) the person, during the same taxable
7 year, paid, accrued, or incurred, the interest
8 to a person that is not a related member, and

9 (b) the transaction giving rise to the
10 interest expense between the taxpayer and the
11 person did not have as a principal purpose the
12 avoidance of Illinois income tax, and is paid
13 pursuant to a contract or agreement that
14 reflects an arm's-length interest rate and
15 terms; or

16 (iii) the taxpayer can establish, based on
17 clear and convincing evidence, that the interest
18 paid, accrued, or incurred relates to a contract
19 or agreement entered into at arm's-length rates
20 and terms and the principal purpose for the
21 payment is not federal or Illinois tax avoidance;
22 or

23 (iv) an item of interest paid, accrued, or
24 incurred, directly or indirectly, to a person if
25 the taxpayer establishes by clear and convincing
26 evidence that the adjustments are unreasonable; or

1 if the taxpayer and the Director agree in writing
2 to the application or use of an alternative method
3 of apportionment under Section 304(f).

4 Nothing in this subsection shall preclude the
5 Director from making any other adjustment
6 otherwise allowed under Section 404 of this Act
7 for any tax year beginning after the effective
8 date of this amendment provided such adjustment is
9 made pursuant to regulation adopted by the
10 Department and such regulations provide methods
11 and standards by which the Department will utilize
12 its authority under Section 404 of this Act;

13 (E-13) An amount equal to the amount of intangible
14 expenses and costs otherwise allowed as a deduction in
15 computing base income, and that were paid, accrued, or
16 incurred, directly or indirectly, (i) for taxable
17 years ending on or after December 31, 2004, to a
18 foreign person who would be a member of the same
19 unitary business group but for the fact that the
20 foreign person's business activity outside the United
21 States is 80% or more of that person's total business
22 activity and (ii) for taxable years ending on or after
23 December 31, 2008, to a person who would be a member of
24 the same unitary business group but for the fact that
25 the person is prohibited under Section 1501(a)(27)
26 from being included in the unitary business group

1 because he or she is ordinarily required to apportion
2 business income under different subsections of Section
3 304. The addition modification required by this
4 subparagraph shall be reduced to the extent that
5 dividends were included in base income of the unitary
6 group for the same taxable year and received by the
7 taxpayer or by a member of the taxpayer's unitary
8 business group (including amounts included in gross
9 income pursuant to Sections 951 through 964 of the
10 Internal Revenue Code and amounts included in gross
11 income under Section 78 of the Internal Revenue Code)
12 with respect to the stock of the same person to whom
13 the intangible expenses and costs were directly or
14 indirectly paid, incurred, or accrued. The preceding
15 sentence shall not apply to the extent that the same
16 dividends caused a reduction to the addition
17 modification required under Section 203(b)(2)(E-12) of
18 this Act. As used in this subparagraph, the term
19 "intangible expenses and costs" includes (1) expenses,
20 losses, and costs for, or related to, the direct or
21 indirect acquisition, use, maintenance or management,
22 ownership, sale, exchange, or any other disposition of
23 intangible property; (2) losses incurred, directly or
24 indirectly, from factoring transactions or discounting
25 transactions; (3) royalty, patent, technical, and
26 copyright fees; (4) licensing fees; and (5) other

1 similar expenses and costs. For purposes of this
2 subparagraph, "intangible property" includes patents,
3 patent applications, trade names, trademarks, service
4 marks, copyrights, mask works, trade secrets, and
5 similar types of intangible assets.

6 This paragraph shall not apply to the following:

7 (i) any item of intangible expenses or costs
8 paid, accrued, or incurred, directly or
9 indirectly, from a transaction with a person who
10 is subject in a foreign country or state, other
11 than a state which requires mandatory unitary
12 reporting, to a tax on or measured by net income
13 with respect to such item; or

14 (ii) any item of intangible expense or cost
15 paid, accrued, or incurred, directly or
16 indirectly, if the taxpayer can establish, based
17 on a preponderance of the evidence, both of the
18 following:

19 (a) the person during the same taxable
20 year paid, accrued, or incurred, the
21 intangible expense or cost to a person that is
22 not a related member, and

23 (b) the transaction giving rise to the
24 intangible expense or cost between the
25 taxpayer and the person did not have as a
26 principal purpose the avoidance of Illinois

1 income tax, and is paid pursuant to a contract
2 or agreement that reflects arm's-length terms;
3 or

4 (iii) any item of intangible expense or cost
5 paid, accrued, or incurred, directly or
6 indirectly, from a transaction with a person if
7 the taxpayer establishes by clear and convincing
8 evidence, that the adjustments are unreasonable;
9 or if the taxpayer and the Director agree in
10 writing to the application or use of an
11 alternative method of apportionment under Section
12 304(f);

13 Nothing in this subsection shall preclude the
14 Director from making any other adjustment
15 otherwise allowed under Section 404 of this Act
16 for any tax year beginning after the effective
17 date of this amendment provided such adjustment is
18 made pursuant to regulation adopted by the
19 Department and such regulations provide methods
20 and standards by which the Department will utilize
21 its authority under Section 404 of this Act;

22 (E-14) For taxable years ending on or after
23 December 31, 2008, an amount equal to the amount of
24 insurance premium expenses and costs otherwise allowed
25 as a deduction in computing base income, and that were
26 paid, accrued, or incurred, directly or indirectly, to

1 a person who would be a member of the same unitary
2 business group but for the fact that the person is
3 prohibited under Section 1501(a)(27) from being
4 included in the unitary business group because he or
5 she is ordinarily required to apportion business
6 income under different subsections of Section 304. The
7 addition modification required by this subparagraph
8 shall be reduced to the extent that dividends were
9 included in base income of the unitary group for the
10 same taxable year and received by the taxpayer or by a
11 member of the taxpayer's unitary business group
12 (including amounts included in gross income under
13 Sections 951 through 964 of the Internal Revenue Code
14 and amounts included in gross income under Section 78
15 of the Internal Revenue Code) with respect to the
16 stock of the same person to whom the premiums and costs
17 were directly or indirectly paid, incurred, or
18 accrued. The preceding sentence does not apply to the
19 extent that the same dividends caused a reduction to
20 the addition modification required under Section
21 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this
22 Act;

23 (E-15) For taxable years beginning after December
24 31, 2008, any deduction for dividends paid by a
25 captive real estate investment trust that is allowed
26 to a real estate investment trust under Section

1 857(b)(2)(B) of the Internal Revenue Code for
2 dividends paid;

3 (E-16) An amount equal to the credit allowable to
4 the taxpayer under Section 218(a) of this Act,
5 determined without regard to Section 218(c) of this
6 Act;

7 (E-17) For taxable years ending on or after
8 December 31, 2017, an amount equal to the deduction
9 allowed under Section 199 of the Internal Revenue Code
10 for the taxable year;

11 (E-18) for taxable years beginning after December
12 31, 2018, an amount equal to the deduction allowed
13 under Section 250(a)(1)(A) of the Internal Revenue
14 Code for the taxable year;

15 (E-19) for taxable years ending on or after June
16 30, 2021, an amount equal to the deduction allowed
17 under Section 250(a)(1)(B)(i) of the Internal Revenue
18 Code for the taxable year;

19 (E-20) for taxable years ending on or after June
20 30, 2021, an amount equal to the deduction allowed
21 under Sections 243(e) and 245A(a) of the Internal
22 Revenue Code for the taxable year.

23 and by deducting from the total so obtained the sum of the
24 following amounts:

25 (F) An amount equal to the amount of any tax
26 imposed by this Act which was refunded to the taxpayer

1 and included in such total for the taxable year;

2 (G) An amount equal to any amount included in such
3 total under Section 78 of the Internal Revenue Code;

4 (H) In the case of a regulated investment company,
5 an amount equal to the amount of exempt interest
6 dividends as defined in subsection (b)(5) of Section
7 852 of the Internal Revenue Code, paid to shareholders
8 for the taxable year;

9 (I) With the exception of any amounts subtracted
10 under subparagraph (J), an amount equal to the sum of
11 all amounts disallowed as deductions by (i) Sections
12 171(a)(2) and 265(a)(2) and amounts disallowed as
13 interest expense by Section 291(a)(3) of the Internal
14 Revenue Code, and all amounts of expenses allocable to
15 interest and disallowed as deductions by Section
16 265(a)(1) of the Internal Revenue Code; and (ii) for
17 taxable years ending on or after August 13, 1999,
18 Sections 171(a)(2), 265, 280C, 291(a)(3), and
19 832(b)(5)(B)(i) of the Internal Revenue Code, plus,
20 for tax years ending on or after December 31, 2011,
21 amounts disallowed as deductions by Section 45G(e)(3)
22 of the Internal Revenue Code and, for taxable years
23 ending on or after December 31, 2008, any amount
24 included in gross income under Section 87 of the
25 Internal Revenue Code and the policyholders' share of
26 tax-exempt interest of a life insurance company under

1 Section 807(a)(2)(B) of the Internal Revenue Code (in
2 the case of a life insurance company with gross income
3 from a decrease in reserves for the tax year) or
4 Section 807(b)(1)(B) of the Internal Revenue Code (in
5 the case of a life insurance company allowed a
6 deduction for an increase in reserves for the tax
7 year); the provisions of this subparagraph are exempt
8 from the provisions of Section 250;

9 (J) An amount equal to all amounts included in
10 such total which are exempt from taxation by this
11 State either by reason of its statutes or Constitution
12 or by reason of the Constitution, treaties or statutes
13 of the United States; provided that, in the case of any
14 statute of this State that exempts income derived from
15 bonds or other obligations from the tax imposed under
16 this Act, the amount exempted shall be the interest
17 net of bond premium amortization;

18 (K) An amount equal to those dividends included in
19 such total which were paid by a corporation which
20 conducts business operations in a River Edge
21 Redevelopment Zone or zones created under the River
22 Edge Redevelopment Zone Act and conducts substantially
23 all of its operations in a River Edge Redevelopment
24 Zone or zones. This subparagraph (K) is exempt from
25 the provisions of Section 250;

26 (L) An amount equal to those dividends included in

1 such total that were paid by a corporation that
2 conducts business operations in a federally designated
3 Foreign Trade Zone or Sub-Zone and that is designated
4 a High Impact Business located in Illinois; provided
5 that dividends eligible for the deduction provided in
6 subparagraph (K) of paragraph 2 of this subsection
7 shall not be eligible for the deduction provided under
8 this subparagraph (L);

9 (M) For any taxpayer that is a financial
10 organization within the meaning of Section 304(c) of
11 this Act, an amount included in such total as interest
12 income from a loan or loans made by such taxpayer to a
13 borrower, to the extent that such a loan is secured by
14 property which is eligible for the River Edge
15 Redevelopment Zone Investment Credit. To determine the
16 portion of a loan or loans that is secured by property
17 eligible for a Section 201(f) investment credit to the
18 borrower, the entire principal amount of the loan or
19 loans between the taxpayer and the borrower should be
20 divided into the basis of the Section 201(f)
21 investment credit property which secures the loan or
22 loans, using for this purpose the original basis of
23 such property on the date that it was placed in service
24 in the River Edge Redevelopment Zone. The subtraction
25 modification available to the taxpayer in any year
26 under this subsection shall be that portion of the

1 total interest paid by the borrower with respect to
2 such loan attributable to the eligible property as
3 calculated under the previous sentence. This
4 subparagraph (M) is exempt from the provisions of
5 Section 250;

6 (M-1) For any taxpayer that is a financial
7 organization within the meaning of Section 304(c) of
8 this Act, an amount included in such total as interest
9 income from a loan or loans made by such taxpayer to a
10 borrower, to the extent that such a loan is secured by
11 property which is eligible for the High Impact
12 Business Investment Credit. To determine the portion
13 of a loan or loans that is secured by property eligible
14 for a Section 201(h) investment credit to the
15 borrower, the entire principal amount of the loan or
16 loans between the taxpayer and the borrower should be
17 divided into the basis of the Section 201(h)
18 investment credit property which secures the loan or
19 loans, using for this purpose the original basis of
20 such property on the date that it was placed in service
21 in a federally designated Foreign Trade Zone or
22 Sub-Zone located in Illinois. No taxpayer that is
23 eligible for the deduction provided in subparagraph
24 (M) of paragraph (2) of this subsection shall be
25 eligible for the deduction provided under this
26 subparagraph (M-1). The subtraction modification

1 available to taxpayers in any year under this
2 subsection shall be that portion of the total interest
3 paid by the borrower with respect to such loan
4 attributable to the eligible property as calculated
5 under the previous sentence;

6 (N) Two times any contribution made during the
7 taxable year to a designated zone organization to the
8 extent that the contribution (i) qualifies as a
9 charitable contribution under subsection (c) of
10 Section 170 of the Internal Revenue Code and (ii)
11 must, by its terms, be used for a project approved by
12 the Department of Commerce and Economic Opportunity
13 under Section 11 of the Illinois Enterprise Zone Act
14 or under Section 10-10 of the River Edge Redevelopment
15 Zone Act. This subparagraph (N) is exempt from the
16 provisions of Section 250;

17 (O) An amount equal to: (i) 85% for taxable years
18 ending on or before December 31, 1992, or, a
19 percentage equal to the percentage allowable under
20 Section 243(a)(1) of the Internal Revenue Code of 1986
21 for taxable years ending after December 31, 1992, of
22 the amount by which dividends included in taxable
23 income and received from a corporation that is not
24 created or organized under the laws of the United
25 States or any state or political subdivision thereof,
26 including, for taxable years ending on or after

1 December 31, 1988, dividends received or deemed
2 received or paid or deemed paid under Sections 951
3 through 965 of the Internal Revenue Code, exceed the
4 amount of the modification provided under subparagraph
5 (G) of paragraph (2) of this subsection (b) which is
6 related to such dividends, and including, for taxable
7 years ending on or after December 31, 2008, dividends
8 received from a captive real estate investment trust;
9 plus (ii) 100% of the amount by which dividends,
10 included in taxable income and received, including,
11 for taxable years ending on or after December 31,
12 1988, dividends received or deemed received or paid or
13 deemed paid under Sections 951 through 964 of the
14 Internal Revenue Code and including, for taxable years
15 ending on or after December 31, 2008, dividends
16 received from a captive real estate investment trust,
17 from any such corporation specified in clause (i) that
18 would but for the provisions of Section 1504(b)(3) of
19 the Internal Revenue Code be treated as a member of the
20 affiliated group which includes the dividend
21 recipient, exceed the amount of the modification
22 provided under subparagraph (G) of paragraph (2) of
23 this subsection (b) which is related to such
24 dividends. For taxable years ending on or after June
25 30, 2021, (i) for purposes of this subparagraph, the
26 term "dividend" does not include any amount treated as

1 a dividend under Section 1248 of the Internal Revenue
2 Code, and (ii) this subparagraph shall not apply to
3 dividends for which a deduction is allowed under
4 Section 245(a) of the Internal Revenue Code. This
5 subparagraph (O) is exempt from the provisions of
6 Section 250 of this Act;

7 (P) An amount equal to any contribution made to a
8 job training project established pursuant to the Tax
9 Increment Allocation Redevelopment Act;

10 (Q) An amount equal to the amount of the deduction
11 used to compute the federal income tax credit for
12 restoration of substantial amounts held under claim of
13 right for the taxable year pursuant to Section 1341 of
14 the Internal Revenue Code;

15 (R) On and after July 20, 1999, in the case of an
16 attorney-in-fact with respect to whom an interinsurer
17 or a reciprocal insurer has made the election under
18 Section 835 of the Internal Revenue Code, 26 U.S.C.
19 835, an amount equal to the excess, if any, of the
20 amounts paid or incurred by that interinsurer or
21 reciprocal insurer in the taxable year to the
22 attorney-in-fact over the deduction allowed to that
23 interinsurer or reciprocal insurer with respect to the
24 attorney-in-fact under Section 835(b) of the Internal
25 Revenue Code for the taxable year; the provisions of
26 this subparagraph are exempt from the provisions of

1 Section 250;

2 (S) For taxable years ending on or after December
3 31, 1997, in the case of a Subchapter S corporation, an
4 amount equal to all amounts of income allocable to a
5 shareholder subject to the Personal Property Tax
6 Replacement Income Tax imposed by subsections (c) and
7 (d) of Section 201 of this Act, including amounts
8 allocable to organizations exempt from federal income
9 tax by reason of Section 501(a) of the Internal
10 Revenue Code. This subparagraph (S) is exempt from the
11 provisions of Section 250;

12 (T) For taxable years 2001 and thereafter, for the
13 taxable year in which the bonus depreciation deduction
14 is taken on the taxpayer's federal income tax return
15 under subsection (k) of Section 168 of the Internal
16 Revenue Code and for each applicable taxable year
17 thereafter, an amount equal to "x", where:

18 (1) "y" equals the amount of the depreciation
19 deduction taken for the taxable year on the
20 taxpayer's federal income tax return on property
21 for which the bonus depreciation deduction was
22 taken in any year under subsection (k) of Section
23 168 of the Internal Revenue Code, but not
24 including the bonus depreciation deduction;

25 (2) for taxable years ending on or before
26 December 31, 2005, "x" equals "y" multiplied by 30

1 and then divided by 70 (or "y" multiplied by
2 0.429); and

3 (3) for taxable years ending after December
4 31, 2005:

5 (i) for property on which a bonus
6 depreciation deduction of 30% of the adjusted
7 basis was taken, "x" equals "y" multiplied by
8 30 and then divided by 70 (or "y" multiplied
9 by 0.429);

10 (ii) for property on which a bonus
11 depreciation deduction of 50% of the adjusted
12 basis was taken, "x" equals "y" multiplied by
13 1.0;

14 (iii) for property on which a bonus
15 depreciation deduction of 100% of the adjusted
16 basis was taken in a taxable year ending on or
17 after December 31, 2021, "x" equals the
18 depreciation deduction that would be allowed
19 on that property if the taxpayer had made the
20 election under Section 168(k)(7) of the
21 Internal Revenue Code to not claim bonus
22 depreciation ~~depreciation~~ on that property; and

23 (iv) for property on which a bonus
24 depreciation deduction of a percentage other
25 than 30%, 50% or 100% of the adjusted basis
26 was taken in a taxable year ending on or after

1 December 31, 2021, "x" equals "y" multiplied
2 by 100 times the percentage bonus depreciation
3 on the property (that is, $100(\text{bonus}\%)$) and
4 then divided by 100 times 1 minus the
5 percentage bonus depreciation on the property
6 (that is, $100(1-\text{bonus}\%)$).

7 The aggregate amount deducted under this
8 subparagraph in all taxable years for any one piece of
9 property may not exceed the amount of the bonus
10 depreciation deduction taken on that property on the
11 taxpayer's federal income tax return under subsection
12 (k) of Section 168 of the Internal Revenue Code. This
13 subparagraph (T) is exempt from the provisions of
14 Section 250;

15 (U) If the taxpayer sells, transfers, abandons, or
16 otherwise disposes of property for which the taxpayer
17 was required in any taxable year to make an addition
18 modification under subparagraph (E-10), then an amount
19 equal to that addition modification.

20 If the taxpayer continues to own property through
21 the last day of the last tax year for which a
22 subtraction is allowed with respect to that property
23 under subparagraph (T) and for which the taxpayer was
24 required in any taxable year to make an addition
25 modification under subparagraph (E-10), then an amount
26 equal to that addition modification.

1 The taxpayer is allowed to take the deduction
2 under this subparagraph only once with respect to any
3 one piece of property.

4 This subparagraph (U) is exempt from the
5 provisions of Section 250;

6 (V) The amount of: (i) any interest income (net of
7 the deductions allocable thereto) taken into account
8 for the taxable year with respect to a transaction
9 with a taxpayer that is required to make an addition
10 modification with respect to such transaction under
11 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
12 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
13 the amount of such addition modification, (ii) any
14 income from intangible property (net of the deductions
15 allocable thereto) taken into account for the taxable
16 year with respect to a transaction with a taxpayer
17 that is required to make an addition modification with
18 respect to such transaction under Section
19 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
20 203(d)(2)(D-8), but not to exceed the amount of such
21 addition modification, and (iii) any insurance premium
22 income (net of deductions allocable thereto) taken
23 into account for the taxable year with respect to a
24 transaction with a taxpayer that is required to make
25 an addition modification with respect to such
26 transaction under Section 203(a)(2)(D-19), Section

1 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
2 203(d)(2)(D-9), but not to exceed the amount of that
3 addition modification. This subparagraph (V) is exempt
4 from the provisions of Section 250;

5 (W) An amount equal to the interest income taken
6 into account for the taxable year (net of the
7 deductions allocable thereto) with respect to
8 transactions with (i) a foreign person who would be a
9 member of the taxpayer's unitary business group but
10 for the fact that the foreign person's business
11 activity outside the United States is 80% or more of
12 that person's total business activity and (ii) for
13 taxable years ending on or after December 31, 2008, to
14 a person who would be a member of the same unitary
15 business group but for the fact that the person is
16 prohibited under Section 1501(a)(27) from being
17 included in the unitary business group because he or
18 she is ordinarily required to apportion business
19 income under different subsections of Section 304, but
20 not to exceed the addition modification required to be
21 made for the same taxable year under Section
22 203(b)(2)(E-12) for interest paid, accrued, or
23 incurred, directly or indirectly, to the same person.
24 This subparagraph (W) is exempt from the provisions of
25 Section 250;

26 (X) An amount equal to the income from intangible

1 property taken into account for the taxable year (net
2 of the deductions allocable thereto) with respect to
3 transactions with (i) a foreign person who would be a
4 member of the taxpayer's unitary business group but
5 for the fact that the foreign person's business
6 activity outside the United States is 80% or more of
7 that person's total business activity and (ii) for
8 taxable years ending on or after December 31, 2008, to
9 a person who would be a member of the same unitary
10 business group but for the fact that the person is
11 prohibited under Section 1501(a)(27) from being
12 included in the unitary business group because he or
13 she is ordinarily required to apportion business
14 income under different subsections of Section 304, but
15 not to exceed the addition modification required to be
16 made for the same taxable year under Section
17 203(b)(2)(E-13) for intangible expenses and costs
18 paid, accrued, or incurred, directly or indirectly, to
19 the same foreign person. This subparagraph (X) is
20 exempt from the provisions of Section 250;

21 (Y) For taxable years ending on or after December
22 31, 2011, in the case of a taxpayer who was required to
23 add back any insurance premiums under Section
24 203(b)(2)(E-14), such taxpayer may elect to subtract
25 that part of a reimbursement received from the
26 insurance company equal to the amount of the expense

1 or loss (including expenses incurred by the insurance
2 company) that would have been taken into account as a
3 deduction for federal income tax purposes if the
4 expense or loss had been uninsured. If a taxpayer
5 makes the election provided for by this subparagraph
6 (Y), the insurer to which the premiums were paid must
7 add back to income the amount subtracted by the
8 taxpayer pursuant to this subparagraph (Y). This
9 subparagraph (Y) is exempt from the provisions of
10 Section 250; and

11 (Z) The difference between the nondeductible
12 controlled foreign corporation dividends under Section
13 965(e)(3) of the Internal Revenue Code over the
14 taxable income of the taxpayer, computed without
15 regard to Section 965(e)(2)(A) of the Internal Revenue
16 Code, and without regard to any net operating loss
17 deduction. This subparagraph (Z) is exempt from the
18 provisions of Section 250.

19 (3) Special rule. For purposes of paragraph (2)(A),
20 "gross income" in the case of a life insurance company,
21 for tax years ending on and after December 31, 1994, and
22 prior to December 31, 2011, shall mean the gross
23 investment income for the taxable year and, for tax years
24 ending on or after December 31, 2011, shall mean all
25 amounts included in life insurance gross income under
26 Section 803(a)(3) of the Internal Revenue Code.

1 (c) Trusts and estates.

2 (1) In general. In the case of a trust or estate, base
3 income means an amount equal to the taxpayer's taxable
4 income for the taxable year as modified by paragraph (2).

5 (2) Modifications. Subject to the provisions of
6 paragraph (3), the taxable income referred to in paragraph
7 (1) shall be modified by adding thereto the sum of the
8 following amounts:

9 (A) An amount equal to all amounts paid or accrued
10 to the taxpayer as interest or dividends during the
11 taxable year to the extent excluded from gross income
12 in the computation of taxable income;

13 (B) In the case of (i) an estate, \$600; (ii) a
14 trust which, under its governing instrument, is
15 required to distribute all of its income currently,
16 \$300; and (iii) any other trust, \$100, but in each such
17 case, only to the extent such amount was deducted in
18 the computation of taxable income;

19 (C) An amount equal to the amount of tax imposed by
20 this Act to the extent deducted from gross income in
21 the computation of taxable income for the taxable
22 year;

23 (D) The amount of any net operating loss deduction
24 taken in arriving at taxable income, other than a net
25 operating loss carried forward from a taxable year

1 ending prior to December 31, 1986;

2 (E) For taxable years in which a net operating
3 loss carryback or carryforward from a taxable year
4 ending prior to December 31, 1986 is an element of
5 taxable income under paragraph (1) of subsection (e)
6 or subparagraph (E) of paragraph (2) of subsection
7 (e), the amount by which addition modifications other
8 than those provided by this subparagraph (E) exceeded
9 subtraction modifications in such taxable year, with
10 the following limitations applied in the order that
11 they are listed:

12 (i) the addition modification relating to the
13 net operating loss carried back or forward to the
14 taxable year from any taxable year ending prior to
15 December 31, 1986 shall be reduced by the amount
16 of addition modification under this subparagraph
17 (E) which related to that net operating loss and
18 which was taken into account in calculating the
19 base income of an earlier taxable year, and

20 (ii) the addition modification relating to the
21 net operating loss carried back or forward to the
22 taxable year from any taxable year ending prior to
23 December 31, 1986 shall not exceed the amount of
24 such carryback or carryforward;

25 For taxable years in which there is a net
26 operating loss carryback or carryforward from more

1 than one other taxable year ending prior to December
2 31, 1986, the addition modification provided in this
3 subparagraph (E) shall be the sum of the amounts
4 computed independently under the preceding provisions
5 of this subparagraph (E) for each such taxable year;

6 (F) For taxable years ending on or after January
7 1, 1989, an amount equal to the tax deducted pursuant
8 to Section 164 of the Internal Revenue Code if the
9 trust or estate is claiming the same tax for purposes
10 of the Illinois foreign tax credit under Section 601
11 of this Act;

12 (G) An amount equal to the amount of the capital
13 gain deduction allowable under the Internal Revenue
14 Code, to the extent deducted from gross income in the
15 computation of taxable income;

16 (G-5) For taxable years ending after December 31,
17 1997, an amount equal to any eligible remediation
18 costs that the trust or estate deducted in computing
19 adjusted gross income and for which the trust or
20 estate claims a credit under subsection (l) of Section
21 201;

22 (G-10) For taxable years 2001 and thereafter, an
23 amount equal to the bonus depreciation deduction taken
24 on the taxpayer's federal income tax return for the
25 taxable year under subsection (k) of Section 168 of
26 the Internal Revenue Code; and

1 (G-11) If the taxpayer sells, transfers, abandons,
2 or otherwise disposes of property for which the
3 taxpayer was required in any taxable year to make an
4 addition modification under subparagraph (G-10), then
5 an amount equal to the aggregate amount of the
6 deductions taken in all taxable years under
7 subparagraph (R) with respect to that property.

8 If the taxpayer continues to own property through
9 the last day of the last tax year for which a
10 subtraction is allowed with respect to that property
11 under subparagraph (R) and for which the taxpayer was
12 allowed in any taxable year to make a subtraction
13 modification under subparagraph (R), then an amount
14 equal to that subtraction modification.

15 The taxpayer is required to make the addition
16 modification under this subparagraph only once with
17 respect to any one piece of property;

18 (G-12) An amount equal to the amount otherwise
19 allowed as a deduction in computing base income for
20 interest paid, accrued, or incurred, directly or
21 indirectly, (i) for taxable years ending on or after
22 December 31, 2004, to a foreign person who would be a
23 member of the same unitary business group but for the
24 fact that the foreign person's business activity
25 outside the United States is 80% or more of the foreign
26 person's total business activity and (ii) for taxable

1 years ending on or after December 31, 2008, to a person
2 who would be a member of the same unitary business
3 group but for the fact that the person is prohibited
4 under Section 1501(a)(27) from being included in the
5 unitary business group because he or she is ordinarily
6 required to apportion business income under different
7 subsections of Section 304. The addition modification
8 required by this subparagraph shall be reduced to the
9 extent that dividends were included in base income of
10 the unitary group for the same taxable year and
11 received by the taxpayer or by a member of the
12 taxpayer's unitary business group (including amounts
13 included in gross income pursuant to Sections 951
14 through 964 of the Internal Revenue Code and amounts
15 included in gross income under Section 78 of the
16 Internal Revenue Code) with respect to the stock of
17 the same person to whom the interest was paid,
18 accrued, or incurred.

19 This paragraph shall not apply to the following:

20 (i) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a person who
22 is subject in a foreign country or state, other
23 than a state which requires mandatory unitary
24 reporting, to a tax on or measured by net income
25 with respect to such interest; or

26 (ii) an item of interest paid, accrued, or

1 incurred, directly or indirectly, to a person if
2 the taxpayer can establish, based on a
3 preponderance of the evidence, both of the
4 following:

5 (a) the person, during the same taxable
6 year, paid, accrued, or incurred, the interest
7 to a person that is not a related member, and

8 (b) the transaction giving rise to the
9 interest expense between the taxpayer and the
10 person did not have as a principal purpose the
11 avoidance of Illinois income tax, and is paid
12 pursuant to a contract or agreement that
13 reflects an arm's-length interest rate and
14 terms; or

15 (iii) the taxpayer can establish, based on
16 clear and convincing evidence, that the interest
17 paid, accrued, or incurred relates to a contract
18 or agreement entered into at arm's-length rates
19 and terms and the principal purpose for the
20 payment is not federal or Illinois tax avoidance;
21 or

22 (iv) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to a person if
24 the taxpayer establishes by clear and convincing
25 evidence that the adjustments are unreasonable; or
26 if the taxpayer and the Director agree in writing

1 to the application or use of an alternative method
2 of apportionment under Section 304(f).

3 Nothing in this subsection shall preclude the
4 Director from making any other adjustment
5 otherwise allowed under Section 404 of this Act
6 for any tax year beginning after the effective
7 date of this amendment provided such adjustment is
8 made pursuant to regulation adopted by the
9 Department and such regulations provide methods
10 and standards by which the Department will utilize
11 its authority under Section 404 of this Act;

12 (G-13) An amount equal to the amount of intangible
13 expenses and costs otherwise allowed as a deduction in
14 computing base income, and that were paid, accrued, or
15 incurred, directly or indirectly, (i) for taxable
16 years ending on or after December 31, 2004, to a
17 foreign person who would be a member of the same
18 unitary business group but for the fact that the
19 foreign person's business activity outside the United
20 States is 80% or more of that person's total business
21 activity and (ii) for taxable years ending on or after
22 December 31, 2008, to a person who would be a member of
23 the same unitary business group but for the fact that
24 the person is prohibited under Section 1501(a)(27)
25 from being included in the unitary business group
26 because he or she is ordinarily required to apportion

1 business income under different subsections of Section
2 304. The addition modification required by this
3 subparagraph shall be reduced to the extent that
4 dividends were included in base income of the unitary
5 group for the same taxable year and received by the
6 taxpayer or by a member of the taxpayer's unitary
7 business group (including amounts included in gross
8 income pursuant to Sections 951 through 964 of the
9 Internal Revenue Code and amounts included in gross
10 income under Section 78 of the Internal Revenue Code)
11 with respect to the stock of the same person to whom
12 the intangible expenses and costs were directly or
13 indirectly paid, incurred, or accrued. The preceding
14 sentence shall not apply to the extent that the same
15 dividends caused a reduction to the addition
16 modification required under Section 203(c)(2)(G-12) of
17 this Act. As used in this subparagraph, the term
18 "intangible expenses and costs" includes: (1)
19 expenses, losses, and costs for or related to the
20 direct or indirect acquisition, use, maintenance or
21 management, ownership, sale, exchange, or any other
22 disposition of intangible property; (2) losses
23 incurred, directly or indirectly, from factoring
24 transactions or discounting transactions; (3) royalty,
25 patent, technical, and copyright fees; (4) licensing
26 fees; and (5) other similar expenses and costs. For

1 purposes of this subparagraph, "intangible property"
2 includes patents, patent applications, trade names,
3 trademarks, service marks, copyrights, mask works,
4 trade secrets, and similar types of intangible assets.

5 This paragraph shall not apply to the following:

6 (i) any item of intangible expenses or costs
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person who
9 is subject in a foreign country or state, other
10 than a state which requires mandatory unitary
11 reporting, to a tax on or measured by net income
12 with respect to such item; or

13 (ii) any item of intangible expense or cost
14 paid, accrued, or incurred, directly or
15 indirectly, if the taxpayer can establish, based
16 on a preponderance of the evidence, both of the
17 following:

18 (a) the person during the same taxable
19 year paid, accrued, or incurred, the
20 intangible expense or cost to a person that is
21 not a related member, and

22 (b) the transaction giving rise to the
23 intangible expense or cost between the
24 taxpayer and the person did not have as a
25 principal purpose the avoidance of Illinois
26 income tax, and is paid pursuant to a contract

1 or agreement that reflects arm's-length terms;

2 or

3 (iii) any item of intangible expense or cost
4 paid, accrued, or incurred, directly or
5 indirectly, from a transaction with a person if
6 the taxpayer establishes by clear and convincing
7 evidence, that the adjustments are unreasonable;
8 or if the taxpayer and the Director agree in
9 writing to the application or use of an
10 alternative method of apportionment under Section
11 304(f);

12 Nothing in this subsection shall preclude the
13 Director from making any other adjustment
14 otherwise allowed under Section 404 of this Act
15 for any tax year beginning after the effective
16 date of this amendment provided such adjustment is
17 made pursuant to regulation adopted by the
18 Department and such regulations provide methods
19 and standards by which the Department will utilize
20 its authority under Section 404 of this Act;

21 (G-14) For taxable years ending on or after
22 December 31, 2008, an amount equal to the amount of
23 insurance premium expenses and costs otherwise allowed
24 as a deduction in computing base income, and that were
25 paid, accrued, or incurred, directly or indirectly, to
26 a person who would be a member of the same unitary

1 business group but for the fact that the person is
2 prohibited under Section 1501(a)(27) from being
3 included in the unitary business group because he or
4 she is ordinarily required to apportion business
5 income under different subsections of Section 304. The
6 addition modification required by this subparagraph
7 shall be reduced to the extent that dividends were
8 included in base income of the unitary group for the
9 same taxable year and received by the taxpayer or by a
10 member of the taxpayer's unitary business group
11 (including amounts included in gross income under
12 Sections 951 through 964 of the Internal Revenue Code
13 and amounts included in gross income under Section 78
14 of the Internal Revenue Code) with respect to the
15 stock of the same person to whom the premiums and costs
16 were directly or indirectly paid, incurred, or
17 accrued. The preceding sentence does not apply to the
18 extent that the same dividends caused a reduction to
19 the addition modification required under Section
20 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this
21 Act;

22 (G-15) An amount equal to the credit allowable to
23 the taxpayer under Section 218(a) of this Act,
24 determined without regard to Section 218(c) of this
25 Act;

26 (G-16) For taxable years ending on or after

1 December 31, 2017, an amount equal to the deduction
2 allowed under Section 199 of the Internal Revenue Code
3 for the taxable year;

4 and by deducting from the total so obtained the sum of the
5 following amounts:

6 (H) An amount equal to all amounts included in
7 such total pursuant to the provisions of Sections
8 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408
9 of the Internal Revenue Code or included in such total
10 as distributions under the provisions of any
11 retirement or disability plan for employees of any
12 governmental agency or unit, or retirement payments to
13 retired partners, which payments are excluded in
14 computing net earnings from self employment by Section
15 1402 of the Internal Revenue Code and regulations
16 adopted pursuant thereto;

17 (I) The valuation limitation amount;

18 (J) An amount equal to the amount of any tax
19 imposed by this Act which was refunded to the taxpayer
20 and included in such total for the taxable year;

21 (K) An amount equal to all amounts included in
22 taxable income as modified by subparagraphs (A), (B),
23 (C), (D), (E), (F) and (G) which are exempt from
24 taxation by this State either by reason of its
25 statutes or Constitution or by reason of the
26 Constitution, treaties or statutes of the United

1 States; provided that, in the case of any statute of
2 this State that exempts income derived from bonds or
3 other obligations from the tax imposed under this Act,
4 the amount exempted shall be the interest net of bond
5 premium amortization;

6 (L) With the exception of any amounts subtracted
7 under subparagraph (K), an amount equal to the sum of
8 all amounts disallowed as deductions by (i) Sections
9 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
10 and all amounts of expenses allocable to interest and
11 disallowed as deductions by Section 265(a)(1) of the
12 Internal Revenue Code; and (ii) for taxable years
13 ending on or after August 13, 1999, Sections
14 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
15 Internal Revenue Code, plus, (iii) for taxable years
16 ending on or after December 31, 2011, Section
17 45G(e)(3) of the Internal Revenue Code and, for
18 taxable years ending on or after December 31, 2008,
19 any amount included in gross income under Section 87
20 of the Internal Revenue Code; the provisions of this
21 subparagraph are exempt from the provisions of Section
22 250;

23 (M) An amount equal to those dividends included in
24 such total which were paid by a corporation which
25 conducts business operations in a River Edge
26 Redevelopment Zone or zones created under the River

1 Edge Redevelopment Zone Act and conducts substantially
2 all of its operations in a River Edge Redevelopment
3 Zone or zones. This subparagraph (M) is exempt from
4 the provisions of Section 250;

5 (N) An amount equal to any contribution made to a
6 job training project established pursuant to the Tax
7 Increment Allocation Redevelopment Act;

8 (O) An amount equal to those dividends included in
9 such total that were paid by a corporation that
10 conducts business operations in a federally designated
11 Foreign Trade Zone or Sub-Zone and that is designated
12 a High Impact Business located in Illinois; provided
13 that dividends eligible for the deduction provided in
14 subparagraph (M) of paragraph (2) of this subsection
15 shall not be eligible for the deduction provided under
16 this subparagraph (O);

17 (P) An amount equal to the amount of the deduction
18 used to compute the federal income tax credit for
19 restoration of substantial amounts held under claim of
20 right for the taxable year pursuant to Section 1341 of
21 the Internal Revenue Code;

22 (Q) For taxable year 1999 and thereafter, an
23 amount equal to the amount of any (i) distributions,
24 to the extent includible in gross income for federal
25 income tax purposes, made to the taxpayer because of
26 his or her status as a victim of persecution for racial

1 or religious reasons by Nazi Germany or any other Axis
2 regime or as an heir of the victim and (ii) items of
3 income, to the extent includible in gross income for
4 federal income tax purposes, attributable to, derived
5 from or in any way related to assets stolen from,
6 hidden from, or otherwise lost to a victim of
7 persecution for racial or religious reasons by Nazi
8 Germany or any other Axis regime immediately prior to,
9 during, and immediately after World War II, including,
10 but not limited to, interest on the proceeds
11 receivable as insurance under policies issued to a
12 victim of persecution for racial or religious reasons
13 by Nazi Germany or any other Axis regime by European
14 insurance companies immediately prior to and during
15 World War II; provided, however, this subtraction from
16 federal adjusted gross income does not apply to assets
17 acquired with such assets or with the proceeds from
18 the sale of such assets; provided, further, this
19 paragraph shall only apply to a taxpayer who was the
20 first recipient of such assets after their recovery
21 and who is a victim of persecution for racial or
22 religious reasons by Nazi Germany or any other Axis
23 regime or as an heir of the victim. The amount of and
24 the eligibility for any public assistance, benefit, or
25 similar entitlement is not affected by the inclusion
26 of items (i) and (ii) of this paragraph in gross income

1 for federal income tax purposes. This paragraph is
2 exempt from the provisions of Section 250;

3 (R) For taxable years 2001 and thereafter, for the
4 taxable year in which the bonus depreciation deduction
5 is taken on the taxpayer's federal income tax return
6 under subsection (k) of Section 168 of the Internal
7 Revenue Code and for each applicable taxable year
8 thereafter, an amount equal to "x", where:

9 (1) "y" equals the amount of the depreciation
10 deduction taken for the taxable year on the
11 taxpayer's federal income tax return on property
12 for which the bonus depreciation deduction was
13 taken in any year under subsection (k) of Section
14 168 of the Internal Revenue Code, but not
15 including the bonus depreciation deduction;

16 (2) for taxable years ending on or before
17 December 31, 2005, "x" equals "y" multiplied by 30
18 and then divided by 70 (or "y" multiplied by
19 0.429); and

20 (3) for taxable years ending after December
21 31, 2005:

22 (i) for property on which a bonus
23 depreciation deduction of 30% of the adjusted
24 basis was taken, "x" equals "y" multiplied by
25 30 and then divided by 70 (or "y" multiplied
26 by 0.429);

1 (ii) for property on which a bonus
2 depreciation deduction of 50% of the adjusted
3 basis was taken, "x" equals "y" multiplied by
4 1.0;

5 (iii) for property on which a bonus
6 depreciation deduction of 100% of the adjusted
7 basis was taken in a taxable year ending on or
8 after December 31, 2021, "x" equals the
9 depreciation deduction that would be allowed
10 on that property if the taxpayer had made the
11 election under Section 168(k)(7) of the
12 Internal Revenue Code to not claim bonus
13 depreciation ~~depreciation~~ on that property; and

14 (iv) for property on which a bonus
15 depreciation deduction of a percentage other
16 than 30%, 50% or 100% of the adjusted basis
17 was taken in a taxable year ending on or after
18 December 31, 2021, "x" equals "y" multiplied
19 by 100 times the percentage bonus depreciation
20 on the property (that is, $100(\text{bonus}\%)$) and
21 then divided by 100 times 1 minus the
22 percentage bonus depreciation on the property
23 (that is, $100(1-\text{bonus}\%)$).

24 The aggregate amount deducted under this
25 subparagraph in all taxable years for any one piece of
26 property may not exceed the amount of the bonus

1 depreciation deduction taken on that property on the
2 taxpayer's federal income tax return under subsection
3 (k) of Section 168 of the Internal Revenue Code. This
4 subparagraph (R) is exempt from the provisions of
5 Section 250;

6 (S) If the taxpayer sells, transfers, abandons, or
7 otherwise disposes of property for which the taxpayer
8 was required in any taxable year to make an addition
9 modification under subparagraph (G-10), then an amount
10 equal to that addition modification.

11 If the taxpayer continues to own property through
12 the last day of the last tax year for which a
13 subtraction is allowed with respect to that property
14 under subparagraph (R) and for which the taxpayer was
15 required in any taxable year to make an addition
16 modification under subparagraph (G-10), then an amount
17 equal to that addition modification.

18 The taxpayer is allowed to take the deduction
19 under this subparagraph only once with respect to any
20 one piece of property.

21 This subparagraph (S) is exempt from the
22 provisions of Section 250;

23 (T) The amount of (i) any interest income (net of
24 the deductions allocable thereto) taken into account
25 for the taxable year with respect to a transaction
26 with a taxpayer that is required to make an addition

1 modification with respect to such transaction under
2 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
3 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
4 the amount of such addition modification and (ii) any
5 income from intangible property (net of the deductions
6 allocable thereto) taken into account for the taxable
7 year with respect to a transaction with a taxpayer
8 that is required to make an addition modification with
9 respect to such transaction under Section
10 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
11 203(d)(2)(D-8), but not to exceed the amount of such
12 addition modification. This subparagraph (T) is exempt
13 from the provisions of Section 250;

14 (U) An amount equal to the interest income taken
15 into account for the taxable year (net of the
16 deductions allocable thereto) with respect to
17 transactions with (i) a foreign person who would be a
18 member of the taxpayer's unitary business group but
19 for the fact the foreign person's business activity
20 outside the United States is 80% or more of that
21 person's total business activity and (ii) for taxable
22 years ending on or after December 31, 2008, to a person
23 who would be a member of the same unitary business
24 group but for the fact that the person is prohibited
25 under Section 1501(a)(27) from being included in the
26 unitary business group because he or she is ordinarily

1 required to apportion business income under different
2 subsections of Section 304, but not to exceed the
3 addition modification required to be made for the same
4 taxable year under Section 203(c)(2)(G-12) for
5 interest paid, accrued, or incurred, directly or
6 indirectly, to the same person. This subparagraph (U)
7 is exempt from the provisions of Section 250;

8 (V) An amount equal to the income from intangible
9 property taken into account for the taxable year (net
10 of the deductions allocable thereto) with respect to
11 transactions with (i) a foreign person who would be a
12 member of the taxpayer's unitary business group but
13 for the fact that the foreign person's business
14 activity outside the United States is 80% or more of
15 that person's total business activity and (ii) for
16 taxable years ending on or after December 31, 2008, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304, but
23 not to exceed the addition modification required to be
24 made for the same taxable year under Section
25 203(c)(2)(G-13) for intangible expenses and costs
26 paid, accrued, or incurred, directly or indirectly, to

1 the same foreign person. This subparagraph (V) is
2 exempt from the provisions of Section 250;

3 (W) in the case of an estate, an amount equal to
4 all amounts included in such total pursuant to the
5 provisions of Section 111 of the Internal Revenue Code
6 as a recovery of items previously deducted by the
7 decedent from adjusted gross income in the computation
8 of taxable income. This subparagraph (W) is exempt
9 from Section 250;

10 (X) an amount equal to the refund included in such
11 total of any tax deducted for federal income tax
12 purposes, to the extent that deduction was added back
13 under subparagraph (F). This subparagraph (X) is
14 exempt from the provisions of Section 250;

15 (Y) For taxable years ending on or after December
16 31, 2011, in the case of a taxpayer who was required to
17 add back any insurance premiums under Section
18 203(c)(2)(G-14), such taxpayer may elect to subtract
19 that part of a reimbursement received from the
20 insurance company equal to the amount of the expense
21 or loss (including expenses incurred by the insurance
22 company) that would have been taken into account as a
23 deduction for federal income tax purposes if the
24 expense or loss had been uninsured. If a taxpayer
25 makes the election provided for by this subparagraph
26 (Y), the insurer to which the premiums were paid must

1 add back to income the amount subtracted by the
2 taxpayer pursuant to this subparagraph (Y). This
3 subparagraph (Y) is exempt from the provisions of
4 Section 250; and

5 (Z) For taxable years beginning after December 31,
6 2018 and before January 1, 2026, the amount of excess
7 business loss of the taxpayer disallowed as a
8 deduction by Section 461(1)(1)(B) of the Internal
9 Revenue Code.

10 (3) Limitation. The amount of any modification
11 otherwise required under this subsection shall, under
12 regulations prescribed by the Department, be adjusted by
13 any amounts included therein which were properly paid,
14 credited, or required to be distributed, or permanently
15 set aside for charitable purposes pursuant to Internal
16 Revenue Code Section 642(c) during the taxable year.

17 (d) Partnerships.

18 (1) In general. In the case of a partnership, base
19 income means an amount equal to the taxpayer's taxable
20 income for the taxable year as modified by paragraph (2).

21 (2) Modifications. The taxable income referred to in
22 paragraph (1) shall be modified by adding thereto the sum
23 of the following amounts:

24 (A) An amount equal to all amounts paid or accrued
25 to the taxpayer as interest or dividends during the

1 taxable year to the extent excluded from gross income
2 in the computation of taxable income;

3 (B) An amount equal to the amount of tax imposed by
4 this Act to the extent deducted from gross income for
5 the taxable year;

6 (C) The amount of deductions allowed to the
7 partnership pursuant to Section 707 (c) of the
8 Internal Revenue Code in calculating its taxable
9 income;

10 (D) An amount equal to the amount of the capital
11 gain deduction allowable under the Internal Revenue
12 Code, to the extent deducted from gross income in the
13 computation of taxable income;

14 (D-5) For taxable years 2001 and thereafter, an
15 amount equal to the bonus depreciation deduction taken
16 on the taxpayer's federal income tax return for the
17 taxable year under subsection (k) of Section 168 of
18 the Internal Revenue Code;

19 (D-6) If the taxpayer sells, transfers, abandons,
20 or otherwise disposes of property for which the
21 taxpayer was required in any taxable year to make an
22 addition modification under subparagraph (D-5), then
23 an amount equal to the aggregate amount of the
24 deductions taken in all taxable years under
25 subparagraph (O) with respect to that property.

26 If the taxpayer continues to own property through

1 the last day of the last tax year for which a
2 subtraction is allowed with respect to that property
3 under subparagraph (O) and for which the taxpayer was
4 allowed in any taxable year to make a subtraction
5 modification under subparagraph (O), then an amount
6 equal to that subtraction modification.

7 The taxpayer is required to make the addition
8 modification under this subparagraph only once with
9 respect to any one piece of property;

10 (D-7) An amount equal to the amount otherwise
11 allowed as a deduction in computing base income for
12 interest paid, accrued, or incurred, directly or
13 indirectly, (i) for taxable years ending on or after
14 December 31, 2004, to a foreign person who would be a
15 member of the same unitary business group but for the
16 fact the foreign person's business activity outside
17 the United States is 80% or more of the foreign
18 person's total business activity and (ii) for taxable
19 years ending on or after December 31, 2008, to a person
20 who would be a member of the same unitary business
21 group but for the fact that the person is prohibited
22 under Section 1501(a)(27) from being included in the
23 unitary business group because he or she is ordinarily
24 required to apportion business income under different
25 subsections of Section 304. The addition modification
26 required by this subparagraph shall be reduced to the

1 extent that dividends were included in base income of
2 the unitary group for the same taxable year and
3 received by the taxpayer or by a member of the
4 taxpayer's unitary business group (including amounts
5 included in gross income pursuant to Sections 951
6 through 964 of the Internal Revenue Code and amounts
7 included in gross income under Section 78 of the
8 Internal Revenue Code) with respect to the stock of
9 the same person to whom the interest was paid,
10 accrued, or incurred.

11 This paragraph shall not apply to the following:

12 (i) an item of interest paid, accrued, or
13 incurred, directly or indirectly, to a person who
14 is subject in a foreign country or state, other
15 than a state which requires mandatory unitary
16 reporting, to a tax on or measured by net income
17 with respect to such interest; or

18 (ii) an item of interest paid, accrued, or
19 incurred, directly or indirectly, to a person if
20 the taxpayer can establish, based on a
21 preponderance of the evidence, both of the
22 following:

23 (a) the person, during the same taxable
24 year, paid, accrued, or incurred, the interest
25 to a person that is not a related member, and

26 (b) the transaction giving rise to the

1 interest expense between the taxpayer and the
2 person did not have as a principal purpose the
3 avoidance of Illinois income tax, and is paid
4 pursuant to a contract or agreement that
5 reflects an arm's-length interest rate and
6 terms; or

7 (iii) the taxpayer can establish, based on
8 clear and convincing evidence, that the interest
9 paid, accrued, or incurred relates to a contract
10 or agreement entered into at arm's-length rates
11 and terms and the principal purpose for the
12 payment is not federal or Illinois tax avoidance;
13 or

14 (iv) an item of interest paid, accrued, or
15 incurred, directly or indirectly, to a person if
16 the taxpayer establishes by clear and convincing
17 evidence that the adjustments are unreasonable; or
18 if the taxpayer and the Director agree in writing
19 to the application or use of an alternative method
20 of apportionment under Section 304(f).

21 Nothing in this subsection shall preclude the
22 Director from making any other adjustment
23 otherwise allowed under Section 404 of this Act
24 for any tax year beginning after the effective
25 date of this amendment provided such adjustment is
26 made pursuant to regulation adopted by the

1 Department and such regulations provide methods
2 and standards by which the Department will utilize
3 its authority under Section 404 of this Act; and

4 (D-8) An amount equal to the amount of intangible
5 expenses and costs otherwise allowed as a deduction in
6 computing base income, and that were paid, accrued, or
7 incurred, directly or indirectly, (i) for taxable
8 years ending on or after December 31, 2004, to a
9 foreign person who would be a member of the same
10 unitary business group but for the fact that the
11 foreign person's business activity outside the United
12 States is 80% or more of that person's total business
13 activity and (ii) for taxable years ending on or after
14 December 31, 2008, to a person who would be a member of
15 the same unitary business group but for the fact that
16 the person is prohibited under Section 1501(a)(27)
17 from being included in the unitary business group
18 because he or she is ordinarily required to apportion
19 business income under different subsections of Section
20 304. The addition modification required by this
21 subparagraph shall be reduced to the extent that
22 dividends were included in base income of the unitary
23 group for the same taxable year and received by the
24 taxpayer or by a member of the taxpayer's unitary
25 business group (including amounts included in gross
26 income pursuant to Sections 951 through 964 of the

1 Internal Revenue Code and amounts included in gross
2 income under Section 78 of the Internal Revenue Code)
3 with respect to the stock of the same person to whom
4 the intangible expenses and costs were directly or
5 indirectly paid, incurred or accrued. The preceding
6 sentence shall not apply to the extent that the same
7 dividends caused a reduction to the addition
8 modification required under Section 203(d)(2)(D-7) of
9 this Act. As used in this subparagraph, the term
10 "intangible expenses and costs" includes (1) expenses,
11 losses, and costs for, or related to, the direct or
12 indirect acquisition, use, maintenance or management,
13 ownership, sale, exchange, or any other disposition of
14 intangible property; (2) losses incurred, directly or
15 indirectly, from factoring transactions or discounting
16 transactions; (3) royalty, patent, technical, and
17 copyright fees; (4) licensing fees; and (5) other
18 similar expenses and costs. For purposes of this
19 subparagraph, "intangible property" includes patents,
20 patent applications, trade names, trademarks, service
21 marks, copyrights, mask works, trade secrets, and
22 similar types of intangible assets;

23 This paragraph shall not apply to the following:

24 (i) any item of intangible expenses or costs
25 paid, accrued, or incurred, directly or
26 indirectly, from a transaction with a person who

1 is subject in a foreign country or state, other
2 than a state which requires mandatory unitary
3 reporting, to a tax on or measured by net income
4 with respect to such item; or

5 (ii) any item of intangible expense or cost
6 paid, accrued, or incurred, directly or
7 indirectly, if the taxpayer can establish, based
8 on a preponderance of the evidence, both of the
9 following:

10 (a) the person during the same taxable
11 year paid, accrued, or incurred, the
12 intangible expense or cost to a person that is
13 not a related member, and

14 (b) the transaction giving rise to the
15 intangible expense or cost between the
16 taxpayer and the person did not have as a
17 principal purpose the avoidance of Illinois
18 income tax, and is paid pursuant to a contract
19 or agreement that reflects arm's-length terms;

20 or

21 (iii) any item of intangible expense or cost
22 paid, accrued, or incurred, directly or
23 indirectly, from a transaction with a person if
24 the taxpayer establishes by clear and convincing
25 evidence, that the adjustments are unreasonable;
26 or if the taxpayer and the Director agree in

1 writing to the application or use of an
2 alternative method of apportionment under Section
3 304(f);

4 Nothing in this subsection shall preclude the
5 Director from making any other adjustment
6 otherwise allowed under Section 404 of this Act
7 for any tax year beginning after the effective
8 date of this amendment provided such adjustment is
9 made pursuant to regulation adopted by the
10 Department and such regulations provide methods
11 and standards by which the Department will utilize
12 its authority under Section 404 of this Act;

13 (D-9) For taxable years ending on or after
14 December 31, 2008, an amount equal to the amount of
15 insurance premium expenses and costs otherwise allowed
16 as a deduction in computing base income, and that were
17 paid, accrued, or incurred, directly or indirectly, to
18 a person who would be a member of the same unitary
19 business group but for the fact that the person is
20 prohibited under Section 1501(a)(27) from being
21 included in the unitary business group because he or
22 she is ordinarily required to apportion business
23 income under different subsections of Section 304. The
24 addition modification required by this subparagraph
25 shall be reduced to the extent that dividends were
26 included in base income of the unitary group for the

1 same taxable year and received by the taxpayer or by a
2 member of the taxpayer's unitary business group
3 (including amounts included in gross income under
4 Sections 951 through 964 of the Internal Revenue Code
5 and amounts included in gross income under Section 78
6 of the Internal Revenue Code) with respect to the
7 stock of the same person to whom the premiums and costs
8 were directly or indirectly paid, incurred, or
9 accrued. The preceding sentence does not apply to the
10 extent that the same dividends caused a reduction to
11 the addition modification required under Section
12 203(d) (2) (D-7) or Section 203(d) (2) (D-8) of this Act;

13 (D-10) An amount equal to the credit allowable to
14 the taxpayer under Section 218(a) of this Act,
15 determined without regard to Section 218(c) of this
16 Act;

17 (D-11) For taxable years ending on or after
18 December 31, 2017, an amount equal to the deduction
19 allowed under Section 199 of the Internal Revenue Code
20 for the taxable year;

21 and by deducting from the total so obtained the following
22 amounts:

23 (E) The valuation limitation amount;

24 (F) An amount equal to the amount of any tax
25 imposed by this Act which was refunded to the taxpayer
26 and included in such total for the taxable year;

1 (G) An amount equal to all amounts included in
2 taxable income as modified by subparagraphs (A), (B),
3 (C) and (D) which are exempt from taxation by this
4 State either by reason of its statutes or Constitution
5 or by reason of the Constitution, treaties or statutes
6 of the United States; provided that, in the case of any
7 statute of this State that exempts income derived from
8 bonds or other obligations from the tax imposed under
9 this Act, the amount exempted shall be the interest
10 net of bond premium amortization;

11 (H) Any income of the partnership which
12 constitutes personal service income as defined in
13 Section 1348(b)(1) of the Internal Revenue Code (as in
14 effect December 31, 1981) or a reasonable allowance
15 for compensation paid or accrued for services rendered
16 by partners to the partnership, whichever is greater;
17 this subparagraph (H) is exempt from the provisions of
18 Section 250;

19 (I) An amount equal to all amounts of income
20 distributable to an entity subject to the Personal
21 Property Tax Replacement Income Tax imposed by
22 subsections (c) and (d) of Section 201 of this Act
23 including amounts distributable to organizations
24 exempt from federal income tax by reason of Section
25 501(a) of the Internal Revenue Code; this subparagraph
26 (I) is exempt from the provisions of Section 250;

1 (J) With the exception of any amounts subtracted
2 under subparagraph (G), an amount equal to the sum of
3 all amounts disallowed as deductions by (i) Sections
4 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
5 and all amounts of expenses allocable to interest and
6 disallowed as deductions by Section 265(a)(1) of the
7 Internal Revenue Code; and (ii) for taxable years
8 ending on or after August 13, 1999, Sections
9 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
10 Internal Revenue Code, plus, (iii) for taxable years
11 ending on or after December 31, 2011, Section
12 45G(e)(3) of the Internal Revenue Code and, for
13 taxable years ending on or after December 31, 2008,
14 any amount included in gross income under Section 87
15 of the Internal Revenue Code; the provisions of this
16 subparagraph are exempt from the provisions of Section
17 250;

18 (K) An amount equal to those dividends included in
19 such total which were paid by a corporation which
20 conducts business operations in a River Edge
21 Redevelopment Zone or zones created under the River
22 Edge Redevelopment Zone Act and conducts substantially
23 all of its operations from a River Edge Redevelopment
24 Zone or zones. This subparagraph (K) is exempt from
25 the provisions of Section 250;

26 (L) An amount equal to any contribution made to a

1 job training project established pursuant to the Real
2 Property Tax Increment Allocation Redevelopment Act;

3 (M) An amount equal to those dividends included in
4 such total that were paid by a corporation that
5 conducts business operations in a federally designated
6 Foreign Trade Zone or Sub-Zone and that is designated
7 a High Impact Business located in Illinois; provided
8 that dividends eligible for the deduction provided in
9 subparagraph (K) of paragraph (2) of this subsection
10 shall not be eligible for the deduction provided under
11 this subparagraph (M);

12 (N) An amount equal to the amount of the deduction
13 used to compute the federal income tax credit for
14 restoration of substantial amounts held under claim of
15 right for the taxable year pursuant to Section 1341 of
16 the Internal Revenue Code;

17 (O) For taxable years 2001 and thereafter, for the
18 taxable year in which the bonus depreciation deduction
19 is taken on the taxpayer's federal income tax return
20 under subsection (k) of Section 168 of the Internal
21 Revenue Code and for each applicable taxable year
22 thereafter, an amount equal to "x", where:

23 (1) "y" equals the amount of the depreciation
24 deduction taken for the taxable year on the
25 taxpayer's federal income tax return on property
26 for which the bonus depreciation deduction was

1 taken in any year under subsection (k) of Section
2 168 of the Internal Revenue Code, but not
3 including the bonus depreciation deduction;

4 (2) for taxable years ending on or before
5 December 31, 2005, "x" equals "y" multiplied by 30
6 and then divided by 70 (or "y" multiplied by
7 0.429); and

8 (3) for taxable years ending after December
9 31, 2005:

10 (i) for property on which a bonus
11 depreciation deduction of 30% of the adjusted
12 basis was taken, "x" equals "y" multiplied by
13 30 and then divided by 70 (or "y" multiplied
14 by 0.429);

15 (ii) for property on which a bonus
16 depreciation deduction of 50% of the adjusted
17 basis was taken, "x" equals "y" multiplied by
18 1.0;

19 (iii) for property on which a bonus
20 depreciation deduction of 100% of the adjusted
21 basis was taken in a taxable year ending on or
22 after December 31, 2021, "x" equals the
23 depreciation deduction that would be allowed
24 on that property if the taxpayer had made the
25 election under Section 168(k)(7) of the
26 Internal Revenue Code to not claim bonus

1 ~~depreciation~~ depreciation on that property; and

2 (iv) for property on which a bonus
3 depreciation deduction of a percentage other
4 than 30%, 50% or 100% of the adjusted basis
5 was taken in a taxable year ending on or after
6 December 31, 2021, "x" equals "y" multiplied
7 by 100 times the percentage bonus depreciation
8 on the property (that is, $100(\text{bonus}\%)$) and
9 then divided by 100 times 1 minus the
10 percentage bonus depreciation on the property
11 (that is, $100(1-\text{bonus}\%)$).

12 The aggregate amount deducted under this
13 subparagraph in all taxable years for any one piece of
14 property may not exceed the amount of the bonus
15 depreciation deduction taken on that property on the
16 taxpayer's federal income tax return under subsection
17 (k) of Section 168 of the Internal Revenue Code. This
18 subparagraph (O) is exempt from the provisions of
19 Section 250;

20 (P) If the taxpayer sells, transfers, abandons, or
21 otherwise disposes of property for which the taxpayer
22 was required in any taxable year to make an addition
23 modification under subparagraph (D-5), then an amount
24 equal to that addition modification.

25 If the taxpayer continues to own property through
26 the last day of the last tax year for which a

1 subtraction is allowed with respect to that property
2 under subparagraph (O) and for which the taxpayer was
3 required in any taxable year to make an addition
4 modification under subparagraph (D-5), then an amount
5 equal to that addition modification.

6 The taxpayer is allowed to take the deduction
7 under this subparagraph only once with respect to any
8 one piece of property.

9 This subparagraph (P) is exempt from the
10 provisions of Section 250;

11 (Q) The amount of (i) any interest income (net of
12 the deductions allocable thereto) taken into account
13 for the taxable year with respect to a transaction
14 with a taxpayer that is required to make an addition
15 modification with respect to such transaction under
16 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
17 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
18 the amount of such addition modification and (ii) any
19 income from intangible property (net of the deductions
20 allocable thereto) taken into account for the taxable
21 year with respect to a transaction with a taxpayer
22 that is required to make an addition modification with
23 respect to such transaction under Section
24 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
25 203(d)(2)(D-8), but not to exceed the amount of such
26 addition modification. This subparagraph (Q) is exempt

1 from Section 250;

2 (R) An amount equal to the interest income taken
3 into account for the taxable year (net of the
4 deductions allocable thereto) with respect to
5 transactions with (i) a foreign person who would be a
6 member of the taxpayer's unitary business group but
7 for the fact that the foreign person's business
8 activity outside the United States is 80% or more of
9 that person's total business activity and (ii) for
10 taxable years ending on or after December 31, 2008, to
11 a person who would be a member of the same unitary
12 business group but for the fact that the person is
13 prohibited under Section 1501(a)(27) from being
14 included in the unitary business group because he or
15 she is ordinarily required to apportion business
16 income under different subsections of Section 304, but
17 not to exceed the addition modification required to be
18 made for the same taxable year under Section
19 203(d)(2)(D-7) for interest paid, accrued, or
20 incurred, directly or indirectly, to the same person.
21 This subparagraph (R) is exempt from Section 250;

22 (S) An amount equal to the income from intangible
23 property taken into account for the taxable year (net
24 of the deductions allocable thereto) with respect to
25 transactions with (i) a foreign person who would be a
26 member of the taxpayer's unitary business group but

1 for the fact that the foreign person's business
2 activity outside the United States is 80% or more of
3 that person's total business activity and (ii) for
4 taxable years ending on or after December 31, 2008, to
5 a person who would be a member of the same unitary
6 business group but for the fact that the person is
7 prohibited under Section 1501(a)(27) from being
8 included in the unitary business group because he or
9 she is ordinarily required to apportion business
10 income under different subsections of Section 304, but
11 not to exceed the addition modification required to be
12 made for the same taxable year under Section
13 203(d)(2)(D-8) for intangible expenses and costs paid,
14 accrued, or incurred, directly or indirectly, to the
15 same person. This subparagraph (S) is exempt from
16 Section 250; and

17 (T) For taxable years ending on or after December
18 31, 2011, in the case of a taxpayer who was required to
19 add back any insurance premiums under Section
20 203(d)(2)(D-9), such taxpayer may elect to subtract
21 that part of a reimbursement received from the
22 insurance company equal to the amount of the expense
23 or loss (including expenses incurred by the insurance
24 company) that would have been taken into account as a
25 deduction for federal income tax purposes if the
26 expense or loss had been uninsured. If a taxpayer

1 makes the election provided for by this subparagraph
2 (T), the insurer to which the premiums were paid must
3 add back to income the amount subtracted by the
4 taxpayer pursuant to this subparagraph (T). This
5 subparagraph (T) is exempt from the provisions of
6 Section 250.

7 (e) Gross income; adjusted gross income; taxable income.

8 (1) In general. Subject to the provisions of paragraph
9 (2) and subsection (b)(3), for purposes of this Section
10 and Section 803(e), a taxpayer's gross income, adjusted
11 gross income, or taxable income for the taxable year shall
12 mean the amount of gross income, adjusted gross income or
13 taxable income properly reportable for federal income tax
14 purposes for the taxable year under the provisions of the
15 Internal Revenue Code. Taxable income may be less than
16 zero. However, for taxable years ending on or after
17 December 31, 1986, net operating loss carryforwards from
18 taxable years ending prior to December 31, 1986, may not
19 exceed the sum of federal taxable income for the taxable
20 year before net operating loss deduction, plus the excess
21 of addition modifications over subtraction modifications
22 for the taxable year. For taxable years ending prior to
23 December 31, 1986, taxable income may never be an amount
24 in excess of the net operating loss for the taxable year as
25 defined in subsections (c) and (d) of Section 172 of the

1 Internal Revenue Code, provided that when taxable income
2 of a corporation (other than a Subchapter S corporation),
3 trust, or estate is less than zero and addition
4 modifications, other than those provided by subparagraph
5 (E) of paragraph (2) of subsection (b) for corporations or
6 subparagraph (E) of paragraph (2) of subsection (c) for
7 trusts and estates, exceed subtraction modifications, an
8 addition modification must be made under those
9 subparagraphs for any other taxable year to which the
10 taxable income less than zero (net operating loss) is
11 applied under Section 172 of the Internal Revenue Code or
12 under subparagraph (E) of paragraph (2) of this subsection
13 (e) applied in conjunction with Section 172 of the
14 Internal Revenue Code.

15 (2) Special rule. For purposes of paragraph (1) of
16 this subsection, the taxable income properly reportable
17 for federal income tax purposes shall mean:

18 (A) Certain life insurance companies. In the case
19 of a life insurance company subject to the tax imposed
20 by Section 801 of the Internal Revenue Code, life
21 insurance company taxable income, plus the amount of
22 distribution from pre-1984 policyholder surplus
23 accounts as calculated under Section 815a of the
24 Internal Revenue Code;

25 (B) Certain other insurance companies. In the case
26 of mutual insurance companies subject to the tax

1 imposed by Section 831 of the Internal Revenue Code,
2 insurance company taxable income;

3 (C) Regulated investment companies. In the case of
4 a regulated investment company subject to the tax
5 imposed by Section 852 of the Internal Revenue Code,
6 investment company taxable income;

7 (D) Real estate investment trusts. In the case of
8 a real estate investment trust subject to the tax
9 imposed by Section 857 of the Internal Revenue Code,
10 real estate investment trust taxable income;

11 (E) Consolidated corporations. In the case of a
12 corporation which is a member of an affiliated group
13 of corporations filing a consolidated income tax
14 return for the taxable year for federal income tax
15 purposes, taxable income determined as if such
16 corporation had filed a separate return for federal
17 income tax purposes for the taxable year and each
18 preceding taxable year for which it was a member of an
19 affiliated group. For purposes of this subparagraph,
20 the taxpayer's separate taxable income shall be
21 determined as if the election provided by Section
22 243(b)(2) of the Internal Revenue Code had been in
23 effect for all such years;

24 (F) Cooperatives. In the case of a cooperative
25 corporation or association, the taxable income of such
26 organization determined in accordance with the

1 provisions of Section 1381 through 1388 of the
2 Internal Revenue Code, but without regard to the
3 prohibition against offsetting losses from patronage
4 activities against income from nonpatronage
5 activities; except that a cooperative corporation or
6 association may make an election to follow its federal
7 income tax treatment of patronage losses and
8 nonpatronage losses. In the event such election is
9 made, such losses shall be computed and carried over
10 in a manner consistent with subsection (a) of Section
11 207 of this Act and apportioned by the apportionment
12 factor reported by the cooperative on its Illinois
13 income tax return filed for the taxable year in which
14 the losses are incurred. The election shall be
15 effective for all taxable years with original returns
16 due on or after the date of the election. In addition,
17 the cooperative may file an amended return or returns,
18 as allowed under this Act, to provide that the
19 election shall be effective for losses incurred or
20 carried forward for taxable years occurring prior to
21 the date of the election. Once made, the election may
22 only be revoked upon approval of the Director. The
23 Department shall adopt rules setting forth
24 requirements for documenting the elections and any
25 resulting Illinois net loss and the standards to be
26 used by the Director in evaluating requests to revoke

1 elections. Public Act 96-932 is declaratory of
2 existing law;

3 (G) Subchapter S corporations. In the case of: (i)
4 a Subchapter S corporation for which there is in
5 effect an election for the taxable year under Section
6 1362 of the Internal Revenue Code, the taxable income
7 of such corporation determined in accordance with
8 Section 1363(b) of the Internal Revenue Code, except
9 that taxable income shall take into account those
10 items which are required by Section 1363(b)(1) of the
11 Internal Revenue Code to be separately stated; and
12 (ii) a Subchapter S corporation for which there is in
13 effect a federal election to opt out of the provisions
14 of the Subchapter S Revision Act of 1982 and have
15 applied instead the prior federal Subchapter S rules
16 as in effect on July 1, 1982, the taxable income of
17 such corporation determined in accordance with the
18 federal Subchapter S rules as in effect on July 1,
19 1982; and

20 (H) Partnerships. In the case of a partnership,
21 taxable income determined in accordance with Section
22 703 of the Internal Revenue Code, except that taxable
23 income shall take into account those items which are
24 required by Section 703(a)(1) to be separately stated
25 but which would be taken into account by an individual
26 in calculating his taxable income.

1 (3) Recapture of business expenses on disposition of
2 asset or business. Notwithstanding any other law to the
3 contrary, if in prior years income from an asset or
4 business has been classified as business income and in a
5 later year is demonstrated to be non-business income, then
6 all expenses, without limitation, deducted in such later
7 year and in the 2 immediately preceding taxable years
8 related to that asset or business that generated the
9 non-business income shall be added back and recaptured as
10 business income in the year of the disposition of the
11 asset or business. Such amount shall be apportioned to
12 Illinois using the greater of the apportionment fraction
13 computed for the business under Section 304 of this Act
14 for the taxable year or the average of the apportionment
15 fractions computed for the business under Section 304 of
16 this Act for the taxable year and for the 2 immediately
17 preceding taxable years.

18 (f) Valuation limitation amount.

19 (1) In general. The valuation limitation amount
20 referred to in subsections (a)(2)(G), (c)(2)(I) and
21 (d)(2)(E) is an amount equal to:

22 (A) The sum of the pre-August 1, 1969 appreciation
23 amounts (to the extent consisting of gain reportable
24 under the provisions of Section 1245 or 1250 of the
25 Internal Revenue Code) for all property in respect of

1 which such gain was reported for the taxable year;
2 plus

3 (B) The lesser of (i) the sum of the pre-August 1,
4 1969 appreciation amounts (to the extent consisting of
5 capital gain) for all property in respect of which
6 such gain was reported for federal income tax purposes
7 for the taxable year, or (ii) the net capital gain for
8 the taxable year, reduced in either case by any amount
9 of such gain included in the amount determined under
10 subsection (a) (2) (F) or (c) (2) (H).

11 (2) Pre-August 1, 1969 appreciation amount.

12 (A) If the fair market value of property referred
13 to in paragraph (1) was readily ascertainable on
14 August 1, 1969, the pre-August 1, 1969 appreciation
15 amount for such property is the lesser of (i) the
16 excess of such fair market value over the taxpayer's
17 basis (for determining gain) for such property on that
18 date (determined under the Internal Revenue Code as in
19 effect on that date), or (ii) the total gain realized
20 and reportable for federal income tax purposes in
21 respect of the sale, exchange or other disposition of
22 such property.

23 (B) If the fair market value of property referred
24 to in paragraph (1) was not readily ascertainable on
25 August 1, 1969, the pre-August 1, 1969 appreciation
26 amount for such property is that amount which bears

1 the same ratio to the total gain reported in respect of
2 the property for federal income tax purposes for the
3 taxable year, as the number of full calendar months in
4 that part of the taxpayer's holding period for the
5 property ending July 31, 1969 bears to the number of
6 full calendar months in the taxpayer's entire holding
7 period for the property.

8 (C) The Department shall prescribe such
9 regulations as may be necessary to carry out the
10 purposes of this paragraph.

11 (g) Double deductions. Unless specifically provided
12 otherwise, nothing in this Section shall permit the same item
13 to be deducted more than once.

14 (h) Legislative intention. Except as expressly provided by
15 this Section there shall be no modifications or limitations on
16 the amounts of income, gain, loss or deduction taken into
17 account in determining gross income, adjusted gross income or
18 taxable income for federal income tax purposes for the taxable
19 year, or in the amount of such items entering into the
20 computation of base income and net income under this Act for
21 such taxable year, whether in respect of property values as of
22 August 1, 1969 or otherwise.

23 (Source: P.A. 101-9, eff. 6-5-19; 101-81, eff. 7-12-19;
24 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658, eff.

1 8-27-21; revised 10-14-21.)

2 (35 ILCS 5/901)

3 Sec. 901. Collection authority.

4 (a) In general. The Department shall collect the taxes
5 imposed by this Act. The Department shall collect certified
6 past due child support amounts under Section 2505-650 of the
7 Department of Revenue Law of the Civil Administrative Code of
8 Illinois. Except as provided in subsections (b), (c), (e),
9 (f), (g), and (h) of this Section, money collected pursuant to
10 subsections (a) and (b) of Section 201 of this Act shall be
11 paid into the General Revenue Fund in the State treasury;
12 money collected pursuant to subsections (c) and (d) of Section
13 201 of this Act shall be paid into the Personal Property Tax
14 Replacement Fund, a special fund in the State Treasury; and
15 money collected under Section 2505-650 of the Department of
16 Revenue Law of the Civil Administrative Code of Illinois shall
17 be paid into the Child Support Enforcement Trust Fund, a
18 special fund outside the State Treasury, or to the State
19 Disbursement Unit established under Section 10-26 of the
20 Illinois Public Aid Code, as directed by the Department of
21 Healthcare and Family Services.

22 (b) Local Government Distributive Fund. Beginning August
23 1, 2017, the Treasurer shall transfer each month from the
24 General Revenue Fund to the Local Government Distributive Fund
25 an amount equal to the sum of: (i) 6.06% (10% of the ratio of

1 the 3% individual income tax rate prior to 2011 to the 4.95%
2 individual income tax rate after July 1, 2017) of the net
3 revenue realized from the tax imposed by subsections (a) and
4 (b) of Section 201 of this Act upon individuals, trusts, and
5 estates during the preceding month; (ii) 6.85% (10% of the
6 ratio of the 4.8% corporate income tax rate prior to 2011 to
7 the 7% corporate income tax rate after July 1, 2017) of the net
8 revenue realized from the tax imposed by subsections (a) and
9 (b) of Section 201 of this Act upon corporations during the
10 preceding month; and (iii) beginning February 1, 2022, 6.06%
11 of the net revenue realized from the tax imposed by subsection
12 (p) of Section 201 of this Act upon electing pass-through
13 entities. Net revenue realized for a month shall be defined as
14 the revenue from the tax imposed by subsections (a) and (b) of
15 Section 201 of this Act which is deposited in the General
16 Revenue Fund, the Education Assistance Fund, the Income Tax
17 Surcharge Local Government Distributive Fund, the Fund for the
18 Advancement of Education, and the Commitment to Human Services
19 Fund during the month minus the amount paid out of the General
20 Revenue Fund in State warrants during that same month as
21 refunds to taxpayers for overpayment of liability under the
22 tax imposed by subsections (a) and (b) of Section 201 of this
23 Act.

24 Notwithstanding any provision of law to the contrary,
25 beginning on July 6, 2017 (the effective date of Public Act
26 100-23), those amounts required under this subsection (b) to

1 be transferred by the Treasurer into the Local Government
2 Distributive Fund from the General Revenue Fund shall be
3 directly deposited into the Local Government Distributive Fund
4 as the revenue is realized from the tax imposed by subsections
5 (a) and (b) of Section 201 of this Act.

6 (c) Deposits Into Income Tax Refund Fund.

7 (1) Beginning on January 1, 1989 and thereafter, the
8 Department shall deposit a percentage of the amounts
9 collected pursuant to subsections (a) and (b) (1), (2), and
10 (3) of Section 201 of this Act into a fund in the State
11 treasury known as the Income Tax Refund Fund. Beginning
12 with State fiscal year 1990 and for each fiscal year
13 thereafter, the percentage deposited into the Income Tax
14 Refund Fund during a fiscal year shall be the Annual
15 Percentage. For fiscal year 2011, the Annual Percentage
16 shall be 8.75%. For fiscal year 2012, the Annual
17 Percentage shall be 8.75%. For fiscal year 2013, the
18 Annual Percentage shall be 9.75%. For fiscal year 2014,
19 the Annual Percentage shall be 9.5%. For fiscal year 2015,
20 the Annual Percentage shall be 10%. For fiscal year 2018,
21 the Annual Percentage shall be 9.8%. For fiscal year 2019,
22 the Annual Percentage shall be 9.7%. For fiscal year 2020,
23 the Annual Percentage shall be 9.5%. For fiscal year 2021,
24 the Annual Percentage shall be 9%. For fiscal year 2022,
25 the Annual Percentage shall be 9.25%. For all other fiscal
26 years, the Annual Percentage shall be calculated as a

1 fraction, the numerator of which shall be the amount of
2 refunds approved for payment by the Department during the
3 preceding fiscal year as a result of overpayment of tax
4 liability under subsections (a) and (b)(1), (2), and (3)
5 of Section 201 of this Act plus the amount of such refunds
6 remaining approved but unpaid at the end of the preceding
7 fiscal year, minus the amounts transferred into the Income
8 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
9 and the denominator of which shall be the amounts which
10 will be collected pursuant to subsections (a) and (b)(1),
11 (2), and (3) of Section 201 of this Act during the
12 preceding fiscal year; except that in State fiscal year
13 2002, the Annual Percentage shall in no event exceed 7.6%.
14 The Director of Revenue shall certify the Annual
15 Percentage to the Comptroller on the last business day of
16 the fiscal year immediately preceding the fiscal year for
17 which it is to be effective.

18 (2) Beginning on January 1, 1989 and thereafter, the
19 Department shall deposit a percentage of the amounts
20 collected pursuant to subsections (a) and (b)(6), (7), and
21 (8), (c) and (d) of Section 201 of this Act into a fund in
22 the State treasury known as the Income Tax Refund Fund.
23 Beginning with State fiscal year 1990 and for each fiscal
24 year thereafter, the percentage deposited into the Income
25 Tax Refund Fund during a fiscal year shall be the Annual
26 Percentage. For fiscal year 2011, the Annual Percentage

1 shall be 17.5%. For fiscal year 2012, the Annual
2 Percentage shall be 17.5%. For fiscal year 2013, the
3 Annual Percentage shall be 14%. For fiscal year 2014, the
4 Annual Percentage shall be 13.4%. For fiscal year 2015,
5 the Annual Percentage shall be 14%. For fiscal year 2018,
6 the Annual Percentage shall be 17.5%. For fiscal year
7 2019, the Annual Percentage shall be 15.5%. For fiscal
8 year 2020, the Annual Percentage shall be 14.25%. For
9 fiscal year 2021, the Annual Percentage shall be 14%. For
10 fiscal year 2022, the Annual Percentage shall be 15%. For
11 all other fiscal years, the Annual Percentage shall be
12 calculated as a fraction, the numerator of which shall be
13 the amount of refunds approved for payment by the
14 Department during the preceding fiscal year as a result of
15 overpayment of tax liability under subsections (a) and
16 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
17 Act plus the amount of such refunds remaining approved but
18 unpaid at the end of the preceding fiscal year, and the
19 denominator of which shall be the amounts which will be
20 collected pursuant to subsections (a) and (b) (6), (7), and
21 (8), (c) and (d) of Section 201 of this Act during the
22 preceding fiscal year; except that in State fiscal year
23 2002, the Annual Percentage shall in no event exceed 23%.
24 The Director of Revenue shall certify the Annual
25 Percentage to the Comptroller on the last business day of
26 the fiscal year immediately preceding the fiscal year for

1 which it is to be effective.

2 (3) The Comptroller shall order transferred and the
3 Treasurer shall transfer from the Tobacco Settlement
4 Recovery Fund to the Income Tax Refund Fund (i)
5 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
6 2002, and (iii) \$35,000,000 in January, 2003.

7 (d) Expenditures from Income Tax Refund Fund.

8 (1) Beginning January 1, 1989, money in the Income Tax
9 Refund Fund shall be expended exclusively for the purpose
10 of paying refunds resulting from overpayment of tax
11 liability under Section 201 of this Act and for making
12 transfers pursuant to this subsection (d).

13 (2) The Director shall order payment of refunds
14 resulting from overpayment of tax liability under Section
15 201 of this Act from the Income Tax Refund Fund only to the
16 extent that amounts collected pursuant to Section 201 of
17 this Act and transfers pursuant to this subsection (d) and
18 item (3) of subsection (c) have been deposited and
19 retained in the Fund.

20 (3) As soon as possible after the end of each fiscal
21 year, the Director shall order transferred and the State
22 Treasurer and State Comptroller shall transfer from the
23 Income Tax Refund Fund to the Personal Property Tax
24 Replacement Fund an amount, certified by the Director to
25 the Comptroller, equal to the excess of the amount
26 collected pursuant to subsections (c) and (d) of Section

1 201 of this Act deposited into the Income Tax Refund Fund
2 during the fiscal year over the amount of refunds
3 resulting from overpayment of tax liability under
4 subsections (c) and (d) of Section 201 of this Act paid
5 from the Income Tax Refund Fund during the fiscal year.

6 (4) As soon as possible after the end of each fiscal
7 year, the Director shall order transferred and the State
8 Treasurer and State Comptroller shall transfer from the
9 Personal Property Tax Replacement Fund to the Income Tax
10 Refund Fund an amount, certified by the Director to the
11 Comptroller, equal to the excess of the amount of refunds
12 resulting from overpayment of tax liability under
13 subsections (c) and (d) of Section 201 of this Act paid
14 from the Income Tax Refund Fund during the fiscal year
15 over the amount collected pursuant to subsections (c) and
16 (d) of Section 201 of this Act deposited into the Income
17 Tax Refund Fund during the fiscal year.

18 (4.5) As soon as possible after the end of fiscal year
19 1999 and of each fiscal year thereafter, the Director
20 shall order transferred and the State Treasurer and State
21 Comptroller shall transfer from the Income Tax Refund Fund
22 to the General Revenue Fund any surplus remaining in the
23 Income Tax Refund Fund as of the end of such fiscal year;
24 excluding for fiscal years 2000, 2001, and 2002 amounts
25 attributable to transfers under item (3) of subsection (c)
26 less refunds resulting from the earned income tax credit.

1 (5) This Act shall constitute an irrevocable and
2 continuing appropriation from the Income Tax Refund Fund
3 for the purpose of paying refunds upon the order of the
4 Director in accordance with the provisions of this
5 Section.

6 (e) Deposits into the Education Assistance Fund and the
7 Income Tax Surcharge Local Government Distributive Fund. On
8 July 1, 1991, and thereafter, of the amounts collected
9 pursuant to subsections (a) and (b) of Section 201 of this Act,
10 minus deposits into the Income Tax Refund Fund, the Department
11 shall deposit 7.3% into the Education Assistance Fund in the
12 State Treasury. Beginning July 1, 1991, and continuing through
13 January 31, 1993, of the amounts collected pursuant to
14 subsections (a) and (b) of Section 201 of the Illinois Income
15 Tax Act, minus deposits into the Income Tax Refund Fund, the
16 Department shall deposit 3.0% into the Income Tax Surcharge
17 Local Government Distributive Fund in the State Treasury.
18 Beginning February 1, 1993 and continuing through June 30,
19 1993, of the amounts collected pursuant to subsections (a) and
20 (b) of Section 201 of the Illinois Income Tax Act, minus
21 deposits into the Income Tax Refund Fund, the Department shall
22 deposit 4.4% into the Income Tax Surcharge Local Government
23 Distributive Fund in the State Treasury. Beginning July 1,
24 1993, and continuing through June 30, 1994, of the amounts
25 collected under subsections (a) and (b) of Section 201 of this
26 Act, minus deposits into the Income Tax Refund Fund, the

1 Department shall deposit 1.475% into the Income Tax Surcharge
2 Local Government Distributive Fund in the State Treasury.

3 (f) Deposits into the Fund for the Advancement of
4 Education. Beginning February 1, 2015, the Department shall
5 deposit the following portions of the revenue realized from
6 the tax imposed upon individuals, trusts, and estates by
7 subsections (a) and (b) of Section 201 of this Act, minus
8 deposits into the Income Tax Refund Fund, into the Fund for the
9 Advancement of Education:

10 (1) beginning February 1, 2015, and prior to February
11 1, 2025, 1/30; and

12 (2) beginning February 1, 2025, 1/26.

13 If the rate of tax imposed by subsection (a) and (b) of
14 Section 201 is reduced pursuant to Section 201.5 of this Act,
15 the Department shall not make the deposits required by this
16 subsection (f) on or after the effective date of the
17 reduction.

18 (g) Deposits into the Commitment to Human Services Fund.
19 Beginning February 1, 2015, the Department shall deposit the
20 following portions of the revenue realized from the tax
21 imposed upon individuals, trusts, and estates by subsections
22 (a) and (b) of Section 201 of this Act, minus deposits into the
23 Income Tax Refund Fund, into the Commitment to Human Services
24 Fund:

25 (1) beginning February 1, 2015, and prior to February
26 1, 2025, 1/30; and

1 (2) beginning February 1, 2025, 1/26.

2 If the rate of tax imposed by subsection (a) and (b) of
3 Section 201 is reduced pursuant to Section 201.5 of this Act,
4 the Department shall not make the deposits required by this
5 subsection (g) on or after the effective date of the
6 reduction.

7 (h) Deposits into the Tax Compliance and Administration
8 Fund. Beginning on the first day of the first calendar month to
9 occur on or after August 26, 2014 (the effective date of Public
10 Act 98-1098), each month the Department shall pay into the Tax
11 Compliance and Administration Fund, to be used, subject to
12 appropriation, to fund additional auditors and compliance
13 personnel at the Department, an amount equal to 1/12 of 5% of
14 the cash receipts collected during the preceding fiscal year
15 by the Audit Bureau of the Department from the tax imposed by
16 subsections (a), (b), (c), and (d) of Section 201 of this Act,
17 net of deposits into the Income Tax Refund Fund made from those
18 cash receipts.

19 (Source: P.A. 101-8, see Section 99 for effective date;
20 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff.
21 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658,
22 eff. 8-27-21; revised 10-19-21.)

23 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

24 Sec. 917. Confidentiality and information sharing.

25 (a) Confidentiality. Except as provided in this Section,

1 all information received by the Department from returns filed
2 under this Act, or from any investigation conducted under the
3 provisions of this Act, shall be confidential, except for
4 official purposes within the Department or pursuant to
5 official procedures for collection of any State tax or
6 pursuant to an investigation or audit by the Illinois State
7 Scholarship Commission of a delinquent student loan or
8 monetary award or enforcement of any civil or criminal penalty
9 or sanction imposed by this Act or by another statute imposing
10 a State tax, and any person who divulges any such information
11 in any manner, except for such purposes and pursuant to order
12 of the Director or in accordance with a proper judicial order,
13 shall be guilty of a Class A misdemeanor. However, the
14 provisions of this paragraph are not applicable to information
15 furnished to (i) the Department of Healthcare and Family
16 Services (formerly Department of Public Aid), State's
17 Attorneys, and the Attorney General for child support
18 enforcement purposes and (ii) a licensed attorney representing
19 the taxpayer where an appeal or a protest has been filed on
20 behalf of the taxpayer. If it is necessary to file information
21 obtained pursuant to this Act in a child support enforcement
22 proceeding, the information shall be filed under seal. The
23 furnishing upon request of the Auditor General, or his or her
24 authorized agents, for official use of returns filed and
25 information related thereto under this Act is deemed to be an
26 official purpose within the Department within the meaning of

1 this Section.

2 (b) Public information. Nothing contained in this Act
3 shall prevent the Director from publishing or making available
4 to the public the names and addresses of persons filing
5 returns under this Act, or from publishing or making available
6 reasonable statistics concerning the operation of the tax
7 wherein the contents of returns are grouped into aggregates in
8 such a way that the information contained in any individual
9 return shall not be disclosed.

10 (c) Governmental agencies. The Director may make available
11 to the Secretary of the Treasury of the United States or his
12 delegate, or the proper officer or his delegate of any other
13 state imposing a tax upon or measured by income, for
14 exclusively official purposes, information received by the
15 Department in the administration of this Act, but such
16 permission shall be granted only if the United States or such
17 other state, as the case may be, grants the Department
18 substantially similar privileges. The Director may exchange
19 information with the Department of Healthcare and Family
20 Services and the Department of Human Services (acting as
21 successor to the Department of Public Aid under the Department
22 of Human Services Act) for the purpose of verifying sources
23 and amounts of income and for other purposes directly
24 connected with the administration of this Act, the Illinois
25 Public Aid Code, and any other health benefit program
26 administered by the State. The Director may exchange

1 information with the Director of the Department of Employment
2 Security for the purpose of verifying sources and amounts of
3 income and for other purposes directly connected with the
4 administration of this Act and Acts administered by the
5 Department of Employment Security. The Director may make
6 available to the Illinois Workers' Compensation Commission
7 information regarding employers for the purpose of verifying
8 the insurance coverage required under the Workers'
9 Compensation Act and Workers' Occupational Diseases Act. The
10 Director may exchange information with the Illinois Department
11 on Aging for the purpose of verifying sources and amounts of
12 income for purposes directly related to confirming eligibility
13 for participation in the programs of benefits authorized by
14 the Senior Citizens and Persons with Disabilities Property Tax
15 Relief and Pharmaceutical Assistance Act. The Director may
16 exchange information with the State Treasurer's Office and the
17 Department of Employment Security for the purpose of
18 implementing, administering, and enforcing the Illinois Secure
19 Choice Savings Program Act. The Director may exchange
20 information with the State Treasurer's Office for the purpose
21 of administering the Revised Uniform Unclaimed Property Act or
22 successor Acts. The Director may exchange information with the
23 State Treasurer's Office for the purpose of administering the
24 Illinois Higher Education Savings Program established under
25 Section 16.8 of the State Treasurer Act.

26 The Director may make available to any State agency,

1 including the Illinois Supreme Court, which licenses persons
2 to engage in any occupation, information that a person
3 licensed by such agency has failed to file returns under this
4 Act or pay the tax, penalty and interest shown therein, or has
5 failed to pay any final assessment of tax, penalty or interest
6 due under this Act. The Director may make available to any
7 State agency, including the Illinois Supreme Court,
8 information regarding whether a bidder, contractor, or an
9 affiliate of a bidder or contractor has failed to file returns
10 under this Act or pay the tax, penalty, and interest shown
11 therein, or has failed to pay any final assessment of tax,
12 penalty, or interest due under this Act, for the limited
13 purpose of enforcing bidder and contractor certifications. For
14 purposes of this Section, the term "affiliate" means any
15 entity that (1) directly, indirectly, or constructively
16 controls another entity, (2) is directly, indirectly, or
17 constructively controlled by another entity, or (3) is subject
18 to the control of a common entity. For purposes of this
19 subsection (a), an entity controls another entity if it owns,
20 directly or individually, more than 10% of the voting
21 securities of that entity. As used in this subsection (a), the
22 term "voting security" means a security that (1) confers upon
23 the holder the right to vote for the election of members of the
24 board of directors or similar governing body of the business
25 or (2) is convertible into, or entitles the holder to receive
26 upon its exercise, a security that confers such a right to

1 vote. A general partnership interest is a voting security.

2 The Director may make available to any State agency,
3 including the Illinois Supreme Court, units of local
4 government, and school districts, information regarding
5 whether a bidder or contractor is an affiliate of a person who
6 is not collecting and remitting Illinois Use taxes, for the
7 limited purpose of enforcing bidder and contractor
8 certifications.

9 The Director may also make available to the Secretary of
10 State information that a corporation which has been issued a
11 certificate of incorporation by the Secretary of State has
12 failed to file returns under this Act or pay the tax, penalty
13 and interest shown therein, or has failed to pay any final
14 assessment of tax, penalty or interest due under this Act. An
15 assessment is final when all proceedings in court for review
16 of such assessment have terminated or the time for the taking
17 thereof has expired without such proceedings being instituted.
18 For taxable years ending on or after December 31, 1987, the
19 Director may make available to the Director or principal
20 officer of any Department of the State of Illinois,
21 information that a person employed by such Department has
22 failed to file returns under this Act or pay the tax, penalty
23 and interest shown therein. For purposes of this paragraph,
24 the word "Department" shall have the same meaning as provided
25 in Section 3 of the State Employees Group Insurance Act of
26 1971.

1 (d) The Director shall make available for public
2 inspection in the Department's principal office and for
3 publication, at cost, administrative decisions issued on or
4 after January 1, 1995. These decisions are to be made
5 available in a manner so that the following taxpayer
6 information is not disclosed:

7 (1) The names, addresses, and identification numbers
8 of the taxpayer, related entities, and employees.

9 (2) At the sole discretion of the Director, trade
10 secrets or other confidential information identified as
11 such by the taxpayer, no later than 30 days after receipt
12 of an administrative decision, by such means as the
13 Department shall provide by rule.

14 The Director shall determine the appropriate extent of the
15 deletions allowed in paragraph (2). In the event the taxpayer
16 does not submit deletions, the Director shall make only the
17 deletions specified in paragraph (1).

18 The Director shall make available for public inspection
19 and publication an administrative decision within 180 days
20 after the issuance of the administrative decision. The term
21 "administrative decision" has the same meaning as defined in
22 Section 3-101 of Article III of the Code of Civil Procedure.
23 Costs collected under this Section shall be paid into the Tax
24 Compliance and Administration Fund.

25 (e) Nothing contained in this Act shall prevent the
26 Director from divulging information to any person pursuant to

1 a request or authorization made by the taxpayer, by an
2 authorized representative of the taxpayer, or, in the case of
3 information related to a joint return, by the spouse filing
4 the joint return with the taxpayer.

5 (Source: P.A. 102-61, eff. 7-9-21; 102-129, eff. 7-23-21;
6 revised 8-10-21.)

7 Section 250. The Economic Development for a Growing
8 Economy Tax Credit Act is amended by changing Section 5-45 as
9 follows:

10 (35 ILCS 10/5-45)

11 Sec. 5-45. Amount and duration of the credit.

12 (a) The Department shall determine the amount and duration
13 of the credit awarded under this Act. The duration of the
14 credit may not exceed 10 taxable years. The credit may be
15 stated as a percentage of the Incremental Income Tax
16 attributable to the applicant's project and may include a
17 fixed dollar limitation.

18 (b) Notwithstanding subsection (a), and except as the
19 credit may be applied in a carryover year pursuant to Section
20 211(4) of the Illinois Income Tax Act, the credit may be
21 applied against the State income tax liability in more than 10
22 taxable years but not in more than 15 taxable years for an
23 eligible business that (i) qualifies under this Act and the
24 Corporate Headquarters Relocation Act and has in fact

1 undertaken a qualifying project within the time frame
2 specified by the Department of Commerce and Economic
3 Opportunity under that Act, and (ii) applies against its State
4 income tax liability, during the entire 15-year period, no
5 more than 60% of the maximum credit per year that would
6 otherwise be available under this Act.

7 (c) Nothing in this Section shall prevent the Department,
8 in consultation with the Department of Revenue, from adopting
9 rules to extend the sunset of any earned, existing, and unused
10 tax credit or credits a taxpayer may be in possession of, as
11 provided for in Section 605-1070 ~~605-1055~~ of the Department of
12 Commerce and Economic Opportunity Law of the Civil
13 Administrative Code of Illinois, notwithstanding the
14 carry-forward provisions pursuant to paragraph (4) of Section
15 211 of the Illinois Income Tax Act.

16 (Source: P.A. 102-16, eff. 6-17-21; revised 12-6-21.)

17 Section 255. The Retailers' Occupation Tax Act is amended
18 by changing Sections 1, 2-5, and 3 as follows:

19 (35 ILCS 120/1) (from Ch. 120, par. 440)

20 Sec. 1. Definitions. "Sale at retail" means any transfer
21 of the ownership of or title to tangible personal property to a
22 purchaser, for the purpose of use or consumption, and not for
23 the purpose of resale in any form as tangible personal
24 property to the extent not first subjected to a use for which

1 it was purchased, for a valuable consideration: Provided that
2 the property purchased is deemed to be purchased for the
3 purpose of resale, despite first being used, to the extent to
4 which it is resold as an ingredient of an intentionally
5 produced product or byproduct of manufacturing. For this
6 purpose, slag produced as an incident to manufacturing pig
7 iron or steel and sold is considered to be an intentionally
8 produced byproduct of manufacturing. Transactions whereby the
9 possession of the property is transferred but the seller
10 retains the title as security for payment of the selling price
11 shall be deemed to be sales.

12 "Sale at retail" shall be construed to include any
13 transfer of the ownership of or title to tangible personal
14 property to a purchaser, for use or consumption by any other
15 person to whom such purchaser may transfer the tangible
16 personal property without a valuable consideration, and to
17 include any transfer, whether made for or without a valuable
18 consideration, for resale in any form as tangible personal
19 property unless made in compliance with Section 2c of this
20 Act.

21 Sales of tangible personal property, which property, to
22 the extent not first subjected to a use for which it was
23 purchased, as an ingredient or constituent, goes into and
24 forms a part of tangible personal property subsequently the
25 subject of a "Sale at retail", are not sales at retail as
26 defined in this Act: Provided that the property purchased is

1 deemed to be purchased for the purpose of resale, despite
2 first being used, to the extent to which it is resold as an
3 ingredient of an intentionally produced product or byproduct
4 of manufacturing.

5 "Sale at retail" shall be construed to include any
6 Illinois florist's sales transaction in which the purchase
7 order is received in Illinois by a florist and the sale is for
8 use or consumption, but the Illinois florist has a florist in
9 another state deliver the property to the purchaser or the
10 purchaser's donee in such other state.

11 Nonreusable tangible personal property that is used by
12 persons engaged in the business of operating a restaurant,
13 cafeteria, or drive-in is a sale for resale when it is
14 transferred to customers in the ordinary course of business as
15 part of the sale of food or beverages and is used to deliver,
16 package, or consume food or beverages, regardless of where
17 consumption of the food or beverages occurs. Examples of those
18 items include, but are not limited to nonreusable, paper and
19 plastic cups, plates, baskets, boxes, sleeves, buckets or
20 other containers, utensils, straws, placemats, napkins, doggie
21 bags, and wrapping or packaging materials that are transferred
22 to customers as part of the sale of food or beverages in the
23 ordinary course of business.

24 The purchase, employment and transfer of such tangible
25 personal property as newsprint and ink for the primary purpose
26 of conveying news (with or without other information) is not a

1 purchase, use or sale of tangible personal property.

2 A person whose activities are organized and conducted
3 primarily as a not-for-profit service enterprise, and who
4 engages in selling tangible personal property at retail
5 (whether to the public or merely to members and their guests)
6 is engaged in the business of selling tangible personal
7 property at retail with respect to such transactions,
8 excepting only a person organized and operated exclusively for
9 charitable, religious or educational purposes either (1), to
10 the extent of sales by such person to its members, students,
11 patients or inmates of tangible personal property to be used
12 primarily for the purposes of such person, or (2), to the
13 extent of sales by such person of tangible personal property
14 which is not sold or offered for sale by persons organized for
15 profit. The selling of school books and school supplies by
16 schools at retail to students is not "primarily for the
17 purposes of" the school which does such selling. The
18 provisions of this paragraph shall not apply to nor subject to
19 taxation occasional dinners, socials or similar activities of
20 a person organized and operated exclusively for charitable,
21 religious or educational purposes, whether or not such
22 activities are open to the public.

23 A person who is the recipient of a grant or contract under
24 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
25 serves meals to participants in the federal Nutrition Program
26 for the Elderly in return for contributions established in

1 amount by the individual participant pursuant to a schedule of
2 suggested fees as provided for in the federal Act is not
3 engaged in the business of selling tangible personal property
4 at retail with respect to such transactions.

5 "Purchaser" means anyone who, through a sale at retail,
6 acquires the ownership of or title to tangible personal
7 property for a valuable consideration.

8 "Reseller of motor fuel" means any person engaged in the
9 business of selling or delivering or transferring title of
10 motor fuel to another person other than for use or
11 consumption. No person shall act as a reseller of motor fuel
12 within this State without first being registered as a reseller
13 pursuant to Section 2c or a retailer pursuant to Section 2a.

14 "Selling price" or the "amount of sale" means the
15 consideration for a sale valued in money whether received in
16 money or otherwise, including cash, credits, property, other
17 than as hereinafter provided, and services, but, prior to
18 January 1, 2020 and beginning again on January 1, 2022, not
19 including the value of or credit given for traded-in tangible
20 personal property where the item that is traded-in is of like
21 kind and character as that which is being sold; beginning
22 January 1, 2020 and until January 1, 2022, "selling price"
23 includes the portion of the value of or credit given for
24 traded-in motor vehicles of the First Division as defined in
25 Section 1-146 of the Illinois Vehicle Code of like kind and
26 character as that which is being sold that exceeds \$10,000.

1 "Selling price" shall be determined without any deduction on
2 account of the cost of the property sold, the cost of materials
3 used, labor or service cost or any other expense whatsoever,
4 but does not include charges that are added to prices by
5 sellers on account of the seller's tax liability under this
6 Act, or on account of the seller's duty to collect, from the
7 purchaser, the tax that is imposed by the Use Tax Act, or,
8 except as otherwise provided with respect to any cigarette tax
9 imposed by a home rule unit, on account of the seller's tax
10 liability under any local occupation tax administered by the
11 Department, or, except as otherwise provided with respect to
12 any cigarette tax imposed by a home rule unit on account of the
13 seller's duty to collect, from the purchasers, the tax that is
14 imposed under any local use tax administered by the
15 Department. Effective December 1, 1985, "selling price" shall
16 include charges that are added to prices by sellers on account
17 of the seller's tax liability under the Cigarette Tax Act, on
18 account of the sellers' duty to collect, from the purchaser,
19 the tax imposed under the Cigarette Use Tax Act, and on account
20 of the seller's duty to collect, from the purchaser, any
21 cigarette tax imposed by a home rule unit.

22 Notwithstanding any law to the contrary, for any motor
23 vehicle, as defined in Section 1-146 of the Vehicle Code, that
24 is sold on or after January 1, 2015 for the purpose of leasing
25 the vehicle for a defined period that is longer than one year
26 and (1) is a motor vehicle of the second division that: (A) is

1 a self-contained motor vehicle designed or permanently
2 converted to provide living quarters for recreational,
3 camping, or travel use, with direct walk through access to the
4 living quarters from the driver's seat; (B) is of the van
5 configuration designed for the transportation of not less than
6 7 nor more than 16 passengers; or (C) has a gross vehicle
7 weight rating of 8,000 pounds or less or (2) is a motor vehicle
8 of the first division, "selling price" or "amount of sale"
9 means the consideration received by the lessor pursuant to the
10 lease contract, including amounts due at lease signing and all
11 monthly or other regular payments charged over the term of the
12 lease. Also included in the selling price is any amount
13 received by the lessor from the lessee for the leased vehicle
14 that is not calculated at the time the lease is executed,
15 including, but not limited to, excess mileage charges and
16 charges for excess wear and tear. For sales that occur in
17 Illinois, with respect to any amount received by the lessor
18 from the lessee for the leased vehicle that is not calculated
19 at the time the lease is executed, the lessor who purchased the
20 motor vehicle does not incur the tax imposed by the Use Tax Act
21 on those amounts, and the retailer who makes the retail sale of
22 the motor vehicle to the lessor is not required to collect the
23 tax imposed by the Use Tax Act or to pay the tax imposed by
24 this Act on those amounts. However, the lessor who purchased
25 the motor vehicle assumes the liability for reporting and
26 paying the tax on those amounts directly to the Department in

1 the same form (Illinois Retailers' Occupation Tax, and local
2 retailers' occupation taxes, if applicable) in which the
3 retailer would have reported and paid such tax if the retailer
4 had accounted for the tax to the Department. For amounts
5 received by the lessor from the lessee that are not calculated
6 at the time the lease is executed, the lessor must file the
7 return and pay the tax to the Department by the due date
8 otherwise required by this Act for returns other than
9 transaction returns. If the retailer is entitled under this
10 Act to a discount for collecting and remitting the tax imposed
11 under this Act to the Department with respect to the sale of
12 the motor vehicle to the lessor, then the right to the discount
13 provided in this Act shall be transferred to the lessor with
14 respect to the tax paid by the lessor for any amount received
15 by the lessor from the lessee for the leased vehicle that is
16 not calculated at the time the lease is executed; provided
17 that the discount is only allowed if the return is timely filed
18 and for amounts timely paid. The "selling price" of a motor
19 vehicle that is sold on or after January 1, 2015 for the
20 purpose of leasing for a defined period of longer than one year
21 shall not be reduced by the value of or credit given for
22 traded-in tangible personal property owned by the lessor, nor
23 shall it be reduced by the value of or credit given for
24 traded-in tangible personal property owned by the lessee,
25 regardless of whether the trade-in value thereof is assigned
26 by the lessee to the lessor. In the case of a motor vehicle

1 that is sold for the purpose of leasing for a defined period of
2 longer than one year, the sale occurs at the time of the
3 delivery of the vehicle, regardless of the due date of any
4 lease payments. A lessor who incurs a Retailers' Occupation
5 Tax liability on the sale of a motor vehicle coming off lease
6 may not take a credit against that liability for the Use Tax
7 the lessor paid upon the purchase of the motor vehicle (or for
8 any tax the lessor paid with respect to any amount received by
9 the lessor from the lessee for the leased vehicle that was not
10 calculated at the time the lease was executed) if the selling
11 price of the motor vehicle at the time of purchase was
12 calculated using the definition of "selling price" as defined
13 in this paragraph. Notwithstanding any other provision of this
14 Act to the contrary, lessors shall file all returns and make
15 all payments required under this paragraph to the Department
16 by electronic means in the manner and form as required by the
17 Department. This paragraph does not apply to leases of motor
18 vehicles for which, at the time the lease is entered into, the
19 term of the lease is not a defined period, including leases
20 with a defined initial period with the option to continue the
21 lease on a month-to-month or other basis beyond the initial
22 defined period.

23 The phrase "like kind and character" shall be liberally
24 construed (including but not limited to any form of motor
25 vehicle for any form of motor vehicle, or any kind of farm or
26 agricultural implement for any other kind of farm or

1 agricultural implement), while not including a kind of item
2 which, if sold at retail by that retailer, would be exempt from
3 retailers' occupation tax and use tax as an isolated or
4 occasional sale.

5 "Gross receipts" from the sales of tangible personal
6 property at retail means the total selling price or the amount
7 of such sales, as hereinbefore defined. In the case of charge
8 and time sales, the amount thereof shall be included only as
9 and when payments are received by the seller. Receipts or
10 other consideration derived by a seller from the sale,
11 transfer or assignment of accounts receivable to a wholly
12 owned subsidiary will not be deemed payments prior to the time
13 the purchaser makes payment on such accounts.

14 "Department" means the Department of Revenue.

15 "Person" means any natural individual, firm, partnership,
16 association, joint stock company, joint adventure, public or
17 private corporation, limited liability company, or a receiver,
18 executor, trustee, guardian or other representative appointed
19 by order of any court.

20 The isolated or occasional sale of tangible personal
21 property at retail by a person who does not hold himself out as
22 being engaged (or who does not habitually engage) in selling
23 such tangible personal property at retail, or a sale through a
24 bulk vending machine, does not constitute engaging in a
25 business of selling such tangible personal property at retail
26 within the meaning of this Act; provided that any person who is

1 engaged in a business which is not subject to the tax imposed
2 by this Act because of involving the sale of or a contract to
3 sell real estate or a construction contract to improve real
4 estate or a construction contract to engineer, install, and
5 maintain an integrated system of products, but who, in the
6 course of conducting such business, transfers tangible
7 personal property to users or consumers in the finished form
8 in which it was purchased, and which does not become real
9 estate or was not engineered and installed, under any
10 provision of a construction contract or real estate sale or
11 real estate sales agreement entered into with some other
12 person arising out of or because of such nontaxable business,
13 is engaged in the business of selling tangible personal
14 property at retail to the extent of the value of the tangible
15 personal property so transferred. If, in such a transaction, a
16 separate charge is made for the tangible personal property so
17 transferred, the value of such property, for the purpose of
18 this Act, shall be the amount so separately charged, but not
19 less than the cost of such property to the transferor; if no
20 separate charge is made, the value of such property, for the
21 purposes of this Act, is the cost to the transferor of such
22 tangible personal property. Construction contracts for the
23 improvement of real estate consisting of engineering,
24 installation, and maintenance of voice, data, video, security,
25 and all telecommunication systems do not constitute engaging
26 in a business of selling tangible personal property at retail

1 within the meaning of this Act if they are sold at one
2 specified contract price.

3 A person who holds himself or herself out as being engaged
4 (or who habitually engages) in selling tangible personal
5 property at retail is a person engaged in the business of
6 selling tangible personal property at retail hereunder with
7 respect to such sales (and not primarily in a service
8 occupation) notwithstanding the fact that such person designs
9 and produces such tangible personal property on special order
10 for the purchaser and in such a way as to render the property
11 of value only to such purchaser, if such tangible personal
12 property so produced on special order serves substantially the
13 same function as stock or standard items of tangible personal
14 property that are sold at retail.

15 Persons who engage in the business of transferring
16 tangible personal property upon the redemption of trading
17 stamps are engaged in the business of selling such property at
18 retail and shall be liable for and shall pay the tax imposed by
19 this Act on the basis of the retail value of the property
20 transferred upon redemption of such stamps.

21 "Bulk vending machine" means a vending machine, containing
22 unsorted confections, nuts, toys, or other items designed
23 primarily to be used or played with by children which, when a
24 coin or coins of a denomination not larger than \$0.50 are
25 inserted, are dispensed in equal portions, at random and
26 without selection by the customer.

1 "Remote retailer" means a retailer that does not maintain
2 within this State, directly or by a subsidiary, an office,
3 distribution house, sales house, warehouse or other place of
4 business, or any agent or other representative operating
5 within this State under the authority of the retailer or its
6 subsidiary, irrespective of whether such place of business or
7 agent is located here permanently or temporarily or whether
8 such retailer or subsidiary is licensed to do business in this
9 State.

10 "Marketplace" means a physical or electronic place, forum,
11 platform, application, or other method by which a marketplace
12 seller sells or offers to sell items.

13 "Marketplace facilitator" means a person who, pursuant to
14 an agreement with an unrelated third-party marketplace seller,
15 directly or indirectly through one or more affiliates
16 facilitates a retail sale by an unrelated third party
17 marketplace seller by:

18 (1) listing or advertising for sale by the marketplace
19 seller in a marketplace, tangible personal property that
20 is subject to tax under this Act; and

21 (2) either directly or indirectly, through agreements
22 or arrangements with third parties, collecting payment
23 from the customer and transmitting that payment to the
24 marketplace seller regardless of whether the marketplace
25 facilitator receives compensation or other consideration
26 in exchange for its services.

1 A person who provides advertising services, including
2 listing products for sale, is not considered a marketplace
3 facilitator, so long as the advertising service platform or
4 forum does not engage, directly or indirectly through one or
5 more affiliated persons, in the activities described in
6 paragraph (2) of this definition of "marketplace facilitator".

7 "Marketplace facilitator" does not include any person
8 licensed under the Auction License Act. This exemption does
9 not apply to any person who is an Internet auction listing
10 service, as defined by the Auction License Act.

11 "Marketplace seller" means a person that makes sales
12 through a marketplace operated by an unrelated third party
13 marketplace facilitator.

14 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 1-1-20;
15 102-353, eff. 1-1-22; 102-634, eff. 8-27-21; revised 11-1-21.)

16 (35 ILCS 120/2-5)

17 Sec. 2-5. Exemptions. Gross receipts from proceeds from
18 the sale of the following tangible personal property are
19 exempt from the tax imposed by this Act:

20 (1) Farm chemicals.

21 (2) Farm machinery and equipment, both new and used,
22 including that manufactured on special order, certified by
23 the purchaser to be used primarily for production
24 agriculture or State or federal agricultural programs,
25 including individual replacement parts for the machinery

1 and equipment, including machinery and equipment purchased
2 for lease, and including implements of husbandry defined
3 in Section 1-130 of the Illinois Vehicle Code, farm
4 machinery and agricultural chemical and fertilizer
5 spreaders, and nurse wagons required to be registered
6 under Section 3-809 of the Illinois Vehicle Code, but
7 excluding other motor vehicles required to be registered
8 under the Illinois Vehicle Code. Horticultural polyhouses
9 or hoop houses used for propagating, growing, or
10 overwintering plants shall be considered farm machinery
11 and equipment under this item (2). Agricultural chemical
12 tender tanks and dry boxes shall include units sold
13 separately from a motor vehicle required to be licensed
14 and units sold mounted on a motor vehicle required to be
15 licensed, if the selling price of the tender is separately
16 stated.

17 Farm machinery and equipment shall include precision
18 farming equipment that is installed or purchased to be
19 installed on farm machinery and equipment including, but
20 not limited to, tractors, harvesters, sprayers, planters,
21 seeders, or spreaders. Precision farming equipment
22 includes, but is not limited to, soil testing sensors,
23 computers, monitors, software, global positioning and
24 mapping systems, and other such equipment.

25 Farm machinery and equipment also includes computers,
26 sensors, software, and related equipment used primarily in

1 the computer-assisted operation of production agriculture
2 facilities, equipment, and activities such as, but not
3 limited to, the collection, monitoring, and correlation of
4 animal and crop data for the purpose of formulating animal
5 diets and agricultural chemicals. This item (2) is exempt
6 from the provisions of Section 2-70.

7 (3) Until July 1, 2003, distillation machinery and
8 equipment, sold as a unit or kit, assembled or installed
9 by the retailer, certified by the user to be used only for
10 the production of ethyl alcohol that will be used for
11 consumption as motor fuel or as a component of motor fuel
12 for the personal use of the user, and not subject to sale
13 or resale.

14 (4) Until July 1, 2003 and beginning again September
15 1, 2004 through August 30, 2014, graphic arts machinery
16 and equipment, including repair and replacement parts,
17 both new and used, and including that manufactured on
18 special order or purchased for lease, certified by the
19 purchaser to be used primarily for graphic arts
20 production. Equipment includes chemicals or chemicals
21 acting as catalysts but only if the chemicals or chemicals
22 acting as catalysts effect a direct and immediate change
23 upon a graphic arts product. Beginning on July 1, 2017,
24 graphic arts machinery and equipment is included in the
25 manufacturing and assembling machinery and equipment
26 exemption under paragraph (14).

1 (5) A motor vehicle that is used for automobile
2 renting, as defined in the Automobile Renting Occupation
3 and Use Tax Act. This paragraph is exempt from the
4 provisions of Section 2-70.

5 (6) Personal property sold by a teacher-sponsored
6 student organization affiliated with an elementary or
7 secondary school located in Illinois.

8 (7) Until July 1, 2003, proceeds of that portion of
9 the selling price of a passenger car the sale of which is
10 subject to the Replacement Vehicle Tax.

11 (8) Personal property sold to an Illinois county fair
12 association for use in conducting, operating, or promoting
13 the county fair.

14 (9) Personal property sold to a not-for-profit arts or
15 cultural organization that establishes, by proof required
16 by the Department by rule, that it has received an
17 exemption under Section 501(c)(3) of the Internal Revenue
18 Code and that is organized and operated primarily for the
19 presentation or support of arts or cultural programming,
20 activities, or services. These organizations include, but
21 are not limited to, music and dramatic arts organizations
22 such as symphony orchestras and theatrical groups, arts
23 and cultural service organizations, local arts councils,
24 visual arts organizations, and media arts organizations.
25 On and after July 1, 2001 (the effective date of Public Act
26 92-35), however, an entity otherwise eligible for this

1 exemption shall not make tax-free purchases unless it has
2 an active identification number issued by the Department.

3 (10) Personal property sold by a corporation, society,
4 association, foundation, institution, or organization,
5 other than a limited liability company, that is organized
6 and operated as a not-for-profit service enterprise for
7 the benefit of persons 65 years of age or older if the
8 personal property was not purchased by the enterprise for
9 the purpose of resale by the enterprise.

10 (11) Personal property sold to a governmental body, to
11 a corporation, society, association, foundation, or
12 institution organized and operated exclusively for
13 charitable, religious, or educational purposes, or to a
14 not-for-profit corporation, society, association,
15 foundation, institution, or organization that has no
16 compensated officers or employees and that is organized
17 and operated primarily for the recreation of persons 55
18 years of age or older. A limited liability company may
19 qualify for the exemption under this paragraph only if the
20 limited liability company is organized and operated
21 exclusively for educational purposes. On and after July 1,
22 1987, however, no entity otherwise eligible for this
23 exemption shall make tax-free purchases unless it has an
24 active identification number issued by the Department.

25 (12) (Blank).

26 (12-5) On and after July 1, 2003 and through June 30,

1 2004, motor vehicles of the second division with a gross
2 vehicle weight in excess of 8,000 pounds that are subject
3 to the commercial distribution fee imposed under Section
4 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,
5 2004 and through June 30, 2005, the use in this State of
6 motor vehicles of the second division: (i) with a gross
7 vehicle weight rating in excess of 8,000 pounds; (ii) that
8 are subject to the commercial distribution fee imposed
9 under Section 3-815.1 of the Illinois Vehicle Code; and
10 (iii) that are primarily used for commercial purposes.
11 Through June 30, 2005, this exemption applies to repair
12 and replacement parts added after the initial purchase of
13 such a motor vehicle if that motor vehicle is used in a
14 manner that would qualify for the rolling stock exemption
15 otherwise provided for in this Act. For purposes of this
16 paragraph, "used for commercial purposes" means the
17 transportation of persons or property in furtherance of
18 any commercial or industrial enterprise whether for-hire
19 or not.

20 (13) Proceeds from sales to owners, lessors, or
21 shippers of tangible personal property that is utilized by
22 interstate carriers for hire for use as rolling stock
23 moving in interstate commerce and equipment operated by a
24 telecommunications provider, licensed as a common carrier
25 by the Federal Communications Commission, which is
26 permanently installed in or affixed to aircraft moving in

1 interstate commerce.

2 (14) Machinery and equipment that will be used by the
3 purchaser, or a lessee of the purchaser, primarily in the
4 process of manufacturing or assembling tangible personal
5 property for wholesale or retail sale or lease, whether
6 the sale or lease is made directly by the manufacturer or
7 by some other person, whether the materials used in the
8 process are owned by the manufacturer or some other
9 person, or whether the sale or lease is made apart from or
10 as an incident to the seller's engaging in the service
11 occupation of producing machines, tools, dies, jigs,
12 patterns, gauges, or other similar items of no commercial
13 value on special order for a particular purchaser. The
14 exemption provided by this paragraph (14) does not include
15 machinery and equipment used in (i) the generation of
16 electricity for wholesale or retail sale; (ii) the
17 generation or treatment of natural or artificial gas for
18 wholesale or retail sale that is delivered to customers
19 through pipes, pipelines, or mains; or (iii) the treatment
20 of water for wholesale or retail sale that is delivered to
21 customers through pipes, pipelines, or mains. The
22 provisions of Public Act 98-583 are declaratory of
23 existing law as to the meaning and scope of this
24 exemption. Beginning on July 1, 2017, the exemption
25 provided by this paragraph (14) includes, but is not
26 limited to, graphic arts machinery and equipment, as

1 defined in paragraph (4) of this Section.

2 (15) Proceeds of mandatory service charges separately
3 stated on customers' bills for purchase and consumption of
4 food and beverages, to the extent that the proceeds of the
5 service charge are in fact turned over as tips or as a
6 substitute for tips to the employees who participate
7 directly in preparing, serving, hosting or cleaning up the
8 food or beverage function with respect to which the
9 service charge is imposed.

10 (16) Tangible personal property sold to a purchaser if
11 the purchaser is exempt from use tax by operation of
12 federal law. This paragraph is exempt from the provisions
13 of Section 2-70.

14 (17) Tangible personal property sold to a common
15 carrier by rail or motor that receives the physical
16 possession of the property in Illinois and that transports
17 the property, or shares with another common carrier in the
18 transportation of the property, out of Illinois on a
19 standard uniform bill of lading showing the seller of the
20 property as the shipper or consignor of the property to a
21 destination outside Illinois, for use outside Illinois.

22 (18) Legal tender, currency, medallions, or gold or
23 silver coinage issued by the State of Illinois, the
24 government of the United States of America, or the
25 government of any foreign country, and bullion.

26 (19) Until July 1, 2003, oil field exploration,

1 drilling, and production equipment, including (i) rigs and
2 parts of rigs, rotary rigs, cable tool rigs, and workover
3 rigs, (ii) pipe and tubular goods, including casing and
4 drill strings, (iii) pumps and pump-jack units, (iv)
5 storage tanks and flow lines, (v) any individual
6 replacement part for oil field exploration, drilling, and
7 production equipment, and (vi) machinery and equipment
8 purchased for lease; but excluding motor vehicles required
9 to be registered under the Illinois Vehicle Code.

10 (20) Photoprocessing machinery and equipment,
11 including repair and replacement parts, both new and used,
12 including that manufactured on special order, certified by
13 the purchaser to be used primarily for photoprocessing,
14 and including photoprocessing machinery and equipment
15 purchased for lease.

16 (21) Until July 1, 2023, coal and aggregate
17 exploration, mining, off-highway hauling, processing,
18 maintenance, and reclamation equipment, including
19 replacement parts and equipment, and including equipment
20 purchased for lease, but excluding motor vehicles required
21 to be registered under the Illinois Vehicle Code. The
22 changes made to this Section by Public Act 97-767 apply on
23 and after July 1, 2003, but no claim for credit or refund
24 is allowed on or after August 16, 2013 (the effective date
25 of Public Act 98-456) for such taxes paid during the
26 period beginning July 1, 2003 and ending on August 16,

1 2013 (the effective date of Public Act 98-456).

2 (22) Until June 30, 2013, fuel and petroleum products
3 sold to or used by an air carrier, certified by the carrier
4 to be used for consumption, shipment, or storage in the
5 conduct of its business as an air common carrier, for a
6 flight destined for or returning from a location or
7 locations outside the United States without regard to
8 previous or subsequent domestic stopovers.

9 Beginning July 1, 2013, fuel and petroleum products
10 sold to or used by an air carrier, certified by the carrier
11 to be used for consumption, shipment, or storage in the
12 conduct of its business as an air common carrier, for a
13 flight that (i) is engaged in foreign trade or is engaged
14 in trade between the United States and any of its
15 possessions and (ii) transports at least one individual or
16 package for hire from the city of origination to the city
17 of final destination on the same aircraft, without regard
18 to a change in the flight number of that aircraft.

19 (23) A transaction in which the purchase order is
20 received by a florist who is located outside Illinois, but
21 who has a florist located in Illinois deliver the property
22 to the purchaser or the purchaser's donee in Illinois.

23 (24) Fuel consumed or used in the operation of ships,
24 barges, or vessels that are used primarily in or for the
25 transportation of property or the conveyance of persons
26 for hire on rivers bordering on this State if the fuel is

1 delivered by the seller to the purchaser's barge, ship, or
2 vessel while it is afloat upon that bordering river.

3 (25) Except as provided in item (25-5) of this
4 Section, a motor vehicle sold in this State to a
5 nonresident even though the motor vehicle is delivered to
6 the nonresident in this State, if the motor vehicle is not
7 to be titled in this State, and if a drive-away permit is
8 issued to the motor vehicle as provided in Section 3-603
9 of the Illinois Vehicle Code or if the nonresident
10 purchaser has vehicle registration plates to transfer to
11 the motor vehicle upon returning to his or her home state.
12 The issuance of the drive-away permit or having the
13 out-of-state registration plates to be transferred is
14 prima facie evidence that the motor vehicle will not be
15 titled in this State.

16 (25-5) The exemption under item (25) does not apply if
17 the state in which the motor vehicle will be titled does
18 not allow a reciprocal exemption for a motor vehicle sold
19 and delivered in that state to an Illinois resident but
20 titled in Illinois. The tax collected under this Act on
21 the sale of a motor vehicle in this State to a resident of
22 another state that does not allow a reciprocal exemption
23 shall be imposed at a rate equal to the state's rate of tax
24 on taxable property in the state in which the purchaser is
25 a resident, except that the tax shall not exceed the tax
26 that would otherwise be imposed under this Act. At the

1 time of the sale, the purchaser shall execute a statement,
2 signed under penalty of perjury, of his or her intent to
3 title the vehicle in the state in which the purchaser is a
4 resident within 30 days after the sale and of the fact of
5 the payment to the State of Illinois of tax in an amount
6 equivalent to the state's rate of tax on taxable property
7 in his or her state of residence and shall submit the
8 statement to the appropriate tax collection agency in his
9 or her state of residence. In addition, the retailer must
10 retain a signed copy of the statement in his or her
11 records. Nothing in this item shall be construed to
12 require the removal of the vehicle from this state
13 following the filing of an intent to title the vehicle in
14 the purchaser's state of residence if the purchaser titles
15 the vehicle in his or her state of residence within 30 days
16 after the date of sale. The tax collected under this Act in
17 accordance with this item (25-5) shall be proportionately
18 distributed as if the tax were collected at the 6.25%
19 general rate imposed under this Act.

20 (25-7) Beginning on July 1, 2007, no tax is imposed
21 under this Act on the sale of an aircraft, as defined in
22 Section 3 of the Illinois Aeronautics Act, if all of the
23 following conditions are met:

24 (1) the aircraft leaves this State within 15 days
25 after the later of either the issuance of the final
26 billing for the sale of the aircraft, or the

1 authorized approval for return to service, completion
2 of the maintenance record entry, and completion of the
3 test flight and ground test for inspection, as
4 required by 14 C.F.R. 91.407;

5 (2) the aircraft is not based or registered in
6 this State after the sale of the aircraft; and

7 (3) the seller retains in his or her books and
8 records and provides to the Department a signed and
9 dated certification from the purchaser, on a form
10 prescribed by the Department, certifying that the
11 requirements of this item (25-7) are met. The
12 certificate must also include the name and address of
13 the purchaser, the address of the location where the
14 aircraft is to be titled or registered, the address of
15 the primary physical location of the aircraft, and
16 other information that the Department may reasonably
17 require.

18 For purposes of this item (25-7):

19 "Based in this State" means hangared, stored, or
20 otherwise used, excluding post-sale customizations as
21 defined in this Section, for 10 or more days in each
22 12-month period immediately following the date of the sale
23 of the aircraft.

24 "Registered in this State" means an aircraft
25 registered with the Department of Transportation,
26 Aeronautics Division, or titled or registered with the

1 Federal Aviation Administration to an address located in
2 this State.

3 This paragraph (25-7) is exempt from the provisions of
4 Section 2-70.

5 (26) Semen used for artificial insemination of
6 livestock for direct agricultural production.

7 (27) Horses, or interests in horses, registered with
8 and meeting the requirements of any of the Arabian Horse
9 Club Registry of America, Appaloosa Horse Club, American
10 Quarter Horse Association, United States Trotting
11 Association, or Jockey Club, as appropriate, used for
12 purposes of breeding or racing for prizes. This item (27)
13 is exempt from the provisions of Section 2-70, and the
14 exemption provided for under this item (27) applies for
15 all periods beginning May 30, 1995, but no claim for
16 credit or refund is allowed on or after January 1, 2008
17 (the effective date of Public Act 95-88) for such taxes
18 paid during the period beginning May 30, 2000 and ending
19 on January 1, 2008 (the effective date of Public Act
20 95-88).

21 (28) Computers and communications equipment utilized
22 for any hospital purpose and equipment used in the
23 diagnosis, analysis, or treatment of hospital patients
24 sold to a lessor who leases the equipment, under a lease of
25 one year or longer executed or in effect at the time of the
26 purchase, to a hospital that has been issued an active tax

1 exemption identification number by the Department under
2 Section 1g of this Act.

3 (29) Personal property sold to a lessor who leases the
4 property, under a lease of one year or longer executed or
5 in effect at the time of the purchase, to a governmental
6 body that has been issued an active tax exemption
7 identification number by the Department under Section 1g
8 of this Act.

9 (30) Beginning with taxable years ending on or after
10 December 31, 1995 and ending with taxable years ending on
11 or before December 31, 2004, personal property that is
12 donated for disaster relief to be used in a State or
13 federally declared disaster area in Illinois or bordering
14 Illinois by a manufacturer or retailer that is registered
15 in this State to a corporation, society, association,
16 foundation, or institution that has been issued a sales
17 tax exemption identification number by the Department that
18 assists victims of the disaster who reside within the
19 declared disaster area.

20 (31) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on
22 or before December 31, 2004, personal property that is
23 used in the performance of infrastructure repairs in this
24 State, including but not limited to municipal roads and
25 streets, access roads, bridges, sidewalks, waste disposal
26 systems, water and sewer line extensions, water

1 distribution and purification facilities, storm water
2 drainage and retention facilities, and sewage treatment
3 facilities, resulting from a State or federally declared
4 disaster in Illinois or bordering Illinois when such
5 repairs are initiated on facilities located in the
6 declared disaster area within 6 months after the disaster.

7 (32) Beginning July 1, 1999, game or game birds sold
8 at a "game breeding and hunting preserve area" as that
9 term is used in the Wildlife Code. This paragraph is
10 exempt from the provisions of Section 2-70.

11 (33) A motor vehicle, as that term is defined in
12 Section 1-146 of the Illinois Vehicle Code, that is
13 donated to a corporation, limited liability company,
14 society, association, foundation, or institution that is
15 determined by the Department to be organized and operated
16 exclusively for educational purposes. For purposes of this
17 exemption, "a corporation, limited liability company,
18 society, association, foundation, or institution organized
19 and operated exclusively for educational purposes" means
20 all tax-supported public schools, private schools that
21 offer systematic instruction in useful branches of
22 learning by methods common to public schools and that
23 compare favorably in their scope and intensity with the
24 course of study presented in tax-supported schools, and
25 vocational or technical schools or institutes organized
26 and operated exclusively to provide a course of study of

1 not less than 6 weeks duration and designed to prepare
2 individuals to follow a trade or to pursue a manual,
3 technical, mechanical, industrial, business, or commercial
4 occupation.

5 (34) Beginning January 1, 2000, personal property,
6 including food, purchased through fundraising events for
7 the benefit of a public or private elementary or secondary
8 school, a group of those schools, or one or more school
9 districts if the events are sponsored by an entity
10 recognized by the school district that consists primarily
11 of volunteers and includes parents and teachers of the
12 school children. This paragraph does not apply to
13 fundraising events (i) for the benefit of private home
14 instruction or (ii) for which the fundraising entity
15 purchases the personal property sold at the events from
16 another individual or entity that sold the property for
17 the purpose of resale by the fundraising entity and that
18 profits from the sale to the fundraising entity. This
19 paragraph is exempt from the provisions of Section 2-70.

20 (35) Beginning January 1, 2000 and through December
21 31, 2001, new or used automatic vending machines that
22 prepare and serve hot food and beverages, including
23 coffee, soup, and other items, and replacement parts for
24 these machines. Beginning January 1, 2002 and through June
25 30, 2003, machines and parts for machines used in
26 commercial, coin-operated amusement and vending business

1 if a use or occupation tax is paid on the gross receipts
2 derived from the use of the commercial, coin-operated
3 amusement and vending machines. This paragraph is exempt
4 from the provisions of Section 2-70.

5 (35-5) Beginning August 23, 2001 and through June 30,
6 2016, food for human consumption that is to be consumed
7 off the premises where it is sold (other than alcoholic
8 beverages, soft drinks, and food that has been prepared
9 for immediate consumption) and prescription and
10 nonprescription medicines, drugs, medical appliances, and
11 insulin, urine testing materials, syringes, and needles
12 used by diabetics, for human use, when purchased for use
13 by a person receiving medical assistance under Article V
14 of the Illinois Public Aid Code who resides in a licensed
15 long-term care facility, as defined in the Nursing Home
16 Care Act, or a licensed facility as defined in the ID/DD
17 Community Care Act, the MC/DD Act, or the Specialized
18 Mental Health Rehabilitation Act of 2013.

19 (36) Beginning August 2, 2001, computers and
20 communications equipment utilized for any hospital purpose
21 and equipment used in the diagnosis, analysis, or
22 treatment of hospital patients sold to a lessor who leases
23 the equipment, under a lease of one year or longer
24 executed or in effect at the time of the purchase, to a
25 hospital that has been issued an active tax exemption
26 identification number by the Department under Section 1g

1 of this Act. This paragraph is exempt from the provisions
2 of Section 2-70.

3 (37) Beginning August 2, 2001, personal property sold
4 to a lessor who leases the property, under a lease of one
5 year or longer executed or in effect at the time of the
6 purchase, to a governmental body that has been issued an
7 active tax exemption identification number by the
8 Department under Section 1g of this Act. This paragraph is
9 exempt from the provisions of Section 2-70.

10 (38) Beginning on January 1, 2002 and through June 30,
11 2016, tangible personal property purchased from an
12 Illinois retailer by a taxpayer engaged in centralized
13 purchasing activities in Illinois who will, upon receipt
14 of the property in Illinois, temporarily store the
15 property in Illinois (i) for the purpose of subsequently
16 transporting it outside this State for use or consumption
17 thereafter solely outside this State or (ii) for the
18 purpose of being processed, fabricated, or manufactured
19 into, attached to, or incorporated into other tangible
20 personal property to be transported outside this State and
21 thereafter used or consumed solely outside this State. The
22 Director of Revenue shall, pursuant to rules adopted in
23 accordance with the Illinois Administrative Procedure Act,
24 issue a permit to any taxpayer in good standing with the
25 Department who is eligible for the exemption under this
26 paragraph (38). The permit issued under this paragraph

1 (38) shall authorize the holder, to the extent and in the
2 manner specified in the rules adopted under this Act, to
3 purchase tangible personal property from a retailer exempt
4 from the taxes imposed by this Act. Taxpayers shall
5 maintain all necessary books and records to substantiate
6 the use and consumption of all such tangible personal
7 property outside of the State of Illinois.

8 (39) Beginning January 1, 2008, tangible personal
9 property used in the construction or maintenance of a
10 community water supply, as defined under Section 3.145 of
11 the Environmental Protection Act, that is operated by a
12 not-for-profit corporation that holds a valid water supply
13 permit issued under Title IV of the Environmental
14 Protection Act. This paragraph is exempt from the
15 provisions of Section 2-70.

16 (40) Beginning January 1, 2010 and continuing through
17 December 31, 2024, materials, parts, equipment,
18 components, and furnishings incorporated into or upon an
19 aircraft as part of the modification, refurbishment,
20 completion, replacement, repair, or maintenance of the
21 aircraft. This exemption includes consumable supplies used
22 in the modification, refurbishment, completion,
23 replacement, repair, and maintenance of aircraft, but
24 excludes any materials, parts, equipment, components, and
25 consumable supplies used in the modification, replacement,
26 repair, and maintenance of aircraft engines or power

1 plants, whether such engines or power plants are installed
2 or uninstalled upon any such aircraft. "Consumable
3 supplies" include, but are not limited to, adhesive, tape,
4 sandpaper, general purpose lubricants, cleaning solution,
5 latex gloves, and protective films. This exemption applies
6 only to the sale of qualifying tangible personal property
7 to persons who modify, refurbish, complete, replace, or
8 maintain an aircraft and who (i) hold an Air Agency
9 Certificate and are empowered to operate an approved
10 repair station by the Federal Aviation Administration,
11 (ii) have a Class IV Rating, and (iii) conduct operations
12 in accordance with Part 145 of the Federal Aviation
13 Regulations. The exemption does not include aircraft
14 operated by a commercial air carrier providing scheduled
15 passenger air service pursuant to authority issued under
16 Part 121 or Part 129 of the Federal Aviation Regulations.
17 The changes made to this paragraph (40) by Public Act
18 98-534 are declarative of existing law. It is the intent
19 of the General Assembly that the exemption under this
20 paragraph (40) applies continuously from January 1, 2010
21 through December 31, 2024; however, no claim for credit or
22 refund is allowed for taxes paid as a result of the
23 disallowance of this exemption on or after January 1, 2015
24 and prior to the effective date of this amendatory Act of
25 the 101st General Assembly.

26 (41) Tangible personal property sold to a

1 public-facilities corporation, as described in Section
2 11-65-10 of the Illinois Municipal Code, for purposes of
3 constructing or furnishing a municipal convention hall,
4 but only if the legal title to the municipal convention
5 hall is transferred to the municipality without any
6 further consideration by or on behalf of the municipality
7 at the time of the completion of the municipal convention
8 hall or upon the retirement or redemption of any bonds or
9 other debt instruments issued by the public-facilities
10 corporation in connection with the development of the
11 municipal convention hall. This exemption includes
12 existing public-facilities corporations as provided in
13 Section 11-65-25 of the Illinois Municipal Code. This
14 paragraph is exempt from the provisions of Section 2-70.

15 (42) Beginning January 1, 2017 and through December
16 31, 2026, menstrual pads, tampons, and menstrual cups.

17 (43) Merchandise that is subject to the Rental
18 Purchase Agreement Occupation and Use Tax. The purchaser
19 must certify that the item is purchased to be rented
20 subject to a rental purchase agreement, as defined in the
21 Rental Purchase Agreement Act, and provide proof of
22 registration under the Rental Purchase Agreement
23 Occupation and Use Tax Act. This paragraph is exempt from
24 the provisions of Section 2-70.

25 (44) Qualified tangible personal property used in the
26 construction or operation of a data center that has been

1 granted a certificate of exemption by the Department of
2 Commerce and Economic Opportunity, whether that tangible
3 personal property is purchased by the owner, operator, or
4 tenant of the data center or by a contractor or
5 subcontractor of the owner, operator, or tenant. Data
6 centers that would have qualified for a certificate of
7 exemption prior to January 1, 2020 had this amendatory Act
8 of the 101st General Assembly been in effect, may apply
9 for and obtain an exemption for subsequent purchases of
10 computer equipment or enabling software purchased or
11 leased to upgrade, supplement, or replace computer
12 equipment or enabling software purchased or leased in the
13 original investment that would have qualified.

14 The Department of Commerce and Economic Opportunity
15 shall grant a certificate of exemption under this item
16 (44) to qualified data centers as defined by Section
17 605-1025 of the Department of Commerce and Economic
18 Opportunity Law of the Civil Administrative Code of
19 Illinois.

20 For the purposes of this item (44):

21 "Data center" means a building or a series of
22 buildings rehabilitated or constructed to house
23 working servers in one physical location or multiple
24 sites within the State of Illinois.

25 "Qualified tangible personal property" means:
26 electrical systems and equipment; climate control and

1 chilling equipment and systems; mechanical systems and
2 equipment; monitoring and secure systems; emergency
3 generators; hardware; computers; servers; data storage
4 devices; network connectivity equipment; racks;
5 cabinets; telecommunications cabling infrastructure;
6 raised floor systems; peripheral components or
7 systems; software; mechanical, electrical, or plumbing
8 systems; battery systems; cooling systems and towers;
9 temperature control systems; other cabling; and other
10 data center infrastructure equipment and systems
11 necessary to operate qualified tangible personal
12 property, including fixtures; and component parts of
13 any of the foregoing, including installation,
14 maintenance, repair, refurbishment, and replacement of
15 qualified tangible personal property to generate,
16 transform, transmit, distribute, or manage electricity
17 necessary to operate qualified tangible personal
18 property; and all other tangible personal property
19 that is essential to the operations of a computer data
20 center. The term "qualified tangible personal
21 property" also includes building materials physically
22 incorporated into ~~in to~~ the qualifying data center. To
23 document the exemption allowed under this Section, the
24 retailer must obtain from the purchaser a copy of the
25 certificate of eligibility issued by the Department of
26 Commerce and Economic Opportunity.

1 This item (44) is exempt from the provisions of
2 Section 2-70.

3 (45) Beginning January 1, 2020 and through December
4 31, 2020, sales of tangible personal property made by a
5 marketplace seller over a marketplace for which tax is due
6 under this Act but for which use tax has been collected and
7 remitted to the Department by a marketplace facilitator
8 under Section 2d of the Use Tax Act are exempt from tax
9 under this Act. A marketplace seller claiming this
10 exemption shall maintain books and records demonstrating
11 that the use tax on such sales has been collected and
12 remitted by a marketplace facilitator. Marketplace sellers
13 that have properly remitted tax under this Act on such
14 sales may file a claim for credit as provided in Section 6
15 of this Act. No claim is allowed, however, for such taxes
16 for which a credit or refund has been issued to the
17 marketplace facilitator under the Use Tax Act, or for
18 which the marketplace facilitator has filed a claim for
19 credit or refund under the Use Tax Act.

20 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;
21 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-634, eff.
22 8-27-21; revised 11-9-21.)

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

24 Sec. 3. Except as provided in this Section, on or before
25 the twentieth day of each calendar month, every person engaged

1 in the business of selling tangible personal property at
2 retail in this State during the preceding calendar month shall
3 file a return with the Department, stating:

4 1. The name of the seller;

5 2. His residence address and the address of his
6 principal place of business and the address of the
7 principal place of business (if that is a different
8 address) from which he engages in the business of selling
9 tangible personal property at retail in this State;

10 3. Total amount of receipts received by him during the
11 preceding calendar month or quarter, as the case may be,
12 from sales of tangible personal property, and from
13 services furnished, by him during such preceding calendar
14 month or quarter;

15 4. Total amount received by him during the preceding
16 calendar month or quarter on charge and time sales of
17 tangible personal property, and from services furnished,
18 by him prior to the month or quarter for which the return
19 is filed;

20 5. Deductions allowed by law;

21 6. Gross receipts which were received by him during
22 the preceding calendar month or quarter and upon the basis
23 of which the tax is imposed;

24 7. The amount of credit provided in Section 2d of this
25 Act;

26 8. The amount of tax due;

1 9. The signature of the taxpayer; and

2 10. Such other reasonable information as the
3 Department may require.

4 On and after January 1, 2018, except for returns for motor
5 vehicles, watercraft, aircraft, and trailers that are required
6 to be registered with an agency of this State, with respect to
7 retailers whose annual gross receipts average \$20,000 or more,
8 all returns required to be filed pursuant to this Act shall be
9 filed electronically. Retailers who demonstrate that they do
10 not have access to the Internet or demonstrate hardship in
11 filing electronically may petition the Department to waive the
12 electronic filing requirement.

13 If a taxpayer fails to sign a return within 30 days after
14 the proper notice and demand for signature by the Department,
15 the return shall be considered valid and any amount shown to be
16 due on the return shall be deemed assessed.

17 Each return shall be accompanied by the statement of
18 prepaid tax issued pursuant to Section 2e for which credit is
19 claimed.

20 Prior to October 1, 2003, and on and after September 1,
21 2004 a retailer may accept a Manufacturer's Purchase Credit
22 certification from a purchaser in satisfaction of Use Tax as
23 provided in Section 3-85 of the Use Tax Act if the purchaser
24 provides the appropriate documentation as required by Section
25 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
26 certification, accepted by a retailer prior to October 1, 2003

1 and on and after September 1, 2004 as provided in Section 3-85
2 of the Use Tax Act, may be used by that retailer to satisfy
3 Retailers' Occupation Tax liability in the amount claimed in
4 the certification, not to exceed 6.25% of the receipts subject
5 to tax from a qualifying purchase. A Manufacturer's Purchase
6 Credit reported on any original or amended return filed under
7 this Act after October 20, 2003 for reporting periods prior to
8 September 1, 2004 shall be disallowed. Manufacturer's Purchase
9 ~~Purchaser~~ Credit reported on annual returns due on or after
10 January 1, 2005 will be disallowed for periods prior to
11 September 1, 2004. No Manufacturer's Purchase Credit may be
12 used after September 30, 2003 through August 31, 2004 to
13 satisfy any tax liability imposed under this Act, including
14 any audit liability.

15 The Department may require returns to be filed on a
16 quarterly basis. If so required, a return for each calendar
17 quarter shall be filed on or before the twentieth day of the
18 calendar month following the end of such calendar quarter. The
19 taxpayer shall also file a return with the Department for each
20 of the first two months of each calendar quarter, on or before
21 the twentieth day of the following calendar month, stating:

22 1. The name of the seller;

23 2. The address of the principal place of business from
24 which he engages in the business of selling tangible
25 personal property at retail in this State;

26 3. The total amount of taxable receipts received by

1 him during the preceding calendar month from sales of
2 tangible personal property by him during such preceding
3 calendar month, including receipts from charge and time
4 sales, but less all deductions allowed by law;

5 4. The amount of credit provided in Section 2d of this
6 Act;

7 5. The amount of tax due; and

8 6. Such other reasonable information as the Department
9 may require.

10 Every person engaged in the business of selling aviation
11 fuel at retail in this State during the preceding calendar
12 month shall, instead of reporting and paying tax as otherwise
13 required by this Section, report and pay such tax on a separate
14 aviation fuel tax return. The requirements related to the
15 return shall be as otherwise provided in this Section.
16 Notwithstanding any other provisions of this Act to the
17 contrary, retailers selling aviation fuel shall file all
18 aviation fuel tax returns and shall make all aviation fuel tax
19 payments by electronic means in the manner and form required
20 by the Department. For purposes of this Section, "aviation
21 fuel" means jet fuel and aviation gasoline.

22 Beginning on October 1, 2003, any person who is not a
23 licensed distributor, importing distributor, or manufacturer,
24 as defined in the Liquor Control Act of 1934, but is engaged in
25 the business of selling, at retail, alcoholic liquor shall
26 file a statement with the Department of Revenue, in a format

1 and at a time prescribed by the Department, showing the total
2 amount paid for alcoholic liquor purchased during the
3 preceding month and such other information as is reasonably
4 required by the Department. The Department may adopt rules to
5 require that this statement be filed in an electronic or
6 telephonic format. Such rules may provide for exceptions from
7 the filing requirements of this paragraph. For the purposes of
8 this paragraph, the term "alcoholic liquor" shall have the
9 meaning prescribed in the Liquor Control Act of 1934.

10 Beginning on October 1, 2003, every distributor, importing
11 distributor, and manufacturer of alcoholic liquor as defined
12 in the Liquor Control Act of 1934, shall file a statement with
13 the Department of Revenue, no later than the 10th day of the
14 month for the preceding month during which transactions
15 occurred, by electronic means, showing the total amount of
16 gross receipts from the sale of alcoholic liquor sold or
17 distributed during the preceding month to purchasers;
18 identifying the purchaser to whom it was sold or distributed;
19 the purchaser's tax registration number; and such other
20 information reasonably required by the Department. A
21 distributor, importing distributor, or manufacturer of
22 alcoholic liquor must personally deliver, mail, or provide by
23 electronic means to each retailer listed on the monthly
24 statement a report containing a cumulative total of that
25 distributor's, importing distributor's, or manufacturer's
26 total sales of alcoholic liquor to that retailer no later than

1 the 10th day of the month for the preceding month during which
2 the transaction occurred. The distributor, importing
3 distributor, or manufacturer shall notify the retailer as to
4 the method by which the distributor, importing distributor, or
5 manufacturer will provide the sales information. If the
6 retailer is unable to receive the sales information by
7 electronic means, the distributor, importing distributor, or
8 manufacturer shall furnish the sales information by personal
9 delivery or by mail. For purposes of this paragraph, the term
10 "electronic means" includes, but is not limited to, the use of
11 a secure Internet website, e-mail, or facsimile.

12 If a total amount of less than \$1 is payable, refundable or
13 creditable, such amount shall be disregarded if it is less
14 than 50 cents and shall be increased to \$1 if it is 50 cents or
15 more.

16 Notwithstanding any other provision of this Act to the
17 contrary, retailers subject to tax on cannabis shall file all
18 cannabis tax returns and shall make all cannabis tax payments
19 by electronic means in the manner and form required by the
20 Department.

21 Beginning October 1, 1993, a taxpayer who has an average
22 monthly tax liability of \$150,000 or more shall make all
23 payments required by rules of the Department by electronic
24 funds transfer. Beginning October 1, 1994, a taxpayer who has
25 an average monthly tax liability of \$100,000 or more shall
26 make all payments required by rules of the Department by

1 electronic funds transfer. Beginning October 1, 1995, a
2 taxpayer who has an average monthly tax liability of \$50,000
3 or more shall make all payments required by rules of the
4 Department by electronic funds transfer. Beginning October 1,
5 2000, a taxpayer who has an annual tax liability of \$200,000 or
6 more shall make all payments required by rules of the
7 Department by electronic funds transfer. The term "annual tax
8 liability" shall be the sum of the taxpayer's liabilities
9 under this Act, and under all other State and local occupation
10 and use tax laws administered by the Department, for the
11 immediately preceding calendar year. The term "average monthly
12 tax liability" shall be the sum of the taxpayer's liabilities
13 under this Act, and under all other State and local occupation
14 and use tax laws administered by the Department, for the
15 immediately preceding calendar year divided by 12. Beginning
16 on October 1, 2002, a taxpayer who has a tax liability in the
17 amount set forth in subsection (b) of Section 2505-210 of the
18 Department of Revenue Law shall make all payments required by
19 rules of the Department by electronic funds transfer.

20 Before August 1 of each year beginning in 1993, the
21 Department shall notify all taxpayers required to make
22 payments by electronic funds transfer. All taxpayers required
23 to make payments by electronic funds transfer shall make those
24 payments for a minimum of one year beginning on October 1.

25 Any taxpayer not required to make payments by electronic
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic funds
3 transfer and any taxpayers authorized to voluntarily make
4 payments by electronic funds transfer shall make those
5 payments in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to
7 effectuate a program of electronic funds transfer and the
8 requirements of this Section.

9 Any amount which is required to be shown or reported on any
10 return or other document under this Act shall, if such amount
11 is not a whole-dollar amount, be increased to the nearest
12 whole-dollar amount in any case where the fractional part of a
13 dollar is 50 cents or more, and decreased to the nearest
14 whole-dollar amount where the fractional part of a dollar is
15 less than 50 cents.

16 If the retailer is otherwise required to file a monthly
17 return and if the retailer's average monthly tax liability to
18 the Department does not exceed \$200, the Department may
19 authorize his returns to be filed on a quarter annual basis,
20 with the return for January, February and March of a given year
21 being due by April 20 of such year; with the return for April,
22 May and June of a given year being due by July 20 of such year;
23 with the return for July, August and September of a given year
24 being due by October 20 of such year, and with the return for
25 October, November and December of a given year being due by
26 January 20 of the following year.

1 If the retailer is otherwise required to file a monthly or
2 quarterly return and if the retailer's average monthly tax
3 liability with the Department does not exceed \$50, the
4 Department may authorize his returns to be filed on an annual
5 basis, with the return for a given year being due by January 20
6 of the following year.

7 Such quarter annual and annual returns, as to form and
8 substance, shall be subject to the same requirements as
9 monthly returns.

10 Notwithstanding any other provision in this Act concerning
11 the time within which a retailer may file his return, in the
12 case of any retailer who ceases to engage in a kind of business
13 which makes him responsible for filing returns under this Act,
14 such retailer shall file a final return under this Act with the
15 Department not more than one month after discontinuing such
16 business.

17 Where the same person has more than one business
18 registered with the Department under separate registrations
19 under this Act, such person may not file each return that is
20 due as a single return covering all such registered
21 businesses, but shall file separate returns for each such
22 registered business.

23 In addition, with respect to motor vehicles, watercraft,
24 aircraft, and trailers that are required to be registered with
25 an agency of this State, except as otherwise provided in this
26 Section, every retailer selling this kind of tangible personal

1 property shall file, with the Department, upon a form to be
2 prescribed and supplied by the Department, a separate return
3 for each such item of tangible personal property which the
4 retailer sells, except that if, in the same transaction, (i) a
5 retailer of aircraft, watercraft, motor vehicles or trailers
6 transfers more than one aircraft, watercraft, motor vehicle or
7 trailer to another aircraft, watercraft, motor vehicle
8 retailer or trailer retailer for the purpose of resale or (ii)
9 a retailer of aircraft, watercraft, motor vehicles, or
10 trailers transfers more than one aircraft, watercraft, motor
11 vehicle, or trailer to a purchaser for use as a qualifying
12 rolling stock as provided in Section 2-5 of this Act, then that
13 seller may report the transfer of all aircraft, watercraft,
14 motor vehicles or trailers involved in that transaction to the
15 Department on the same uniform invoice-transaction reporting
16 return form. For purposes of this Section, "watercraft" means
17 a Class 2, Class 3, or Class 4 watercraft as defined in Section
18 3-2 of the Boat Registration and Safety Act, a personal
19 watercraft, or any boat equipped with an inboard motor.

20 In addition, with respect to motor vehicles, watercraft,
21 aircraft, and trailers that are required to be registered with
22 an agency of this State, every person who is engaged in the
23 business of leasing or renting such items and who, in
24 connection with such business, sells any such item to a
25 retailer for the purpose of resale is, notwithstanding any
26 other provision of this Section to the contrary, authorized to

1 meet the return-filing requirement of this Act by reporting
2 the transfer of all the aircraft, watercraft, motor vehicles,
3 or trailers transferred for resale during a month to the
4 Department on the same uniform invoice-transaction reporting
5 return form on or before the 20th of the month following the
6 month in which the transfer takes place. Notwithstanding any
7 other provision of this Act to the contrary, all returns filed
8 under this paragraph must be filed by electronic means in the
9 manner and form as required by the Department.

10 Any retailer who sells only motor vehicles, watercraft,
11 aircraft, or trailers that are required to be registered with
12 an agency of this State, so that all retailers' occupation tax
13 liability is required to be reported, and is reported, on such
14 transaction reporting returns and who is not otherwise
15 required to file monthly or quarterly returns, need not file
16 monthly or quarterly returns. However, those retailers shall
17 be required to file returns on an annual basis.

18 The transaction reporting return, in the case of motor
19 vehicles or trailers that are required to be registered with
20 an agency of this State, shall be the same document as the
21 Uniform Invoice referred to in Section 5-402 of the Illinois
22 Vehicle Code and must show the name and address of the seller;
23 the name and address of the purchaser; the amount of the
24 selling price including the amount allowed by the retailer for
25 traded-in property, if any; the amount allowed by the retailer
26 for the traded-in tangible personal property, if any, to the

1 extent to which Section 1 of this Act allows an exemption for
2 the value of traded-in property; the balance payable after
3 deducting such trade-in allowance from the total selling
4 price; the amount of tax due from the retailer with respect to
5 such transaction; the amount of tax collected from the
6 purchaser by the retailer on such transaction (or satisfactory
7 evidence that such tax is not due in that particular instance,
8 if that is claimed to be the fact); the place and date of the
9 sale; a sufficient identification of the property sold; such
10 other information as is required in Section 5-402 of the
11 Illinois Vehicle Code, and such other information as the
12 Department may reasonably require.

13 The transaction reporting return in the case of watercraft
14 or aircraft must show the name and address of the seller; the
15 name and address of the purchaser; the amount of the selling
16 price including the amount allowed by the retailer for
17 traded-in property, if any; the amount allowed by the retailer
18 for the traded-in tangible personal property, if any, to the
19 extent to which Section 1 of this Act allows an exemption for
20 the value of traded-in property; the balance payable after
21 deducting such trade-in allowance from the total selling
22 price; the amount of tax due from the retailer with respect to
23 such transaction; the amount of tax collected from the
24 purchaser by the retailer on such transaction (or satisfactory
25 evidence that such tax is not due in that particular instance,
26 if that is claimed to be the fact); the place and date of the

1 sale, a sufficient identification of the property sold, and
2 such other information as the Department may reasonably
3 require.

4 Such transaction reporting return shall be filed not later
5 than 20 days after the day of delivery of the item that is
6 being sold, but may be filed by the retailer at any time sooner
7 than that if he chooses to do so. The transaction reporting
8 return and tax remittance or proof of exemption from the
9 Illinois use tax may be transmitted to the Department by way of
10 the State agency with which, or State officer with whom the
11 tangible personal property must be titled or registered (if
12 titling or registration is required) if the Department and
13 such agency or State officer determine that this procedure
14 will expedite the processing of applications for title or
15 registration.

16 With each such transaction reporting return, the retailer
17 shall remit the proper amount of tax due (or shall submit
18 satisfactory evidence that the sale is not taxable if that is
19 the case), to the Department or its agents, whereupon the
20 Department shall issue, in the purchaser's name, a use tax
21 receipt (or a certificate of exemption if the Department is
22 satisfied that the particular sale is tax exempt) which such
23 purchaser may submit to the agency with which, or State
24 officer with whom, he must title or register the tangible
25 personal property that is involved (if titling or registration
26 is required) in support of such purchaser's application for an

1 Illinois certificate or other evidence of title or
2 registration to such tangible personal property.

3 No retailer's failure or refusal to remit tax under this
4 Act precludes a user, who has paid the proper tax to the
5 retailer, from obtaining his certificate of title or other
6 evidence of title or registration (if titling or registration
7 is required) upon satisfying the Department that such user has
8 paid the proper tax (if tax is due) to the retailer. The
9 Department shall adopt appropriate rules to carry out the
10 mandate of this paragraph.

11 If the user who would otherwise pay tax to the retailer
12 wants the transaction reporting return filed and the payment
13 of the tax or proof of exemption made to the Department before
14 the retailer is willing to take these actions and such user has
15 not paid the tax to the retailer, such user may certify to the
16 fact of such delay by the retailer and may (upon the Department
17 being satisfied of the truth of such certification) transmit
18 the information required by the transaction reporting return
19 and the remittance for tax or proof of exemption directly to
20 the Department and obtain his tax receipt or exemption
21 determination, in which event the transaction reporting return
22 and tax remittance (if a tax payment was required) shall be
23 credited by the Department to the proper retailer's account
24 with the Department, but without the 2.1% or 1.75% discount
25 provided for in this Section being allowed. When the user pays
26 the tax directly to the Department, he shall pay the tax in the

1 same amount and in the same form in which it would be remitted
2 if the tax had been remitted to the Department by the retailer.

3 Refunds made by the seller during the preceding return
4 period to purchasers, on account of tangible personal property
5 returned to the seller, shall be allowed as a deduction under
6 subdivision 5 of his monthly or quarterly return, as the case
7 may be, in case the seller had theretofore included the
8 receipts from the sale of such tangible personal property in a
9 return filed by him and had paid the tax imposed by this Act
10 with respect to such receipts.

11 Where the seller is a corporation, the return filed on
12 behalf of such corporation shall be signed by the president,
13 vice-president, secretary or treasurer or by the properly
14 accredited agent of such corporation.

15 Where the seller is a limited liability company, the
16 return filed on behalf of the limited liability company shall
17 be signed by a manager, member, or properly accredited agent
18 of the limited liability company.

19 Except as provided in this Section, the retailer filing
20 the return under this Section shall, at the time of filing such
21 return, pay to the Department the amount of tax imposed by this
22 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
23 on and after January 1, 1990, or \$5 per calendar year,
24 whichever is greater, which is allowed to reimburse the
25 retailer for the expenses incurred in keeping records,
26 preparing and filing returns, remitting the tax and supplying

1 data to the Department on request. On and after January 1,
2 2021, a certified service provider, as defined in the Leveling
3 the Playing Field for Illinois Retail Act, filing the return
4 under this Section on behalf of a remote retailer shall, at the
5 time of such return, pay to the Department the amount of tax
6 imposed by this Act less a discount of 1.75%. A remote retailer
7 using a certified service provider to file a return on its
8 behalf, as provided in the Leveling the Playing Field for
9 Illinois Retail Act, is not eligible for the discount. The
10 discount under this Section is not allowed for the 1.25%
11 portion of taxes paid on aviation fuel that is subject to the
12 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
13 47133. Any prepayment made pursuant to Section 2d of this Act
14 shall be included in the amount on which such 2.1% or 1.75%
15 discount is computed. In the case of retailers who report and
16 pay the tax on a transaction by transaction basis, as provided
17 in this Section, such discount shall be taken with each such
18 tax remittance instead of when such retailer files his
19 periodic return. The discount allowed under this Section is
20 allowed only for returns that are filed in the manner required
21 by this Act. The Department may disallow the discount for
22 retailers whose certificate of registration is revoked at the
23 time the return is filed, but only if the Department's
24 decision to revoke the certificate of registration has become
25 final.

26 Before October 1, 2000, if the taxpayer's average monthly

1 tax liability to the Department under this Act, the Use Tax
2 Act, the Service Occupation Tax Act, and the Service Use Tax
3 Act, excluding any liability for prepaid sales tax to be
4 remitted in accordance with Section 2d of this Act, was
5 \$10,000 or more during the preceding 4 complete calendar
6 quarters, he shall file a return with the Department each
7 month by the 20th day of the month next following the month
8 during which such tax liability is incurred and shall make
9 payments to the Department on or before the 7th, 15th, 22nd and
10 last day of the month during which such liability is incurred.
11 On and after October 1, 2000, if the taxpayer's average
12 monthly tax liability to the Department under this Act, the
13 Use Tax Act, the Service Occupation Tax Act, and the Service
14 Use Tax Act, excluding any liability for prepaid sales tax to
15 be remitted in accordance with Section 2d of this Act, was
16 \$20,000 or more during the preceding 4 complete calendar
17 quarters, he shall file a return with the Department each
18 month by the 20th day of the month next following the month
19 during which such tax liability is incurred and shall make
20 payment to the Department on or before the 7th, 15th, 22nd and
21 last day of the month during which such liability is incurred.
22 If the month during which such tax liability is incurred began
23 prior to January 1, 1985, each payment shall be in an amount
24 equal to 1/4 of the taxpayer's actual liability for the month
25 or an amount set by the Department not to exceed 1/4 of the
26 average monthly liability of the taxpayer to the Department

1 for the preceding 4 complete calendar quarters (excluding the
2 month of highest liability and the month of lowest liability
3 in such 4 quarter period). If the month during which such tax
4 liability is incurred begins on or after January 1, 1985 and
5 prior to January 1, 1987, each payment shall be in an amount
6 equal to 22.5% of the taxpayer's actual liability for the
7 month or 27.5% of the taxpayer's liability for the same
8 calendar month of the preceding year. If the month during
9 which such tax liability is incurred begins on or after
10 January 1, 1987 and prior to January 1, 1988, each payment
11 shall be in an amount equal to 22.5% of the taxpayer's actual
12 liability for the month or 26.25% of the taxpayer's liability
13 for the same calendar month of the preceding year. If the month
14 during which such tax liability is incurred begins on or after
15 January 1, 1988, and prior to January 1, 1989, or begins on or
16 after January 1, 1996, each payment shall be in an amount equal
17 to 22.5% of the taxpayer's actual liability for the month or
18 25% of the taxpayer's liability for the same calendar month of
19 the preceding year. If the month during which such tax
20 liability is incurred begins on or after January 1, 1989, and
21 prior to January 1, 1996, each payment shall be in an amount
22 equal to 22.5% of the taxpayer's actual liability for the
23 month or 25% of the taxpayer's liability for the same calendar
24 month of the preceding year or 100% of the taxpayer's actual
25 liability for the quarter monthly reporting period. The amount
26 of such quarter monthly payments shall be credited against the

1 final tax liability of the taxpayer's return for that month.
2 Before October 1, 2000, once applicable, the requirement of
3 the making of quarter monthly payments to the Department by
4 taxpayers having an average monthly tax liability of \$10,000
5 or more as determined in the manner provided above shall
6 continue until such taxpayer's average monthly liability to
7 the Department during the preceding 4 complete calendar
8 quarters (excluding the month of highest liability and the
9 month of lowest liability) is less than \$9,000, or until such
10 taxpayer's average monthly liability to the Department as
11 computed for each calendar quarter of the 4 preceding complete
12 calendar quarter period is less than \$10,000. However, if a
13 taxpayer can show the Department that a substantial change in
14 the taxpayer's business has occurred which causes the taxpayer
15 to anticipate that his average monthly tax liability for the
16 reasonably foreseeable future will fall below the \$10,000
17 threshold stated above, then such taxpayer may petition the
18 Department for a change in such taxpayer's reporting status.
19 On and after October 1, 2000, once applicable, the requirement
20 of the making of quarter monthly payments to the Department by
21 taxpayers having an average monthly tax liability of \$20,000
22 or more as determined in the manner provided above shall
23 continue until such taxpayer's average monthly liability to
24 the Department during the preceding 4 complete calendar
25 quarters (excluding the month of highest liability and the
26 month of lowest liability) is less than \$19,000 or until such

1 taxpayer's average monthly liability to the Department as
2 computed for each calendar quarter of the 4 preceding complete
3 calendar quarter period is less than \$20,000. However, if a
4 taxpayer can show the Department that a substantial change in
5 the taxpayer's business has occurred which causes the taxpayer
6 to anticipate that his average monthly tax liability for the
7 reasonably foreseeable future will fall below the \$20,000
8 threshold stated above, then such taxpayer may petition the
9 Department for a change in such taxpayer's reporting status.
10 The Department shall change such taxpayer's reporting status
11 unless it finds that such change is seasonal in nature and not
12 likely to be long term. If any such quarter monthly payment is
13 not paid at the time or in the amount required by this Section,
14 then the taxpayer shall be liable for penalties and interest
15 on the difference between the minimum amount due as a payment
16 and the amount of such quarter monthly payment actually and
17 timely paid, except insofar as the taxpayer has previously
18 made payments for that month to the Department in excess of the
19 minimum payments previously due as provided in this Section.
20 The Department shall make reasonable rules and regulations to
21 govern the quarter monthly payment amount and quarter monthly
22 payment dates for taxpayers who file on other than a calendar
23 monthly basis.

24 The provisions of this paragraph apply before October 1,
25 2001. Without regard to whether a taxpayer is required to make
26 quarter monthly payments as specified above, any taxpayer who

1 is required by Section 2d of this Act to collect and remit
2 prepaid taxes and has collected prepaid taxes which average in
3 excess of \$25,000 per month during the preceding 2 complete
4 calendar quarters, shall file a return with the Department as
5 required by Section 2f and shall make payments to the
6 Department on or before the 7th, 15th, 22nd and last day of the
7 month during which such liability is incurred. If the month
8 during which such tax liability is incurred began prior to
9 September 1, 1985 (the effective date of Public Act 84-221),
10 each payment shall be in an amount not less than 22.5% of the
11 taxpayer's actual liability under Section 2d. If the month
12 during which such tax liability is incurred begins on or after
13 January 1, 1986, each payment shall be in an amount equal to
14 22.5% of the taxpayer's actual liability for the month or
15 27.5% of the taxpayer's liability for the same calendar month
16 of the preceding calendar year. If the month during which such
17 tax liability is incurred begins on or after January 1, 1987,
18 each payment shall be in an amount equal to 22.5% of the
19 taxpayer's actual liability for the month or 26.25% of the
20 taxpayer's liability for the same calendar month of the
21 preceding year. The amount of such quarter monthly payments
22 shall be credited against the final tax liability of the
23 taxpayer's return for that month filed under this Section or
24 Section 2f, as the case may be. Once applicable, the
25 requirement of the making of quarter monthly payments to the
26 Department pursuant to this paragraph shall continue until

1 such taxpayer's average monthly prepaid tax collections during
2 the preceding 2 complete calendar quarters is \$25,000 or less.
3 If any such quarter monthly payment is not paid at the time or
4 in the amount required, the taxpayer shall be liable for
5 penalties and interest on such difference, except insofar as
6 the taxpayer has previously made payments for that month in
7 excess of the minimum payments previously due.

8 The provisions of this paragraph apply on and after
9 October 1, 2001. Without regard to whether a taxpayer is
10 required to make quarter monthly payments as specified above,
11 any taxpayer who is required by Section 2d of this Act to
12 collect and remit prepaid taxes and has collected prepaid
13 taxes that average in excess of \$20,000 per month during the
14 preceding 4 complete calendar quarters shall file a return
15 with the Department as required by Section 2f and shall make
16 payments to the Department on or before the 7th, 15th, 22nd and
17 last day of the month during which the liability is incurred.
18 Each payment shall be in an amount equal to 22.5% of the
19 taxpayer's actual liability for the month or 25% of the
20 taxpayer's liability for the same calendar month of the
21 preceding year. The amount of the quarter monthly payments
22 shall be credited against the final tax liability of the
23 taxpayer's return for that month filed under this Section or
24 Section 2f, as the case may be. Once applicable, the
25 requirement of the making of quarter monthly payments to the
26 Department pursuant to this paragraph shall continue until the

1 taxpayer's average monthly prepaid tax collections during the
2 preceding 4 complete calendar quarters (excluding the month of
3 highest liability and the month of lowest liability) is less
4 than \$19,000 or until such taxpayer's average monthly
5 liability to the Department as computed for each calendar
6 quarter of the 4 preceding complete calendar quarters is less
7 than \$20,000. If any such quarter monthly payment is not paid
8 at the time or in the amount required, the taxpayer shall be
9 liable for penalties and interest on such difference, except
10 insofar as the taxpayer has previously made payments for that
11 month in excess of the minimum payments previously due.

12 If any payment provided for in this Section exceeds the
13 taxpayer's liabilities under this Act, the Use Tax Act, the
14 Service Occupation Tax Act and the Service Use Tax Act, as
15 shown on an original monthly return, the Department shall, if
16 requested by the taxpayer, issue to the taxpayer a credit
17 memorandum no later than 30 days after the date of payment. The
18 credit evidenced by such credit memorandum may be assigned by
19 the taxpayer to a similar taxpayer under this Act, the Use Tax
20 Act, the Service Occupation Tax Act or the Service Use Tax Act,
21 in accordance with reasonable rules and regulations to be
22 prescribed by the Department. If no such request is made, the
23 taxpayer may credit such excess payment against tax liability
24 subsequently to be remitted to the Department under this Act,
25 the Use Tax Act, the Service Occupation Tax Act or the Service
26 Use Tax Act, in accordance with reasonable rules and

1 regulations prescribed by the Department. If the Department
2 subsequently determined that all or any part of the credit
3 taken was not actually due to the taxpayer, the taxpayer's
4 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or
5 1.75% of the difference between the credit taken and that
6 actually due, and that taxpayer shall be liable for penalties
7 and interest on such difference.

8 If a retailer of motor fuel is entitled to a credit under
9 Section 2d of this Act which exceeds the taxpayer's liability
10 to the Department under this Act for the month for which the
11 taxpayer is filing a return, the Department shall issue the
12 taxpayer a credit memorandum for the excess.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the Local Government Tax Fund, a special fund in the
15 State treasury which is hereby created, the net revenue
16 realized for the preceding month from the 1% tax imposed under
17 this Act.

18 Beginning January 1, 1990, each month the Department shall
19 pay into the County and Mass Transit District Fund, a special
20 fund in the State treasury which is hereby created, 4% of the
21 net revenue realized for the preceding month from the 6.25%
22 general rate other than aviation fuel sold on or after
23 December 1, 2019. This exception for aviation fuel only
24 applies for so long as the revenue use requirements of 49
25 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

26 Beginning August 1, 2000, each month the Department shall

1 pay into the County and Mass Transit District Fund 20% of the
2 net revenue realized for the preceding month from the 1.25%
3 rate on the selling price of motor fuel and gasohol. Beginning
4 September 1, 2010, each month the Department shall pay into
5 the County and Mass Transit District Fund 20% of the net
6 revenue realized for the preceding month from the 1.25% rate
7 on the selling price of sales tax holiday items.

8 Beginning January 1, 1990, each month the Department shall
9 pay into the Local Government Tax Fund 16% of the net revenue
10 realized for the preceding month from the 6.25% general rate
11 on the selling price of tangible personal property other than
12 aviation fuel sold on or after December 1, 2019. This
13 exception for aviation fuel only applies for so long as the
14 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
15 47133 are binding on the State.

16 For aviation fuel sold on or after December 1, 2019, each
17 month the Department shall pay into the State Aviation Program
18 Fund 20% of the net revenue realized for the preceding month
19 from the 6.25% general rate on the selling price of aviation
20 fuel, less an amount estimated by the Department to be
21 required for refunds of the 20% portion of the tax on aviation
22 fuel under this Act, which amount shall be deposited into the
23 Aviation Fuel Sales Tax Refund Fund. The Department shall only
24 pay moneys into the State Aviation Program Fund and the
25 Aviation Fuel Sales Tax Refund Fund under this Act for so long
26 as the revenue use requirements of 49 U.S.C. 47107(b) and 49

1 U.S.C. 47133 are binding on the State.

2 Beginning August 1, 2000, each month the Department shall
3 pay into the Local Government Tax Fund 80% of the net revenue
4 realized for the preceding month from the 1.25% rate on the
5 selling price of motor fuel and gasohol. Beginning September
6 1, 2010, each month the Department shall pay into the Local
7 Government Tax Fund 80% of the net revenue realized for the
8 preceding month from the 1.25% rate on the selling price of
9 sales tax holiday items.

10 Beginning October 1, 2009, each month the Department shall
11 pay into the Capital Projects Fund an amount that is equal to
12 an amount estimated by the Department to represent 80% of the
13 net revenue realized for the preceding month from the sale of
14 candy, grooming and hygiene products, and soft drinks that had
15 been taxed at a rate of 1% prior to September 1, 2009 but that
16 are now taxed at 6.25%.

17 Beginning July 1, 2011, each month the Department shall
18 pay into the Clean Air Act Permit Fund 80% of the net revenue
19 realized for the preceding month from the 6.25% general rate
20 on the selling price of sorbents used in Illinois in the
21 process of sorbent injection as used to comply with the
22 Environmental Protection Act or the federal Clean Air Act, but
23 the total payment into the Clean Air Act Permit Fund under this
24 Act and the Use Tax Act shall not exceed \$2,000,000 in any
25 fiscal year.

26 Beginning July 1, 2013, each month the Department shall

1 pay into the Underground Storage Tank Fund from the proceeds
2 collected under this Act, the Use Tax Act, the Service Use Tax
3 Act, and the Service Occupation Tax Act an amount equal to the
4 average monthly deficit in the Underground Storage Tank Fund
5 during the prior year, as certified annually by the Illinois
6 Environmental Protection Agency, but the total payment into
7 the Underground Storage Tank Fund under this Act, the Use Tax
8 Act, the Service Use Tax Act, and the Service Occupation Tax
9 Act shall not exceed \$18,000,000 in any State fiscal year. As
10 used in this paragraph, the "average monthly deficit" shall be
11 equal to the difference between the average monthly claims for
12 payment by the fund and the average monthly revenues deposited
13 into the fund, excluding payments made pursuant to this
14 paragraph.

15 Beginning July 1, 2015, of the remainder of the moneys
16 received by the Department under the Use Tax Act, the Service
17 Use Tax Act, the Service Occupation Tax Act, and this Act, each
18 month the Department shall deposit \$500,000 into the State
19 Crime Laboratory Fund.

20 Of the remainder of the moneys received by the Department
21 pursuant to this Act, (a) 1.75% thereof shall be paid into the
22 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
23 and after July 1, 1989, 3.8% thereof shall be paid into the
24 Build Illinois Fund; provided, however, that if in any fiscal
25 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
26 may be, of the moneys received by the Department and required

1 to be paid into the Build Illinois Fund pursuant to this Act,
2 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
3 Act, and Section 9 of the Service Occupation Tax Act, such Acts
4 being hereinafter called the "Tax Acts" and such aggregate of
5 2.2% or 3.8%, as the case may be, of moneys being hereinafter
6 called the "Tax Act Amount", and (2) the amount transferred to
7 the Build Illinois Fund from the State and Local Sales Tax
8 Reform Fund shall be less than the Annual Specified Amount (as
9 hereinafter defined), an amount equal to the difference shall
10 be immediately paid into the Build Illinois Fund from other
11 moneys received by the Department pursuant to the Tax Acts;
12 the "Annual Specified Amount" means the amounts specified
13 below for fiscal years 1986 through 1993:

14	Fiscal Year	Annual Specified Amount
15	1986	\$54,800,000
16	1987	\$76,650,000
17	1988	\$80,480,000
18	1989	\$88,510,000
19	1990	\$115,330,000
20	1991	\$145,470,000
21	1992	\$182,730,000
22	1993	\$206,520,000;

23 and means the Certified Annual Debt Service Requirement (as
24 defined in Section 13 of the Build Illinois Bond Act) or the
25 Tax Act Amount, whichever is greater, for fiscal year 1994 and
26 each fiscal year thereafter; and further provided, that if on

1 the last business day of any month the sum of (1) the Tax Act
2 Amount required to be deposited into the Build Illinois Bond
3 Account in the Build Illinois Fund during such month and (2)
4 the amount transferred to the Build Illinois Fund from the
5 State and Local Sales Tax Reform Fund shall have been less than
6 1/12 of the Annual Specified Amount, an amount equal to the
7 difference shall be immediately paid into the Build Illinois
8 Fund from other moneys received by the Department pursuant to
9 the Tax Acts; and, further provided, that in no event shall the
10 payments required under the preceding proviso result in
11 aggregate payments into the Build Illinois Fund pursuant to
12 this clause (b) for any fiscal year in excess of the greater of
13 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
14 such fiscal year. The amounts payable into the Build Illinois
15 Fund under clause (b) of the first sentence in this paragraph
16 shall be payable only until such time as the aggregate amount
17 on deposit under each trust indenture securing Bonds issued
18 and outstanding pursuant to the Build Illinois Bond Act is
19 sufficient, taking into account any future investment income,
20 to fully provide, in accordance with such indenture, for the
21 defeasance of or the payment of the principal of, premium, if
22 any, and interest on the Bonds secured by such indenture and on
23 any Bonds expected to be issued thereafter and all fees and
24 costs payable with respect thereto, all as certified by the
25 Director of the Bureau of the Budget (now Governor's Office of
26 Management and Budget). If on the last business day of any

1 month in which Bonds are outstanding pursuant to the Build
2 Illinois Bond Act, the aggregate of moneys deposited in the
3 Build Illinois Bond Account in the Build Illinois Fund in such
4 month shall be less than the amount required to be transferred
5 in such month from the Build Illinois Bond Account to the Build
6 Illinois Bond Retirement and Interest Fund pursuant to Section
7 13 of the Build Illinois Bond Act, an amount equal to such
8 deficiency shall be immediately paid from other moneys
9 received by the Department pursuant to the Tax Acts to the
10 Build Illinois Fund; provided, however, that any amounts paid
11 to the Build Illinois Fund in any fiscal year pursuant to this
12 sentence shall be deemed to constitute payments pursuant to
13 clause (b) of the first sentence of this paragraph and shall
14 reduce the amount otherwise payable for such fiscal year
15 pursuant to that clause (b). The moneys received by the
16 Department pursuant to this Act and required to be deposited
17 into the Build Illinois Fund are subject to the pledge, claim
18 and charge set forth in Section 12 of the Build Illinois Bond
19 Act.

20 Subject to payment of amounts into the Build Illinois Fund
21 as provided in the preceding paragraph or in any amendment
22 thereto hereafter enacted, the following specified monthly
23 installment of the amount requested in the certificate of the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 provided under Section 8.25f of the State Finance Act, but not
26 in excess of sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

6	Fiscal Year	Total Deposit
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000
26	2012	153,000,000

1	2013	161,000,000
2	2014	170,000,000
3	2015	179,000,000
4	2016	189,000,000
5	2017	199,000,000
6	2018	210,000,000
7	2019	221,000,000
8	2020	233,000,000
9	2021	300,000,000
10	2022	300,000,000
11	2023	300,000,000
12	2024	300,000,000
13	2025	300,000,000
14	2026	300,000,000
15	2027	375,000,000
16	2028	375,000,000
17	2029	375,000,000
18	2030	375,000,000
19	2031	375,000,000
20	2032	375,000,000
21	2033	375,000,000
22	2034	375,000,000
23	2035	375,000,000
24	2036	450,000,000
25	and	
26	each fiscal year	

1 thereafter that bonds
2 are outstanding under
3 Section 13.2 of the
4 Metropolitan Pier and
5 Exposition Authority Act,
6 but not after fiscal year 2060.

7 Beginning July 20, 1993 and in each month of each fiscal
8 year thereafter, one-eighth of the amount requested in the
9 certificate of the Chairman of the Metropolitan Pier and
10 Exposition Authority for that fiscal year, less the amount
11 deposited into the McCormick Place Expansion Project Fund by
12 the State Treasurer in the respective month under subsection
13 (g) of Section 13 of the Metropolitan Pier and Exposition
14 Authority Act, plus cumulative deficiencies in the deposits
15 required under this Section for previous months and years,
16 shall be deposited into the McCormick Place Expansion Project
17 Fund, until the full amount requested for the fiscal year, but
18 not in excess of the amount specified above as "Total
19 Deposit", has been deposited.

20 Subject to payment of amounts into the Capital Projects
21 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, for aviation fuel sold on or after December 1, 2019,
25 the Department shall each month deposit into the Aviation Fuel
26 Sales Tax Refund Fund an amount estimated by the Department to

1 be required for refunds of the 80% portion of the tax on
2 aviation fuel under this Act. The Department shall only
3 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
4 under this paragraph for so long as the revenue use
5 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
6 binding on the State.

7 Subject to payment of amounts into the Build Illinois Fund
8 and the McCormick Place Expansion Project Fund pursuant to the
9 preceding paragraphs or in any amendments thereto hereafter
10 enacted, beginning July 1, 1993 and ending on September 30,
11 2013, the Department shall each month pay into the Illinois
12 Tax Increment Fund 0.27% of 80% of the net revenue realized for
13 the preceding month from the 6.25% general rate on the selling
14 price of tangible personal property.

15 Subject to payment of amounts into the Build Illinois Fund
16 and the McCormick Place Expansion Project Fund pursuant to the
17 preceding paragraphs or in any amendments thereto hereafter
18 enacted, beginning with the receipt of the first report of
19 taxes paid by an eligible business and continuing for a
20 25-year period, the Department shall each month pay into the
21 Energy Infrastructure Fund 80% of the net revenue realized
22 from the 6.25% general rate on the selling price of
23 Illinois-mined coal that was sold to an eligible business. For
24 purposes of this paragraph, the term "eligible business" means
25 a new electric generating facility certified pursuant to
26 Section 605-332 of the Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois.

2 Subject to payment of amounts into the Build Illinois
3 Fund, the McCormick Place Expansion Project Fund, the Illinois
4 Tax Increment Fund, and the Energy Infrastructure Fund
5 pursuant to the preceding paragraphs or in any amendments to
6 this Section hereafter enacted, beginning on the first day of
7 the first calendar month to occur on or after August 26, 2014
8 (the effective date of Public Act 98-1098), each month, from
9 the collections made under Section 9 of the Use Tax Act,
10 Section 9 of the Service Use Tax Act, Section 9 of the Service
11 Occupation Tax Act, and Section 3 of the Retailers' Occupation
12 Tax Act, the Department shall pay into the Tax Compliance and
13 Administration Fund, to be used, subject to appropriation, to
14 fund additional auditors and compliance personnel at the
15 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
16 the cash receipts collected during the preceding fiscal year
17 by the Audit Bureau of the Department under the Use Tax Act,
18 the Service Use Tax Act, the Service Occupation Tax Act, the
19 Retailers' Occupation Tax Act, and associated local occupation
20 and use taxes administered by the Department.

21 Subject to payments of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, the Illinois
23 Tax Increment Fund, the Energy Infrastructure Fund, and the
24 Tax Compliance and Administration Fund as provided in this
25 Section, beginning on July 1, 2018 the Department shall pay
26 each month into the Downstate Public Transportation Fund the

1 moneys required to be so paid under Section 2-3 of the
2 Downstate Public Transportation Act.

3 Subject to successful execution and delivery of a
4 public-private agreement between the public agency and private
5 entity and completion of the civic build, beginning on July 1,
6 2023, of the remainder of the moneys received by the
7 Department under the Use Tax Act, the Service Use Tax Act, the
8 Service Occupation Tax Act, and this Act, the Department shall
9 deposit the following specified deposits in the aggregate from
10 collections under the Use Tax Act, the Service Use Tax Act, the
11 Service Occupation Tax Act, and the Retailers' Occupation Tax
12 Act, as required under Section 8.25g of the State Finance Act
13 for distribution consistent with the Public-Private
14 Partnership for Civic and Transit Infrastructure Project Act.
15 The moneys received by the Department pursuant to this Act and
16 required to be deposited into the Civic and Transit
17 Infrastructure Fund are subject to the pledge, claim and
18 charge set forth in Section 25-55 of the Public-Private
19 Partnership for Civic and Transit Infrastructure Project Act.
20 As used in this paragraph, "civic build", "private entity",
21 "public-private agreement", and "public agency" have the
22 meanings provided in Section 25-10 of the Public-Private
23 Partnership for Civic and Transit Infrastructure Project Act.

24	Fiscal Year.....	Total Deposit
25	2024	\$200,000,000
26	2025	\$206,000,000

1	2026	.....	\$212,200,000
2	2027	.....	\$218,500,000
3	2028	.....	\$225,100,000
4	2029	.....	\$288,700,000
5	2030	.....	\$298,900,000
6	2031	.....	\$309,300,000
7	2032	.....	\$320,100,000
8	2033	.....	\$331,200,000
9	2034	.....	\$341,200,000
10	2035	.....	\$351,400,000
11	2036	.....	\$361,900,000
12	2037	.....	\$372,800,000
13	2038	.....	\$384,000,000
14	2039	.....	\$395,500,000
15	2040	.....	\$407,400,000
16	2041	.....	\$419,600,000
17	2042	.....	\$432,200,000
18	2043	.....	\$445,100,000

19 Beginning July 1, 2021 and until July 1, 2022, subject to
20 the payment of amounts into the County and Mass Transit
21 District Fund, the Local Government Tax Fund, the Build
22 Illinois Fund, the McCormick Place Expansion Project Fund, the
23 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
24 and the Tax Compliance and Administration Fund as provided in
25 this Section, the Department shall pay each month into the
26 Road Fund the amount estimated to represent 16% of the net

1 revenue realized from the taxes imposed on motor fuel and
2 gasohol. Beginning July 1, 2022 and until July 1, 2023,
3 subject to the payment of amounts into the County and Mass
4 Transit District Fund, the Local Government Tax Fund, the
5 Build Illinois Fund, the McCormick Place Expansion Project
6 Fund, the Illinois Tax Increment Fund, the Energy
7 Infrastructure Fund, and the Tax Compliance and Administration
8 Fund as provided in this Section, the Department shall pay
9 each month into the Road Fund the amount estimated to
10 represent 32% of the net revenue realized from the taxes
11 imposed on motor fuel and gasohol. Beginning July 1, 2023 and
12 until July 1, 2024, subject to the payment of amounts into the
13 County and Mass Transit District Fund, the Local Government
14 Tax Fund, the Build Illinois Fund, the McCormick Place
15 Expansion Project Fund, the Illinois Tax Increment Fund, the
16 Energy Infrastructure Fund, and the Tax Compliance and
17 Administration Fund as provided in this Section, the
18 Department shall pay each month into the Road Fund the amount
19 estimated to represent 48% of the net revenue realized from
20 the taxes imposed on motor fuel and gasohol. Beginning July 1,
21 2024 and until July 1, 2025, subject to the payment of amounts
22 into the County and Mass Transit District Fund, the Local
23 Government Tax Fund, the Build Illinois Fund, the McCormick
24 Place Expansion Project Fund, the Illinois Tax Increment Fund,
25 the Energy Infrastructure Fund, and the Tax Compliance and
26 Administration Fund as provided in this Section, the

1 Department shall pay each month into the Road Fund the amount
2 estimated to represent 64% of the net revenue realized from
3 the taxes imposed on motor fuel and gasohol. Beginning on July
4 1, 2025, subject to the payment of amounts into the County and
5 Mass Transit District Fund, the Local Government Tax Fund, the
6 Build Illinois Fund, the McCormick Place Expansion Project
7 Fund, the Illinois Tax Increment Fund, the Energy
8 Infrastructure Fund, and the Tax Compliance and Administration
9 Fund as provided in this Section, the Department shall pay
10 each month into the Road Fund the amount estimated to
11 represent 80% of the net revenue realized from the taxes
12 imposed on motor fuel and gasohol. As used in this paragraph
13 "motor fuel" has the meaning given to that term in Section 1.1
14 of the Motor Fuel Tax Act, and "gasohol" has the meaning given
15 to that term in Section 3-40 of the Use Tax Act.

16 Of the remainder of the moneys received by the Department
17 pursuant to this Act, 75% thereof shall be paid into the State
18 Treasury and 25% shall be reserved in a special account and
19 used only for the transfer to the Common School Fund as part of
20 the monthly transfer from the General Revenue Fund in
21 accordance with Section 8a of the State Finance Act.

22 The Department may, upon separate written notice to a
23 taxpayer, require the taxpayer to prepare and file with the
24 Department on a form prescribed by the Department within not
25 less than 60 days after receipt of the notice an annual
26 information return for the tax year specified in the notice.

1 Such annual return to the Department shall include a statement
2 of gross receipts as shown by the retailer's last Federal
3 income tax return. If the total receipts of the business as
4 reported in the Federal income tax return do not agree with the
5 gross receipts reported to the Department of Revenue for the
6 same period, the retailer shall attach to his annual return a
7 schedule showing a reconciliation of the 2 amounts and the
8 reasons for the difference. The retailer's annual return to
9 the Department shall also disclose the cost of goods sold by
10 the retailer during the year covered by such return, opening
11 and closing inventories of such goods for such year, costs of
12 goods used from stock or taken from stock and given away by the
13 retailer during such year, payroll information of the
14 retailer's business during such year and any additional
15 reasonable information which the Department deems would be
16 helpful in determining the accuracy of the monthly, quarterly
17 or annual returns filed by such retailer as provided for in
18 this Section.

19 If the annual information return required by this Section
20 is not filed when and as required, the taxpayer shall be liable
21 as follows:

22 (i) Until January 1, 1994, the taxpayer shall be
23 liable for a penalty equal to 1/6 of 1% of the tax due from
24 such taxpayer under this Act during the period to be
25 covered by the annual return for each month or fraction of
26 a month until such return is filed as required, the

1 penalty to be assessed and collected in the same manner as
2 any other penalty provided for in this Act.

3 (ii) On and after January 1, 1994, the taxpayer shall
4 be liable for a penalty as described in Section 3-4 of the
5 Uniform Penalty and Interest Act.

6 The chief executive officer, proprietor, owner or highest
7 ranking manager shall sign the annual return to certify the
8 accuracy of the information contained therein. Any person who
9 willfully signs the annual return containing false or
10 inaccurate information shall be guilty of perjury and punished
11 accordingly. The annual return form prescribed by the
12 Department shall include a warning that the person signing the
13 return may be liable for perjury.

14 The provisions of this Section concerning the filing of an
15 annual information return do not apply to a retailer who is not
16 required to file an income tax return with the United States
17 Government.

18 As soon as possible after the first day of each month, upon
19 certification of the Department of Revenue, the Comptroller
20 shall order transferred and the Treasurer shall transfer from
21 the General Revenue Fund to the Motor Fuel Tax Fund an amount
22 equal to 1.7% of 80% of the net revenue realized under this Act
23 for the second preceding month. Beginning April 1, 2000, this
24 transfer is no longer required and shall not be made.

25 Net revenue realized for a month shall be the revenue
26 collected by the State pursuant to this Act, less the amount

1 paid out during that month as refunds to taxpayers for
2 overpayment of liability.

3 For greater simplicity of administration, manufacturers,
4 importers and wholesalers whose products are sold at retail in
5 Illinois by numerous retailers, and who wish to do so, may
6 assume the responsibility for accounting and paying to the
7 Department all tax accruing under this Act with respect to
8 such sales, if the retailers who are affected do not make
9 written objection to the Department to this arrangement.

10 Any person who promotes, organizes, provides retail
11 selling space for concessionaires or other types of sellers at
12 the Illinois State Fair, DuQuoin State Fair, county fairs,
13 local fairs, art shows, flea markets and similar exhibitions
14 or events, including any transient merchant as defined by
15 Section 2 of the Transient Merchant Act of 1987, is required to
16 file a report with the Department providing the name of the
17 merchant's business, the name of the person or persons engaged
18 in merchant's business, the permanent address and Illinois
19 Retailers Occupation Tax Registration Number of the merchant,
20 the dates and location of the event and other reasonable
21 information that the Department may require. The report must
22 be filed not later than the 20th day of the month next
23 following the month during which the event with retail sales
24 was held. Any person who fails to file a report required by
25 this Section commits a business offense and is subject to a
26 fine not to exceed \$250.

1 Any person engaged in the business of selling tangible
2 personal property at retail as a concessionaire or other type
3 of seller at the Illinois State Fair, county fairs, art shows,
4 flea markets and similar exhibitions or events, or any
5 transient merchants, as defined by Section 2 of the Transient
6 Merchant Act of 1987, may be required to make a daily report of
7 the amount of such sales to the Department and to make a daily
8 payment of the full amount of tax due. The Department shall
9 impose this requirement when it finds that there is a
10 significant risk of loss of revenue to the State at such an
11 exhibition or event. Such a finding shall be based on evidence
12 that a substantial number of concessionaires or other sellers
13 who are not residents of Illinois will be engaging in the
14 business of selling tangible personal property at retail at
15 the exhibition or event, or other evidence of a significant
16 risk of loss of revenue to the State. The Department shall
17 notify concessionaires and other sellers affected by the
18 imposition of this requirement. In the absence of notification
19 by the Department, the concessionaires and other sellers shall
20 file their returns as otherwise required in this Section.

21 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;
22 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.
23 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
24 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; revised
25 12-7-21.)

1 Section 260. The Property Tax Code is amended by changing
2 Sections 18-185, 21-260, and 22-10 as follows:

3 (35 ILCS 200/18-185)

4 Sec. 18-185. Short title; definitions. This Division 5
5 may be cited as the Property Tax Extension Limitation Law. As
6 used in this Division 5:

7 "Consumer Price Index" means the Consumer Price Index for
8 All Urban Consumers for all items published by the United
9 States Department of Labor.

10 "Extension limitation" means (a) the lesser of 5% or the
11 percentage increase in the Consumer Price Index during the
12 12-month calendar year preceding the levy year or (b) the rate
13 of increase approved by voters under Section 18-205.

14 "Affected county" means a county of 3,000,000 or more
15 inhabitants or a county contiguous to a county of 3,000,000 or
16 more inhabitants.

17 "Taxing district" has the same meaning provided in Section
18 1-150, except as otherwise provided in this Section. For the
19 1991 through 1994 levy years only, "taxing district" includes
20 only each non-home rule taxing district having the majority of
21 its 1990 equalized assessed value within any county or
22 counties contiguous to a county with 3,000,000 or more
23 inhabitants. Beginning with the 1995 levy year, "taxing
24 district" includes only each non-home rule taxing district
25 subject to this Law before the 1995 levy year and each non-home

1 rule taxing district not subject to this Law before the 1995
2 levy year having the majority of its 1994 equalized assessed
3 value in an affected county or counties. Beginning with the
4 levy year in which this Law becomes applicable to a taxing
5 district as provided in Section 18-213, "taxing district" also
6 includes those taxing districts made subject to this Law as
7 provided in Section 18-213.

8 "Aggregate extension" for taxing districts to which this
9 Law applied before the 1995 levy year means the annual
10 corporate extension for the taxing district and those special
11 purpose extensions that are made annually for the taxing
12 district, excluding special purpose extensions: (a) made for
13 the taxing district to pay interest or principal on general
14 obligation bonds that were approved by referendum; (b) made
15 for any taxing district to pay interest or principal on
16 general obligation bonds issued before October 1, 1991; (c)
17 made for any taxing district to pay interest or principal on
18 bonds issued to refund or continue to refund those bonds
19 issued before October 1, 1991; (d) made for any taxing
20 district to pay interest or principal on bonds issued to
21 refund or continue to refund bonds issued after October 1,
22 1991 that were approved by referendum; (e) made for any taxing
23 district to pay interest or principal on revenue bonds issued
24 before October 1, 1991 for payment of which a property tax levy
25 or the full faith and credit of the unit of local government is
26 pledged; however, a tax for the payment of interest or

1 principal on those bonds shall be made only after the
2 governing body of the unit of local government finds that all
3 other sources for payment are insufficient to make those
4 payments; (f) made for payments under a building commission
5 lease when the lease payments are for the retirement of bonds
6 issued by the commission before October 1, 1991, to pay for the
7 building project; (g) made for payments due under installment
8 contracts entered into before October 1, 1991; (h) made for
9 payments of principal and interest on bonds issued under the
10 Metropolitan Water Reclamation District Act to finance
11 construction projects initiated before October 1, 1991; (i)
12 made for payments of principal and interest on limited bonds,
13 as defined in Section 3 of the Local Government Debt Reform
14 Act, in an amount not to exceed the debt service extension base
15 less the amount in items (b), (c), (e), and (h) of this
16 definition for non-referendum obligations, except obligations
17 initially issued pursuant to referendum; (j) made for payments
18 of principal and interest on bonds issued under Section 15 of
19 the Local Government Debt Reform Act; (k) made by a school
20 district that participates in the Special Education District
21 of Lake County, created by special education joint agreement
22 under Section 10-22.31 of the School Code, for payment of the
23 school district's share of the amounts required to be
24 contributed by the Special Education District of Lake County
25 to the Illinois Municipal Retirement Fund under Article 7 of
26 the Illinois Pension Code; the amount of any extension under

1 this item (k) shall be certified by the school district to the
2 county clerk; (l) made to fund expenses of providing joint
3 recreational programs for persons with disabilities under
4 Section 5-8 of the Park District Code or Section 11-95-14 of
5 the Illinois Municipal Code; (m) made for temporary relocation
6 loan repayment purposes pursuant to Sections 2-3.77 and
7 17-2.2d of the School Code; (n) made for payment of principal
8 and interest on any bonds issued under the authority of
9 Section 17-2.2d of the School Code; (o) made for contributions
10 to a firefighter's pension fund created under Article 4 of the
11 Illinois Pension Code, to the extent of the amount certified
12 under item (5) of Section 4-134 of the Illinois Pension Code;
13 and (p) made for road purposes in the first year after a
14 township assumes the rights, powers, duties, assets, property,
15 liabilities, obligations, and responsibilities of a road
16 district abolished under the provisions of Section 6-133 of
17 the Illinois Highway Code.

18 "Aggregate extension" for the taxing districts to which
19 this Law did not apply before the 1995 levy year (except taxing
20 districts subject to this Law in accordance with Section
21 18-213) means the annual corporate extension for the taxing
22 district and those special purpose extensions that are made
23 annually for the taxing district, excluding special purpose
24 extensions: (a) made for the taxing district to pay interest
25 or principal on general obligation bonds that were approved by
26 referendum; (b) made for any taxing district to pay interest

1 or principal on general obligation bonds issued before March
2 1, 1995; (c) made for any taxing district to pay interest or
3 principal on bonds issued to refund or continue to refund
4 those bonds issued before March 1, 1995; (d) made for any
5 taxing district to pay interest or principal on bonds issued
6 to refund or continue to refund bonds issued after March 1,
7 1995 that were approved by referendum; (e) made for any taxing
8 district to pay interest or principal on revenue bonds issued
9 before March 1, 1995 for payment of which a property tax levy
10 or the full faith and credit of the unit of local government is
11 pledged; however, a tax for the payment of interest or
12 principal on those bonds shall be made only after the
13 governing body of the unit of local government finds that all
14 other sources for payment are insufficient to make those
15 payments; (f) made for payments under a building commission
16 lease when the lease payments are for the retirement of bonds
17 issued by the commission before March 1, 1995 to pay for the
18 building project; (g) made for payments due under installment
19 contracts entered into before March 1, 1995; (h) made for
20 payments of principal and interest on bonds issued under the
21 Metropolitan Water Reclamation District Act to finance
22 construction projects initiated before October 1, 1991; (h-4)
23 made for stormwater management purposes by the Metropolitan
24 Water Reclamation District of Greater Chicago under Section 12
25 of the Metropolitan Water Reclamation District Act; (i) made
26 for payments of principal and interest on limited bonds, as

1 defined in Section 3 of the Local Government Debt Reform Act,
2 in an amount not to exceed the debt service extension base less
3 the amount in items (b), (c), and (e) of this definition for
4 non-referendum obligations, except obligations initially
5 issued pursuant to referendum and bonds described in
6 subsection (h) of this definition; (j) made for payments of
7 principal and interest on bonds issued under Section 15 of the
8 Local Government Debt Reform Act; (k) made for payments of
9 principal and interest on bonds authorized by Public Act
10 88-503 and issued under Section 20a of the Chicago Park
11 District Act for aquarium or museum projects and bonds issued
12 under Section 20a of the Chicago Park District Act for the
13 purpose of making contributions to the pension fund
14 established under Article 12 of the Illinois Pension Code; (l)
15 made for payments of principal and interest on bonds
16 authorized by Public Act 87-1191 or 93-601 and (i) issued
17 pursuant to Section 21.2 of the Cook County Forest Preserve
18 District Act, (ii) issued under Section 42 of the Cook County
19 Forest Preserve District Act for zoological park projects, or
20 (iii) issued under Section 44.1 of the Cook County Forest
21 Preserve District Act for botanical gardens projects; (m) made
22 pursuant to Section 34-53.5 of the School Code, whether levied
23 annually or not; (n) made to fund expenses of providing joint
24 recreational programs for persons with disabilities under
25 Section 5-8 of the Park District Code or Section 11-95-14 of
26 the Illinois Municipal Code; (o) made by the Chicago Park

1 District for recreational programs for persons with
2 disabilities under subsection (c) of Section 7.06 of the
3 Chicago Park District Act; (p) made for contributions to a
4 firefighter's pension fund created under Article 4 of the
5 Illinois Pension Code, to the extent of the amount certified
6 under item (5) of Section 4-134 of the Illinois Pension Code;
7 (q) made by Ford Heights School District 169 under Section
8 17-9.02 of the School Code; and (r) made for the purpose of
9 making employer contributions to the Public School Teachers'
10 Pension and Retirement Fund of Chicago under Section 34-53 of
11 the School Code.

12 "Aggregate extension" for all taxing districts to which
13 this Law applies in accordance with Section 18-213, except for
14 those taxing districts subject to paragraph (2) of subsection
15 (e) of Section 18-213, means the annual corporate extension
16 for the taxing district and those special purpose extensions
17 that are made annually for the taxing district, excluding
18 special purpose extensions: (a) made for the taxing district
19 to pay interest or principal on general obligation bonds that
20 were approved by referendum; (b) made for any taxing district
21 to pay interest or principal on general obligation bonds
22 issued before the date on which the referendum making this Law
23 applicable to the taxing district is held; (c) made for any
24 taxing district to pay interest or principal on bonds issued
25 to refund or continue to refund those bonds issued before the
26 date on which the referendum making this Law applicable to the

1 taxing district is held; (d) made for any taxing district to
2 pay interest or principal on bonds issued to refund or
3 continue to refund bonds issued after the date on which the
4 referendum making this Law applicable to the taxing district
5 is held if the bonds were approved by referendum after the date
6 on which the referendum making this Law applicable to the
7 taxing district is held; (e) made for any taxing district to
8 pay interest or principal on revenue bonds issued before the
9 date on which the referendum making this Law applicable to the
10 taxing district is held for payment of which a property tax
11 levy or the full faith and credit of the unit of local
12 government is pledged; however, a tax for the payment of
13 interest or principal on those bonds shall be made only after
14 the governing body of the unit of local government finds that
15 all other sources for payment are insufficient to make those
16 payments; (f) made for payments under a building commission
17 lease when the lease payments are for the retirement of bonds
18 issued by the commission before the date on which the
19 referendum making this Law applicable to the taxing district
20 is held to pay for the building project; (g) made for payments
21 due under installment contracts entered into before the date
22 on which the referendum making this Law applicable to the
23 taxing district is held; (h) made for payments of principal
24 and interest on limited bonds, as defined in Section 3 of the
25 Local Government Debt Reform Act, in an amount not to exceed
26 the debt service extension base less the amount in items (b),

1 (c), and (e) of this definition for non-referendum
2 obligations, except obligations initially issued pursuant to
3 referendum; (i) made for payments of principal and interest on
4 bonds issued under Section 15 of the Local Government Debt
5 Reform Act; (j) made for a qualified airport authority to pay
6 interest or principal on general obligation bonds issued for
7 the purpose of paying obligations due under, or financing
8 airport facilities required to be acquired, constructed,
9 installed or equipped pursuant to, contracts entered into
10 before March 1, 1996 (but not including any amendments to such
11 a contract taking effect on or after that date); (k) made to
12 fund expenses of providing joint recreational programs for
13 persons with disabilities under Section 5-8 of the Park
14 District Code or Section 11-95-14 of the Illinois Municipal
15 Code; (l) made for contributions to a firefighter's pension
16 fund created under Article 4 of the Illinois Pension Code, to
17 the extent of the amount certified under item (5) of Section
18 4-134 of the Illinois Pension Code; and (m) made for the taxing
19 district to pay interest or principal on general obligation
20 bonds issued pursuant to Section 19-3.10 of the School Code.

21 "Aggregate extension" for all taxing districts to which
22 this Law applies in accordance with paragraph (2) of
23 subsection (e) of Section 18-213 means the annual corporate
24 extension for the taxing district and those special purpose
25 extensions that are made annually for the taxing district,
26 excluding special purpose extensions: (a) made for the taxing

1 district to pay interest or principal on general obligation
2 bonds that were approved by referendum; (b) made for any
3 taxing district to pay interest or principal on general
4 obligation bonds issued before March 7, 1997 (the effective
5 date of Public Act 89-718); (c) made for any taxing district to
6 pay interest or principal on bonds issued to refund or
7 continue to refund those bonds issued before March 7, 1997
8 (the effective date of Public Act 89-718); (d) made for any
9 taxing district to pay interest or principal on bonds issued
10 to refund or continue to refund bonds issued after March 7,
11 1997 (the effective date of Public Act 89-718) if the bonds
12 were approved by referendum after March 7, 1997 (the effective
13 date of Public Act 89-718); (e) made for any taxing district to
14 pay interest or principal on revenue bonds issued before March
15 7, 1997 (the effective date of Public Act 89-718) for payment
16 of which a property tax levy or the full faith and credit of
17 the unit of local government is pledged; however, a tax for the
18 payment of interest or principal on those bonds shall be made
19 only after the governing body of the unit of local government
20 finds that all other sources for payment are insufficient to
21 make those payments; (f) made for payments under a building
22 commission lease when the lease payments are for the
23 retirement of bonds issued by the commission before March 7,
24 1997 (the effective date of Public Act 89-718) to pay for the
25 building project; (g) made for payments due under installment
26 contracts entered into before March 7, 1997 (the effective

1 date of Public Act 89-718); (h) made for payments of principal
2 and interest on limited bonds, as defined in Section 3 of the
3 Local Government Debt Reform Act, in an amount not to exceed
4 the debt service extension base less the amount in items (b),
5 (c), and (e) of this definition for non-referendum
6 obligations, except obligations initially issued pursuant to
7 referendum; (i) made for payments of principal and interest on
8 bonds issued under Section 15 of the Local Government Debt
9 Reform Act; (j) made for a qualified airport authority to pay
10 interest or principal on general obligation bonds issued for
11 the purpose of paying obligations due under, or financing
12 airport facilities required to be acquired, constructed,
13 installed or equipped pursuant to, contracts entered into
14 before March 1, 1996 (but not including any amendments to such
15 a contract taking effect on or after that date); (k) made to
16 fund expenses of providing joint recreational programs for
17 persons with disabilities under Section 5-8 of the Park
18 District Code or Section 11-95-14 of the Illinois Municipal
19 Code; and (l) made for contributions to a firefighter's
20 pension fund created under Article 4 of the Illinois Pension
21 Code, to the extent of the amount certified under item (5) of
22 Section 4-134 of the Illinois Pension Code.

23 "Debt service extension base" means an amount equal to
24 that portion of the extension for a taxing district for the
25 1994 levy year, or for those taxing districts subject to this
26 Law in accordance with Section 18-213, except for those

1 subject to paragraph (2) of subsection (e) of Section 18-213,
2 for the levy year in which the referendum making this Law
3 applicable to the taxing district is held, or for those taxing
4 districts subject to this Law in accordance with paragraph (2)
5 of subsection (e) of Section 18-213 for the 1996 levy year,
6 constituting an extension for payment of principal and
7 interest on bonds issued by the taxing district without
8 referendum, but not including excluded non-referendum bonds.
9 For park districts (i) that were first subject to this Law in
10 1991 or 1995 and (ii) whose extension for the 1994 levy year
11 for the payment of principal and interest on bonds issued by
12 the park district without referendum (but not including
13 excluded non-referendum bonds) was less than 51% of the amount
14 for the 1991 levy year constituting an extension for payment
15 of principal and interest on bonds issued by the park district
16 without referendum (but not including excluded non-referendum
17 bonds), "debt service extension base" means an amount equal to
18 that portion of the extension for the 1991 levy year
19 constituting an extension for payment of principal and
20 interest on bonds issued by the park district without
21 referendum (but not including excluded non-referendum bonds).
22 A debt service extension base established or increased at any
23 time pursuant to any provision of this Law, except Section
24 18-212, shall be increased each year commencing with the later
25 of (i) the 2009 levy year or (ii) the first levy year in which
26 this Law becomes applicable to the taxing district, by the

1 lesser of 5% or the percentage increase in the Consumer Price
2 Index during the 12-month calendar year preceding the levy
3 year. The debt service extension base may be established or
4 increased as provided under Section 18-212. "Excluded
5 non-referendum bonds" means (i) bonds authorized by Public Act
6 88-503 and issued under Section 20a of the Chicago Park
7 District Act for aquarium and museum projects; (ii) bonds
8 issued under Section 15 of the Local Government Debt Reform
9 Act; or (iii) refunding obligations issued to refund or to
10 continue to refund obligations initially issued pursuant to
11 referendum.

12 "Special purpose extensions" include, but are not limited
13 to, extensions for levies made on an annual basis for
14 unemployment and workers' compensation, self-insurance,
15 contributions to pension plans, and extensions made pursuant
16 to Section 6-601 of the Illinois Highway Code for a road
17 district's permanent road fund whether levied annually or not.
18 The extension for a special service area is not included in the
19 aggregate extension.

20 "Aggregate extension base" means the taxing district's
21 last preceding aggregate extension as adjusted under Sections
22 18-135, 18-215, 18-230, 18-206, and 18-233. An adjustment
23 under Section 18-135 shall be made for the 2007 levy year and
24 all subsequent levy years whenever one or more counties within
25 which a taxing district is located (i) used estimated
26 valuations or rates when extending taxes in the taxing

1 district for the last preceding levy year that resulted in the
2 over or under extension of taxes, or (ii) increased or
3 decreased the tax extension for the last preceding levy year
4 as required by Section 18-135(c). Whenever an adjustment is
5 required under Section 18-135, the aggregate extension base of
6 the taxing district shall be equal to the amount that the
7 aggregate extension of the taxing district would have been for
8 the last preceding levy year if either or both (i) actual,
9 rather than estimated, valuations or rates had been used to
10 calculate the extension of taxes for the last levy year, or
11 (ii) the tax extension for the last preceding levy year had not
12 been adjusted as required by subsection (c) of Section 18-135.

13 Notwithstanding any other provision of law, for levy year
14 2012, the aggregate extension base for West Northfield School
15 District No. 31 in Cook County shall be \$12,654,592.

16 Notwithstanding any other provision of law, for levy year
17 2022, the aggregate extension base of a home equity assurance
18 program that levied at least \$1,000,000 in property taxes in
19 levy year 2019 or 2020 under the Home Equity Assurance Act
20 shall be the amount that the program's aggregate extension
21 base for levy year 2021 would have been if the program had
22 levied a property tax for levy year 2021.

23 "Levy year" has the same meaning as "year" under Section
24 1-155.

25 "New property" means (i) the assessed value, after final
26 board of review or board of appeals action, of new

1 improvements or additions to existing improvements on any
2 parcel of real property that increase the assessed value of
3 that real property during the levy year multiplied by the
4 equalization factor issued by the Department under Section
5 17-30, (ii) the assessed value, after final board of review or
6 board of appeals action, of real property not exempt from real
7 estate taxation, which real property was exempt from real
8 estate taxation for any portion of the immediately preceding
9 levy year, multiplied by the equalization factor issued by the
10 Department under Section 17-30, including the assessed value,
11 upon final stabilization of occupancy after new construction
12 is complete, of any real property located within the
13 boundaries of an otherwise or previously exempt military
14 reservation that is intended for residential use and owned by
15 or leased to a private corporation or other entity, (iii) in
16 counties that classify in accordance with Section 4 of Article
17 IX of the Illinois Constitution, an incentive property's
18 additional assessed value resulting from a scheduled increase
19 in the level of assessment as applied to the first year final
20 board of review market value, and (iv) any increase in
21 assessed value due to oil or gas production from an oil or gas
22 well required to be permitted under the Hydraulic Fracturing
23 Regulatory Act that was not produced in or accounted for
24 during the previous levy year. In addition, the county clerk
25 in a county containing a population of 3,000,000 or more shall
26 include in the 1997 recovered tax increment value for any

1 school district, any recovered tax increment value that was
2 applicable to the 1995 tax year calculations.

3 "Qualified airport authority" means an airport authority
4 organized under the Airport Authorities Act and located in a
5 county bordering on the State of Wisconsin and having a
6 population in excess of 200,000 and not greater than 500,000.

7 "Recovered tax increment value" means, except as otherwise
8 provided in this paragraph, the amount of the current year's
9 equalized assessed value, in the first year after a
10 municipality terminates the designation of an area as a
11 redevelopment project area previously established under the
12 Tax Increment Allocation Redevelopment Act in the Illinois
13 Municipal Code, previously established under the Industrial
14 Jobs Recovery Law in the Illinois Municipal Code, previously
15 established under the Economic Development Project Area Tax
16 Increment Act of 1995, or previously established under the
17 Economic Development Area Tax Increment Allocation Act, of
18 each taxable lot, block, tract, or parcel of real property in
19 the redevelopment project area over and above the initial
20 equalized assessed value of each property in the redevelopment
21 project area. For the taxes which are extended for the 1997
22 levy year, the recovered tax increment value for a non-home
23 rule taxing district that first became subject to this Law for
24 the 1995 levy year because a majority of its 1994 equalized
25 assessed value was in an affected county or counties shall be
26 increased if a municipality terminated the designation of an

1 area in 1993 as a redevelopment project area previously
2 established under the Tax Increment Allocation Redevelopment
3 Act in the Illinois Municipal Code, previously established
4 under the Industrial Jobs Recovery Law in the Illinois
5 Municipal Code, or previously established under the Economic
6 Development Area Tax Increment Allocation Act, by an amount
7 equal to the 1994 equalized assessed value of each taxable
8 lot, block, tract, or parcel of real property in the
9 redevelopment project area over and above the initial
10 equalized assessed value of each property in the redevelopment
11 project area. In the first year after a municipality removes a
12 taxable lot, block, tract, or parcel of real property from a
13 redevelopment project area established under the Tax Increment
14 Allocation Redevelopment Act in the Illinois Municipal Code,
15 the Industrial Jobs Recovery Law in the Illinois Municipal
16 Code, or the Economic Development Area Tax Increment
17 Allocation Act, "recovered tax increment value" means the
18 amount of the current year's equalized assessed value of each
19 taxable lot, block, tract, or parcel of real property removed
20 from the redevelopment project area over and above the initial
21 equalized assessed value of that real property before removal
22 from the redevelopment project area.

23 Except as otherwise provided in this Section, "limiting
24 rate" means a fraction the numerator of which is the last
25 preceding aggregate extension base times an amount equal to
26 one plus the extension limitation defined in this Section and

1 the denominator of which is the current year's equalized
2 assessed value of all real property in the territory under the
3 jurisdiction of the taxing district during the prior levy
4 year. For those taxing districts that reduced their aggregate
5 extension for the last preceding levy year, except for school
6 districts that reduced their extension for educational
7 purposes pursuant to Section 18-206, the highest aggregate
8 extension in any of the last 3 preceding levy years shall be
9 used for the purpose of computing the limiting rate. The
10 denominator shall not include new property or the recovered
11 tax increment value. If a new rate, a rate decrease, or a
12 limiting rate increase has been approved at an election held
13 after March 21, 2006, then (i) the otherwise applicable
14 limiting rate shall be increased by the amount of the new rate
15 or shall be reduced by the amount of the rate decrease, as the
16 case may be, or (ii) in the case of a limiting rate increase,
17 the limiting rate shall be equal to the rate set forth in the
18 proposition approved by the voters for each of the years
19 specified in the proposition, after which the limiting rate of
20 the taxing district shall be calculated as otherwise provided.
21 In the case of a taxing district that obtained referendum
22 approval for an increased limiting rate on March 20, 2012, the
23 limiting rate for tax year 2012 shall be the rate that
24 generates the approximate total amount of taxes extendable for
25 that tax year, as set forth in the proposition approved by the
26 voters; this rate shall be the final rate applied by the county

1 clerk for the aggregate of all capped funds of the district for
2 tax year 2012.

3 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
4 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; revised
5 10-5-21.)

6 (35 ILCS 200/21-260)

7 Sec. 21-260. Collector's scavenger sale. Upon the county
8 collector's application under Section 21-145, to be known as
9 the Scavenger Sale Application, the Court shall enter judgment
10 for the general taxes, special taxes, special assessments,
11 interest, penalties and costs as are included in the
12 advertisement and appear to be due thereon after allowing an
13 opportunity to object and a hearing upon the objections as
14 provided in Section 21-175, and order those properties sold by
15 the County Collector at public sale, or by electronic
16 automated sale if the collector chooses to conduct an
17 electronic automated sale pursuant to Section 21-261, to the
18 highest bidder for cash, notwithstanding the bid may be less
19 than the full amount of taxes, special taxes, special
20 assessments, interest, penalties and costs for which judgment
21 has been entered.

22 (a) Conducting the sale; bidding sale ~~sale~~ ~~Bidding~~. All
23 properties shall be offered for sale in consecutive order as
24 they appear in the delinquent list. The minimum bid for any
25 property shall be \$250 or one-half of the tax if the total

1 liability is less than \$500. For in-person scavenger sales,
2 the successful bidder shall pay the amount of the minimum bid
3 to the County Collector by the end of the business day on which
4 the bid was placed. That amount shall be paid in cash, by
5 certified or cashier's check, by money order, or, if the
6 successful bidder is a governmental unit, by a check issued by
7 that governmental unit. For electronic automated scavenger
8 sales, the successful bidder shall pay the minimum bid amount
9 by the close of the business day on which the bid was placed.
10 That amount shall be paid online via ACH debit or by the
11 electronic payment method required by the county collector.
12 For in-person scavenger sales, if the bid exceeds the minimum
13 bid, the successful bidder shall pay the balance of the bid to
14 the county collector in cash, by certified or cashier's check,
15 by money order, or, if the successful bidder is a governmental
16 unit, by a check issued by that governmental unit by the close
17 of the next business day. For electronic automated scavenger
18 sales, the successful bidder shall pay, by the close of the
19 next business day, the balance of the bid online via ACH debit
20 or by the electronic payment method required by the county
21 collector. If the minimum bid is not paid at the time of sale
22 or if the balance is not paid by the close of the next business
23 day, then the sale is void and the minimum bid, if paid, is
24 forfeited to the county general fund. In that event, the
25 property shall be reoffered for sale within 30 days of the last
26 offering of property in regular order. The collector shall

1 make available to the public a list of all properties to be
2 included in any reoffering due to the voiding of the original
3 sale. The collector is not required to serve or publish any
4 other notice of the reoffering of those properties. In the
5 event that any of the properties are not sold upon reoffering,
6 or are sold for less than the amount of the original voided
7 sale, the original bidder who failed to pay the bid amount
8 shall remain liable for the unpaid balance of the bid in an
9 action under Section 21-240. Liability shall not be reduced
10 where the bidder upon reoffering also fails to pay the bid
11 amount, and in that event both bidders shall remain liable for
12 the unpaid balance of their respective bids. A sale of
13 properties under this Section shall not be final until
14 confirmed by the court.

15 (b) Confirmation of sales. The county collector shall file
16 his or her report of sale in the court within 30 days of the
17 date of sale of each property. No notice of the county
18 collector's application to confirm the sales shall be required
19 except as prescribed by rule of the court. Upon confirmation,
20 except in cases where the sale becomes void under Section
21 22-85, or in cases where the order of confirmation is vacated
22 by the court, a sale under this Section shall extinguish the in
23 rem lien of the general taxes, special taxes and special
24 assessments for which judgment has been entered and a
25 redemption shall not revive the lien. Confirmation of the sale
26 shall in no event affect the owner's personal liability to pay

1 the taxes, interest and penalties as provided in this Code or
2 prevent institution of a proceeding under Section 21-440 to
3 collect any amount that may remain due after the sale.

4 (c) Issuance of tax sale certificates. Upon confirmation
5 of the sale, the County Clerk and the County Collector shall
6 issue to the purchaser a certificate of purchase in the form
7 prescribed by Section 21-250 as near as may be. A certificate
8 of purchase shall not be issued to any person who is ineligible
9 to bid at the sale or to receive a certificate of purchase
10 under Section 21-265.

11 (d) Scavenger Tax Judgment, Sale and Redemption Record;
12 sale Record ~~— Sale~~ of parcels not sold. The county collector
13 shall prepare a Scavenger Tax Judgment, Sale and Redemption
14 Record. The county clerk shall write or stamp on the scavenger
15 tax judgment, sale, forfeiture and redemption record opposite
16 the description of any property offered for sale and not sold,
17 or not confirmed for any reason, the words "offered but not
18 sold". The properties which are offered for sale under this
19 Section and not sold or not confirmed shall be offered for sale
20 annually thereafter in the manner provided in this Section
21 until sold, except in the case of mineral rights, which after
22 10 consecutive years of being offered for sale under this
23 Section and not sold or confirmed shall no longer be required
24 to be offered for sale. At any time between annual sales the
25 County Collector may advertise for sale any properties subject
26 to sale under judgments for sale previously entered under this

1 Section and not executed for any reason. The advertisement and
2 sale shall be regulated by the provisions of this Code as far
3 as applicable.

4 (e) Proceeding to tax deed. The owner of the certificate
5 of purchase shall give notice as required by Sections 22-5
6 through 22-30, and may extend the period of redemption as
7 provided by Section 21-385. At any time within 6 months prior
8 to expiration of the period of redemption from a sale under
9 this Code, the owner of a certificate of purchase may file a
10 petition and may obtain a tax deed under Sections 22-30
11 through 22-55. Within 30 days from filing of the petition, the
12 owner of a certificate must file with the county clerk the
13 names and addresses of the owners of the property and those
14 persons entitled to service of notice at their last known
15 addresses. The clerk shall mail notice within 30 days from the
16 date of the filing of addresses with the clerk. All
17 proceedings for the issuance of a tax deed and all tax deeds
18 for properties sold under this Section shall be subject to
19 Sections 22-30 through 22-55. Deeds issued under this Section
20 are subject to Section 22-70. This Section shall be liberally
21 construed so that the deeds provided for in this Section
22 convey merchantable title.

23 (f) Redemptions from scavenger sales. Redemptions may be
24 made from sales under this Section in the same manner and upon
25 the same terms and conditions as redemptions from sales made
26 under the County Collector's annual application for judgment

1 and order of sale, except that in lieu of penalty the person
2 redeeming shall pay interest as follows if the sale occurs
3 before September 9, 1993:

4 (1) If redeemed within the first 2 months from the
5 date of the sale, 3% per month or portion thereof upon the
6 amount for which the property was sold;

7 (2) If redeemed between 2 and 6 months from the date of
8 the sale, 12% of the amount for which the property was
9 sold;

10 (3) If redeemed between 6 and 12 months from the date
11 of the sale, 24% of the amount for which the property was
12 sold;

13 (4) If redeemed between 12 and 18 months from the date
14 of the sale, 36% of the amount for which the property was
15 sold;

16 (5) If redeemed between 18 and 24 months from the date
17 of the sale, 48% of the amount for which the property was
18 sold;

19 (6) If redeemed after 24 months from the date of sale,
20 the 48% herein provided together with interest at 6% per
21 year thereafter.

22 If the sale occurs on or after September 9, 1993, the
23 person redeeming shall pay interest on that part of the amount
24 for which the property was sold equal to or less than the full
25 amount of delinquent taxes, special assessments, penalties,
26 interest, and costs, included in the judgment and order of

1 sale as follows:

2 (1) If redeemed within the first 2 months from the
3 date of the sale, 3% per month upon the amount of taxes,
4 special assessments, penalties, interest, and costs due
5 for each of the first 2 months, or fraction thereof.

6 (2) If redeemed at any time between 2 and 6 months from
7 the date of the sale, 12% of the amount of taxes, special
8 assessments, penalties, interest, and costs due.

9 (3) If redeemed at any time between 6 and 12 months
10 from the date of the sale, 24% of the amount of taxes,
11 special assessments, penalties, interest, and costs due.

12 (4) If redeemed at any time between 12 and 18 months
13 from the date of the sale, 36% of the amount of taxes,
14 special assessments, penalties, interest, and costs due.

15 (5) If redeemed at any time between 18 and 24 months
16 from the date of the sale, 48% of the amount of taxes,
17 special assessments, penalties, interest, and costs due.

18 (6) If redeemed after 24 months from the date of sale,
19 the 48% provided for the 24 months together with interest
20 at 6% per annum thereafter on the amount of taxes, special
21 assessments, penalties, interest, and costs due.

22 The person redeeming shall not be required to pay any
23 interest on any part of the amount for which the property was
24 sold that exceeds the full amount of delinquent taxes, special
25 assessments, penalties, interest, and costs included in the
26 judgment and order of sale.

1 Notwithstanding any other provision of this Section,
2 except for owner-occupied single family residential units
3 which are condominium units, cooperative units or dwellings,
4 the amount required to be paid for redemption shall also
5 include an amount equal to all delinquent taxes on the
6 property which taxes were delinquent at the time of sale. The
7 delinquent taxes shall be apportioned by the county collector
8 among the taxing districts in which the property is situated
9 in accordance with law. In the event that all moneys received
10 from any sale held under this Section exceed an amount equal to
11 all delinquent taxes on the property sold, which taxes were
12 delinquent at the time of sale, together with all publication
13 and other costs associated with the sale, then, upon
14 redemption, the County Collector and the County Clerk shall
15 apply the excess amount to the cost of redemption.

16 (g) Bidding by county or other taxing districts. Any
17 taxing district may bid at a scavenger sale. The county board
18 of the county in which properties offered for sale under this
19 Section are located may bid as trustee for all taxing
20 districts having an interest in the taxes for the nonpayment
21 of which the parcels are offered. The County shall apply on the
22 bid the unpaid taxes due upon the property and no cash need be
23 paid. The County or other taxing district acquiring a tax sale
24 certificate shall take all steps necessary to acquire title to
25 the property and may manage and operate the property so
26 acquired.

1 When a county, or other taxing district within the county,
2 is a petitioner for a tax deed, no filing fee shall be required
3 on the petition. The county as a tax creditor and as trustee
4 for other tax creditors, or other taxing district within the
5 county shall not be required to allege and prove that all taxes
6 and special assessments which become due and payable after the
7 sale to the county have been paid. The county shall not be
8 required to pay the subsequently accruing taxes or special
9 assessments at any time. Upon the written request of the
10 county board or its designee, the county collector shall not
11 offer the property for sale at any tax sale subsequent to the
12 sale of the property to the county under this Section. The lien
13 of taxes and special assessments which become due and payable
14 after a sale to a county shall merge in the fee title of the
15 county, or other taxing district, on the issuance of a deed.
16 The County may sell the properties so acquired, or the
17 certificate of purchase thereto, and the proceeds of the sale
18 shall be distributed to the taxing districts in proportion to
19 their respective interests therein. The presiding officer of
20 the county board, with the advice and consent of the County
21 Board, may appoint some officer or person to attend scavenger
22 sales and bid on its behalf.

23 (h) Miscellaneous provisions. In the event that the tract
24 of land or lot sold at any such sale is not redeemed within the
25 time permitted by law and a tax deed is issued, all moneys that
26 may be received from the sale of properties in excess of the

1 delinquent taxes, together with all publication and other
2 costs associated with the sale, shall, upon petition of any
3 interested party to the court that issued the tax deed, be
4 distributed by the County Collector pursuant to order of the
5 court among the persons having legal or equitable interests in
6 the property according to the fair value of their interests in
7 the tract or lot. Section 21-415 does not apply to properties
8 sold under this Section. Appeals may be taken from the orders
9 and judgments entered under this Section as in other civil
10 cases. The remedy herein provided is in addition to other
11 remedies for the collection of delinquent taxes.

12 (i) The changes to this Section made by Public Act 95-477
13 ~~this amendatory Act of the 95th General Assembly~~ apply only to
14 matters in which a petition for tax deed is filed on or after
15 June 1, 2008 (the effective date of Public Act 95-477) ~~this~~
16 ~~amendatory Act of the 95th General Assembly~~.

17 (Source: P.A. 102-519, eff. 8-20-21; 102-528, eff. 1-1-22;
18 revised 10-18-21.)

19 (35 ILCS 200/22-10)

20 Sec. 22-10. Notice of expiration of period of redemption.
21 A purchaser or assignee shall not be entitled to a tax deed to
22 the property sold unless, not less than 3 months nor more than
23 6 months prior to the expiration of the period of redemption,
24 he or she gives notice of the sale and the date of expiration
25 of the period of redemption to the owners, occupants, and

1 parties interested in the property, including any mortgagee of
2 record, as provided below. The clerk must mail notice in
3 accordance with the provisions of subsection (e) of Section
4 21-260.

5 The Notice to be given to the parties shall be in at least
6 10 point type in the following form completely filled in:

7 TAX DEED NO. FILED

8 TAKE NOTICE

9 County of.....

10 Date Premises Sold

11 Certificate No.....

12 Sold for General Taxes of (year)

13 Sold for Special Assessment of (Municipality)
14 and special assessment number.....

15 Warrant No. Inst. No.

16 THIS PROPERTY HAS BEEN SOLD FOR

17 DELINQUENT TAXES

18 Property located at.....

19 Legal Description or Property Index No.

20

21

22 This notice is to advise you that the above property has
23 been sold for delinquent taxes and that the period of
24 redemption from the sale will expire on

25

26 The amount to redeem is subject to increase at 6 month

1 intervals from the date of sale and may be further increased if
 2 the purchaser at the tax sale or his or her assignee pays any
 3 subsequently accruing taxes or special assessments to redeem
 4 the property from subsequent forfeitures or tax sales. Check
 5 with the county clerk as to the exact amount you owe before
 6 redeeming.

7 This notice is also to advise you that a petition has been
 8 filed for a tax deed which will transfer title and the right to
 9 possession of this property if redemption is not made on or
 10 before

11 This matter is set for hearing in the Circuit Court of this
 12 county in, Illinois on

13 You may be present at this hearing but your right to redeem
 14 will already have expired at that time.

15 YOU ARE URGED TO REDEEM IMMEDIATELY
 16 TO PREVENT LOSS OF PROPERTY

17 Redemption can be made at any time on or before by
 18 applying to the County Clerk of, County, Illinois at the
 19 Office of the County Clerk in, Illinois.

20 For further information contact the County Clerk

21 ADDRESS:.....

22 TELEPHONE:.....

23

24 Purchaser or Assignee.

25 Dated (insert date).

1 In counties with 3,000,000 or more inhabitants, the notice
2 shall also state the address, room number and time at which the
3 matter is set for hearing.

4 The changes to this Section made by Public Act 97-557 ~~this~~
5 ~~amendatory Act of the 97th General Assembly~~ apply only to
6 matters in which a petition for tax deed is filed on or after
7 July 1, 2012 (the effective date of Public Act 97-557) ~~this~~
8 ~~amendatory Act of the 97th General Assembly~~.

9 (Source: P.A. 102-528, eff. 1-1-22; revised 12-7-21.)

10 Section 265. The Illinois Pension Code is amended by
11 changing Sections 1-160, 7-109, 7-141, 14-103.42, 14-110,
12 16-158, and 16-203 as follows:

13 (40 ILCS 5/1-160)

14 Sec. 1-160. Provisions applicable to new hires.

15 (a) The provisions of this Section apply to a person who,
16 on or after January 1, 2011, first becomes a member or a
17 participant under any reciprocal retirement system or pension
18 fund established under this Code, other than a retirement
19 system or pension fund established under Article 2, 3, 4, 5, 6,
20 7, 15, or 18 of this Code, notwithstanding any other provision
21 of this Code to the contrary, but do not apply to any
22 self-managed plan established under this Code or to any
23 participant of the retirement plan established under Section

1 22-101; except that this Section applies to a person who
2 elected to establish alternative credits by electing in
3 writing after January 1, 2011, but before August 8, 2011,
4 under Section 7-145.1 of this Code. Notwithstanding anything
5 to the contrary in this Section, for purposes of this Section,
6 a person who is a Tier 1 regular employee as defined in Section
7 7-109.4 of this Code or who participated in a retirement
8 system under Article 15 prior to January 1, 2011 shall be
9 deemed a person who first became a member or participant prior
10 to January 1, 2011 under any retirement system or pension fund
11 subject to this Section. The changes made to this Section by
12 Public Act 98-596 are a clarification of existing law and are
13 intended to be retroactive to January 1, 2011 (the effective
14 date of Public Act 96-889), notwithstanding the provisions of
15 Section 1-103.1 of this Code.

16 This Section does not apply to a person who first becomes a
17 noncovered employee under Article 14 on or after the
18 implementation date of the plan created under Section 1-161
19 for that Article, unless that person elects under subsection
20 (b) of Section 1-161 to instead receive the benefits provided
21 under this Section and the applicable provisions of that
22 Article.

23 This Section does not apply to a person who first becomes a
24 member or participant under Article 16 on or after the
25 implementation date of the plan created under Section 1-161
26 for that Article, unless that person elects under subsection

1 (b) of Section 1-161 to instead receive the benefits provided
2 under this Section and the applicable provisions of that
3 Article.

4 This Section does not apply to a person who elects under
5 subsection (c-5) of Section 1-161 to receive the benefits
6 under Section 1-161.

7 This Section does not apply to a person who first becomes a
8 member or participant of an affected pension fund on or after 6
9 months after the resolution or ordinance date, as defined in
10 Section 1-162, unless that person elects under subsection (c)
11 of Section 1-162 to receive the benefits provided under this
12 Section and the applicable provisions of the Article under
13 which he or she is a member or participant.

14 (b) "Final average salary" means, except as otherwise
15 provided in this subsection, the average monthly (or annual)
16 salary obtained by dividing the total salary or earnings
17 calculated under the Article applicable to the member or
18 participant during the 96 consecutive months (or 8 consecutive
19 years) of service within the last 120 months (or 10 years) of
20 service in which the total salary or earnings calculated under
21 the applicable Article was the highest by the number of months
22 (or years) of service in that period. For the purposes of a
23 person who first becomes a member or participant of any
24 retirement system or pension fund to which this Section
25 applies on or after January 1, 2011, in this Code, "final
26 average salary" shall be substituted for the following:

1 (1) (Blank).

2 (2) In Articles 8, 9, 10, 11, and 12, "highest average
3 annual salary for any 4 consecutive years within the last
4 10 years of service immediately preceding the date of
5 withdrawal".

6 (3) In Article 13, "average final salary".

7 (4) In Article 14, "final average compensation".

8 (5) In Article 17, "average salary".

9 (6) In Section 22-207, "wages or salary received by
10 him at the date of retirement or discharge".

11 A member of the Teachers' Retirement System of the State
12 of Illinois who retires on or after June 1, 2021 and for whom
13 the 2020-2021 school year is used in the calculation of the
14 member's final average salary shall use the higher of the
15 following for the purpose of determining the member's final
16 average salary:

17 (A) the amount otherwise calculated under the first
18 paragraph of this subsection; or

19 (B) an amount calculated by the Teachers' Retirement
20 System of the State of Illinois using the average of the
21 monthly (or annual) salary obtained by dividing the total
22 salary or earnings calculated under Article 16 applicable
23 to the member or participant during the 96 months (or 8
24 years) of service within the last 120 months (or 10 years)
25 of service in which the total salary or earnings
26 calculated under the Article was the highest by the number

1 of months (or years) of service in that period.

2 (b-5) Beginning on January 1, 2011, for all purposes under
3 this Code (including without limitation the calculation of
4 benefits and employee contributions), the annual earnings,
5 salary, or wages (based on the plan year) of a member or
6 participant to whom this Section applies shall not exceed
7 \$106,800; however, that amount shall annually thereafter be
8 increased by the lesser of (i) 3% of that amount, including all
9 previous adjustments, or (ii) one-half the annual unadjusted
10 percentage increase (but not less than zero) in the consumer
11 price index-u for the 12 months ending with the September
12 preceding each November 1, including all previous adjustments.

13 For the purposes of this Section, "consumer price index-u"
14 means the index published by the Bureau of Labor Statistics of
15 the United States Department of Labor that measures the
16 average change in prices of goods and services purchased by
17 all urban consumers, United States city average, all items,
18 1982-84 = 100. The new amount resulting from each annual
19 adjustment shall be determined by the Public Pension Division
20 of the Department of Insurance and made available to the
21 boards of the retirement systems and pension funds by November
22 1 of each year.

23 (c) A member or participant is entitled to a retirement
24 annuity upon written application if he or she has attained age
25 67 (age 65, with respect to service under Article 12 that is
26 subject to this Section, for a member or participant under

1 Article 12 who first becomes a member or participant under
2 Article 12 on or after January 1, 2022 or who makes the
3 election under item (i) of subsection (d-15) of this Section)
4 and has at least 10 years of service credit and is otherwise
5 eligible under the requirements of the applicable Article.

6 A member or participant who has attained age 62 (age 60,
7 with respect to service under Article 12 that is subject to
8 this Section, for a member or participant under Article 12 who
9 first becomes a member or participant under Article 12 on or
10 after January 1, 2022 or who makes the election under item (i)
11 of subsection (d-15) of this Section) and has at least 10 years
12 of service credit and is otherwise eligible under the
13 requirements of the applicable Article may elect to receive
14 the lower retirement annuity provided in subsection (d) of
15 this Section.

16 (c-5) A person who first becomes a member or a participant
17 subject to this Section on or after July 6, 2017 (the effective
18 date of Public Act 100-23), notwithstanding any other
19 provision of this Code to the contrary, is entitled to a
20 retirement annuity under Article 8 or Article 11 upon written
21 application if he or she has attained age 65 and has at least
22 10 years of service credit and is otherwise eligible under the
23 requirements of Article 8 or Article 11 of this Code,
24 whichever is applicable.

25 (d) The retirement annuity of a member or participant who
26 is retiring after attaining age 62 (age 60, with respect to

1 service under Article 12 that is subject to this Section, for a
2 member or participant under Article 12 who first becomes a
3 member or participant under Article 12 on or after January 1,
4 2022 or who makes the election under item (i) of subsection
5 (d-15) of this Section) with at least 10 years of service
6 credit shall be reduced by one-half of 1% for each full month
7 that the member's age is under age 67 (age 65, with respect to
8 service under Article 12 that is subject to this Section, for a
9 member or participant under Article 12 who first becomes a
10 member or participant under Article 12 on or after January 1,
11 2022 or who makes the election under item (i) of subsection
12 (d-15) of this Section).

13 (d-5) The retirement annuity payable under Article 8 or
14 Article 11 to an eligible person subject to subsection (c-5)
15 of this Section who is retiring at age 60 with at least 10
16 years of service credit shall be reduced by one-half of 1% for
17 each full month that the member's age is under age 65.

18 (d-10) Each person who first became a member or
19 participant under Article 8 or Article 11 of this Code on or
20 after January 1, 2011 and prior to July 6, 2017 (the effective
21 date of Public Act 100-23) ~~this amendatory Act of the 100th~~
22 ~~General Assembly~~ shall make an irrevocable election either:

23 (i) to be eligible for the reduced retirement age
24 provided in subsections (c-5) and (d-5) of this Section,
25 the eligibility for which is conditioned upon the member
26 or participant agreeing to the increases in employee

1 contributions for age and service annuities provided in
2 subsection (a-5) of Section 8-174 of this Code (for
3 service under Article 8) or subsection (a-5) of Section
4 11-170 of this Code (for service under Article 11); or

5 (ii) to not agree to item (i) of this subsection
6 (d-10), in which case the member or participant shall
7 continue to be subject to the retirement age provisions in
8 subsections (c) and (d) of this Section and the employee
9 contributions for age and service annuity as provided in
10 subsection (a) of Section 8-174 of this Code (for service
11 under Article 8) or subsection (a) of Section 11-170 of
12 this Code (for service under Article 11).

13 The election provided for in this subsection shall be made
14 between October 1, 2017 and November 15, 2017. A person
15 subject to this subsection who makes the required election
16 shall remain bound by that election. A person subject to this
17 subsection who fails for any reason to make the required
18 election within the time specified in this subsection shall be
19 deemed to have made the election under item (ii).

20 (d-15) Each person who first becomes a member or
21 participant under Article 12 on or after January 1, 2011 and
22 prior to January 1, 2022 shall make an irrevocable election
23 either:

24 (i) to be eligible for the reduced retirement age
25 specified in subsections (c) and (d) of this Section, the
26 eligibility for which is conditioned upon the member or

1 participant agreeing to the increase in employee
2 contributions for service annuities specified in
3 subsection (b) of Section 12-150; or

4 (ii) to not agree to item (i) of this subsection
5 (d-15), in which case the member or participant shall not
6 be eligible for the reduced retirement age specified in
7 subsections (c) and (d) of this Section and shall not be
8 subject to the increase in employee contributions for
9 service annuities specified in subsection (b) of Section
10 12-150.

11 The election provided for in this subsection shall be made
12 between January 1, 2022 and April 1, 2022. A person subject to
13 this subsection who makes the required election shall remain
14 bound by that election. A person subject to this subsection
15 who fails for any reason to make the required election within
16 the time specified in this subsection shall be deemed to have
17 made the election under item (ii).

18 (e) Any retirement annuity or supplemental annuity shall
19 be subject to annual increases on the January 1 occurring
20 either on or after the attainment of age 67 (age 65, with
21 respect to service under Article 12 that is subject to this
22 Section, for a member or participant under Article 12 who
23 first becomes a member or participant under Article 12 on or
24 after January 1, 2022 or who makes the election under item (i)
25 of subsection (d-15); and beginning on July 6, 2017 (the
26 effective date of Public Act 100-23) ~~this amendatory Act of~~

1 ~~the 100th General Assembly~~, age 65 with respect to service
2 under Article 8 or Article 11 for eligible persons who: (i) are
3 subject to subsection (c-5) of this Section; or (ii) made the
4 election under item (i) of subsection (d-10) of this Section)
5 or the first anniversary of the annuity start date, whichever
6 is later. Each annual increase shall be calculated at 3% or
7 one-half the annual unadjusted percentage increase (but not
8 less than zero) in the consumer price index-u for the 12 months
9 ending with the September preceding each November 1, whichever
10 is less, of the originally granted retirement annuity. If the
11 annual unadjusted percentage change in the consumer price
12 index-u for the 12 months ending with the September preceding
13 each November 1 is zero or there is a decrease, then the
14 annuity shall not be increased.

15 For the purposes of Section 1-103.1 of this Code, the
16 changes made to this Section by Public Act 102-263 ~~this~~
17 ~~amendatory Act of the 102nd General Assembly~~ are applicable
18 without regard to whether the employee was in active service
19 on or after August 6, 2021 (the effective date of Public Act
20 102-263) ~~this amendatory Act of the 102nd General Assembly~~.

21 For the purposes of Section 1-103.1 of this Code, the
22 changes made to this Section by Public Act 100-23 ~~this~~
23 ~~amendatory Act of the 100th General Assembly~~ are applicable
24 without regard to whether the employee was in active service
25 on or after July 6, 2017 (the effective date of Public Act
26 100-23) ~~this amendatory Act of the 100th General Assembly~~.

1 (f) The initial survivor's or widow's annuity of an
2 otherwise eligible survivor or widow of a retired member or
3 participant who first became a member or participant on or
4 after January 1, 2011 shall be in the amount of 66 2/3% of the
5 retired member's or participant's retirement annuity at the
6 date of death. In the case of the death of a member or
7 participant who has not retired and who first became a member
8 or participant on or after January 1, 2011, eligibility for a
9 survivor's or widow's annuity shall be determined by the
10 applicable Article of this Code. The initial benefit shall be
11 66 2/3% of the earned annuity without a reduction due to age. A
12 child's annuity of an otherwise eligible child shall be in the
13 amount prescribed under each Article if applicable. Any
14 survivor's or widow's annuity shall be increased (1) on each
15 January 1 occurring on or after the commencement of the
16 annuity if the deceased member died while receiving a
17 retirement annuity or (2) in other cases, on each January 1
18 occurring after the first anniversary of the commencement of
19 the annuity. Each annual increase shall be calculated at 3% or
20 one-half the annual unadjusted percentage increase (but not
21 less than zero) in the consumer price index-u for the 12 months
22 ending with the September preceding each November 1, whichever
23 is less, of the originally granted survivor's annuity. If the
24 annual unadjusted percentage change in the consumer price
25 index-u for the 12 months ending with the September preceding
26 each November 1 is zero or there is a decrease, then the

1 annuity shall not be increased.

2 (g) The benefits in Section 14-110 apply only if the
3 person is a State policeman, a fire fighter in the fire
4 protection service of a department, a conservation police
5 officer, an investigator for the Secretary of State, an arson
6 investigator, a Commerce Commission police officer,
7 investigator for the Department of Revenue or the Illinois
8 Gaming Board, a security employee of the Department of
9 Corrections or the Department of Juvenile Justice, or a
10 security employee of the Department of Innovation and
11 Technology, as those terms are defined in subsection (b) and
12 subsection (c) of Section 14-110. A person who meets the
13 requirements of this Section is entitled to an annuity
14 calculated under the provisions of Section 14-110, in lieu of
15 the regular or minimum retirement annuity, only if the person
16 has withdrawn from service with not less than 20 years of
17 eligible creditable service and has attained age 60,
18 regardless of whether the attainment of age 60 occurs while
19 the person is still in service.

20 (h) If a person who first becomes a member or a participant
21 of a retirement system or pension fund subject to this Section
22 on or after January 1, 2011 is receiving a retirement annuity
23 or retirement pension under that system or fund and becomes a
24 member or participant under any other system or fund created
25 by this Code and is employed on a full-time basis, except for
26 those members or participants exempted from the provisions of

1 this Section under subsection (a) of this Section, then the
2 person's retirement annuity or retirement pension under that
3 system or fund shall be suspended during that employment. Upon
4 termination of that employment, the person's retirement
5 annuity or retirement pension payments shall resume and be
6 recalculated if recalculation is provided for under the
7 applicable Article of this Code.

8 If a person who first becomes a member of a retirement
9 system or pension fund subject to this Section on or after
10 January 1, 2012 and is receiving a retirement annuity or
11 retirement pension under that system or fund and accepts on a
12 contractual basis a position to provide services to a
13 governmental entity from which he or she has retired, then
14 that person's annuity or retirement pension earned as an
15 active employee of the employer shall be suspended during that
16 contractual service. A person receiving an annuity or
17 retirement pension under this Code shall notify the pension
18 fund or retirement system from which he or she is receiving an
19 annuity or retirement pension, as well as his or her
20 contractual employer, of his or her retirement status before
21 accepting contractual employment. A person who fails to submit
22 such notification shall be guilty of a Class A misdemeanor and
23 required to pay a fine of \$1,000. Upon termination of that
24 contractual employment, the person's retirement annuity or
25 retirement pension payments shall resume and, if appropriate,
26 be recalculated under the applicable provisions of this Code.

1 (i) (Blank).

2 (j) In the case of a conflict between the provisions of
3 this Section and any other provision of this Code, the
4 provisions of this Section shall control.

5 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
6 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; revised 9-28-21.)

7 (40 ILCS 5/7-109) (from Ch. 108 1/2, par. 7-109)

8 Sec. 7-109. Employee.

9 (1) "Employee" means any person who:

10 (a) 1. Receives earnings as payment for the
11 performance of personal services or official duties out of
12 the general fund of a municipality, or out of any special
13 fund or funds controlled by a municipality, or by an
14 instrumentality thereof, or a participating
15 instrumentality, including, in counties, the fees or
16 earnings of any county fee office; and

17 2. Under the usual common law rules applicable in
18 determining the employer-employee relationship, has the
19 status of an employee with a municipality, or any
20 instrumentality thereof, or a participating
21 instrumentality, including alderpersons, county
22 supervisors and other persons (excepting those employed as
23 independent contractors) who are paid compensation, fees,
24 allowances or other emolument for official duties, and, in
25 counties, the several county fee offices.

1 (b) Serves as a township treasurer appointed under the
2 School Code, as heretofore or hereafter amended, and who
3 receives for such services regular compensation as
4 distinguished from per diem compensation, and any regular
5 employee in the office of any township treasurer whether
6 or not his earnings are paid from the income of the
7 permanent township fund or from funds subject to
8 distribution to the several school districts and parts of
9 school districts as provided in the School Code, or from
10 both such sources; or is the chief executive officer,
11 chief educational officer, chief fiscal officer, or other
12 employee of a Financial Oversight Panel established
13 pursuant to Article 1H of the School Code, other than a
14 superintendent or certified school business official,
15 except that such person shall not be treated as an
16 employee under this Section if that person has negotiated
17 with the Financial Oversight Panel, in conjunction with
18 the school district, a contractual agreement for exclusion
19 from this Section.

20 (c) Holds an elective office in a municipality,
21 instrumentality thereof or participating instrumentality.

22 (2) "Employee" does not include persons who:

23 (a) Are eligible for inclusion under any of the
24 following laws:

25 1. "An Act in relation to an Illinois State
26 Teachers' Pension and Retirement Fund", approved May

1 27, 1915, as amended;

2 2. Articles 15 and 16 of this Code.

3 However, such persons shall be included as employees
4 to the extent of earnings that are not eligible for
5 inclusion under the foregoing laws for services not of an
6 instructional nature of any kind.

7 However, any member of the armed forces who is
8 employed as a teacher of subjects in the Reserve Officers
9 Training Corps of any school and who is not certified
10 under the law governing the certification of teachers
11 shall be included as an employee.

12 (b) Are designated by the governing body of a
13 municipality in which a pension fund is required by law to
14 be established for policemen or firemen, respectively, as
15 performing police or fire protection duties, except that
16 when such persons are the heads of the police or fire
17 department and are not eligible to be included within any
18 such pension fund, they shall be included within this
19 Article; provided, that such persons shall not be excluded
20 to the extent of concurrent service and earnings not
21 designated as being for police or fire protection duties.
22 However, (i) any head of a police department who was a
23 participant under this Article immediately before October
24 1, 1977 and did not elect, under Section 3-109 of this Act,
25 to participate in a police pension fund shall be an
26 "employee", and (ii) any chief of police who became a

1 participating employee under this Article before January
2 1, 2019 and who elects to participate in this Fund under
3 Section 3-109.1 of this Code, regardless of whether such
4 person continues to be employed as chief of police or is
5 employed in some other rank or capacity within the police
6 department, shall be an employee under this Article for so
7 long as such person is employed to perform police duties
8 by a participating municipality and has not lawfully
9 rescinded that election.

10 (b-5) Were not participating employees under this
11 Article before August 26, 2018 (the effective date of
12 Public Act 100-1097) ~~this amendatory Act of the 100th~~
13 ~~General Assembly~~ and participated as a chief of police in
14 a fund under Article 3 and return to work in any capacity
15 with the police department, with any oversight of the
16 police department, or in an advisory capacity for the
17 police department with the same municipality with which
18 that pension was earned, regardless of whether they are
19 considered an employee of the police department or are
20 eligible for inclusion in the municipality's Article 3
21 fund.

22 (c) Are contributors to or eligible to contribute to a
23 Taft-Hartley pension plan to which the participating
24 municipality is required to contribute as the person's
25 employer based on earnings from the municipality. Nothing
26 in this paragraph shall affect service credit or

1 creditable service for any period of service prior to July
2 16, 2014 (the effective date of Public Act 98-712) ~~this~~
3 ~~amendatory Act of the 98th General Assembly~~, and this
4 paragraph shall not apply to individuals who are
5 participating in the Fund prior to July 16, 2014 (the
6 effective date of Public Act 98-712) ~~this amendatory Act~~
7 ~~of the 98th General Assembly~~.

8 (d) Become an employee of any of the following
9 participating instrumentalities on or after January 1,
10 2017 (the effective date of Public Act 99-830) ~~this~~
11 ~~amendatory Act of the 99th General Assembly~~: the Illinois
12 Municipal League; the Illinois Association of Park
13 Districts; the Illinois Supervisors, County Commissioners
14 and Superintendents of Highways Association; an
15 association, or not-for-profit corporation, membership in
16 which is authorized under Section 85-15 of the Township
17 Code; the United Counties Council; or the Will County
18 Governmental League.

19 (e) Are members of the Board of Trustees of the
20 Firefighters' Pension Investment Fund, as created under
21 Article 22C of this Code, in their capacity as members of
22 the Board of Trustees of the Firefighters' Pension
23 Investment Fund.

24 (f) Are members of the Board of Trustees of the Police
25 Officers' Pension Investment Fund, as created under
26 Article 22B of this Code, in their capacity as members of

1 the Board of Trustees of the Police Officers' Pension
2 Investment Fund.

3 (3) All persons, including, without limitation, public
4 defenders and probation officers, who receive earnings from
5 general or special funds of a county for performance of
6 personal services or official duties within the territorial
7 limits of the county, are employees of the county (unless
8 excluded by subsection (2) of this Section) notwithstanding
9 that they may be appointed by and are subject to the direction
10 of a person or persons other than a county board or a county
11 officer. It is hereby established that an employer-employee
12 relationship under the usual common law rules exists between
13 such employees and the county paying their salaries by reason
14 of the fact that the county boards fix their rates of
15 compensation, appropriate funds for payment of their earnings
16 and otherwise exercise control over them. This finding and
17 this amendatory Act shall apply to all such employees from the
18 date of appointment whether such date is prior to or after the
19 effective date of this amendatory Act and is intended to
20 clarify existing law pertaining to their status as
21 participating employees in the Fund.

22 (Source: P.A. 102-15, eff. 6-17-21; 102-637, eff. 8-27-21;
23 revised 10-5-21.)

24 (40 ILCS 5/7-141) (from Ch. 108 1/2, par. 7-141)

25 Sec. 7-141. Retirement annuities; conditions. Retirement

1 annuities shall be payable as hereinafter set forth:

2 (a) A participating employee who, regardless of cause, is
3 separated from the service of all participating municipalities
4 and instrumentalities thereof and participating
5 instrumentalities shall be entitled to a retirement annuity
6 provided:

7 1. He is at least age 55 if he is a Tier 1 regular
8 employee, he is age 62 if he is a Tier 2 regular employee,
9 or, in the case of a person who is eligible to have his
10 annuity calculated under Section 7-142.1, he is at least
11 age 50;

12 2. He is not entitled to receive earnings for
13 employment in a position requiring him, or entitling him
14 to elect, to be a participating employee;

15 3. The amount of his annuity, before the application
16 of paragraph (b) of Section 7-142 is at least \$10 per
17 month;

18 4. If he first became a participating employee after
19 December 31, 1961 and is a Tier 1 regular employee, he has
20 at least 8 years of service, or, if he is a Tier 2 regular
21 member, he has at least 10 years of service. This service
22 requirement shall not apply to any participating employee,
23 regardless of participation date, if the General Assembly
24 terminates the Fund.

25 (b) Retirement annuities shall be payable:

26 1. As provided in Section 7-119;

1 2. Except as provided in item 3, upon receipt by the
2 fund of a written application. The effective date may be
3 not more than one year prior to the date of the receipt by
4 the fund of the application;

5 3. Upon attainment of the required age of distribution
6 under Section 401(a)(9) of the Internal Revenue Code of
7 1986, as amended, if the member (i) is no longer in
8 service, and (ii) is otherwise entitled to an annuity
9 under this Article;

10 4. To the beneficiary of the deceased annuitant for
11 the unpaid amount accrued to date of death, if any.

12 (Source: P.A. 102-210, Article 5, Section 5-5, eff. 7-30-21;
13 102-210, Article 10, Section 10-5, eff. 1-1-22; revised
14 9-28-21.)

15 (40 ILCS 5/14-103.42)

16 Sec. 14-103.42. Licensed health care professional.
17 "Licensed health care professional": Any individual who has
18 obtained a license through the Department of Financial and
19 Professional Regulation under the Medical Practice Act of
20 1987, under the Physician Assistant Practice Act of 1987, or
21 under the Clinical Psychologist Licensing Act or an advanced
22 practice registered nurse licensed under the Nurse Practice
23 Act.

24 (Source: P.A. 101-54, eff. 7-12-19; revised 1-9-22.)

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

2 Sec. 14-110. Alternative retirement annuity.

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

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

21 (ii) for periods of eligible creditable service as a
22 covered employee: if retirement occurs on or after January
23 1, 2001, 2.5% of final average compensation for each year
24 of creditable service; if retirement occurs before January
25 1, 2001, 1.67% of final average compensation for each of
26 the first 10 years of such service, 1.90% for each of the

1 next 10 years of such service, 2.10% for each year of such
2 service in excess of 20 but not exceeding 30, and 2.30% for
3 each year in excess of 30.

4 Such annuity shall be subject to a maximum of 75% of final
5 average compensation if retirement occurs before January 1,
6 2001 or to a maximum of 80% of final average compensation if
7 retirement occurs on or after January 1, 2001.

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

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

16 (1) State policeman;

17 (2) fire fighter in the fire protection service of a
18 department;

19 (3) air pilot;

20 (4) special agent;

21 (5) investigator for the Secretary of State;

22 (6) conservation police officer;

23 (7) investigator for the Department of Revenue or the
24 Illinois Gaming Board;

25 (8) security employee of the Department of Human
26 Services;

1 (9) Central Management Services security police
2 officer;

3 (10) security employee of the Department of
4 Corrections or the Department of Juvenile Justice;

5 (11) dangerous drugs investigator;

6 (12) investigator for the Illinois State Police;

7 (13) investigator for the Office of the Attorney
8 General;

9 (14) controlled substance inspector;

10 (15) investigator for the Office of the State's
11 Attorneys Appellate Prosecutor;

12 (16) Commerce Commission police officer;

13 (17) arson investigator;

14 (18) State highway maintenance worker;

15 (19) security employee of the Department of Innovation
16 and Technology; or

17 (20) transferred employee.

18 A person employed in one of the positions specified in
19 this subsection is entitled to eligible creditable service for
20 service credit earned under this Article while undergoing the
21 basic police training course approved by the Illinois Law
22 Enforcement Training Standards Board, if completion of that
23 training is required of persons serving in that position. For
24 the purposes of this Code, service during the required basic
25 police training course shall be deemed performance of the
26 duties of the specified position, even though the person is

1 not a sworn peace officer at the time of the training.

2 A person under paragraph (20) is entitled to eligible
3 creditable service for service credit earned under this
4 Article on and after his or her transfer by Executive Order No.
5 2003-10, Executive Order No. 2004-2, or Executive Order No.
6 2016-1.

7 (c) For the purposes of this Section:

8 (1) The term "State policeman" includes any title or
9 position in the Illinois State Police that is held by an
10 individual employed under the Illinois State Police Act.

11 (2) The term "fire fighter in the fire protection
12 service of a department" includes all officers in such
13 fire protection service including fire chiefs and
14 assistant fire chiefs.

15 (3) The term "air pilot" includes any employee whose
16 official job description on file in the Department of
17 Central Management Services, or in the department by which
18 he is employed if that department is not covered by the
19 Personnel Code, states that his principal duty is the
20 operation of aircraft, and who possesses a pilot's
21 license; however, the change in this definition made by
22 Public Act 83-842 ~~this amendatory Act of 1983~~ shall not
23 operate to exclude any noncovered employee who was an "air
24 pilot" for the purposes of this Section on January 1,
25 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, the
5 Division of Patrol Operations, or any other Division or
6 organizational entity in the Illinois State Police is
7 vested by law with duties to maintain public order,
8 investigate violations of the criminal law of this State,
9 enforce the laws of this State, make arrests and recover
10 property. The term "special agent" includes any title or
11 position in the Illinois State Police that is held by an
12 individual employed under the Illinois State Police Act.

13 (5) The term "investigator for the Secretary of State"
14 means any person employed by the Office of the Secretary
15 of State and vested with such investigative duties as
16 render him ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

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

1 20 years of credit for such service.

2 (6) The term "Conservation Police Officer" means any
3 person employed by the Division of Law Enforcement of the
4 Department of Natural Resources and vested with such law
5 enforcement duties as render him ineligible for coverage
6 under the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
8 term "Conservation Police Officer" includes the positions
9 of Chief Conservation Police Administrator and Assistant
10 Conservation Police Administrator.

11 (7) The term "investigator for the Department of
12 Revenue" means any person employed by the Department of
13 Revenue and vested with such investigative duties as
14 render him ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act.

17 The term "investigator for the Illinois Gaming Board"
18 means any person employed as such by the Illinois Gaming
19 Board and vested with such peace officer duties as render
20 the person ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D), and 218(1)(1) of that Act.

23 (8) The term "security employee of the Department of
24 Human Services" means any person employed by the
25 Department of Human Services who (i) is employed at the
26 Chester Mental Health Center and has daily contact with

1 the residents thereof, (ii) is employed within a security
2 unit at a facility operated by the Department and has
3 daily contact with the residents of the security unit,
4 (iii) is employed at a facility operated by the Department
5 that includes a security unit and is regularly scheduled
6 to work at least 50% of his or her working hours within
7 that security unit, or (iv) is a mental health police
8 officer. "Mental health police officer" means any person
9 employed by the Department of Human Services in a position
10 pertaining to the Department's mental health and
11 developmental disabilities functions who is vested with
12 such law enforcement duties as render the person
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. "Security unit" means that portion
16 of a facility that is devoted to the care, containment,
17 and treatment of persons committed to the Department of
18 Human Services as sexually violent persons, persons unfit
19 to stand trial, or persons not guilty by reason of
20 insanity. With respect to past employment, references to
21 the Department of Human Services include its predecessor,
22 the Department of Mental Health and Developmental
23 Disabilities.

24 The changes made to this subdivision (c)(8) by Public
25 Act 92-14 apply to persons who retire on or after January
26 1, 2001, notwithstanding Section 1-103.1.

1 (9) "Central Management Services security police
2 officer" means any person employed by the Department of
3 Central Management Services who is 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.

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

1 of the sort team, or (vi) an investigator.

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

5 (12) The term "investigator for the Illinois State
6 Police" means a person employed by the Illinois State
7 Police who is vested under Section 4 of the Narcotic
8 Control Division Abolition Act with such law enforcement
9 powers as render him ineligible for coverage under the
10 Social Security Act by reason of Sections 218(d)(5)(A),
11 218(d)(8)(D) and 218(1)(1) of that 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 ~~full-time~~ basis
8 under the authority of Section 7.06 of the State's
9 Attorneys 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 Subject to the limitation in subsection (i), a State
13 policeman, arson investigator, or Commerce Commission police
14 officer may elect to establish eligible creditable service for
15 up to 5 years of service as a person employed by a
16 participating municipality to perform police duties under
17 Article 7, a county corrections officer, a court services
18 officer under Article 9, or a firefighter under Article 4 by
19 filing a written election with the Board within 6 months after
20 July 30, 2021 (the effective date of Public Act 102-210) ~~this~~
21 ~~amendatory Act of the 102nd General Assembly~~ and paying to the
22 System an amount to be determined by the Board equal to (i) the
23 difference between the amount of employee and employer
24 contributions transferred to the System under Sections
25 4-108.8, 7-139.8, and 9-121.10 and the amounts that would have
26 been contributed had such contributions been made at the rates

1 applicable to State policemen, plus (ii) interest thereon at
2 the actuarially assumed rate for each year, compounded
3 annually, from the date of service to the date of payment.

4 Subject to the limitation in subsection (i), a
5 conservation police officer may elect to establish eligible
6 creditable service for up to 5 years of service as a person
7 employed by a participating municipality to perform police
8 duties under Article 7, a county corrections officer, or a
9 court services officer under Article 9 by filing a written
10 election with the Board within 6 months after July 30, 2021
11 (the effective date of Public Act 102-210) ~~this amendatory Act~~
12 ~~of the 102nd General Assembly~~ and paying to the System an
13 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 Sections 7-139.8
16 and 9-121.10 and the amounts that would have been contributed
17 had such contributions been made at the rates applicable to
18 State policemen, plus (ii) interest thereon at the actuarially
19 assumed rate for each year, compounded annually, from the date
20 of service to the date of payment.

21 Notwithstanding the limitation in subsection (i), a State
22 policeman or conservation police officer may elect to convert
23 service credit earned under this Article to eligible
24 creditable service, as defined by this Section, by filing a
25 written election with the board within 6 months after July 30,
26 2021 (the effective date of Public Act 102-210) ~~this~~

1 ~~amendatory Act of the 102nd General Assembly~~ and paying to the
2 System an amount to be determined by the Board equal to (i) the
3 difference between the amount of employee contributions
4 originally paid for that service and the amounts that would
5 have been contributed had such contributions been made at the
6 rates applicable to State policemen, plus (ii) the difference
7 between the employer's normal cost of the credit prior to the
8 conversion authorized by Public Act 102-210 ~~this amendatory~~
9 ~~Act of the 102nd General Assembly~~ and the employer's normal
10 cost of the credit converted in accordance with Public Act
11 102-210 ~~this amendatory Act of the 102nd General Assembly~~,
12 plus (iii) interest thereon at the actuarially assumed rate
13 for each year, compounded annually, from the date of service
14 to the date of payment.

15 (i) The total amount of eligible creditable service
16 established by any person under subsections (g), (h), (j),
17 (k), (l), (l-5), and (o) of this Section shall not exceed 12
18 years.

19 (j) Subject to the limitation in subsection (i), an
20 investigator for the Office of the State's Attorneys Appellate
21 Prosecutor or a controlled substance inspector may elect to
22 establish eligible creditable service for up to 10 years of
23 his service as a policeman under Article 3 or a sheriff's law
24 enforcement employee under Article 7, by filing a written
25 election with the Board, accompanied by payment of an amount
26 to be determined by the Board, equal to (1) the difference

1 between the amount of employee and employer contributions
2 transferred to the System under Section 3-110.6 or 7-139.8,
3 and the amounts that would have been contributed had such
4 contributions been made at the rates applicable to State
5 policemen, plus (2) interest thereon at the effective rate for
6 each year, compounded annually, from the date of service to
7 the date of payment.

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

1 from the first day as an alternative formula employee after
2 the employment for which credit is being established to the
3 date of payment.

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

18 (1-5) Subject to the limitation in subsection (i) of this
19 Section, a State policeman may elect to establish eligible
20 creditable service for up to 5 years of service as a full-time
21 law enforcement officer employed by the federal government or
22 by a state or local government located outside of Illinois for
23 which credit is not held in any other public employee pension
24 fund or retirement system. To obtain this credit, the
25 applicant must file a written application with the Board no
26 later than 3 years after January 1, 2020 (the effective date of

1 ~~Public Act 101-610) this amendatory Act of the 101st General~~
2 ~~Assembly~~, accompanied by evidence of eligibility acceptable to
3 the Board and payment of an amount to be determined by the
4 Board, equal to (1) employee contributions for the credit
5 being established, based upon the applicant's salary on the
6 first day as an alternative formula employee after the
7 employment for which credit is being established and the rates
8 then applicable to alternative formula employees, plus (2) an
9 amount determined by the Board to be the employer's normal
10 cost of the benefits accrued for the credit being established,
11 plus (3) regular interest on the amounts in items (1) and (2)
12 from the first day as an alternative formula employee after
13 the employment for which credit is being established to the
14 date of payment.

15 (m) The amendatory changes to this Section made by Public
16 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~
17 apply only to: (1) security employees of the Department of
18 Juvenile Justice employed by the Department of Corrections
19 before June 1, 2006 (the effective date of Public Act 94-696)
20 ~~this amendatory Act of the 94th General Assembly~~ and
21 transferred to the Department of Juvenile Justice by Public
22 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~;
23 and (2) persons employed by the Department of Juvenile Justice
24 on or after June 1, 2006 (the effective date of Public Act
25 94-696) ~~this amendatory Act of the 94th General Assembly~~ who
26 are required by subsection (b) of Section 3-2.5-15 of the

1 Unified Code of Corrections to have any bachelor's or advanced
2 degree from an accredited college or university or, in the
3 case of persons who provide vocational training, who are
4 required to have adequate knowledge in the skill for which
5 they are providing the vocational training.

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

17 (o) Subject to the limitation in subsection (i), a
18 conservation police officer, investigator for the Secretary of
19 State, Commerce Commission police officer, investigator for
20 the Department of Revenue or the Illinois Gaming Board, or
21 arson investigator subject to subsection (g) of Section 1-160
22 may elect to convert up to 8 years of service credit
23 established before January 1, 2020 (the effective date of
24 Public Act 101-610) ~~this amendatory Act of the 101st General~~
25 ~~Assembly~~ as a conservation police officer, investigator for
26 the Secretary of State, Commerce Commission police officer,

1 investigator for the Department of Revenue or the Illinois
2 Gaming Board, or arson investigator under this Article into
3 eligible creditable service by filing a written election with
4 the Board no later than one year after January 1, 2020 (the
5 effective date of Public Act 101-610) ~~this amendatory Act of~~
6 ~~the 101st General Assembly~~, accompanied by payment of an
7 amount to be determined by the Board equal to (i) the
8 difference between the amount of the employee contributions
9 actually paid for that service and the amount of the employee
10 contributions that would have been paid had the employee
11 contributions been made as a noncovered employee serving in a
12 position in which eligible creditable service, as defined in
13 this Section, may be earned, plus (ii) interest thereon at the
14 effective rate for each year, compounded annually, from the
15 date of service to the date of payment.

16 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
17 102-538, eff. 8-20-21; revised 10-12-21.)

18 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

19 Sec. 16-158. Contributions by State and other employing
20 units.

21 (a) The State shall make contributions to the System by
22 means of appropriations from the Common School Fund and other
23 State funds of amounts which, together with other employer
24 contributions, employee contributions, investment income, and
25 other income, will be sufficient to meet the cost of

1 maintaining and administering the System on a 90% funded basis
2 in accordance with actuarial recommendations.

3 The Board shall determine the amount of State
4 contributions required for each fiscal year on the basis of
5 the actuarial tables and other assumptions adopted by the
6 Board and the recommendations of the actuary, using the
7 formula in subsection (b-3).

8 (a-1) Annually, on or before November 15 until November
9 15, 2011, the Board shall certify to the Governor the amount of
10 the required State contribution for the coming fiscal year.
11 The certification under this subsection (a-1) shall include a
12 copy of the actuarial recommendations upon which it is based
13 and shall specifically identify the System's projected State
14 normal cost for that fiscal year.

15 On or before May 1, 2004, the Board shall recalculate and
16 recertify to the Governor the amount of the required State
17 contribution to the System for State fiscal year 2005, taking
18 into account the amounts appropriated to and received by the
19 System under subsection (d) of Section 7.2 of the General
20 Obligation Bond Act.

21 On or before July 1, 2005, the Board shall recalculate and
22 recertify to the Governor the amount of the required State
23 contribution to the System for State fiscal year 2006, taking
24 into account the changes in required State contributions made
25 by Public Act 94-4.

26 On or before April 1, 2011, the Board shall recalculate

1 and recertify to the Governor the amount of the required State
2 contribution to the System for State fiscal year 2011,
3 applying the changes made by Public Act 96-889 to the System's
4 assets and liabilities as of June 30, 2009 as though Public Act
5 96-889 was approved on that date.

6 (a-5) On or before November 1 of each year, beginning
7 November 1, 2012, the Board shall submit to the State Actuary,
8 the Governor, and the General Assembly a proposed
9 certification of the amount of the required State contribution
10 to the System for the next fiscal year, along with all of the
11 actuarial assumptions, calculations, and data upon which that
12 proposed certification is based. On or before January 1 of
13 each year, beginning January 1, 2013, the State Actuary shall
14 issue a preliminary report concerning the proposed
15 certification and identifying, if necessary, recommended
16 changes in actuarial assumptions that the Board must consider
17 before finalizing its certification of the required State
18 contributions. On or before January 15, 2013 and each January
19 15 thereafter, the Board shall certify to the Governor and the
20 General Assembly the amount of the required State contribution
21 for the next fiscal year. The Board's certification must note
22 any deviations from the State Actuary's recommended changes,
23 the reason or reasons for not following the State Actuary's
24 recommended changes, and the fiscal impact of not following
25 the State Actuary's recommended changes on the required State
26 contribution.

1 (a-10) By November 1, 2017, the Board shall recalculate
2 and recertify to the State Actuary, the Governor, and the
3 General Assembly the amount of the State contribution to the
4 System for State fiscal year 2018, taking into account the
5 changes in required State contributions made by Public Act
6 100-23. The State Actuary shall review the assumptions and
7 valuations underlying the Board's revised certification and
8 issue a preliminary report concerning the proposed
9 recertification and identifying, if necessary, recommended
10 changes in actuarial assumptions that the Board must consider
11 before finalizing its certification of the required State
12 contributions. The Board's final certification must note any
13 deviations from the State Actuary's recommended changes, the
14 reason or reasons for not following the State Actuary's
15 recommended changes, and the fiscal impact of not following
16 the State Actuary's recommended changes on the required State
17 contribution.

18 (a-15) On or after June 15, 2019, but no later than June
19 30, 2019, the Board shall recalculate and recertify to the
20 Governor and the General Assembly the amount of the State
21 contribution to the System for State fiscal year 2019, taking
22 into account the changes in required State contributions made
23 by Public Act 100-587. The recalculation shall be made using
24 assumptions adopted by the Board for the original fiscal year
25 2019 certification. The monthly voucher for the 12th month of
26 fiscal year 2019 shall be paid by the Comptroller after the

1 recertification required pursuant to this subsection is
2 submitted to the Governor, Comptroller, and General Assembly.
3 The recertification submitted to the General Assembly shall be
4 filed with the Clerk of the House of Representatives and the
5 Secretary of the Senate in electronic form only, in the manner
6 that the Clerk and the Secretary shall direct.

7 (b) Through State fiscal year 1995, the State
8 contributions shall be paid to the System in accordance with
9 Section 18-7 of the School Code.

10 (b-1) Beginning in State fiscal year 1996, on the 15th day
11 of each month, or as soon thereafter as may be practicable, the
12 Board shall submit vouchers for payment of State contributions
13 to the System, in a total monthly amount of one-twelfth of the
14 required annual State contribution certified under subsection
15 (a-1). From March 5, 2004 (the effective date of Public Act
16 93-665) through June 30, 2004, the Board shall not submit
17 vouchers for the remainder of fiscal year 2004 in excess of the
18 fiscal year 2004 certified contribution amount determined
19 under this Section after taking into consideration the
20 transfer to the System under subsection (a) of Section 6z-61
21 of the State Finance Act. These vouchers shall be paid by the
22 State Comptroller and Treasurer by warrants drawn on the funds
23 appropriated to the System for that fiscal year.

24 If in any month the amount remaining unexpended from all
25 other appropriations to the System for the applicable fiscal
26 year (including the appropriations to the System under Section

1 8.12 of the State Finance Act and Section 1 of the State
2 Pension Funds Continuing Appropriation Act) is less than the
3 amount lawfully vouchered under this subsection, the
4 difference shall be paid from the Common School Fund under the
5 continuing appropriation authority provided in Section 1.1 of
6 the State Pension Funds Continuing Appropriation Act.

7 (b-2) Allocations from the Common School Fund apportioned
8 to school districts not coming under this System shall not be
9 diminished or affected by the provisions of this Article.

10 (b-3) For State fiscal years 2012 through 2045, the
11 minimum contribution to the System to be made by the State for
12 each fiscal year shall be an amount determined by the System to
13 be sufficient to bring the total assets of the System up to 90%
14 of the total actuarial liabilities of the System by the end of
15 State fiscal year 2045. In making these determinations, the
16 required State contribution shall be calculated each year as a
17 level percentage of payroll over the years remaining to and
18 including fiscal year 2045 and shall be determined under the
19 projected unit credit actuarial cost method.

20 For each of State fiscal years 2018, 2019, and 2020, the
21 State shall make an additional contribution to the System
22 equal to 2% of the total payroll of each employee who is deemed
23 to have elected the benefits under Section 1-161 or who has
24 made the election under subsection (c) of Section 1-161.

25 A change in an actuarial or investment assumption that
26 increases or decreases the required State contribution and

1 first applies in State fiscal year 2018 or thereafter shall be
2 implemented in equal annual amounts over a 5-year period
3 beginning in the State fiscal year in which the actuarial
4 change first applies to the required State contribution.

5 A change in an actuarial or investment assumption that
6 increases or decreases the required State contribution and
7 first applied to the State contribution in fiscal year 2014,
8 2015, 2016, or 2017 shall be implemented:

9 (i) as already applied in State fiscal years before
10 2018; and

11 (ii) in the portion of the 5-year period beginning in
12 the State fiscal year in which the actuarial change first
13 applied that occurs in State fiscal year 2018 or
14 thereafter, by calculating the change in equal annual
15 amounts over that 5-year period and then implementing it
16 at the resulting annual rate in each of the remaining
17 fiscal years in that 5-year period.

18 For State fiscal years 1996 through 2005, the State
19 contribution to the System, as a percentage of the applicable
20 employee payroll, shall be increased in equal annual
21 increments so that by State fiscal year 2011, the State is
22 contributing at the rate required under this Section; except
23 that in the following specified State fiscal years, the State
24 contribution to the System shall not be less than the
25 following indicated percentages of the applicable employee
26 payroll, even if the indicated percentage will produce a State

1 contribution in excess of the amount otherwise required under
2 this subsection and subsection (a), and notwithstanding any
3 contrary certification made under subsection (a-1) before May
4 27, 1998 (the effective date of Public Act 90-582): 10.02% in
5 FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY
6 2002; 12.86% in FY 2003; and 13.56% in FY 2004.

7 Notwithstanding any other provision of this Article, the
8 total required State contribution for State fiscal year 2006
9 is \$534,627,700.

10 Notwithstanding any other provision of this Article, the
11 total required State contribution for State fiscal year 2007
12 is \$738,014,500.

13 For each of State fiscal years 2008 through 2009, the
14 State contribution to the System, as a percentage of the
15 applicable employee payroll, shall be increased in equal
16 annual increments from the required State contribution for
17 State fiscal year 2007, so that by State fiscal year 2011, the
18 State is contributing at the rate otherwise required under
19 this Section.

20 Notwithstanding any other provision of this Article, the
21 total required State contribution for State fiscal year 2010
22 is \$2,089,268,000 and shall be made from the proceeds of bonds
23 sold in fiscal year 2010 pursuant to Section 7.2 of the General
24 Obligation Bond Act, less (i) the pro rata share of bond sale
25 expenses determined by the System's share of total bond
26 proceeds, (ii) any amounts received from the Common School

1 Fund in fiscal year 2010, and (iii) any reduction in bond
2 proceeds due to the issuance of discounted bonds, if
3 applicable.

4 Notwithstanding any other provision of this Article, the
5 total required State contribution for State fiscal year 2011
6 is the amount recertified by the System on or before April 1,
7 2011 pursuant to subsection (a-1) of this Section and shall be
8 made from the proceeds of bonds sold in fiscal year 2011
9 pursuant to Section 7.2 of the General Obligation Bond Act,
10 less (i) the pro rata share of bond sale expenses determined by
11 the System's share of total bond proceeds, (ii) any amounts
12 received from the Common School Fund in fiscal year 2011, and
13 (iii) any reduction in bond proceeds due to the issuance of
14 discounted bonds, if applicable. This amount shall include, in
15 addition to the amount certified by the System, an amount
16 necessary to meet employer contributions required by the State
17 as an employer under paragraph (e) of this Section, which may
18 also be used by the System for contributions required by
19 paragraph (a) of Section 16-127.

20 Beginning in State fiscal year 2046, the minimum State
21 contribution for each fiscal year shall be the amount needed
22 to maintain the total assets of the System at 90% of the total
23 actuarial liabilities of the System.

24 Amounts received by the System pursuant to Section 25 of
25 the Budget Stabilization Act or Section 8.12 of the State
26 Finance Act in any fiscal year do not reduce and do not

1 constitute payment of any portion of the minimum State
2 contribution required under this Article in that fiscal year.
3 Such amounts shall not reduce, and shall not be included in the
4 calculation of, the required State contributions under this
5 Article in any future year until the System has reached a
6 funding ratio of at least 90%. A reference in this Article to
7 the "required State contribution" or any substantially similar
8 term does not include or apply to any amounts payable to the
9 System under Section 25 of the Budget Stabilization Act.

10 Notwithstanding any other provision of this Section, the
11 required State contribution for State fiscal year 2005 and for
12 fiscal year 2008 and each fiscal year thereafter, as
13 calculated under this Section and certified under subsection
14 (a-1), shall not exceed an amount equal to (i) the amount of
15 the required State contribution that would have been
16 calculated under this Section for that fiscal year if the
17 System had not received any payments under subsection (d) of
18 Section 7.2 of the General Obligation Bond Act, minus (ii) the
19 portion of the State's total debt service payments for that
20 fiscal year on the bonds issued in fiscal year 2003 for the
21 purposes of that Section 7.2, as determined and certified by
22 the Comptroller, that is the same as the System's portion of
23 the total moneys distributed under subsection (d) of Section
24 7.2 of the General Obligation Bond Act. In determining this
25 maximum for State fiscal years 2008 through 2010, however, the
26 amount referred to in item (i) shall be increased, as a

1 percentage of the applicable employee payroll, in equal
2 increments calculated from the sum of the required State
3 contribution for State fiscal year 2007 plus the applicable
4 portion of the State's total debt service payments for fiscal
5 year 2007 on the bonds issued in fiscal year 2003 for the
6 purposes of Section 7.2 of the General Obligation Bond Act, so
7 that, by State fiscal year 2011, the State is contributing at
8 the rate otherwise required under this Section.

9 (b-4) Beginning in fiscal year 2018, each employer under
10 this Article shall pay to the System a required contribution
11 determined as a percentage of projected payroll and sufficient
12 to produce an annual amount equal to:

13 (i) for each of fiscal years 2018, 2019, and 2020, the
14 defined benefit normal cost of the defined benefit plan,
15 less the employee contribution, for each employee of that
16 employer who has elected or who is deemed to have elected
17 the benefits under Section 1-161 or who has made the
18 election under subsection (b) of Section 1-161; for fiscal
19 year 2021 and each fiscal year thereafter, the defined
20 benefit normal cost of the defined benefit plan, less the
21 employee contribution, plus 2%, for each employee of that
22 employer who has elected or who is deemed to have elected
23 the benefits under Section 1-161 or who has made the
24 election under subsection (b) of Section 1-161; plus

25 (ii) the amount required for that fiscal year to
26 amortize any unfunded actuarial accrued liability

1 associated with the present value of liabilities
2 attributable to the employer's account under Section
3 16-158.3, determined as a level percentage of payroll over
4 a 30-year rolling amortization period.

5 In determining contributions required under item (i) of
6 this subsection, the System shall determine an aggregate rate
7 for all employers, expressed as a percentage of projected
8 payroll.

9 In determining the contributions required under item (ii)
10 of this subsection, the amount shall be computed by the System
11 on the basis of the actuarial assumptions and tables used in
12 the most recent actuarial valuation of the System that is
13 available at the time of the computation.

14 The contributions required under this subsection (b-4)
15 shall be paid by an employer concurrently with that employer's
16 payroll payment period. The State, as the actual employer of
17 an employee, shall make the required contributions under this
18 subsection.

19 (c) Payment of the required State contributions and of all
20 pensions, retirement annuities, death benefits, refunds, and
21 other benefits granted under or assumed by this System, and
22 all expenses in connection with the administration and
23 operation thereof, are obligations of the State.

24 If members are paid from special trust or federal funds
25 which are administered by the employing unit, whether school
26 district or other unit, the employing unit shall pay to the

1 System from such funds the full accruing retirement costs
2 based upon that service, which, beginning July 1, 2017, shall
3 be at a rate, expressed as a percentage of salary, equal to the
4 total employer's normal cost, expressed as a percentage of
5 payroll, as determined by the System. Employer contributions,
6 based on salary paid to members from federal funds, may be
7 forwarded by the distributing agency of the State of Illinois
8 to the System prior to allocation, in an amount determined in
9 accordance with guidelines established by such agency and the
10 System. Any contribution for fiscal year 2015 collected as a
11 result of the change made by Public Act 98-674 shall be
12 considered a State contribution under subsection (b-3) of this
13 Section.

14 (d) Effective July 1, 1986, any employer of a teacher as
15 defined in paragraph (8) of Section 16-106 shall pay the
16 employer's normal cost of benefits based upon the teacher's
17 service, in addition to employee contributions, as determined
18 by the System. Such employer contributions shall be forwarded
19 monthly in accordance with guidelines established by the
20 System.

21 However, with respect to benefits granted under Section
22 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
23 of Section 16-106, the employer's contribution shall be 12%
24 (rather than 20%) of the member's highest annual salary rate
25 for each year of creditable service granted, and the employer
26 shall also pay the required employee contribution on behalf of

1 the teacher. For the purposes of Sections 16-133.4 and
2 16-133.5, a teacher as defined in paragraph (8) of Section
3 16-106 who is serving in that capacity while on leave of
4 absence from another employer under this Article shall not be
5 considered an employee of the employer from which the teacher
6 is on leave.

7 (e) Beginning July 1, 1998, every employer of a teacher
8 shall pay to the System an employer contribution computed as
9 follows:

10 (1) Beginning July 1, 1998 through June 30, 1999, the
11 employer contribution shall be equal to 0.3% of each
12 teacher's salary.

13 (2) Beginning July 1, 1999 and thereafter, the
14 employer contribution shall be equal to 0.58% of each
15 teacher's salary.

16 The school district or other employing unit may pay these
17 employer contributions out of any source of funding available
18 for that purpose and shall forward the contributions to the
19 System on the schedule established for the payment of member
20 contributions.

21 These employer contributions are intended to offset a
22 portion of the cost to the System of the increases in
23 retirement benefits resulting from Public Act 90-582.

24 Each employer of teachers is entitled to a credit against
25 the contributions required under this subsection (e) with
26 respect to salaries paid to teachers for the period January 1,

1 2002 through June 30, 2003, equal to the amount paid by that
2 employer under subsection (a-5) of Section 6.6 of the State
3 Employees Group Insurance Act of 1971 with respect to salaries
4 paid to teachers for that period.

5 The additional 1% employee contribution required under
6 Section 16-152 by Public Act 90-582 is the responsibility of
7 the teacher and not the teacher's employer, unless the
8 employer agrees, through collective bargaining or otherwise,
9 to make the contribution on behalf of the teacher.

10 If an employer is required by a contract in effect on May
11 1, 1998 between the employer and an employee organization to
12 pay, on behalf of all its full-time employees covered by this
13 Article, all mandatory employee contributions required under
14 this Article, then the employer shall be excused from paying
15 the employer contribution required under this subsection (e)
16 for the balance of the term of that contract. The employer and
17 the employee organization shall jointly certify to the System
18 the existence of the contractual requirement, in such form as
19 the System may prescribe. This exclusion shall cease upon the
20 termination, extension, or renewal of the contract at any time
21 after May 1, 1998.

22 (f) If the amount of a teacher's salary for any school year
23 used to determine final average salary exceeds the member's
24 annual full-time salary rate with the same employer for the
25 previous school year by more than 6%, the teacher's employer
26 shall pay to the System, in addition to all other payments

1 required under this Section and in accordance with guidelines
2 established by the System, the present value of the increase
3 in benefits resulting from the portion of the increase in
4 salary that is in excess of 6%. This present value shall be
5 computed by the System on the basis of the actuarial
6 assumptions and tables used in the most recent actuarial
7 valuation of the System that is available at the time of the
8 computation. If a teacher's salary for the 2005-2006 school
9 year is used to determine final average salary under this
10 subsection (f), then the changes made to this subsection (f)
11 by Public Act 94-1057 shall apply in calculating whether the
12 increase in his or her salary is in excess of 6%. For the
13 purposes of this Section, change in employment under Section
14 10-21.12 of the School Code on or after June 1, 2005 shall
15 constitute a change in employer. The System may require the
16 employer to provide any pertinent information or
17 documentation. The changes made to this subsection (f) by
18 Public Act 94-1111 apply without regard to whether the teacher
19 was in service on or after its effective date.

20 Whenever it determines that a payment is or may be
21 required under this subsection, the System shall calculate the
22 amount of the payment and bill the employer for that amount.
23 The bill shall specify the calculations used to determine the
24 amount due. If the employer disputes the amount of the bill, it
25 may, within 30 days after receipt of the bill, apply to the
26 System in writing for a recalculation. The application must

1 specify in detail the grounds of the dispute and, if the
2 employer asserts that the calculation is subject to subsection
3 (g), (g-5), (g-10), (g-15), or (h) of this Section, must
4 include an affidavit setting forth and attesting to all facts
5 within the employer's knowledge that are pertinent to the
6 applicability of that subsection. Upon receiving a timely
7 application for recalculation, the System shall review the
8 application and, if appropriate, recalculate the amount due.

9 The employer contributions required under this subsection
10 (f) may be paid in the form of a lump sum within 90 days after
11 receipt of the bill. If the employer contributions are not
12 paid within 90 days after receipt of the bill, then interest
13 will be charged at a rate equal to the System's annual
14 actuarially assumed rate of return on investment compounded
15 annually from the 91st day after receipt of the bill. Payments
16 must be concluded within 3 years after the employer's receipt
17 of the bill.

18 (f-1) (Blank).

19 (g) This subsection (g) applies only to payments made or
20 salary increases given on or after June 1, 2005 but before July
21 1, 2011. The changes made by Public Act 94-1057 shall not
22 require the System to refund any payments received before July
23 31, 2006 (the effective date of Public Act 94-1057).

24 When assessing payment for any amount due under subsection
25 (f), the System shall exclude salary increases paid to
26 teachers under contracts or collective bargaining agreements

1 entered into, amended, or renewed before June 1, 2005.

2 When assessing payment for any amount due under subsection
3 (f), the System shall exclude salary increases paid to a
4 teacher at a time when the teacher is 10 or more years from
5 retirement eligibility under Section 16-132 or 16-133.2.

6 When assessing payment for any amount due under subsection
7 (f), the System shall exclude salary increases resulting from
8 overload work, including summer school, when the school
9 district has certified to the System, and the System has
10 approved the certification, that (i) the overload work is for
11 the sole purpose of classroom instruction in excess of the
12 standard number of classes for a full-time teacher in a school
13 district during a school year and (ii) the salary increases
14 are equal to or less than the rate of pay for classroom
15 instruction computed on the teacher's current salary and work
16 schedule.

17 When assessing payment for any amount due under subsection
18 (f), the System shall exclude a salary increase resulting from
19 a promotion (i) for which the employee is required to hold a
20 certificate or supervisory endorsement issued by the State
21 Teacher Certification Board that is a different certification
22 or supervisory endorsement than is required for the teacher's
23 previous position and (ii) to a position that has existed and
24 been filled by a member for no less than one complete academic
25 year and the salary increase from the promotion is an increase
26 that results in an amount no greater than the lesser of the

1 average salary paid for other similar positions in the
2 district requiring the same certification or the amount
3 stipulated in the collective bargaining agreement for a
4 similar position requiring the same certification.

5 When assessing payment for any amount due under subsection
6 (f), the System shall exclude any payment to the teacher from
7 the State of Illinois or the State Board of Education over
8 which the employer does not have discretion, notwithstanding
9 that the payment is included in the computation of final
10 average salary.

11 (g-5) When assessing payment for any amount due under
12 subsection (f), the System shall exclude salary increases
13 resulting from overload or stipend work performed in a school
14 year subsequent to a school year in which the employer was
15 unable to offer or allow to be conducted overload or stipend
16 work due to an emergency declaration limiting such activities.

17 (g-10) When assessing payment for any amount due under
18 subsection (f), the System shall exclude salary increases
19 resulting from increased instructional time that exceeded the
20 instructional time required during the 2019-2020 school year.

21 (g-15) ~~(g-5)~~ When assessing payment for any amount due
22 under subsection (f), the System shall exclude salary
23 increases resulting from teaching summer school on or after
24 May 1, 2021 and before September 15, 2022.

25 (h) When assessing payment for any amount due under
26 subsection (f), the System shall exclude any salary increase

1 described in subsection (g) of this Section given on or after
2 July 1, 2011 but before July 1, 2014 under a contract or
3 collective bargaining agreement entered into, amended, or
4 renewed on or after June 1, 2005 but before July 1, 2011.
5 Notwithstanding any other provision of this Section, any
6 payments made or salary increases given after June 30, 2014
7 shall be used in assessing payment for any amount due under
8 subsection (f) of this Section.

9 (i) The System shall prepare a report and file copies of
10 the report with the Governor and the General Assembly by
11 January 1, 2007 that contains all of the following
12 information:

13 (1) The number of recalculations required by the
14 changes made to this Section by Public Act 94-1057 for
15 each employer.

16 (2) The dollar amount by which each employer's
17 contribution to the System was changed due to
18 recalculations required by Public Act 94-1057.

19 (3) The total amount the System received from each
20 employer as a result of the changes made to this Section by
21 Public Act 94-4.

22 (4) The increase in the required State contribution
23 resulting from the changes made to this Section by Public
24 Act 94-1057.

25 (i-5) For school years beginning on or after July 1, 2017,
26 if the amount of a participant's salary for any school year

1 exceeds the amount of the salary set for the Governor, the
2 participant's employer shall pay to the System, in addition to
3 all other payments required under this Section and in
4 accordance with guidelines established by the System, an
5 amount determined by the System to be equal to the employer
6 normal cost, as established by the System and expressed as a
7 total percentage of payroll, multiplied by the amount of
8 salary in excess of the amount of the salary set for the
9 Governor. This amount shall be computed by the System on the
10 basis of the actuarial assumptions and tables used in the most
11 recent actuarial valuation of the System that is available at
12 the time of the computation. The System may require the
13 employer to provide any pertinent information or
14 documentation.

15 Whenever it determines that a payment is or may be
16 required under this subsection, the System shall calculate the
17 amount of the payment and bill the employer for that amount.
18 The bill shall specify the calculations used to determine the
19 amount due. If the employer disputes the amount of the bill, it
20 may, within 30 days after receipt of the bill, apply to the
21 System in writing for a recalculation. The application must
22 specify in detail the grounds of the dispute. Upon receiving a
23 timely application for recalculation, the System shall review
24 the application and, if appropriate, recalculate the amount
25 due.

26 The employer contributions required under this subsection

1 may be paid in the form of a lump sum within 90 days after
2 receipt of the bill. If the employer contributions are not
3 paid within 90 days after receipt of the bill, then interest
4 will be charged at a rate equal to the System's annual
5 actuarially assumed rate of return on investment compounded
6 annually from the 91st day after receipt of the bill. Payments
7 must be concluded within 3 years after the employer's receipt
8 of the bill.

9 (j) For purposes of determining the required State
10 contribution to the System, the value of the System's assets
11 shall be equal to the actuarial value of the System's assets,
12 which shall be calculated as follows:

13 As of June 30, 2008, the actuarial value of the System's
14 assets shall be equal to the market value of the assets as of
15 that date. In determining the actuarial value of the System's
16 assets for fiscal years after June 30, 2008, any actuarial
17 gains or losses from investment return incurred in a fiscal
18 year shall be recognized in equal annual amounts over the
19 5-year period following that fiscal year.

20 (k) For purposes of determining the required State
21 contribution to the system for a particular year, the
22 actuarial value of assets shall be assumed to earn a rate of
23 return equal to the system's actuarially assumed rate of
24 return.

25 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
26 102-16, eff. 6-17-21; 102-525, eff. 8-20-21; 102-558, eff.

1 8-20-21; revised 10-21-21.)

2 (40 ILCS 5/16-203)

3 Sec. 16-203. Application and expiration of new benefit
4 increases.

5 (a) As used in this Section, "new benefit increase" means
6 an increase in the amount of any benefit provided under this
7 Article, or an expansion of the conditions of eligibility for
8 any benefit under this Article, that results from an amendment
9 to this Code that takes effect after June 1, 2005 (the
10 effective date of Public Act 94-4). "New benefit increase",
11 however, does not include any benefit increase resulting from
12 the changes made to Article 1 or this Article by Public Act
13 95-910, Public Act 100-23, Public Act 100-587, Public Act
14 100-743, Public Act 100-769, Public Act 101-10, ~~or~~ Public Act
15 101-49, or Public Act 102-16 ~~this amendatory Act of the 102nd~~
16 ~~General Assembly.~~

17 (b) Notwithstanding any other provision of this Code or
18 any subsequent amendment to this Code, every new benefit
19 increase is subject to this Section and shall be deemed to be
20 granted only in conformance with and contingent upon
21 compliance with the provisions of this Section.

22 (c) The Public Act enacting a new benefit increase must
23 identify and provide for payment to the System of additional
24 funding at least sufficient to fund the resulting annual
25 increase in cost to the System as it accrues.

1 Every new benefit increase is contingent upon the General
2 Assembly providing the additional funding required under this
3 subsection. The Commission on Government Forecasting and
4 Accountability shall analyze whether adequate additional
5 funding has been provided for the new benefit increase and
6 shall report its analysis to the Public Pension Division of
7 the Department of Insurance. A new benefit increase created by
8 a Public Act that does not include the additional funding
9 required under this subsection is null and void. If the Public
10 Pension Division determines that the additional funding
11 provided for a new benefit increase under this subsection is
12 or has become inadequate, it may so certify to the Governor and
13 the State Comptroller and, in the absence of corrective action
14 by the General Assembly, the new benefit increase shall expire
15 at the end of the fiscal year in which the certification is
16 made.

17 (d) Every new benefit increase shall expire 5 years after
18 its effective date or on such earlier date as may be specified
19 in the language enacting the new benefit increase or provided
20 under subsection (c). This does not prevent the General
21 Assembly from extending or re-creating a new benefit increase
22 by law.

23 (e) Except as otherwise provided in the language creating
24 the new benefit increase, a new benefit increase that expires
25 under this Section continues to apply to persons who applied
26 and qualified for the affected benefit while the new benefit

1 increase was in effect and to the affected beneficiaries and
2 alternate payees of such persons, but does not apply to any
3 other person, including, without limitation, a person who
4 continues in service after the expiration date and did not
5 apply and qualify for the affected benefit while the new
6 benefit increase was in effect.

7 (Source: P.A. 101-10, eff. 6-5-19; 101-49, eff. 7-12-19;
8 101-81, eff. 7-12-19; 102-16, eff. 6-17-21; 102-558, eff.
9 8-20-21; revised 10-15-21.)

10 Section 270. The Public Officer Prohibited Activities Act
11 is amended by changing Section 4.1 as follows:

12 (50 ILCS 105/4.1)

13 Sec. 4.1. Retaliation against a whistleblower.

14 (a) It is prohibited for a unit of local government, any
15 agent or representative of a unit of local government, or
16 another employee to retaliate against an employee or
17 contractor who:

18 (1) reports an improper governmental action under this
19 Section;

20 (2) cooperates with an investigation by an auditing
21 official related to a report of improper governmental
22 action; or

23 (3) testifies in a proceeding or prosecution arising
24 out of an improper governmental action.

1 (b) To invoke the protections of this Section, an employee
2 shall make a written report of improper governmental action to
3 the appropriate auditing official. An employee who believes he
4 or she has been retaliated against in violation of this
5 Section must submit a written report to the auditing official
6 within 60 days of gaining knowledge of the retaliatory action.
7 If the auditing official is the individual doing the improper
8 governmental action, then a report under this subsection may
9 be submitted to any State's Attorney.

10 (c) Each auditing official shall establish written
11 processes and procedures for managing complaints filed under
12 this Section, and each auditing official shall investigate and
13 dispose of reports of improper governmental action in
14 accordance with these processes and procedures. If an auditing
15 official concludes that an improper governmental action has
16 taken place or concludes that the relevant unit of local
17 government, department, agency, or supervisory officials have
18 hindered the auditing official's investigation into the
19 report, the auditing official shall notify in writing the
20 chief executive of the unit of local government and any other
21 individual or entity the auditing official deems necessary in
22 the circumstances.

23 (d) An auditing official may transfer a report of improper
24 governmental action to another auditing official for
25 investigation if an auditing official deems it appropriate,
26 including, but not limited to, the appropriate State's

1 Attorney.

2 (e) To the extent allowed by law, the identity of an
3 employee reporting information about an improper governmental
4 action shall be kept confidential unless the employee waives
5 confidentiality in writing. Auditing officials may take
6 reasonable measures to protect employees who reasonably
7 believe they may be subject to bodily harm for reporting
8 improper government action.

9 (f) The following remedies are available to employees
10 subjected to adverse actions for reporting improper government
11 action:

12 (1) Auditing officials may reinstate, reimburse for
13 lost wages or expenses incurred, promote, or provide some
14 other form of restitution.

15 (2) In instances where an auditing official determines
16 that restitution will not suffice, the auditing official
17 may make his or her investigation findings available for
18 the purposes of aiding in that employee or the employee's
19 attorney's effort to make the employee whole.

20 (g) A person who engages in prohibited retaliatory action
21 under subsection (a) is subject to the following penalties: a
22 fine of no less than \$500 and no more than \$5,000, suspension
23 without pay, demotion, discharge, civil or criminal
24 prosecution, or any combination of these penalties, as
25 appropriate.

26 (h) Every employee shall receive a written summary or a

1 complete copy of this Section upon commencement of employment
2 and at least once each year of employment. At the same time,
3 the employee shall also receive a copy of the written
4 processes and procedures for reporting improper governmental
5 actions from the applicable auditing official.

6 (i) As used in this Section:

7 "Auditing official" means any elected, appointed, or hired
8 individual, by whatever name, in a unit of local government
9 whose duties are similar to, but not limited to, receiving,
10 registering, and investigating complaints and information
11 concerning misconduct, inefficiency, and waste within the unit
12 of local government; investigating the performance of
13 officers, employees, functions, and programs; and promoting
14 economy, efficiency, effectiveness and integrity in the
15 administration of the programs and operations of the
16 municipality. If a unit of local government does not have an
17 "auditing official", the "auditing official" shall be a
18 State's Attorney of the county in which the unit of local
19 government is located ~~within~~.

20 "Employee" means anyone employed by a unit of local
21 government, whether in a permanent or temporary position,
22 including full-time, part-time, and intermittent workers.
23 "Employee" also includes members of appointed boards or
24 commissions, whether or not paid. "Employee" also includes
25 persons who have been terminated because of any report or
26 complaint submitted under this Section.

1 "Improper governmental action" means any action by a unit
2 of local government employee, an appointed member of a board,
3 commission, or committee, or an elected official of the unit
4 of local government that is undertaken in violation of a
5 federal, State, or unit of local government law or rule; is an
6 abuse of authority; violates the public's trust or expectation
7 of his or her conduct; is of substantial and specific danger to
8 the public's health or safety; or is a gross waste of public
9 funds. The action need not be within the scope of the
10 employee's, elected official's, board member's, commission
11 member's, or committee member's official duties to be subject
12 to a claim of "improper governmental action". "Improper
13 governmental action" does not include a unit of local
14 government personnel actions, including, but not limited to
15 employee grievances, complaints, appointments, promotions,
16 transfers, assignments, reassignments, reinstatements,
17 restorations, reemployment, performance evaluations,
18 reductions in pay, dismissals, suspensions, demotions,
19 reprimands, or violations of collective bargaining agreements,
20 except to the extent that the action amounts to retaliation.

21 "Retaliate", "retaliation", or "retaliatory action" means
22 any adverse change in an employee's employment status or the
23 terms and conditions of employment that results from an
24 employee's protected activity under this Section. "Retaliatory
25 action" includes, but is not limited to, denial of adequate
26 staff to perform duties; frequent staff changes; frequent and

1 undesirable office changes; refusal to assign meaningful work;
2 unsubstantiated letters of reprimand or unsatisfactory
3 performance evaluations; demotion; reduction in pay; denial of
4 promotion; transfer or reassignment; suspension or dismissal;
5 or other disciplinary action made because of an employee's
6 protected activity under this Section.

7 (Source: P.A. 101-652, eff. 7-1-21; revised 12-3-21.)

8 Section 275. The Illinois Police Training Act is amended
9 by changing Sections 9 and 10.18 as follows:

10 (50 ILCS 705/9) (from Ch. 85, par. 509)

11 Sec. 9. A special fund is hereby established in the State
12 Treasury to be known as the Traffic and Criminal Conviction
13 Surcharge Fund. Moneys in this Fund shall be expended as
14 follows:

15 (1) a portion of the total amount deposited in the
16 Fund may be used, as appropriated by the General Assembly,
17 for the ordinary and contingent expenses of the Illinois
18 Law Enforcement Training Standards Board;

19 (2) a portion of the total amount deposited in the
20 Fund shall be appropriated for the reimbursement of local
21 governmental agencies participating in training programs
22 certified by the Board, in an amount equaling 1/2 of the
23 total sum paid by such agencies during the State's
24 previous fiscal year for mandated training for

1 probationary law enforcement officers or probationary
2 county corrections officers and for optional advanced and
3 specialized law enforcement or county corrections
4 training; these reimbursements may include the costs for
5 tuition at training schools, the salaries of trainees
6 while in schools, and the necessary travel and room and
7 board expenses for each trainee; if the appropriations
8 under this paragraph (2) are not sufficient to fully
9 reimburse the participating local governmental agencies,
10 the available funds shall be apportioned among such
11 agencies, with priority first given to repayment of the
12 costs of mandatory training given to law enforcement
13 officer or county corrections officer recruits, then to
14 repayment of costs of advanced or specialized training for
15 permanent law enforcement officers or permanent county
16 corrections officers;

17 (3) a portion of the total amount deposited in the
18 Fund may be used to fund the Intergovernmental Law
19 Enforcement Officer's In-Service Training Act, veto
20 overridden October 29, 1981, as now or hereafter amended,
21 at a rate and method to be determined by the board;

22 (4) a portion of the Fund also may be used by the
23 Illinois State Police for expenses incurred in the
24 training of employees from any State, county, or municipal
25 agency whose function includes enforcement of criminal or
26 traffic law;

1 (5) a portion of the Fund may be used by the Board to
2 fund grant-in-aid programs and services for the training
3 of employees from any county or municipal agency whose
4 functions include corrections or the enforcement of
5 criminal or traffic law;

6 (6) for fiscal years 2013 through 2017 only, a portion
7 of the Fund also may be used by the Department of State
8 Police to finance any of its lawful purposes or functions;

9 (7) a portion of the Fund may be used by the Board,
10 subject to appropriation, to administer grants to local
11 law enforcement agencies for the purpose of purchasing
12 bulletproof vests under the Law Enforcement Officer
13 Bulletproof Vest Act; and

14 (8) a portion of the Fund may be used by the Board to
15 create a law enforcement grant program available for units
16 of local government to fund crime prevention programs,
17 training, and interdiction efforts, including enforcement
18 and prevention efforts, relating to the illegal cannabis
19 market and driving under the influence of cannabis.

20 All payments from the Traffic and Criminal Conviction
21 Surcharge Fund shall be made each year from moneys
22 appropriated for the purposes specified in this Section. No
23 more than 50% of any appropriation under this Act shall be
24 spent in any city having a population of more than 500,000. The
25 State Comptroller and the State Treasurer shall from time to
26 time, at the direction of the Governor, transfer from the

1 Traffic and Criminal Conviction Surcharge Fund to the General
2 Revenue Fund in the State Treasury such amounts as the
3 Governor determines are in excess of the amounts required to
4 meet the obligations of the Traffic and Criminal Conviction
5 Surcharge Fund.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-652, eff. 1-1-22;
7 102-538, eff. 8-20-21; revised 10-5-21.)

8 (50 ILCS 705/10.18)

9 Sec. 10.18. Training; administration of opioid
10 antagonists. The Board shall conduct or approve an in-service
11 training program for law enforcement officers in the
12 administration of opioid antagonists as defined in paragraph
13 (1) of subsection (e) of Section 5-23 of the Substance Use
14 Disorder Act that is in accordance with that Section. As used
15 in this Section, the term "law enforcement officers" includes
16 full-time or part-time probationary law enforcement officers,
17 permanent or part-time law enforcement officers, ~~law~~
18 ~~enforcement officers,~~ recruits, permanent or probationary
19 county corrections officers, permanent or probationary county
20 security officers, and court security officers. The term does
21 not include auxiliary police officers as defined in Section
22 3.1-30-20 of the Illinois Municipal Code.

23 (Source: P.A. 100-759, eff. 1-1-19; 101-652, eff. 1-1-22;
24 revised 11-24-21.)

1 Section 280. The Uniform Crime Reporting Act is amended by
2 changing Sections 5-10, 5-11, 5-12, and 5-20 as follows:

3 (50 ILCS 709/5-10)

4 Sec. 5-10. Central repository of crime statistics. The
5 Illinois State Police shall be a central repository and
6 custodian of crime statistics for the State and shall have all
7 the power necessary to carry out the purposes of this Act,
8 including the power to demand and receive cooperation in the
9 submission of crime statistics from all law enforcement
10 agencies. All data and information provided to the Illinois
11 State Police under this Act must be provided in a manner and
12 form prescribed by the Illinois State Police. On an annual
13 basis, the Illinois State Police shall make available
14 compilations of crime statistics and monthly reporting
15 required to be reported by each law enforcement agency.

16 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
17 revised 10-15-21.)

18 (50 ILCS 709/5-11)

19 Sec. 5-11. FBI National Use of Force Database. The
20 Illinois State Police ~~Department~~ shall participate in and
21 regularly submit use of force information to the Federal
22 Bureau of Investigation (FBI) National Use of Force Database.
23 Within 90 days of July 1, 2021 (the effective date of Public
24 Act 101-652) ~~this amendatory Act~~, the Illinois State Police

1 ~~Department~~ shall promulgate rules outlining the use of force
2 information required for submission to the Database, which
3 shall be submitted monthly by law enforcement agencies under
4 Section 5-12.

5 (Source: P.A. 101-652, eff. 7-1-21; revised 12-3-21.)

6 (50 ILCS 709/5-12)

7 Sec. 5-12. Monthly reporting. All law enforcement agencies
8 shall submit to the Illinois State Police on a monthly basis
9 the following:

10 (1) beginning January 1, 2016, a report on any
11 arrest-related death that shall include information
12 regarding the deceased, the officer, any weapon used by
13 the officer or the deceased, and the circumstances of the
14 incident. The Illinois State Police shall submit on a
15 quarterly basis all information collected under this
16 paragraph (1) to the Illinois Criminal Justice Information
17 Authority, contingent upon updated federal guidelines
18 regarding the Uniform Crime Reporting Program;

19 (2) beginning January 1, 2017, a report on any
20 instance when a law enforcement officer discharges his or
21 her firearm causing a non-fatal injury to a person, during
22 the performance of his or her official duties or in the
23 line of duty;

24 (3) a report of incident-based information on hate
25 crimes including information describing the offense,

1 location of the offense, type of victim, offender, and
2 bias motivation. If no hate crime incidents occurred
3 during a reporting month, the law enforcement agency must
4 submit a no incident record, as required by the Illinois
5 State Police;

6 (4) a report on any incident of an alleged commission
7 of a domestic crime, that shall include information
8 regarding the victim, offender, date and time of the
9 incident, any injury inflicted, any weapons involved in
10 the commission of the offense, and the relationship
11 between the victim and the offender;

12 (5) data on an index of offenses selected by the
13 Illinois State Police based on the seriousness of the
14 offense, frequency of occurrence of the offense, and
15 likelihood of being reported to law enforcement. The data
16 shall include the number of index crime offenses committed
17 and number of associated arrests;

18 (6) data on offenses and incidents reported by schools
19 to local law enforcement. The data shall include offenses
20 defined as an attack against school personnel,
21 intimidation offenses, drug incidents, and incidents
22 involving weapons;

23 (7) beginning on July 1, 2021, a report on incidents
24 where a law enforcement officer was dispatched to deal
25 with a person experiencing a mental health crisis or
26 incident. The report shall include the number of

1 incidents, the level of law enforcement response and the
2 outcome of each incident. For purposes of this Section, a
3 "mental health crisis" is when a person's behavior puts
4 them at risk of hurting themselves or others or prevents
5 them from being able to care for themselves;

6 (8) beginning on July 1, 2021, a report on use of
7 force, including any action that resulted in the death or
8 serious bodily injury of a person or the discharge of a
9 firearm at or in the direction of a person. The report
10 shall include information required by the Illinois State
11 Police Department, pursuant to Section 5-11 of this Act.

12 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21;
13 102-538, eff. 8-20-21; revised 10-15-21.)

14 (50 ILCS 709/5-20)

15 Sec. 5-20. Reporting compliance. The Illinois State Police
16 shall annually report to the Illinois Law Enforcement Training
17 Standards Board and the Department of Revenue any law
18 enforcement agency not in compliance with the reporting
19 requirements under this Act. A law enforcement agency's
20 compliance with the reporting requirements under this Act
21 shall be a factor considered by the Illinois Law Enforcement
22 Training Standards Board in awarding grant funding under the
23 Law Enforcement Camera Grant Act, with preference to law
24 enforcement agencies which are in compliance with reporting
25 requirements under this Act.

1 (Source: P.A. 101-652, eff. 7-1-21; 102-538, eff. 8-20-21;
2 revised 10-15-21.)

3 Section 285. The Emergency Telephone System Act is amended
4 by changing Sections 2, 7, 8, 10, 15.6, 15.6a, 15.6b, 17.5, 19,
5 20, 30, and 40 as follows:

6 (50 ILCS 750/2) (from Ch. 134, par. 32)

7 (Section scheduled to be repealed on December 31, 2023)

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

10 "9-1-1 network" means the network used for the delivery of
11 9-1-1 calls and messages over dedicated and redundant
12 facilities to a primary or backup 9-1-1 PSAP that meets the
13 appropriate grade of service.

14 "9-1-1 system" means the geographic area that has been
15 granted an order of authority by the Commission or the
16 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
17 emergency telephone number, including, but not limited to, the
18 network, software applications, databases, CPE components and
19 operational and management procedures required to provide
20 9-1-1 service.

21 "9-1-1 Authority" means an Emergency Telephone System
22 Board or Joint Emergency Telephone System Board that provides
23 for the management and operation of a 9-1-1 system. "9-1-1
24 Authority" includes the Illinois State Police only to the

1 extent it provides 9-1-1 services under this Act.

2 "9-1-1 System Manager" means the manager, director,
3 administrator, or coordinator who at the direction of his or
4 her Emergency Telephone System Board is responsible for the
5 implementation and execution of the order of authority issued
6 by the Commission or the Statewide 9-1-1 Administrator through
7 the programs, policies, procedures, and daily operations of
8 the 9-1-1 system consistent with the provisions of this Act.

9 "Administrator" means the Statewide 9-1-1 Administrator.

10 "Advanced service" means any telecommunications service
11 with or without dynamic bandwidth allocation, including, but
12 not limited to, ISDN Primary Rate Interface (PRI), that,
13 through the use of a DS-1, T-1, or other un-channelized or
14 multi-channel transmission facility, is capable of
15 transporting either the subscriber's inter-premises voice
16 telecommunications services to the public switched network or
17 the subscriber's 9-1-1 calls to the public agency.

18 "Aggregator" means an entity that ingresses 9-1-1 calls of
19 multiple traffic types or 9-1-1 calls from multiple
20 originating service providers and combines them on a trunk
21 group or groups (or equivalent egress connection arrangement
22 to a 9-1-1 system provider's E9-1-1/NG9-1-1 network or
23 system), and that uses the routing information provided in the
24 received call setup signaling to select the appropriate trunk
25 group and proceeds to signal call setup toward the 9-1-1
26 system provider. "Aggregator" includes an originating service

1 provider that provides aggregation functions for its own 9-1-1
2 calls. "Aggregator" also includes an aggregation network or an
3 aggregation entity that provides aggregator services for other
4 types of system providers, such as cloud-based services or
5 enterprise networks as its client.

6 "ALI" or "automatic location identification" means the
7 automatic display at the public safety answering point of the
8 address or location of the caller's telephone and
9 supplementary emergency services information of the location
10 from which a call originates.

11 "ANI" or "automatic number identification" means the
12 automatic display of the 10-digit ~~10-digit~~ telephone number
13 associated with the caller's telephone number.

14 "Automatic alarm" and "automatic alerting device" mean any
15 device that will access the 9-1-1 system for emergency
16 services upon activation and does not provide for two-way
17 communication.

18 "Answering point" means a PSAP, SAP, Backup PSAP, Unmanned
19 Backup Answering Point, or VAP.

20 "Authorized entity" means an answering point or
21 participating agency other than a decommissioned PSAP.

22 "Backup PSAP" means an answering point that meets the
23 appropriate standards of service and serves as an alternate to
24 the PSAP operating independently from the PSAP at a different
25 location, that has the capability to direct dispatch for the
26 PSAP or otherwise transfer emergency calls directly to an

1 authorized entity. A backup PSAP may accept overflow calls
2 from the PSAP or be activated if the primary PSAP is disabled.

3 "Board" means an Emergency Telephone System Board or a
4 Joint Emergency Telephone System Board created pursuant to
5 Section 15.4.

6 "Carrier" includes a telecommunications carrier and a
7 wireless carrier.

8 "Commission" means the Illinois Commerce Commission.

9 "Computer aided dispatch" or "CAD" means a computer-based
10 system that aids public safety telecommunicators by automating
11 selected dispatching and recordkeeping activities.

12 "Direct dispatch" means a 9-1-1 service wherein upon
13 receipt of an emergency call, a public safety telecommunicator
14 transmits - without delay, transfer, relay, or referral - all
15 relevant available information to the appropriate public
16 safety personnel or emergency responders.

17 "Decommissioned" means the revocation of a PSAPs authority
18 to handle 9-1-1 calls as an answering point within the 9-1-1
19 network.

20 "DS-1, T-1, or similar un-channelized or multi-channel
21 transmission facility" means a facility that can transmit and
22 receive a bit rate of at least 1.544 megabits per second
23 (Mbps).

24 "Dynamic bandwidth allocation" means the ability of the
25 facility or customer to drop and add channels, or adjust
26 bandwidth, when needed in real time for voice or data

1 purposes.

2 "Emergency call" means any type of request for emergency
3 assistance through a 9-1-1 network either to the digits 9-1-1
4 or the emergency 24/7 10-digit telephone number for all
5 answering points. An emergency call is not limited to a voice
6 telephone call. It could be a two-way video call, an
7 interactive text, Teletypewriter (TTY), an SMS, an Instant
8 Message, or any new mechanism for communications available in
9 the future. An emergency call occurs when the request for
10 emergency assistance is received by a public safety
11 telecommunicator.

12 "Enhanced 9-1-1" or "E9-1-1" means a telephone system that
13 includes network switching, database and PSAP premise elements
14 capable of providing automatic location identification data,
15 selective routing, selective transfer, fixed transfer, and a
16 call back number, including any enhanced 9-1-1 service so
17 designated by the Federal Communications Commission in its
18 report and order in WC Dockets Nos. 04-36 and 05-196, or any
19 successor proceeding.

20 "ETSB" means an emergency telephone system board appointed
21 by the corporate authorities of any county or municipality
22 that provides for the management and operation of a 9-1-1
23 system.

24 "Grade of service" means P.01 for enhanced 9-1-1 services
25 or the NENA i3 Solution adopted standard for NG9-1-1.

26 "Hearing-impaired individual" means a person with a

1 permanent hearing loss who can regularly and routinely
2 communicate by telephone only through the aid of devices which
3 can send and receive written messages over the telephone
4 network.

5 "Hosted supplemental 9-1-1 service" means a database
6 service that:

7 (1) electronically provides information to 9-1-1 call
8 takers when a call is placed to 9-1-1;

9 (2) allows telephone subscribers to provide
10 information to 9-1-1 to be used in emergency scenarios;

11 (3) collects a variety of formatted data relevant to
12 9-1-1 and first responder needs, which may include, but is
13 not limited to, photographs of the telephone subscribers,
14 physical descriptions, medical information, household
15 data, and emergency contacts;

16 (4) allows for information to be entered by telephone
17 subscribers through a secure website where they can elect
18 to provide as little or as much information as they
19 choose;

20 (5) automatically displays data provided by telephone
21 subscribers to 9-1-1 call takers for all types of
22 telephones when a call is placed to 9-1-1 from a
23 registered and confirmed phone number;

24 (6) supports the delivery of telephone subscriber
25 information through a secure internet connection to all
26 emergency telephone system boards;

1 (7) works across all 9-1-1 call taking equipment and
2 allows for the easy transfer of information into a
3 computer aided dispatch system; and

4 (8) may be used to collect information pursuant to an
5 Illinois Premise Alert Program as defined in the Illinois
6 Premise Alert Program (PAP) Act.

7 "Interconnected voice over Internet protocol provider" or
8 "Interconnected VoIP provider" has the meaning given to that
9 term under Section 13-235 of the Public Utilities Act.

10 "Joint ETSB" means a Joint Emergency Telephone System
11 Board established by intergovernmental agreement of two or
12 more municipalities or counties, or a combination thereof, to
13 provide for the management and operation of a 9-1-1 system.

14 "Local public agency" means any unit of local government
15 or special purpose district located in whole or in part within
16 this State that provides or has authority to provide
17 firefighting, police, ambulance, medical, or other emergency
18 services.

19 "Mechanical dialer" means any device that accesses the
20 9-1-1 system without human intervention and does not provide
21 for two-way communication.

22 "Master Street Address Guide" or "MSAG" is a database of
23 street names and house ranges within their associated
24 communities defining emergency service zones (ESZs) and their
25 associated emergency service numbers (ESNs) to enable proper
26 routing of 9-1-1 calls.

1 "Mobile telephone number" or "MTN" means the telephone
2 number assigned to a wireless telephone at the time of initial
3 activation.

4 "Network connections" means the number of voice grade
5 communications channels directly between a subscriber and a
6 telecommunications carrier's public switched network, without
7 the intervention of any other telecommunications carrier's
8 switched network, which would be required to carry the
9 subscriber's inter-premises traffic and which connection
10 either (1) is capable of providing access through the public
11 switched network to a 9-1-1 Emergency Telephone System, if one
12 exists, or (2) if no system exists at the time a surcharge is
13 imposed under Section 15.3, that would be capable of providing
14 access through the public switched network to the local 9-1-1
15 Emergency Telephone System if one existed. Where multiple
16 voice grade communications channels are connected to a
17 telecommunications carrier's public switched network through a
18 private branch exchange (PBX) service, there shall be
19 determined to be one network connection for each trunk line
20 capable of transporting either the subscriber's inter-premises
21 traffic to the public switched network or the subscriber's
22 9-1-1 calls to the public agency. Where multiple voice grade
23 communications channels are connected to a telecommunications
24 carrier's public switched network through Centrex type
25 service, the number of network connections shall be equal to
26 the number of PBX trunk equivalents for the subscriber's

1 service or other multiple voice grade communication channels
2 facility, as determined by reference to any generally
3 applicable exchange access service tariff filed by the
4 subscriber's telecommunications carrier with the Commission.

5 "Network costs" means those recurring costs that directly
6 relate to the operation of the 9-1-1 network as determined by
7 the Statewide 9-1-1 Administrator with the advice of the
8 Statewide 9-1-1 Advisory Board, which may include, but need
9 not be limited to, some or all of the following: costs for
10 interoffice trunks, selective routing charges, transfer lines
11 and toll charges for 9-1-1 services, Automatic Location
12 Information (ALI) database charges, independent local exchange
13 carrier charges and non-system provider charges, carrier
14 charges for third party database for on-site customer premises
15 equipment, back-up PSAP trunks for non-system providers,
16 periodic database updates as provided by carrier (also known
17 as "ALI data dump"), regional ALI storage charges, circuits
18 for call delivery (fiber or circuit connection), NG9-1-1
19 costs, and all associated fees, taxes, and surcharges on each
20 invoice. "Network costs" shall not include radio circuits or
21 toll charges that are other than for 9-1-1 services.

22 "Next generation 9-1-1" or "NG9-1-1" means a secure
23 Internet Protocol-based (IP-based) open-standards system
24 comprised of hardware, software, data, and operational
25 policies and procedures that:

26 (A) provides standardized interfaces from

1 emergency call and message services to support
2 emergency communications;

3 (B) processes all types of emergency calls,
4 including voice, text, data, and multimedia
5 information;

6 (C) acquires and integrates additional emergency
7 call data useful to call routing and handling;

8 (D) delivers the emergency calls, messages, and
9 data to the appropriate public safety answering point
10 and other appropriate emergency entities based on the
11 location of the caller;

12 (E) supports data, video, and other communications
13 needs for coordinated incident response and
14 management; and

15 (F) interoperates with services and networks used
16 by first responders to facilitate emergency response.

17 "NG9-1-1 costs" means those recurring costs that directly
18 relate to the Next Generation 9-1-1 service as determined by
19 the Statewide 9-1-1 Administrator with the advice of the
20 Statewide 9-1-1 Advisory Board, which may include, but need
21 not be limited to, costs for NENA i3 Core Components (Border
22 Control Function (BCF), Emergency Call Routing Function
23 (ECRF), Location Validation Function (LVF), Emergency Services
24 Routing Proxy (ESRP), Policy Store/Policy Routing Functions
25 (PSPRF), and Location Information Servers (LIS)), Statewide
26 ESInet, software external to the PSAP (data collection,

1 identity management, aggregation, and GIS functionality), and
2 gateways (legacy 9-1-1 tandems or gateways or both).

3 "Originating service provider" or "OSP" means the entity
4 that provides services to end users that may be used to
5 originate voice or nonvoice 9-1-1 requests for assistance and
6 who would interconnect, in any of various fashions, to the
7 9-1-1 system provider for purposes of delivering 9-1-1 traffic
8 to the public safety answering points.

9 "Private branch exchange" or "PBX" means a private
10 telephone system and associated equipment located on the
11 user's property that provides communications between internal
12 stations and external networks.

13 "Private business switch service" means network and
14 premises based systems including a VoIP, Centrex type service,
15 or PBX service, even though key telephone systems or
16 equivalent telephone systems registered with the Federal
17 Communications Commission under 47 CFR Part 68 are directly
18 connected to Centrex type and PBX systems. "Private business
19 switch service" does not include key telephone systems or
20 equivalent telephone systems registered with the Federal
21 Communications Commission under 47 CFR Part 68 when not used
22 in conjunction with a VoIP, Centrex type, or PBX systems.
23 "Private business switch service" typically includes, but is
24 not limited to, private businesses, corporations, and
25 industries where the telecommunications service is primarily
26 for conducting business.

1 "Private residential switch service" means network and
2 premise based systems including a VoIP, Centrex type service,
3 or PBX service or key telephone systems or equivalent
4 telephone systems registered with the Federal Communications
5 Commission under 47 CFR ~~C.F.R.~~ Part 68 that are directly
6 connected to a VoIP, Centrex type service, or PBX systems
7 equipped for switched local network connections or 9-1-1
8 system access to residential end users through a private
9 telephone switch. "Private residential switch service" does
10 not include key telephone systems or equivalent telephone
11 systems registered with the Federal Communications Commission
12 under 47 CFR ~~C.F.R.~~ Part 68 when not used in conjunction with a
13 VoIP, Centrex type, or PBX systems. "Private residential
14 switch service" typically includes, but is not limited to,
15 apartment complexes, condominiums, and campus or university
16 environments where shared tenant service is provided and where
17 the usage of the telecommunications service is primarily
18 residential.

19 "Public agency" means the State, and any unit of local
20 government or special purpose district located in whole or in
21 part within this State, that provides or has authority to
22 provide firefighting, police, ambulance, medical, or other
23 emergency services.

24 "Public safety agency" means a functional division of a
25 public agency that provides firefighting, police, medical, or
26 other emergency services to respond to and manage emergency

1 incidents. For the purpose of providing wireless service to
2 users of 9-1-1 emergency services, as expressly provided for
3 in this Act, the Illinois State Police may be considered a
4 public safety agency.

5 "Public safety answering point" or "PSAP" means the
6 primary answering location of an emergency call that meets the
7 appropriate standards of service and is responsible for
8 receiving and processing those calls and events according to a
9 specified operational policy.

10 "PSAP representative" means the manager or supervisor of a
11 Public Safety Answering Point (PSAP) who oversees the daily
12 operational functions and is responsible for the overall
13 management and administration of the PSAP.

14 "Public safety telecommunicator" means any person employed
15 in a full-time or part-time capacity at an answering point
16 whose duties or responsibilities include answering, receiving,
17 or transferring an emergency call for dispatch to the
18 appropriate emergency responder.

19 "Public safety telecommunicator supervisor" means any
20 person employed in a full-time or part-time capacity at an
21 answering point or by a 9-1-1 Authority, whose primary duties
22 or responsibilities are to direct, administer, or manage any
23 public safety telecommunicator and whose responsibilities
24 include answering, receiving, or transferring an emergency
25 call for dispatch to the appropriate responders.

26 "Referral" means a 9-1-1 service in which the public

1 safety telecommunicator provides the calling party with the
2 telephone number of the appropriate public safety agency or
3 other provider of emergency services.

4 "Regular service" means any telecommunications service,
5 other than advanced service, that is capable of transporting
6 either the subscriber's inter-premises voice
7 telecommunications services to the public switched network or
8 the subscriber's 9-1-1 calls to the public agency.

9 "Relay" means a 9-1-1 service in which the public safety
10 telecommunicator takes the pertinent information from a caller
11 and relays that information to the appropriate public safety
12 agency or other provider of emergency services.

13 "Remit period" means the billing period, one month in
14 duration, for which a wireless carrier remits a surcharge and
15 provides subscriber information by zip code to the Illinois
16 State Police, in accordance with Section 20 of this Act.

17 "Secondary Answering Point" or "SAP" means a location,
18 other than a PSAP, that is able to receive the voice, data, and
19 call back number of E9-1-1 or NG9-1-1 emergency calls
20 transferred from a PSAP and completes the call taking process
21 by dispatching police, medical, fire, or other emergency
22 responders.

23 "Statewide wireless emergency 9-1-1 system" means all
24 areas of the State where an emergency telephone system board
25 has not declared its intention for one or more of its public
26 safety answering points to serve as a primary wireless 9-1-1

1 public safety answering point for its jurisdiction. The
2 operator of the statewide wireless emergency 9-1-1 system
3 shall be the Illinois State Police.

4 "System" means the communications equipment and related
5 software applications required to produce a response by the
6 appropriate emergency public safety agency or other provider
7 of emergency services as a result of an emergency call being
8 placed to 9-1-1.

9 "System provider" means the contracted entity providing
10 9-1-1 network and database services.

11 "Telecommunications carrier" means those entities included
12 within the definition specified in Section 13-202 of the
13 Public Utilities Act, and includes those carriers acting as
14 resellers of telecommunications services. "Telecommunications
15 carrier" includes telephone systems operating as mutual
16 concerns. "Telecommunications carrier" does not include a
17 wireless carrier.

18 "Telecommunications technology" means equipment that can
19 send and receive written messages over the telephone network.

20 "Transfer" means a 9-1-1 service in which the public
21 safety telecommunicator, who receives an emergency call,
22 transmits, redirects, or conferences that call to the
23 appropriate public safety agency or other provider of
24 emergency services. "Transfer" ~~Transfer~~ shall not include a
25 relay or referral of the information without transferring the
26 caller.

1 "Transmitting messages" shall have the meaning given to
2 that term under Section 8-11-2 of the Illinois Municipal Code.

3 "Trunk line" means a transmission path, or group of
4 transmission paths, connecting a subscriber's PBX to a
5 telecommunications carrier's public switched network. In the
6 case of regular service, each voice grade communications
7 channel or equivalent amount of bandwidth capable of
8 transporting either the subscriber's inter-premises voice
9 telecommunications services to the public switched network or
10 the subscriber's 9-1-1 calls to the public agency shall be
11 considered a trunk line, even if it is bundled with other
12 channels or additional bandwidth. In the case of advanced
13 service, each DS-1, T-1, or other un-channelized or
14 multi-channel transmission facility that is capable of
15 transporting either the subscriber's inter-premises voice
16 telecommunications services to the public switched network or
17 the subscriber's 9-1-1 calls to the public agency shall be
18 considered a single trunk line, even if it contains multiple
19 voice grade communications channels or otherwise supports 2 or
20 more voice grade calls at a time; provided, however, that each
21 additional increment of up to 24 voice grade channels of
22 transmission capacity that is capable of transporting either
23 the subscriber's inter-premises voice telecommunications
24 services to the public switched network or the subscriber's
25 9-1-1 calls to the public agency shall be considered an
26 additional trunk line.

1 "Unmanned backup answering point" means an answering point
2 that serves as an alternate to the PSAP at an alternate
3 location and is typically unmanned but can be activated if the
4 primary PSAP is disabled.

5 "Virtual answering point" or "VAP" means a temporary or
6 nonpermanent location that is capable of receiving an
7 emergency call, contains a fully functional worksite that is
8 not bound to a specific location, but rather is portable and
9 scalable, connecting public safety telecommunicators to the
10 work process, and is capable of completing the call
11 dispatching process.

12 "Voice-impaired individual" means a person with a
13 permanent speech disability which precludes oral
14 communication, who can regularly and routinely communicate by
15 telephone only through the aid of devices which can send and
16 receive written messages over the telephone network.

17 "Wireless carrier" means a provider of two-way cellular,
18 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
19 Mobile Radio Service (CMRS), Wireless Communications Service
20 (WCS), or other Commercial Mobile Radio Service (CMRS), as
21 defined by the Federal Communications Commission, offering
22 radio communications that may provide fixed, mobile, radio
23 location, or satellite communication services to individuals
24 or businesses within its assigned spectrum block and
25 geographical area or that offers real-time, two-way voice
26 service that is interconnected with the public switched

1 network, including a reseller of such service.

2 "Wireless enhanced 9-1-1" means the ability to relay the
3 telephone number of the originator of a 9-1-1 call and
4 location information from any mobile handset or text telephone
5 device accessing the wireless system to the designated
6 wireless public safety answering point as set forth in the
7 order of the Federal Communications Commission, FCC Docket No.
8 94-102, adopted June 12, 1996, with an effective date of
9 October 1, 1996, and any subsequent amendment thereto.

10 "Wireless public safety answering point" means the
11 functional division of a 9-1-1 authority accepting wireless
12 9-1-1 calls.

13 "Wireless subscriber" means an individual or entity to
14 whom a wireless service account or number has been assigned by
15 a wireless carrier, other than an account or number associated
16 with prepaid wireless telecommunication service.

17 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
18 revised 10-5-21.)

19 (50 ILCS 750/7) (from Ch. 134, par. 37)

20 (Section scheduled to be repealed on December 31, 2023)

21 Sec. 7. The General Assembly finds that, because of
22 overlapping jurisdiction of public agencies, public safety
23 agencies, and telephone service areas, the Administrator, with
24 the advice and recommendation of the Statewide 9-1-1 Advisory
25 Board, shall establish a general overview or plan to

1 effectuate the purposes of this Act within the time frame
2 provided in this Act. The General Assembly further finds and
3 declares that direct dispatch should be used if possible to
4 shorten the time required for the public to request and
5 receive emergency aid. The Administrator shall minimize the
6 use of transfer, relay, and referral of an emergency call if
7 possible and encourage Backup PSAPs to be able to direct
8 dispatch. Transfer, relay, and referral of an emergency call
9 to an entity other than an answering point or the Illinois
10 State Police shall not be used in response to emergency calls
11 unless exigent circumstances exist. In order to insure that
12 proper preparation and implementation of emergency telephone
13 systems are accomplished by all public agencies as required
14 under this Act, the Illinois State Police, with the advice and
15 assistance of the Attorney General, shall secure compliance by
16 public agencies as provided in this Act.

17 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
18 revised 10-4-21.)

19 (50 ILCS 750/8) (from Ch. 134, par. 38)

20 (Section scheduled to be repealed on December 31, 2023)

21 Sec. 8. The Administrator, with the advice and
22 recommendation of the Statewide 9-1-1 Advisory Board, shall
23 coordinate the implementation of systems established under
24 this Act. To assist with this coordination, all systems
25 authorized to operate under this Act shall register with the

1 Administrator information regarding its composition and
2 organization, including, but not limited to, identification of
3 the 9-1-1 System Manager and all answering points.
4 Decommissioned PSAPs shall not be registered and are not part
5 of the 9-1-1 system in Illinois. The Illinois State Police may
6 adopt rules for the administration of this Section.

7 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff 8-20-21;
8 revised 10-4-21.)

9 (50 ILCS 750/10) (from Ch. 134, par. 40)

10 (Section scheduled to be repealed on December 31, 2023)

11 Sec. 10. (a) The Administrator, with the advice and
12 recommendation of the Statewide 9-1-1 Advisory Board, shall
13 establish uniform technical and operational standards for all
14 9-1-1 systems in Illinois. All findings, orders, decisions,
15 rules, and regulations issued or promulgated by the Commission
16 under this Act or any other Act establishing or conferring
17 power on the Commission with respect to emergency
18 telecommunications services, shall continue in force.
19 Notwithstanding the provisions of this Section, where
20 applicable, the Administrator shall, with the advice and
21 recommendation of the Statewide 9-1-1 Advisory Board, amend
22 the Commission's findings, orders, decisions, rules, and
23 regulations to conform to the specific provisions of this Act
24 as soon as practicable after the effective date of this
25 amendatory Act of the 99th General Assembly.

1 (a-5) All 9-1-1 systems are responsible for complying with
2 the uniform technical and operational standards adopted by the
3 Administrator and the Illinois State Police with the advice
4 and recommendation of the Statewide 9-1-1 Advisory Board.

5 (b) The Illinois State Police may adopt emergency rules
6 necessary to implement the provisions of this amendatory Act
7 of the 99th General Assembly under subsection (t) of Section
8 5-45 of the Illinois Administrative Procedure Act.

9 (c) Nothing in this Act shall deprive the Commission of
10 any authority to regulate the provision by telecommunication
11 carriers or 9-1-1 system service providers of
12 telecommunication or other services under the Public Utilities
13 Act.

14 (d) For rules that implicate both the regulation of 9-1-1
15 authorities under this Act and the regulation of
16 telecommunication carriers and 9-1-1 system service providers
17 under the Public Utilities Act, the Illinois State Police and
18 the Commission may adopt joint rules necessary for
19 implementation.

20 (e) Any findings, orders, or decisions of the
21 Administrator under this Section shall be deemed a final
22 administrative decision and shall be subject to judicial
23 review under the Administrative Review Law.

24 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
25 revised 10-5-21.)

1 (50 ILCS 750/15.6)

2 (Section scheduled to be repealed on December 31, 2023)

3 Sec. 15.6. 9-1-1 service; business service.

4 (a) After June 30, 2000, or within 18 months after 9-1-1
5 service becomes available, any entity that installs or
6 operates a private business switch service and provides
7 telecommunications facilities or services to businesses shall
8 assure that the system is connected to the public switched
9 network in a manner that calls to 9-1-1 result in automatic
10 number and location identification. For buildings having their
11 own street address and containing workspace of 40,000 square
12 feet or less, location identification shall include the
13 building's street address. For buildings having their own
14 street address and containing workspace of more than 40,000
15 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 9-1-1 service are
20 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 or
6 on his or her own initiative, or any other interested person,
7 from seeking judicial relief, by mandamus, injunction, or
8 otherwise, to compel compliance with this Section.

9 (f) The Illinois State Police may promulgate rules for the
10 administration of this Section.

11 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
12 revised 10-14-21.)

13 (50 ILCS 750/15.6a)

14 (Section scheduled to be repealed on December 31, 2023)

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 may set non-discriminatory
19 and uniform technical and operational standards consistent
20 with the rules of the Federal Communications Commission for
21 directing calls to authorized public safety answering points.
22 These standards shall not in any way prescribe the technology
23 or manner a wireless carrier shall use to deliver wireless
24 9-1-1 or wireless E9-1-1 calls, and these standards shall not
25 exceed the requirements set by the Federal Communications

1 Commission; however, standards for directing calls to the
2 authorized public safety answering point shall be included.
3 The authority given to the Illinois State Police in this
4 Section is limited to setting standards as set forth herein
5 and does not constitute authority to regulate wireless
6 carriers.

7 (c) For the purpose of providing wireless 9-1-1 emergency
8 services, an emergency telephone system board may declare its
9 intention for one or more of its public safety answering
10 points to serve as a primary wireless 9-1-1 public safety
11 answering point for its jurisdiction by notifying the
12 Administrator in writing within 6 months after receiving its
13 authority to operate a 9-1-1 system under this Act. In
14 addition, 2 or more emergency telephone system boards may, by
15 virtue of an intergovernmental agreement, provide wireless
16 9-1-1 service. Until the jurisdiction comes into compliance
17 with Section 15.4a of this Act, the Illinois State Police
18 shall be the primary wireless 9-1-1 public safety answering
19 point for any jurisdiction that did not provide notice to the
20 Illinois Commerce Commission and the Illinois State Police
21 prior to January 1, 2016.

22 (d) The Administrator, upon a request from an emergency
23 telephone system board and with the advice and recommendation
24 of the Statewide 9-1-1 Advisory Board, may grant authority to
25 the emergency telephone system board to provide wireless 9-1-1
26 service in areas for which the Illinois State Police has

1 accepted wireless 9-1-1 responsibility. The Administrator
2 shall maintain a current list of all 9-1-1 systems providing
3 wireless 9-1-1 service under this Act.

4 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
5 revised 10-14-21.)

6 (50 ILCS 750/15.6b)

7 (Section scheduled to be repealed on December 31, 2023)

8 Sec. 15.6b. Next Generation 9-1-1 service.

9 (a) The Administrator, with the advice and recommendation
10 of the Statewide 9-1-1 Advisory Board, shall develop and
11 implement a plan for a statewide Next Generation 9-1-1
12 network. The Next Generation 9-1-1 network must be an Internet
13 protocol-based platform that at a minimum provides:

14 (1) improved 9-1-1 call delivery;

15 (2) enhanced interoperability;

16 (3) increased ease of communication between 9-1-1
17 service providers, allowing immediate transfer of 9-1-1
18 calls, caller information, photos, and other data
19 statewide;

20 (4) a hosted solution with redundancy built in; and

21 (5) compliance with the most current NENA Standards.

22 (b) By July 1, 2016, the Administrator, with the advice
23 and recommendation of the Statewide 9-1-1 Advisory Board,
24 shall design and issue a competitive request for a proposal to
25 secure the services of a consultant to complete a feasibility

1 study on the implementation of a statewide Next Generation
2 9-1-1 network in Illinois. By July 1, 2017, the consultant
3 shall complete the feasibility study and make recommendations
4 as to the appropriate procurement approach for developing a
5 statewide Next Generation 9-1-1 network.

6 (c) Within 12 months of the final report from the
7 consultant under subsection (b) of this Section, the Illinois
8 State Police shall procure and finalize a contract with a
9 vendor certified under Section 13-900 of the Public Utilities
10 Act to establish a statewide Next Generation 9-1-1 network.
11 The Illinois State Police, in consultation with and subject to
12 the approval of the Chief Procurement Officer, may procure a
13 single contract or multiple contracts to implement the
14 provisions of this Section. A contract or contracts under this
15 subsection are not subject to the provisions of the Illinois
16 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
17 20-160 and Article 50 of that Code, provided that the Chief
18 Procurement Officer may, in writing with justification, waive
19 any certification required under Article 50 of the Illinois
20 Procurement Code. This exemption is inoperative 2 years from
21 June 3, 2021 (the effective date of Public Act 102-9) ~~this~~
22 ~~Amendatory Act of the 102nd General Assembly~~. Within 18 months
23 of securing the contract, the vendor shall implement a Next
24 Generation 9-1-1 network that allows 9-1-1 systems providing
25 9-1-1 service to Illinois residents to access the system
26 utilizing their current infrastructure if it meets the

1 standards adopted by the Illinois State Police.
2 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21;
3 102-538, eff. 8-20-21; revised 10-12-21.)

4 (50 ILCS 750/17.5)
5 (Section scheduled to be repealed on December 31, 2023)
6 Sec. 17.5. Statewide 9-1-1 Call Directory.

7 (a) The General Assembly finds the following:

8 (1) Some 9-1-1 systems throughout this State do not
9 have a procedure in place to manually transfer 9-1-1 calls
10 originating within one 9-1-1 system's jurisdiction, but
11 which should properly be answered and dispatched by
12 another 9-1-1 system, to the appropriate 9-1-1 system for
13 answering and dispatch of first responders.

14 (2) On January 1, 2016, the General Assembly gave
15 oversight authority of 9-1-1 systems to the Illinois State
16 Police.

17 (3) Since that date, the Illinois State Police has
18 authorized individual 9-1-1 systems in counties and
19 municipalities to implement and upgrade 9-1-1 systems
20 throughout the State.

21 (b) The Illinois State Police shall prepare a directory of
22 all authorized 9-1-1 systems in the State. The directory shall
23 include an emergency 24/7 10-digit telephone number for all
24 primary public safety answering points located in each 9-1-1
25 system to which 9-1-1 calls from another jurisdiction can be

1 transferred. This directory shall be made available to each
2 9-1-1 authority for its use in establishing standard operating
3 procedures regarding calls outside its 9-1-1 jurisdiction.

4 (c) Each 9-1-1 system shall provide the Illinois State
5 Police with the following information:

6 (1) The name of the PSAP, a list of every
7 participating agency, and the county the PSAP is in,
8 including college and university public safety entities.

9 (2) The 24/7 10-digit emergency telephone number for
10 the dispatch agency to which 9-1-1 calls originating in
11 another 9-1-1 jurisdiction can be transferred to exchange
12 information. The emergency telephone number must be a
13 direct line that is not answered by an automated system
14 but rather is answered by a person. Each 9-1-1 system
15 shall provide the Illinois State Police with any changes
16 to the participating agencies and this number immediately
17 upon the change occurring. Each 9-1-1 system shall provide
18 the PSAP information and the 24/7 10-digit emergency
19 telephone number ~~Illinois State Police's~~ within 30 days of
20 June 3, 2021 (the effective date of Public Act 102-9) ~~this~~
21 ~~amendatory Act of the 102nd General Assembly.~~

22 (3) The standard operating procedure describing the
23 manner in which the 9-1-1 system will transfer 9-1-1 calls
24 originating within its jurisdiction, but which should
25 properly be answered and dispatched by another 9-1-1
26 system, to the appropriate 9-1-1 system. Each 9-1-1 system

1 shall provide the standard operating procedures to the
2 Manager of the Illinois State Police's 9-1-1 Program
3 within 180 days after July 1, 2017 (the effective date of
4 Public Act 100-20) ~~this amendatory Act of the 100th~~
5 ~~General Assembly.~~

6 (d) Unless exigent circumstances dictate otherwise, each
7 9-1-1 system's public safety telecommunicators shall be
8 responsible for remaining on the line with the caller when a
9 9-1-1 call originates within its jurisdiction to ensure the
10 9-1-1 call is transferred to the appropriate authorized entity
11 for answer and dispatch until a public safety telecommunicator
12 is on the line and confirms jurisdiction for the call.

13 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
14 revised 10-15-21.)

15 (50 ILCS 750/19)

16 (Section scheduled to be repealed on December 31, 2023)

17 Sec. 19. Statewide 9-1-1 Advisory Board.

18 (a) Beginning July 1, 2015, there is created the Statewide
19 9-1-1 Advisory Board within the Illinois State Police. The
20 Board shall consist of the following ~~11~~ voting members:

21 (1) The Director of the Illinois State Police, or his
22 or her designee, who shall serve as chairman.

23 (2) The Executive Director of the Commission, or his
24 or her designee.

25 (3) Members ~~Nine members~~ appointed by the Governor as

1 follows:

2 (A) one member representing the Illinois chapter
3 of the National Emergency Number Association, or his
4 or her designee;

5 (B) one member representing the Illinois chapter
6 of the Association of Public-Safety Communications
7 Officials, or his or her designee;

8 (C) one member representing a county 9-1-1 system
9 from a county with a population of less than 37,000;

10 (C-5) one member representing a county 9-1-1
11 system from a county with a population between 37,000
12 and 100,000;

13 (D) one member representing a county 9-1-1 system
14 from a county with a population between 100,001 and
15 250,000;

16 (E) one member representing a county 9-1-1 system
17 from a county with a population of more than 250,000;

18 (F) one member representing a municipal or
19 intergovernmental cooperative 9-1-1 system, excluding
20 any single municipality with a population over
21 500,000;

22 (G) one member representing the Illinois
23 Association of Chiefs of Police;

24 (H) one member representing the Illinois Sheriffs'
25 Association; and

26 (I) one member representing the Illinois Fire

1 Chiefs Association.

2 The Governor shall appoint the following non-voting
3 members: (i) one member representing an incumbent local
4 exchange 9-1-1 system provider; (ii) one member representing a
5 non-incumbent local exchange 9-1-1 system provider; (iii) one
6 member representing a large wireless carrier; (iv) one member
7 representing an incumbent local exchange carrier; (v) one
8 member representing the Illinois Broadband and
9 Telecommunications Association; (vi) one member representing
10 the Illinois Broadband and Cable Association; and (vii) one
11 member representing the Illinois State Ambulance Association.
12 The Speaker of the House of Representatives, the Minority
13 Leader of the House of Representatives, the President of the
14 Senate, and the Minority Leader of the Senate may each appoint
15 a member of the General Assembly to temporarily serve as a
16 non-voting member of the Board during the 12 months prior to
17 the repeal date of this Act to discuss legislative initiatives
18 of the Board.

19 (b) The Governor shall make initial appointments to the
20 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
21 voting members appointed by the Governor shall serve an
22 initial term of 2 years, and the remaining voting members
23 appointed by the Governor shall serve an initial term of 3
24 years. Thereafter, each appointment by the Governor shall be
25 for a term of 3 years. Non-voting members shall serve for a
26 term of 3 years. Vacancies shall be filled in the same manner

1 as the original appointment. Persons appointed to fill a
2 vacancy shall serve for the balance of the unexpired term.

3 Members of the Statewide 9-1-1 Advisory Board shall serve
4 without compensation.

5 (c) The 9-1-1 Services Advisory Board, as constituted on
6 June 1, 2015 without the legislative members, shall serve in
7 the role of the Statewide 9-1-1 Advisory Board until all
8 appointments of voting members have been made by the Governor
9 under subsection (a) of this Section.

10 (d) The Statewide 9-1-1 Advisory Board shall:

11 (1) advise the Illinois State Police and the Statewide
12 9-1-1 Administrator on the oversight of 9-1-1 systems and
13 the development and implementation of a uniform statewide
14 9-1-1 system;

15 (2) make recommendations to the Governor and the
16 General Assembly regarding improvements to 9-1-1 services
17 throughout the State; and

18 (3) exercise all other powers and duties provided in
19 this Act.

20 (e) The Statewide 9-1-1 Advisory Board shall submit to the
21 General Assembly a report by March 1 of each year providing an
22 update on the transition to a statewide 9-1-1 system and
23 recommending any legislative action.

24 (f) The Illinois State Police shall provide administrative
25 support to the Statewide 9-1-1 Advisory Board.

26 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;

1 revised 10-15-21.)

2 (50 ILCS 750/20)

3 (Section scheduled to be repealed on December 31, 2023)

4 Sec. 20. Statewide surcharge.

5 (a) On and after January 1, 2016, and except with respect
6 to those customers who are subject to surcharges as provided
7 in Sections 15.3 and 15.3a of this Act, a monthly surcharge
8 shall be imposed on all customers of telecommunications
9 carriers and wireless carriers as follows:

10 (1) Each telecommunications carrier shall impose a
11 monthly surcharge per network connection; provided,
12 however, the monthly surcharge shall not apply to a
13 network connection provided for use with pay telephone
14 services. Where multiple voice grade communications
15 channels are connected between the subscriber's premises
16 and a public switched network through private branch
17 exchange (PBX), Centrex type service, or other multiple
18 voice grade communication channels facility, there shall
19 be imposed 5 such surcharges per network connection for
20 both regular service and advanced service provisioned
21 trunk lines. Until December 31, 2017, the surcharge shall
22 be \$0.87 per network connection and on and after January
23 1, 2018, the surcharge shall be \$1.50 per network
24 connection.

25 (2) Each wireless carrier shall impose and collect a

1 monthly surcharge per CMRS connection that either has a
2 telephone number within an area code assigned to Illinois
3 by the North American Numbering Plan Administrator or has
4 a billing address in this State. Until December 31, 2017,
5 the surcharge shall be \$0.87 per connection and on and
6 after January 1, 2018, the surcharge shall be \$1.50 per
7 connection.

8 (b) State and local taxes shall not apply to the
9 surcharges imposed under this Section.

10 (c) The surcharges imposed by this Section shall be stated
11 as a separately stated item on subscriber bills.

12 (d) The telecommunications carrier collecting the
13 surcharge may deduct and retain 1.74% of the gross amount of
14 surcharge collected to reimburse the telecommunications
15 carrier for the expense of accounting and collecting the
16 surcharge. On and after July 1, 2022, the wireless carrier
17 collecting a surcharge under this Section may deduct and
18 retain 1.74% of the gross amount of the surcharge collected to
19 reimburse the wireless carrier for the expense of accounting
20 and collecting the surcharge.

21 (d-5) Notwithstanding the provisions of subsection (d) of
22 this Section, an amount not greater than 2.5% may be deducted
23 and retained if the telecommunications or wireless carrier can
24 support, through documentation, expenses that exceed the 1.74%
25 allowed. The documentation shall be submitted to the Illinois
26 State Police and input obtained from the Statewide 9-1-1

1 Advisory Board prior to approval of the deduction.

2 (e) Surcharges imposed under this Section shall be
3 collected by the carriers and shall be remitted to the
4 Illinois State Police, either by check or electronic funds
5 transfer, by the end of the next calendar month after the
6 calendar month in which it was collected for deposit into the
7 Statewide 9-1-1 Fund. Carriers are not required to remit
8 surcharge moneys that are billed to subscribers but not yet
9 collected.

10 The first remittance by wireless carriers shall include
11 the number of subscribers by zip code, and the 9-digit zip code
12 if currently being used or later implemented by the carrier,
13 that shall be the means by which the Illinois State Police
14 shall determine distributions from the Statewide 9-1-1 Fund.
15 This information shall be updated at least once each year. Any
16 carrier that fails to provide the zip code information
17 required under this subsection (e) shall be subject to the
18 penalty set forth in subsection (g) of this 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 may impose a penalty against the carrier in an amount equal to
25 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 may
17 impose a penalty against the carrier in an amount equal to the
18 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 may enforce the collection
12 of any delinquent amount and any penalty due and unpaid under
13 this Section by legal action or in any other manner by which
14 the collection of debts due the State of Illinois may be
15 enforced under the laws of this State. The Illinois State
16 Police may excuse the payment of any penalty imposed under
17 this Section if the Administrator determines that the
18 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. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
6 revised 10-26-21.)

7 (50 ILCS 750/30)

8 (Section scheduled to be repealed on December 31, 2023)

9 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

10 (a) A special fund in the State treasury known as the
11 Wireless Service Emergency Fund shall be renamed the Statewide
12 9-1-1 Fund. Any appropriations made from the Wireless Service
13 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
14 The Fund shall consist of the following:

15 (1) 9-1-1 wireless surcharges assessed under the
16 Wireless Emergency Telephone Safety Act.

17 (2) 9-1-1 surcharges assessed under Section 20 of this
18 Act.

19 (3) Prepaid wireless 9-1-1 surcharges assessed under
20 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

21 (4) Any appropriations, grants, or gifts made to the
22 Fund.

23 (5) Any income from interest, premiums, gains, or
24 other earnings on moneys in the Fund.

25 (6) Money from any other source that is deposited in

1 or transferred to the Fund.

2 (b) Subject to appropriation and availability of funds,
3 the Illinois State Police shall distribute the 9-1-1
4 surcharges monthly as follows:

5 (1) From each surcharge collected and remitted under
6 Section 20 of this Act:

7 (A) \$0.013 shall be distributed monthly in equal
8 amounts to each County Emergency Telephone System
9 Board in counties with a population under 100,000
10 according to the most recent census data which is
11 authorized to serve as a primary wireless 9-1-1 public
12 safety answering point for the county and to provide
13 wireless 9-1-1 service as prescribed by subsection (b)
14 of Section 15.6a of this Act, and which does provide
15 such service.

16 (B) \$0.033 shall be transferred by the Comptroller
17 at the direction of the Illinois State Police to the
18 Wireless Carrier Reimbursement Fund until June 30,
19 2017; from July 1, 2017 through June 30, 2018, \$0.026
20 shall be transferred; from July 1, 2018 through June
21 30, 2019, \$0.020 shall be transferred; from July 1,
22 2019, through June 30, 2020, \$0.013 shall be
23 transferred; from July 1, 2020 through June 30, 2021,
24 \$0.007 will be transferred; and after June 30, 2021,
25 no transfer shall be made to the Wireless Carrier
26 Reimbursement Fund.

1 (C) Until December 31, 2017, \$0.007 and on and
2 after January 1, 2018, \$0.017 shall be used to cover
3 the Illinois State Police's 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, 2023, \$0.05 shall be used by the
12 Illinois State Police for grants for NG9-1-1 expenses,
13 with priority given to 9-1-1 Authorities that provide
14 9-1-1 service within the territory of a Large Electing
15 Provider as defined in Section 13-406.1 of the Public
16 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 under
8 that Section for the October 1, 2014 filing,
9 subject to the power of the Illinois State Police
10 to investigate the amount reported and adjust the
11 number by order under Article X of the Public
12 Utilities Act, so that the monthly amount paid
13 under this item accurately reflects one-twelfth of
14 the aggregate wireline and VoIP surcharge revenue
15 properly attributable to the most recent 12-month
16 period reported to the Commission; or

17 (ii) county qualified governmental entities
18 that did not impose a surcharge under Section 15.3
19 as of December 31, 2015, and counties that did not
20 impose a surcharge as of June 30, 2015, an amount
21 equivalent to their population multiplied by .37
22 multiplied by the rate of \$0.69; counties that are
23 not county qualified governmental entities and
24 that did not impose a surcharge as of December 31,
25 2015, shall not begin to receive the payment
26 provided for in this subsection until E9-1-1 and

1 wireless E9-1-1 services are provided within their
2 counties; or

3 (iii) counties without 9-1-1 service that had
4 a surcharge in place by December 31, 2015, an
5 amount equivalent to their population multiplied
6 by .37 multiplied by their surcharge rate as
7 established by the referendum.

8 (B) All 9-1-1 network costs for systems outside of
9 municipalities with a population of at least 500,000
10 shall be paid by the Illinois State Police directly to
11 the vendors.

12 (C) All expenses incurred by the Administrator and
13 the Statewide 9-1-1 Advisory Board and costs
14 associated with procurement under Section 15.6b
15 including requests for information and requests for
16 proposals.

17 (D) Funds may be held in reserve by the Statewide
18 9-1-1 Advisory Board and disbursed by the Illinois
19 State Police for grants under Section 15.4b of this
20 Act and for NG9-1-1 expenses up to \$12.5 million per
21 year in State fiscal years 2016 and 2017; up to \$20
22 million in State fiscal year 2018; up to \$20.9 million
23 in State fiscal year 2019; up to \$15.3 million in State
24 fiscal year 2020; up to \$16.2 million in State fiscal
25 year 2021; up to \$23.1 million in State fiscal year
26 2022; and up to \$17.0 million per year for State fiscal

1 year 2023 and each year thereafter. The amount held in
2 reserve in State fiscal years 2021, 2022, and 2023
3 shall not be less than \$6.5 million. Disbursements
4 under this subparagraph (D) shall be prioritized as
5 follows: (i) consolidation grants prioritized under
6 subsection (a) of Section 15.4b of this Act; (ii)
7 NG9-1-1 expenses; and (iii) consolidation grants under
8 Section 15.4b of this Act for consolidation expenses
9 incurred between January 1, 2010, and January 1, 2016.

10 (E) All remaining funds per remit month shall be
11 used to make monthly proportional grants to the
12 appropriate 9-1-1 Authority currently taking wireless
13 9-1-1 based upon the United States Postal Zip Code of
14 the billing addresses of subscribers of wireless
15 carriers.

16 (c) The moneys deposited into the Statewide 9-1-1 Fund
17 under this Section shall not be subject to administrative
18 charges or chargebacks unless otherwise authorized by this
19 Act.

20 (d) Whenever two or more 9-1-1 Authorities consolidate,
21 the resulting Joint Emergency Telephone System Board shall be
22 entitled to the monthly payments that had theretofore been
23 made to each consolidating 9-1-1 Authority. Any reserves held
24 by any consolidating 9-1-1 Authority shall be transferred to
25 the resulting Joint Emergency Telephone System Board. Whenever
26 a county that has no 9-1-1 service as of January 1, 2016 enters

1 into an agreement to consolidate to create or join a Joint
2 Emergency Telephone System Board, the Joint Emergency
3 Telephone System Board shall be entitled to the monthly
4 payments that would have otherwise been paid to the county if
5 it had provided 9-1-1 service.

6 (Source: P.A. 101-639, eff. 6-12-20; 102-9, eff. 6-3-21;
7 102-538, eff. 8-20-21; revised 10-5-21.)

8 (50 ILCS 750/40)

9 (Section scheduled to be repealed on December 31, 2023)

10 Sec. 40. Financial reports.

11 (a) The Illinois State Police shall create uniform
12 accounting procedures, with such modification as may be
13 required to give effect to statutory provisions applicable
14 only to municipalities with a population in excess of 500,000,
15 that any emergency telephone system board or unit of local
16 government receiving surcharge money pursuant to Section 15.3,
17 15.3a, or 30 of this Act must follow.

18 (b) By January 31, 2018, and every January 31 thereafter,
19 each emergency telephone system board or unit of local
20 government receiving surcharge money pursuant to Section 15.3,
21 15.3a, or 30 shall report to the Illinois State Police audited
22 financial statements showing total revenue and expenditures
23 for the period beginning with the end of the period covered by
24 the last submitted report through the end of the previous
25 calendar year in a form and manner as prescribed by the

1 Illinois State Police. Such financial information shall
2 include:

3 (1) a detailed summary of revenue from all sources
4 including, but not limited to, local, State, federal, and
5 private revenues, and any other funds received;

6 (2) all expenditures made during the reporting period
7 from distributions under this Act;

8 (3) call data and statistics, when available, from the
9 reporting period, as specified by the Illinois State
10 Police and collected in accordance with any reporting
11 method established or required by the Illinois State
12 Police;

13 (4) all costs associated with dispatching appropriate
14 public safety agencies to respond to 9-1-1 calls received
15 by the PSAP; and

16 (5) all funding sources and amounts of funding used
17 for costs described in paragraph (4) of this subsection
18 (b).

19 The emergency telephone system board or unit of local
20 government is responsible for any costs associated with
21 auditing such financial statements. The Illinois State Police
22 shall post the audited financial statements on the Illinois
23 State Police's website.

24 (c) Along with its audited financial statement, each
25 emergency telephone system board or unit of local government
26 receiving a grant under Section 15.4b of this Act shall

1 include a report of the amount of grant moneys received and how
2 the grant moneys were used. In case of a conflict between this
3 requirement and the Grant Accountability and Transparency Act,
4 or with the rules of the Governor's Office of Management and
5 Budget adopted thereunder, that Act and those rules shall
6 control.

7 (d) If an emergency telephone system board that receives
8 funds from the Statewide 9-1-1 Fund fails to file the 9-1-1
9 system financial reports as required under this Section, the
10 Illinois State Police shall suspend and withhold monthly
11 disbursements otherwise due to the emergency telephone system
12 board under Section 30 of this Act until the report is filed.

13 Any monthly disbursements that have been withheld for 12
14 months or more shall be forfeited by the emergency telephone
15 system board and shall be distributed proportionally by the
16 Illinois State Police to compliant emergency telephone system
17 boards that receive funds from the Statewide 9-1-1 Fund.

18 Any emergency telephone system board not in compliance
19 with this Section shall be ineligible to receive any
20 consolidation grant or infrastructure grant issued under this
21 Act.

22 (e) The Illinois State Police may adopt emergency rules
23 necessary to implement the provisions of this Section.

24 (f) Any findings or decisions of the Illinois State Police
25 under this Section shall be deemed a final administrative
26 decision and shall be subject to judicial review under the

1 Administrative Review Law.

2 (g) Beginning October 1, 2017, the Illinois State Police
3 shall provide a quarterly report to the Statewide 9-1-1
4 Advisory Board of its expenditures from the Statewide 9-1-1
5 Fund for the prior fiscal quarter.

6 (Source: P.A. 102-9, eff. 6-3-21; 102-538, eff. 8-20-21;
7 revised 10-18-21.)

8 Section 290. The Counties Code is amended by changing
9 Sections 3-9008 and 5-1069.3 and by setting forth,
10 renumbering, and changing multiple versions of Section 5-1186
11 as follows:

12 (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

13 Sec. 3-9008. Appointment of attorney to perform duties.

14 (a) (Blank).

15 (a-5) The court on its own motion, or an interested person
16 in a cause or proceeding, civil or criminal, may file a
17 petition alleging that the State's Attorney is sick, absent,
18 or unable to fulfill the State's Attorney's duties. The court
19 shall consider the petition, any documents filed in response,
20 and if necessary, grant a hearing to determine whether the
21 State's Attorney is sick, absent, or otherwise unable to
22 fulfill the State's Attorney's duties. If the court finds that
23 the State's Attorney is sick, absent, or otherwise unable to
24 fulfill the State's Attorney's duties, the court may appoint

1 some competent attorney to prosecute or defend the cause or
2 proceeding.

3 (a-10) The court on its own motion, or an interested
4 person in a cause, proceeding, or other matter arising under
5 the State's Attorney's duties, civil or criminal, may file a
6 petition alleging that the State's Attorney has an actual
7 conflict of interest in the cause, proceeding, or other
8 matter. The court shall consider the petition, any documents
9 filed in response, and if necessary, grant a hearing to
10 determine whether the State's Attorney has an actual conflict
11 of interest in the cause, proceeding, or other matter. If the
12 court finds that the petitioner has proven by sufficient facts
13 and evidence that the State's Attorney has an actual conflict
14 of interest in a specific case, the court may appoint some
15 competent attorney to prosecute or defend the cause,
16 proceeding, or other matter.

17 (a-15) Notwithstanding subsections (a-5) and (a-10) of
18 this Section, the State's Attorney may file a petition to
19 recuse the State's Attorney from a cause or proceeding for any
20 other reason the State's Attorney deems appropriate and the
21 court shall appoint a special prosecutor as provided in this
22 Section.

23 (a-20) Prior to appointing a private attorney under this
24 Section, the court shall contact public agencies, including,
25 but not limited to, the Office of Attorney General, Office of
26 the State's Attorneys Appellate Prosecutor, or local State's

1 Attorney's Offices throughout the State, to determine a public
2 prosecutor's availability to serve as a special prosecutor at
3 no cost to the county and shall appoint a public agency if they
4 are able and willing to accept the appointment. An attorney so
5 appointed shall have the same power and authority in relation
6 to the cause or proceeding as the State's Attorney would have
7 if present and attending to the cause or proceedings.

8 (b) In case of a vacancy of more than one year occurring in
9 any county in the office of State's attorney, by death,
10 resignation or otherwise, and it becomes necessary for the
11 transaction of the public business, that some competent
12 attorney act as State's attorney in and for such county during
13 the period between the time of the occurrence of such vacancy
14 and the election and qualification of a State's attorney, as
15 provided by law, the vacancy shall be filled upon the written
16 request of a majority of the circuit judges of the circuit in
17 which is located the county where such vacancy exists, by
18 appointment as provided in the Election Code of some competent
19 attorney to perform and discharge all the duties of a State's
20 attorney in the said county, such appointment and all
21 authority thereunder to cease upon the election and
22 qualification of a State's attorney, as provided by law. Any
23 attorney appointed for any reason under this Section shall
24 possess all the powers and discharge all the duties of a
25 regularly elected State's attorney under the laws of the State
26 to the extent necessary to fulfill the purpose of such

1 appointment, and shall be paid by the county the State's
2 Attorney serves not to exceed in any one period of 12 months,
3 for the reasonable amount of time actually expended in
4 carrying out the purpose of such appointment, the same
5 compensation as provided by law for the State's attorney of
6 the county, apportioned, in the case of lesser amounts of
7 compensation, as to the time of service reasonably and
8 actually expended. The county shall participate in all
9 agreements on the rate of compensation of a special
10 prosecutor.

11 (c) An order granting authority to a special prosecutor
12 must be construed strictly and narrowly by the court. The
13 power and authority of a special prosecutor shall not be
14 expanded without prior notice to the county. In the case of the
15 proposed expansion of a special prosecutor's power and
16 authority, a county may provide the court with information on
17 the financial impact of an expansion on the county. Prior to
18 the signing of an order requiring a county to pay for
19 attorney's fees or litigation expenses, the county shall be
20 provided with a detailed copy of the invoice describing the
21 fees, and the invoice shall include all activities performed
22 in relation to the case and the amount of time spent on each
23 activity.

24 (Source: P.A. 102-56, eff. 7-9-21; 102-657, eff. 1-1-22;
25 revised 10-18-21.)

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,
3 including a home rule county, is a self-insurer for purposes
4 of providing health insurance coverage for its employees, the
5 coverage shall include coverage for the post-mastectomy care
6 benefits required to be covered by a policy of accident and
7 health insurance under Section 356t and the coverage required
8 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,
9 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
10 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
11 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,
12 356z.45, 356z.46, 356z.47, 356z.48, and 356z.51 and ~~356z.43~~ of
13 the Illinois Insurance Code. The coverage shall comply with
14 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
15 Insurance Code. The Department of Insurance shall enforce the
16 requirements of this Section. The requirement that health
17 benefits be covered as provided in this Section is an
18 exclusive power and function of the State and is a denial and
19 limitation under Article VII, Section 6, subsection (h) of the
20 Illinois Constitution. A home rule county to which this
21 Section applies must comply with every provision of this
22 Section.

23 Rulemaking authority to implement Public Act 95-1045, if
24 any, is conditioned on the rules being adopted in accordance
25 with all provisions of the Illinois Administrative Procedure
26 Act and all rules and procedures of the Joint Committee on

1 Administrative Rules; any purported rule not so adopted, for
2 whatever reason, is unauthorized.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
4 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
5 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
6 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
7 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised
8 10-26-21.)

9 (55 ILCS 5/5-1186)

10 Sec. 5-1186. Kane County criminal courts complex drug
11 treatment center. Notwithstanding any other provision of law:

12 (1) A private drug addiction treatment center may
13 operate on the property transferred to Kane County in
14 Public Act 86-729.

15 (2) Kane County may lease portions of the property
16 transferred to the County in Public Act 86-729 to a
17 not-for-profit or for-profit company for a drug addiction
18 treatment center. Kane County may share in the drug
19 addiction treatment center revenue with a company to whom
20 it leases the property.

21 (3) Kane County may authorize the expenditure of funds
22 for a private drug addiction treatment center on the
23 property transferred to the County in Public Act 86-729.

24 (Source: P.A. 102-281, eff. 8-6-21.)

1 (55 ILCS 5/5-1187)

2 Sec. 5-1187 ~~5-1186~~. COVID-19 business relief; waiver of
3 business fees, costs, and licensing. Notwithstanding any other
4 provision of law, a county board or board of county
5 commissioners may, by resolution, waive or provide credit for
6 any application or permit costs, fees, or other licensing or
7 registration costs for businesses, including, but not limited
8 to, professional or business licensing, liquor licenses,
9 construction, insurance, sales, builders, contractors, food
10 service, delivery, repair, consultation, legal services,
11 accounting, transportation, manufacturing, technology,
12 assembly, tourism, entertainment, or any business, industry,
13 or service the county is permitted by law to regulate or
14 license.

15 A waiver of business fees or costs shall be subject to an
16 application or review process and a demonstration of need
17 based upon any financial or logistical hardship as a result of
18 the COVID-19 pandemic.

19 Any such waiver or credit shall not be construed to apply
20 to any of the business and licensing costs of the State or any
21 of its agencies or departments and is not an exemption from
22 safety, health, or regulatory requirements or inspections of a
23 county, municipality, or the State.

24 (Source: P.A. 102-435, eff. 8-20-21; revised 11-9-21.)

25 Section 295. The Illinois Municipal Code is amended by

1 changing Sections 8-4-25, 10-1-7, 10-1-7.1, 10-2.1-6,
2 10-2.1-6.3, and 10-4-2.3 as follows:

3 (65 ILCS 5/8-4-25) (from Ch. 24, par. 8-4-25)

4 Sec. 8-4-25. Subject to the requirements of the Bond Issue
5 Notification Act, any municipality is authorized to issue from
6 time to time full faith and credit general obligation notes in
7 an amount not to exceed 85% of the specific taxes levied for
8 the year during which and for which such notes are issued,
9 provided no notes shall be issued in lieu of tax warrants for
10 any tax at any time there are outstanding tax anticipation
11 warrants against the specific taxes levied for the year. Such
12 notes shall bear interest at a rate not to exceed the maximum
13 rate authorized by the Bond Authorization Act, as amended at
14 the time of the making of the contract, if issued before
15 January 1, 1972 and not more than the maximum rate authorized
16 by the Bond Authorization Act, as amended at the time of the
17 making of the contract, if issued after January 1, 1972 and
18 shall mature within two years from date. The first interest
19 payment date on any such notes shall not be earlier than the
20 delinquency date of the first installment of taxes levied to
21 pay interest and principal of such notes. Notes may be issued
22 for taxes levied for the following purposes:

23 (a) Corporate.

24 (b) For the payment of judgments.

25 (c) Public Library for Maintenance and Operation.

1 (d) Public Library for Buildings and Sites.

2 (e) (Blank).

3 (f) Relief (General Assistance).

4 In order to authorize and issue such notes, the corporate
5 authorities shall adopt an ordinance fixing the amount of the
6 notes, the date thereof, the maturity, rate of interest, place
7 of payment and denomination, which shall be in equal multiples
8 of \$1,000, and provide for the levy and collection of a direct
9 annual tax upon all the taxable property in the municipality
10 sufficient to pay the principal of and interest on such notes
11 as the same becomes due.

12 A certified copy of the ordinance authorizing the issuance
13 of the notes shall be filed in the office of the County Clerk
14 of the county in which the municipality is located, or if the
15 municipality lies partly within two or more counties, a
16 certified copy of the ordinance authorizing such notes shall
17 be filed with the County Clerk of each of the respective
18 counties, and it shall be the duty of the County Clerk, or
19 County Clerks, whichever the case may be, to extend the tax
20 therefor in addition to and in excess of all other taxes
21 heretofore or hereafter authorized to be levied by such
22 municipality.

23 From and after any such notes have been issued and while
24 such notes are outstanding, it shall be the duty of the County
25 Clerk or County Clerks, whichever the case may be, in
26 computing the tax rate for the purpose for which the notes have

1 been issued to reduce the tax rate levied for such purpose by
2 the amount levied to pay the principal of and interest on the
3 notes to maturity, provided the tax rate shall not be reduced
4 beyond the amount necessary to reimburse any money borrowed
5 from the working cash fund, and it shall be the duty of the
6 Clerk of the municipality annually, not less than thirty (30)
7 days prior to the tax extension date, to certify to the County
8 Clerk, or County Clerks, whichever the case may be, the amount
9 of money borrowed from the working cash fund to be reimbursed
10 from the specific tax levy.

11 No reimbursement shall be made to the working cash fund
12 until there has been accumulated from the tax levy provided
13 for the notes an amount sufficient to pay the principal of and
14 interest on such notes as the same become due.

15 With respect to instruments for the payment of money
16 issued under this Section either before, on, or after June 6,
17 1989 (the effective date of Public Act 86-4) ~~this amendatory~~
18 ~~Act of 1989~~, it is and always has been the intention of the
19 General Assembly (i) that the Omnibus Bond Acts are and always
20 have been supplementary grants of power to issue instruments
21 in accordance with the Omnibus Bond Acts, regardless of any
22 provision of this Act that may appear to be or to have been
23 more restrictive than those Acts, (ii) that the provisions of
24 this Section are not a limitation on the supplementary
25 authority granted by the Omnibus Bond Acts, and (iii) that
26 instruments issued under this Section within the supplementary

1 authority granted by the Omnibus Bond Acts are not invalid
2 because of any provision of this Act that may appear to be or
3 to have been more restrictive than those Acts.

4 (Source: P.A. 102-587, eff. 1-1-22; revised 12-3-21.)

5 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

6 Sec. 10-1-7. Examination of applicants; disqualifications.

7 (a) All applicants for offices or places in the classified
8 service, except those mentioned in Section 10-1-17, are
9 subject to examination. The examination shall be public,
10 competitive, and open to all citizens of the United States,
11 with specified limitations as to residence, age, health,
12 habits and moral character.

13 (b) Residency requirements in effect at the time an
14 individual enters the fire or police service of a municipality
15 (other than a municipality that has more than 1,000,000
16 inhabitants) cannot be made more restrictive for that
17 individual during his or her period of service for that
18 municipality, or be made a condition of promotion, except for
19 the rank or position of Fire or Police Chief.

20 (c) No person with a record of misdemeanor convictions
21 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
22 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
23 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,
24 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
25 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs

1 ~~subsections~~ (1), (6), and (8) of subsection (a) of Section
2 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012
3 or arrested for any cause but not convicted on that cause shall
4 be disqualified from taking the examination on grounds of
5 habits or moral character, unless the person is attempting to
6 qualify for a position on the police department, in which case
7 the conviction or arrest may be considered as a factor in
8 determining the person's habits or moral character.

9 (d) Persons entitled to military preference under Section
10 10-1-16 shall not be subject to limitations specifying age
11 unless they are applicants for a position as a fireman or a
12 policeman having no previous employment status as a fireman or
13 policeman in the regularly constituted fire or police
14 department of the municipality, in which case they must not
15 have attained their 35th birthday, except any person who has
16 served as an auxiliary police officer under Section 3.1-30-20
17 for at least 5 years and is under 40 years of age.

18 (e) All employees of a municipality of less than 500,000
19 population (except those who would be excluded from the
20 classified service as provided in this Division 1) who are
21 holding that employment as of the date a municipality adopts
22 this Division 1, or as of July 17, 1959, whichever date is the
23 later, and who have held that employment for at least 2 years
24 immediately before that later date, and all firemen and
25 policemen regardless of length of service who were either
26 appointed to their respective positions by the board of fire

1 and police commissioners under the provisions of Division 2 of
2 this Article or who are serving in a position (except as a
3 temporary employee) in the fire or police department in the
4 municipality on the date a municipality adopts this Division
5 1, or as of July 17, 1959, whichever date is the later, shall
6 become members of the classified civil service of the
7 municipality without examination.

8 (f) The examinations shall be practical in their
9 character, and shall relate to those matters that will fairly
10 test the relative capacity of the persons examined to
11 discharge the duties of the positions to which they seek to be
12 appointed. The examinations shall include tests of physical
13 qualifications, health, and (when appropriate) manual skill.
14 If an applicant is unable to pass the physical examination
15 solely as the result of an injury received by the applicant as
16 the result of the performance of an act of duty while working
17 as a temporary employee in the position for which he or she is
18 being examined, however, the physical examination shall be
19 waived and the applicant shall be considered to have passed
20 the examination. No questions in any examination shall relate
21 to political or religious opinions or affiliations. Results of
22 examinations and the eligible registers prepared from the
23 results shall be published by the commission within 60 days
24 after any examinations are held.

25 (g) The commission shall control all examinations, and
26 may, whenever an examination is to take place, designate a

1 suitable number of persons, either in or not in the official
2 service of the municipality, to be examiners. The examiners
3 shall conduct the examinations as directed by the commission
4 and shall make a return or report of the examinations to the
5 commission. If the appointed examiners are in the official
6 service of the municipality, the examiners shall not receive
7 extra compensation for conducting the examinations unless the
8 examiners are subject to a collective bargaining agreement
9 with the municipality. The commission may at any time
10 substitute any other person, whether or not in the service of
11 the municipality, in the place of any one selected as an
12 examiner. The commission members may themselves at any time
13 act as examiners without appointing examiners. The examiners
14 at any examination shall not all be members of the same
15 political party.

16 (h) In municipalities of 500,000 or more population, no
17 person who has attained his or her 35th birthday shall be
18 eligible to take an examination for a position as a fireman or
19 a policeman unless the person has had previous employment
20 status as a policeman or fireman in the regularly constituted
21 police or fire department of the municipality, except as
22 provided in this Section.

23 (i) In municipalities of more than 5,000 but not more than
24 200,000 inhabitants, no person who has attained his or her
25 35th birthday shall be eligible to take an examination for a
26 position as a fireman or a policeman unless the person has had

1 previous employment status as a policeman or fireman in the
2 regularly constituted police or fire department of the
3 municipality, except as provided in this Section.

4 (j) In all municipalities, applicants who are 20 years of
5 age and who have successfully completed 2 years of law
6 enforcement studies at an accredited college or university may
7 be considered for appointment to active duty with the police
8 department. An applicant described in this subsection (j) who
9 is appointed to active duty shall not have power of arrest, nor
10 shall the applicant be permitted to carry firearms, until he
11 or she reaches 21 years of age.

12 (k) In municipalities of more than 500,000 population,
13 applications for examination for and appointment to positions
14 as firefighters or police shall be made available at various
15 branches of the public library of the municipality.

16 (l) No municipality having a population less than
17 1,000,000 shall require that any fireman appointed to the
18 lowest rank serve a probationary employment period of longer
19 than one year. The limitation on periods of probationary
20 employment provided in Public Act 86-990 ~~this amendatory Act~~
21 ~~of 1989~~ is an exclusive power and function of the State.
22 Pursuant to subsection (h) of Section 6 of Article VII of the
23 Illinois Constitution, a home rule municipality having a
24 population less than 1,000,000 must comply with this
25 limitation on periods of probationary employment, which is a
26 denial and limitation of home rule powers. Notwithstanding

1 anything to the contrary in this Section, the probationary
2 employment period limitation may be extended for a firefighter
3 who is required, as a condition of employment, to be a licensed
4 paramedic, during which time the sole reason that a
5 firefighter may be discharged without a hearing is for failing
6 to meet the requirements for paramedic licensure.

7 (m) To the extent that this Section or any other Section in
8 this Division conflicts with Section 10-1-7.1 or 10-1-7.2,
9 then Section 10-1-7.1 or 10-1-7.2 shall control.

10 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
11 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-973, eff.
12 8-15-14; revised 12-3-21.)

13 (65 ILCS 5/10-1-7.1)

14 Sec. 10-1-7.1. Original appointments; full-time fire
15 department.

16 (a) Applicability. Unless a commission elects to follow
17 the provisions of Section 10-1-7.2, this Section shall apply
18 to all original appointments to an affected full-time fire
19 department. Existing registers of eligibles shall continue to
20 be valid until their expiration dates, or up to a maximum of 2
21 years after August 4, 2011 (the effective date of Public Act
22 97-251).

23 Notwithstanding any statute, ordinance, rule, or other law
24 to the contrary, all original appointments to an affected
25 department to which this Section applies shall be administered

1 in the manner provided for in this Section. Provisions of the
2 Illinois Municipal Code, municipal ordinances, and rules
3 adopted pursuant to such authority and other laws relating to
4 initial hiring of firefighters in affected departments shall
5 continue to apply to the extent they are compatible with this
6 Section, but in the event of a conflict between this Section
7 and any other law, this Section shall control.

8 A home rule or non-home rule municipality may not
9 administer its fire department process for original
10 appointments in a manner that is less stringent than this
11 Section. This Section is a limitation under subsection (i) of
12 Section 6 of Article VII of the Illinois Constitution on the
13 concurrent exercise by home rule units of the powers and
14 functions exercised by the State.

15 A municipality that is operating under a court order or
16 consent decree regarding original appointments to a full-time
17 fire department before August 4, 2011 (the effective date of
18 Public Act 97-251) is exempt from the requirements of this
19 Section for the duration of the court order or consent decree.

20 Notwithstanding any other provision of this subsection
21 (a), this Section does not apply to a municipality with more
22 than 1,000,000 inhabitants.

23 (b) Original appointments. All original appointments made
24 to an affected fire department shall be made from a register of
25 eligibles established in accordance with the processes
26 established by this Section. Only persons who meet or exceed

1 the performance standards required by this Section shall be
2 placed on a register of eligibles for original appointment to
3 an affected fire department.

4 Whenever an appointing authority authorizes action to hire
5 a person to perform the duties of a firefighter or to hire a
6 firefighter-paramedic to fill a position that is a new
7 position or vacancy due to resignation, discharge, promotion,
8 death, the granting of a disability or retirement pension, or
9 any other cause, the appointing authority shall appoint to
10 that position the person with the highest ranking on the final
11 eligibility list. If the appointing authority has reason to
12 conclude that the highest ranked person fails to meet the
13 minimum standards for the position or if the appointing
14 authority believes an alternate candidate would better serve
15 the needs of the department, then the appointing authority has
16 the right to pass over the highest ranked person and appoint
17 either: (i) any person who has a ranking in the top 5% of the
18 register of eligibles or (ii) any person who is among the top 5
19 highest ranked persons on the list of eligibles if the number
20 of people who have a ranking in the top 5% of the register of
21 eligibles is less than 5 people.

22 Any candidate may pass on an appointment once without
23 losing his or her position on the register of eligibles. Any
24 candidate who passes a second time may be removed from the list
25 by the appointing authority provided that such action shall
26 not prejudice a person's opportunities to participate in

1 future examinations, including an examination held during the
2 time a candidate is already on the municipality's register of
3 eligibles.

4 The sole authority to issue certificates of appointment
5 shall be vested in the Civil Service Commission. All
6 certificates of appointment issued to any officer or member of
7 an affected department shall be signed by the chairperson and
8 secretary, respectively, of the commission upon appointment of
9 such officer or member to the affected department by the
10 commission. After being selected from the register of
11 eligibles to fill a vacancy in the affected department, each
12 appointee shall be presented with his or her certificate of
13 appointment on the day on which he or she is sworn in as a
14 classified member of the affected department. Firefighters who
15 were not issued a certificate of appointment when originally
16 appointed shall be provided with a certificate within 10 days
17 after making a written request to the chairperson of the Civil
18 Service Commission. Each person who accepts a certificate of
19 appointment and successfully completes his or her probationary
20 period shall be enrolled as a firefighter and as a regular
21 member of the fire department.

22 For the purposes of this Section, "firefighter" means any
23 person who has been prior to, on, or after August 4, 2011 (the
24 effective date of Public Act 97-251) appointed to a fire
25 department or fire protection district or employed by a State
26 university and sworn or commissioned to perform firefighter

1 duties or paramedic duties, or both, except that the following
2 persons are not included: part-time firefighters; auxiliary,
3 reserve, or voluntary firefighters, including paid-on-call
4 firefighters; clerks and dispatchers or other civilian
5 employees of a fire department or fire protection district who
6 are not routinely expected to perform firefighter duties; and
7 elected officials.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 identify applicants who possess and demonstrate the mental
11 aptitude and physical ability to perform the duties required
12 of members of the fire department in order to provide the
13 highest quality of service to the public. To this end, all
14 applicants for original appointment to an affected fire
15 department shall be subject to examination and testing which
16 shall be public, competitive, and open to all applicants
17 unless the municipality shall by ordinance limit applicants to
18 residents of the municipality, county or counties in which the
19 municipality is located, State, or nation. Any examination and
20 testing procedure utilized under subsection (e) of this
21 Section shall be supported by appropriate validation evidence
22 and shall comply with all applicable State and federal laws.
23 Municipalities may establish educational, emergency medical
24 service licensure, and other prerequisites for participation
25 in an examination or for hire as a firefighter. Any
26 municipality may charge a fee to cover the costs of the

1 application process.

2 Residency requirements in effect at the time an individual
3 enters the fire service of a municipality cannot be made more
4 restrictive for that individual during his or her period of
5 service for that municipality, or be made a condition of
6 promotion, except for the rank or position of fire chief and
7 for no more than 2 positions that rank immediately below that
8 of the chief rank which are appointed positions pursuant to
9 the Fire Department Promotion Act.

10 No person who is 35 years of age or older shall be eligible
11 to take an examination for a position as a firefighter unless
12 the person has had previous employment status as a firefighter
13 in the regularly constituted fire department of the
14 municipality, except as provided in this Section. The age
15 limitation does not apply to:

16 (1) any person previously employed as a full-time
17 firefighter in a regularly constituted fire department of
18 (i) any municipality or fire protection district located
19 in Illinois, (ii) a fire protection district whose
20 obligations were assumed by a municipality under Section
21 21 of the Fire Protection District Act, or (iii) a
22 municipality whose obligations were taken over by a fire
23 protection district,

24 (2) any person who has served a municipality as a
25 regularly enrolled volunteer, paid-on-call, or part-time
26 firefighter, 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 Division 1
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 set by the
9 commission. The local appointing authority may prescribe the
10 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 may be preferred for appointment to
7 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, certified Firefighter III, State
12 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
13 paramedic, or any combination of those capacities may be
14 awarded up to a maximum of 5 points. However, the
15 applicant may not be awarded more than 0.5 points for each
16 complete year of paid-on-call or part-time service.
17 Applicants from outside the municipality who were employed
18 as full-time firefighters or firefighter-paramedics by a
19 fire protection district or another municipality may be
20 awarded up to 5 experience preference points. However, the
21 applicant may not be awarded more than one point for each
22 complete year of full-time service.

23 Upon request by the commission, the governing body of
24 the municipality or in the case of applicants from outside
25 the municipality the governing body of any fire protection
26 district or any other municipality shall certify to the

1 commission, within 10 days after the request, the number
2 of years of successful paid-on-call, part-time, or
3 full-time service of any person. A candidate may not
4 receive the full amount of preference points under this
5 subsection if the amount of points awarded would place the
6 candidate before a veteran on the eligibility list. If
7 more than one candidate receiving experience preference
8 points is prevented from receiving all of their points due
9 to not being allowed to pass a veteran, the candidates
10 shall be placed on the list below the veteran in rank order
11 based on the totals received if all points under this
12 subsection were to be awarded. Any remaining ties on the
13 list shall be determined by lot.

14 (6) Residency preference. Applicants whose principal
15 residence is located within the fire department's
16 jurisdiction may be preferred for appointment to and
17 employment with the fire department.

18 (7) Additional preferences. Up to 5 additional
19 preference points may be awarded for unique categories
20 based on an applicant's experience or background as
21 identified by the commission.

22 (7.5) Apprentice preferences. A person who has
23 performed fire suppression service for a department as a
24 firefighter apprentice and otherwise meets the
25 qualifications for original appointment as a firefighter
26 specified in this Section may be awarded up to 20

1 preference points. To qualify for preference points, an
2 applicant shall have completed a minimum of 600 hours of
3 fire suppression work on a regular shift for the affected
4 fire department over a 12-month period. The fire
5 suppression work must be in accordance with Section
6 10-1-14 of this Division and the terms established by a
7 Joint Apprenticeship Committee included in a collective
8 bargaining agreement agreed between the employer and its
9 certified bargaining agent. An eligible applicant must
10 apply to the Joint Apprenticeship Committee for preference
11 points under this item. The Joint Apprenticeship Committee
12 shall evaluate the merit of the applicant's performance,
13 determine the preference points to be awarded, and certify
14 the amount of points awarded to the commissioners. The
15 commissioners may add the certified preference points to
16 the final grades achieved by the applicant on the other
17 components of the examination.

18 (8) Scoring of preferences. The commission shall give
19 preference for original appointment to persons designated
20 in item (1) by adding to the final grade that they receive
21 5 points for the recognized preference achieved. The
22 commission may give preference for original appointment to
23 persons designated in item (7.5) by adding to the final
24 grade the amount of points designated by the Joint
25 Apprenticeship Committee as defined in item (7.5). The
26 commission shall determine the number of preference points

1 for each category, except items (1) and (7.5). The number
2 of preference points for each category shall range from 0
3 to 5, except item (7.5). In determining the number of
4 preference points, the commission shall prescribe that if
5 a candidate earns the maximum number of preference points
6 in all categories except item (7.5), that number may not
7 be less than 10 nor more than 30. The commission shall give
8 preference for original appointment to persons designated
9 in items (2) through (7) by adding the requisite number of
10 points to the final grade for each recognized preference
11 achieved. The numerical result thus attained shall be
12 applied by the commission in determining the final
13 eligibility list and appointment from the eligibility
14 list. The local appointing authority may prescribe the
15 total number of preference points awarded under this
16 Section, but the total number of preference points, except
17 item (7.5), shall not be less than 10 points or more than
18 30 points. Apprentice preference points may be added in
19 addition to other preference points awarded by the
20 commission.

21 No person entitled to any preference shall be required to
22 claim the credit before any examination held under the
23 provisions of this Section, but the preference shall be given
24 after the posting or publication of the initial eligibility
25 list or register at the request of a person entitled to a
26 credit before any certification or appointments are made from

1 the eligibility register, upon the furnishing of verifiable
2 evidence and proof of qualifying preference credit. Candidates
3 who are eligible for preference credit shall make a claim in
4 writing within 10 days after the posting of the initial
5 eligibility list, or the claim shall be deemed waived. Final
6 eligibility registers shall be established after the awarding
7 of verified preference points. However, apprentice preference
8 credit earned subsequent to the establishment of the final
9 eligibility register may be applied to the applicant's score
10 upon certification by the Joint Apprenticeship Committee to
11 the commission and the rank order of candidates on the final
12 eligibility register shall be adjusted accordingly. All
13 employment shall be subject to the commission's initial hire
14 background review, including, but not limited to, criminal
15 history, employment history, moral character, oral
16 examination, and medical and psychological examinations, all
17 on a pass-fail basis. The medical and psychological
18 examinations must be conducted last, and may only be performed
19 after a conditional offer of employment has been extended.

20 Any person placed on an eligibility list who exceeds the
21 age requirement before being appointed to a fire department
22 shall remain eligible for appointment until the list is
23 abolished, or his or her name has been on the list for a period
24 of 2 years. No person who has attained the age of 35 years
25 shall be inducted into a fire department, except as otherwise
26 provided in this Section.

1 The commission shall strike off the names of candidates
2 for original appointment after the names have been on the list
3 for more than 2 years.

4 (i) Moral character. No person shall be appointed to a
5 fire department unless he or she is a person of good character;
6 not a habitual drunkard, a gambler, or a person who has been
7 convicted of a felony or a crime involving moral turpitude.
8 However, no person shall be disqualified from appointment to
9 the fire department because of the person's record of
10 misdemeanor convictions except those under Sections 11-6,
11 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
12 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
13 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs
14 (1), (6), and (8) of subsection (a) ~~subsections 1, 6, and 8~~ of
15 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, or arrest for any cause without conviction thereon.
17 Any such person who is in the department may be removed on
18 charges brought for violating this subsection and after a
19 trial as hereinafter provided.

20 A classifiable set of the fingerprints of every person who
21 is offered employment as a certificated member of an affected
22 fire department whether with or without compensation, shall be
23 furnished to the Illinois State Police and to the Federal
24 Bureau of Investigation by the commission.

25 Whenever a commission is authorized or required by law to
26 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 State Police Law of the Civil Administrative Code of
5 Illinois, the Illinois State Police is authorized to furnish,
6 pursuant to positive identification, the information contained
7 in State files as is necessary to fulfill the request.

8 (j) Temporary appointments. In order to prevent a stoppage
9 of public business, to meet extraordinary exigencies, or to
10 prevent material impairment of the fire department, the
11 commission may make temporary appointments, to remain in force
12 only until regular appointments are made under the provisions
13 of this Division, but never to exceed 60 days. No temporary
14 appointment of any one person shall be made more than twice in
15 any calendar year.

16 (k) A person who knowingly divulges or receives test
17 questions or answers before a written examination, or
18 otherwise knowingly violates or subverts any requirement of
19 this Section, commits a violation of this Section and may be
20 subject to charges for official misconduct.

21 A person who is the knowing recipient of test information
22 in advance of the examination shall be disqualified from the
23 examination or discharged from the position to which he or she
24 was appointed, as applicable, and otherwise subjected to
25 disciplinary actions.

26 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;

1 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; revised
2 10-5-21.)

3 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

4 Sec. 10-2.1-6. Examination of applicants;
5 disqualifications.

6 (a) All applicants for a position in either the fire or
7 police department of the municipality shall be under 35 years
8 of age, shall be subject to an examination that shall be
9 public, competitive, and open to all applicants (unless the
10 council or board of trustees by ordinance limit applicants to
11 electors of the municipality, county, state or nation) and
12 shall be subject to reasonable limitations as to residence,
13 health, habits, and moral character. The municipality may not
14 charge or collect any fee from an applicant who has met all
15 prequalification standards established by the municipality for
16 any such position. With respect to a police department, a
17 veteran shall be allowed to exceed the maximum age provision
18 of this Section by the number of years served on active
19 military duty, but by no more than 10 years of active military
20 duty.

21 (b) Residency requirements in effect at the time an
22 individual enters the fire or police service of a municipality
23 (other than a municipality that has more than 1,000,000
24 inhabitants) cannot be made more restrictive for that
25 individual during his period of service for that municipality,

1 or be made a condition of promotion, except for the rank or
2 position of Fire or Police Chief.

3 (c) No person with a record of misdemeanor convictions
4 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
5 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
6 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,
7 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
8 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs
9 ~~subsections~~ (1), (6), and (8) of subsection (a) of Section
10 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 or arrested for any cause but not convicted on that cause shall
12 be disqualified from taking the examination to qualify for a
13 position in the fire department on grounds of habits or moral
14 character.

15 (d) The age limitation in subsection (a) does not apply
16 (i) to any person previously employed as a policeman or
17 fireman in a regularly constituted police or fire department
18 of (I) any municipality, regardless of whether the
19 municipality is located in Illinois or in another state, or
20 (II) a fire protection district whose obligations were assumed
21 by a municipality under Section 21 of the Fire Protection
22 District Act, (ii) to any person who has served a municipality
23 as a regularly enrolled volunteer fireman for 5 years
24 immediately preceding the time that municipality begins to use
25 full time firemen to provide all or part of its fire protection
26 service, or (iii) to any person who has served as an auxiliary

1 police officer under Section 3.1-30-20 for at least 5 years
2 and is under 40 years of age, (iv) to any person who has served
3 as a deputy under Section 3-6008 of the Counties Code and
4 otherwise meets necessary training requirements, or (v) to any
5 person who has served as a sworn officer as a member of the
6 Illinois State Police.

7 (e) Applicants who are 20 years of age and who have
8 successfully completed 2 years of law enforcement studies at
9 an accredited college or university may be considered for
10 appointment to active duty with the police department. An
11 applicant described in this subsection (e) who is appointed to
12 active duty shall not have power of arrest, nor shall the
13 applicant be permitted to carry firearms, until he or she
14 reaches 21 years of age.

15 (f) Applicants who are 18 years of age and who have
16 successfully completed 2 years of study in fire techniques,
17 amounting to a total of 4 high school credits, within the cadet
18 program of a municipality may be considered for appointment to
19 active duty with the fire department of any municipality.

20 (g) The council or board of trustees may by ordinance
21 provide that persons residing outside the municipality are
22 eligible to take the examination.

23 (h) The examinations shall be practical in character and
24 relate to those matters that will fairly test the capacity of
25 the persons examined to discharge the duties of the positions
26 to which they seek appointment. No person shall be appointed

1 to the police or fire department if he or she does not possess
2 a high school diploma or an equivalent high school education.
3 A board of fire and police commissioners may, by its rules,
4 require police applicants to have obtained an associate's
5 degree or a bachelor's degree as a prerequisite for
6 employment. The examinations shall include tests of physical
7 qualifications and health. A board of fire and police
8 commissioners may, by its rules, waive portions of the
9 required examination for police applicants who have previously
10 been full-time sworn officers of a regular police department
11 in any municipal, county, university, or State law enforcement
12 agency, provided they are certified by the Illinois Law
13 Enforcement Training Standards Board and have been with their
14 respective law enforcement agency within the State for at
15 least 2 years. No person shall be appointed to the police or
16 fire department if he or she has suffered the amputation of any
17 limb unless the applicant's duties will be only clerical or as
18 a radio operator. No applicant shall be examined concerning
19 his or her political or religious opinions or affiliations.
20 The examinations shall be conducted by the board of fire and
21 police commissioners of the municipality as provided in this
22 Division 2.1.

23 The requirement that a police applicant possess an
24 associate's degree under this subsection may be waived if one
25 or more of the following applies: (1) the applicant has served
26 for 24 months of honorable active duty in the United States

1 Armed Forces and has not been discharged dishonorably or under
2 circumstances other than honorable; (2) the applicant has
3 served for 180 days of active duty in the United States Armed
4 Forces in combat duty recognized by the Department of Defense
5 and has not been discharged dishonorably or under
6 circumstances other than honorable; or (3) the applicant has
7 successfully received credit for a minimum of 60 credit hours
8 toward a bachelor's degree from an accredited college or
9 university.

10 The requirement that a police applicant possess a
11 bachelor's degree under this subsection may be waived if one
12 or more of the following applies: (1) the applicant has served
13 for 36 months of honorable active duty in the United States
14 Armed Forces and has not been discharged dishonorably or under
15 circumstances other than honorable or (2) the applicant has
16 served for 180 days of active duty in the United States Armed
17 Forces in combat duty recognized by the Department of Defense
18 and has not been discharged dishonorably or under
19 circumstances other than honorable.

20 (i) No person who is classified by his local selective
21 service draft board as a conscientious objector, or who has
22 ever been so classified, may be appointed to the police
23 department.

24 (j) No person shall be appointed to the police or fire
25 department unless he or she is a person of good character and
26 not an habitual drunkard, gambler, or a person who has been

1 convicted of a felony or a crime involving moral turpitude. No
2 person, however, shall be disqualified from appointment to the
3 fire department because of his or her record of misdemeanor
4 convictions except those under Sections 11-1.50, 11-6, 11-7,
5 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
6 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
7 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
8 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
9 paragraphs subsections (1), (6), and (8) of subsection (a) of
10 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, or arrest for any cause without conviction on that
12 cause. Any such person who is in the department may be removed
13 on charges brought and after a trial as provided in this
14 Division 2.1.

15 (Source: P.A. 102-538, eff. 8-20-21; revised 12-3-21.)

16 (65 ILCS 5/10-2.1-6.3)

17 Sec. 10-2.1-6.3. Original appointments; full-time fire
18 department.

19 (a) Applicability. Unless a commission elects to follow
20 the provisions of Section 10-2.1-6.4, this Section shall apply
21 to all original appointments to an affected full-time fire
22 department. Existing registers of eligibles shall continue to
23 be valid until their expiration dates, or up to a maximum of 2
24 years after August 4, 2011 (the effective date of Public Act
25 97-251).

1 Notwithstanding any statute, ordinance, rule, or other law
2 to the contrary, all original appointments to an affected
3 department to which this Section applies shall be administered
4 in the manner provided for in this Section. Provisions of the
5 Illinois Municipal Code, municipal ordinances, and rules
6 adopted pursuant to such authority and other laws relating to
7 initial hiring of firefighters in affected departments shall
8 continue to apply to the extent they are compatible with this
9 Section, but in the event of a conflict between this Section
10 and any other law, this Section shall control.

11 A home rule or non-home rule municipality may not
12 administer its fire department process for original
13 appointments in a manner that is less stringent than this
14 Section. This Section is a limitation under subsection (i) of
15 Section 6 of Article VII of the Illinois Constitution on the
16 concurrent exercise by home rule units of the powers and
17 functions exercised by the State.

18 A municipality that is operating under a court order or
19 consent decree regarding original appointments to a full-time
20 fire department before August 4, 2011 (the effective date of
21 Public Act 97-251) is exempt from the requirements of this
22 Section for the duration of the court order or consent decree.

23 Notwithstanding any other provision of this subsection
24 (a), this Section does not apply to a municipality with more
25 than 1,000,000 inhabitants.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of
2 eligibles established in accordance with the processes
3 established by this Section. Only persons who meet or exceed
4 the performance standards required by this Section shall be
5 placed on a register of eligibles for original appointment to
6 an affected fire department.

7 Whenever an appointing authority authorizes action to hire
8 a person to perform the duties of a firefighter or to hire a
9 firefighter-paramedic to fill a position that is a new
10 position or vacancy due to resignation, discharge, promotion,
11 death, the granting of a disability or retirement pension, or
12 any other cause, the appointing authority shall appoint to
13 that position the person with the highest ranking on the final
14 eligibility list. If the appointing authority has reason to
15 conclude that the highest ranked person fails to meet the
16 minimum standards for the position or if the appointing
17 authority believes an alternate candidate would better serve
18 the needs of the department, then the appointing authority has
19 the right to pass over the highest ranked person and appoint
20 either: (i) any person who has a ranking in the top 5% of the
21 register of eligibles or (ii) any person who is among the top 5
22 highest ranked persons on the list of eligibles if the number
23 of people who have a ranking in the top 5% of the register of
24 eligibles is less than 5 people.

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list
2 by the appointing authority provided that such action shall
3 not prejudice a person's opportunities to participate in
4 future examinations, including an examination held during the
5 time a candidate is already on the municipality's register of
6 eligibles.

7 The sole authority to issue certificates of appointment
8 shall be vested in the board of fire and police commissioners.
9 All certificates of appointment issued to any officer or
10 member of an affected department shall be signed by the
11 chairperson and secretary, respectively, of the board upon
12 appointment of such officer or member to the affected
13 department by action of the board. After being selected from
14 the register of eligibles to fill a vacancy in the affected
15 department, each appointee shall be presented with his or her
16 certificate of appointment on the day on which he or she is
17 sworn in as a classified member of the affected department.
18 Firefighters who were not issued a certificate of appointment
19 when originally appointed shall be provided with a certificate
20 within 10 days after making a written request to the
21 chairperson of the board of fire and police commissioners.
22 Each person who accepts a certificate of appointment and
23 successfully completes his or her probationary period shall be
24 enrolled as a firefighter and as a regular member of the fire
25 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) appointed to a fire
3 department or fire protection district or employed by a State
4 university and sworn or commissioned to perform firefighter
5 duties or paramedic duties, or both, except that the following
6 persons are not included: part-time firefighters; auxiliary,
7 reserve, or voluntary firefighters, including paid-on-call
8 firefighters; clerks and dispatchers or other civilian
9 employees of a fire department or fire protection district who
10 are not routinely expected to perform firefighter duties; and
11 elected officials.

12 (c) Qualification for placement on register of eligibles.
13 The purpose of establishing a register of eligibles is to
14 identify applicants who possess and demonstrate the mental
15 aptitude and physical ability to perform the duties required
16 of members of the fire department in order to provide the
17 highest quality of service to the public. To this end, all
18 applicants for original appointment to an affected fire
19 department shall be subject to examination and testing which
20 shall be public, competitive, and open to all applicants
21 unless the municipality shall by ordinance limit applicants to
22 residents of the municipality, county or counties in which the
23 municipality is located, State, or nation. Any examination and
24 testing procedure utilized under subsection (e) of this
25 Section shall be supported by appropriate validation evidence
26 and shall comply with all applicable State and federal laws.

1 Municipalities may establish educational, emergency medical
2 service licensure, and other prerequisites for participation
3 in an examination or for hire as a firefighter. Any
4 municipality may charge a fee to cover the costs of the
5 application process.

6 Residency requirements in effect at the time an individual
7 enters the fire service of a municipality cannot be made more
8 restrictive for that individual during his or her period of
9 service for that municipality, or be made a condition of
10 promotion, except for the rank or position of fire chief and
11 for no more than 2 positions that rank immediately below that
12 of the chief rank which are appointed positions pursuant to
13 the Fire Department Promotion Act.

14 No person who is 35 years of age or older shall be eligible
15 to take an examination for a position as a firefighter unless
16 the person has had previous employment status as a firefighter
17 in the regularly constituted fire department of the
18 municipality, except as provided in this Section. The age
19 limitation does not apply to:

20 (1) any person previously employed as a full-time
21 firefighter in a regularly constituted fire department of
22 (i) any municipality or fire protection district located
23 in Illinois, (ii) a fire protection district whose
24 obligations were assumed by a municipality under Section
25 21 of the Fire Protection District Act, or (iii) a
26 municipality whose obligations were taken over by a fire

1 protection district,

2 (2) any person who has served a municipality as a
3 regularly enrolled volunteer, paid-on-call, or part-time
4 firefighter, or

5 (3) any person who turned 35 while serving as a member
6 of the active or reserve components of any of the branches
7 of the Armed Forces of the United States or the National
8 Guard of any state, whose service was characterized as
9 honorable or under honorable, if separated from the
10 military, and is currently under the age of 40.

11 No person who is under 21 years of age shall be eligible
12 for employment as a firefighter.

13 No applicant shall be examined concerning his or her
14 political or religious opinions or affiliations. The
15 examinations shall be conducted by the commissioners of the
16 municipality or their designees and agents.

17 No municipality shall require that any firefighter
18 appointed to the lowest rank serve a probationary employment
19 period of longer than one year of actual active employment,
20 which may exclude periods of training, or injury or illness
21 leaves, including duty related leave, in excess of 30 calendar
22 days. Notwithstanding anything to the contrary in this
23 Section, the probationary employment period limitation may be
24 extended for a firefighter who is required, as a condition of
25 employment, to be a licensed paramedic, during which time the
26 sole reason that a firefighter may be discharged without a

1 hearing is for failing to meet the requirements for paramedic
2 licensure.

3 In the event that any applicant who has been found
4 eligible for appointment and whose name has been placed upon
5 the final eligibility register provided for in this Section
6 has not been appointed to a firefighter position within one
7 year after the date of his or her physical ability
8 examination, the commission may cause a second examination to
9 be made of that applicant's physical ability prior to his or
10 her appointment. If, after the second examination, the
11 physical ability of the applicant shall be found to be less
12 than the minimum standard fixed by the rules of the
13 commission, the applicant shall not be appointed. The
14 applicant's name may be retained upon the register of
15 candidates eligible for appointment and when next reached for
16 certification and appointment that applicant may be again
17 examined as provided in this Section, and if the physical
18 ability of that applicant is found to be less than the minimum
19 standard fixed by the rules of the commission, the applicant
20 shall not be appointed, and the name of the applicant shall be
21 removed from the register.

22 (d) Notice, examination, and testing components. Notice of
23 the time, place, general scope, merit criteria for any
24 subjective component, and fee of every examination shall be
25 given by the commission, by a publication at least 2 weeks
26 preceding the examination: (i) in one or more newspapers

1 published in the municipality, or if no newspaper is published
2 therein, then in one or more newspapers with a general
3 circulation within the municipality, or (ii) on the
4 municipality's Internet website. Additional notice of the
5 examination may be given as the commission shall prescribe.

6 The examination and qualifying standards for employment of
7 firefighters shall be based on: mental aptitude, physical
8 ability, preferences, moral character, and health. The mental
9 aptitude, physical ability, and preference components shall
10 determine an applicant's qualification for and placement on
11 the final register of eligibles. The examination may also
12 include a subjective component based on merit criteria as
13 determined by the commission. Scores from the examination must
14 be made available to the public.

15 (e) Mental aptitude. No person who does not possess at
16 least a high school diploma or an equivalent high school
17 education shall be placed on a register of eligibles.
18 Examination of an applicant's mental aptitude shall be based
19 upon a written examination. The examination shall be practical
20 in character and relate to those matters that fairly test the
21 capacity of the persons examined to discharge the duties
22 performed by members of a fire department. Written
23 examinations shall be administered in a manner that ensures
24 the security and accuracy of the scores achieved.

25 (f) Physical ability. All candidates shall be required to
26 undergo an examination of their physical ability to perform

1 the essential functions included in the duties they may be
2 called upon to perform as a member of a fire department. For
3 the purposes of this Section, essential functions of the job
4 are functions associated with duties that a firefighter may be
5 called upon to perform in response to emergency calls. The
6 frequency of the occurrence of those duties as part of the fire
7 department's regular routine shall not be a controlling factor
8 in the design of examination criteria or evolutions selected
9 for testing. These physical examinations shall be open,
10 competitive, and based on industry standards designed to test
11 each applicant's physical abilities in the following
12 dimensions:

13 (1) Muscular strength to perform tasks and evolutions
14 that may be required in the performance of duties
15 including grip strength, leg strength, and arm strength.
16 Tests shall be conducted under anaerobic as well as
17 aerobic conditions to test both the candidate's speed and
18 endurance in performing tasks and evolutions. Tasks tested
19 may be based on standards developed, or approved, by the
20 local appointing authority.

21 (2) The ability to climb ladders, operate from
22 heights, walk or crawl in the dark along narrow and uneven
23 surfaces, and operate in proximity to hazardous
24 environments.

25 (3) The ability to carry out critical, time-sensitive,
26 and complex problem solving during physical exertion in

1 stressful and hazardous environments. The testing
2 environment may be hot and dark with tightly enclosed
3 spaces, flashing lights, sirens, and other distractions.

4 The tests utilized to measure each applicant's
5 capabilities in each of these dimensions may be tests based on
6 industry standards currently in use or equivalent tests
7 approved by the Joint Labor-Management Committee of the Office
8 of the State Fire Marshal.

9 Physical ability examinations administered under this
10 Section shall be conducted with a reasonable number of
11 proctors and monitors, open to the public, and subject to
12 reasonable regulations of the commission.

13 (g) Scoring of examination components. Appointing
14 authorities may create a preliminary eligibility register. A
15 person shall be placed on the list based upon his or her
16 passage of the written examination or the passage of the
17 written examination and the physical ability component.
18 Passage of the written examination means attaining the minimum
19 score set by the commission. Minimum scores should be set by
20 the commission so as to demonstrate a candidate's ability to
21 perform the essential functions of the job. The minimum score
22 set by the commission shall be supported by appropriate
23 validation evidence and shall comply with all applicable State
24 and federal laws. The appointing authority may conduct the
25 physical ability component and any subjective components
26 subsequent to the posting of the preliminary eligibility

1 register.

2 The examination components for an initial eligibility
3 register shall be graded on a 100-point scale. A person's
4 position on the list shall be determined by the following: (i)
5 the person's score on the written examination, (ii) the person
6 successfully passing the physical ability component, and (iii)
7 the person's results on any subjective component as described
8 in subsection (d).

9 In order to qualify for placement on the final eligibility
10 register, an applicant's score on the written examination,
11 before any applicable preference points or subjective points
12 are applied, shall be at or above the minimum score as set by
13 the commission. The local appointing authority may prescribe
14 the score to qualify for placement on the final eligibility
15 register, but the score shall not be less than the minimum
16 score set by the commission.

17 The commission shall prepare and keep a register of
18 persons whose total score is not less than the minimum score
19 for passage and who have passed the physical ability
20 examination. These persons shall take rank upon the register
21 as candidates in the order of their relative excellence based
22 on the highest to the lowest total points scored on the mental
23 aptitude, subjective component, and preference components of
24 the test administered in accordance with this Section. No more
25 than 60 days after each examination, an initial eligibility
26 list shall be posted by the commission. The list shall include

1 the final grades of the candidates without reference to
2 priority of the time of examination and subject to claim for
3 preference credit.

4 Commissions may conduct additional examinations, including
5 without limitation a polygraph test, after a final eligibility
6 register is established and before it expires with the
7 candidates ranked by total score without regard to date of
8 examination. No more than 60 days after each examination, an
9 initial eligibility list shall be posted by the commission
10 showing the final grades of the candidates without reference
11 to priority of time of examination and subject to claim for
12 preference credit.

13 (h) Preferences. The following are preferences:

14 (1) Veteran preference. Persons who were engaged in
15 the military service of the United States for a period of
16 at least one year of active duty and who were honorably
17 discharged therefrom, or who are now or have been members
18 on inactive or reserve duty in such military or naval
19 service, shall be preferred for appointment to and
20 employment with the fire department of an affected
21 department.

22 (2) Fire cadet preference. Persons who have
23 successfully completed 2 years of study in fire techniques
24 or cadet training within a cadet program established under
25 the rules of the Joint Labor and Management Committee
26 (JLMC), as defined in Section 50 of the Fire Department

1 Promotion Act, may be preferred for appointment to and
2 employment with the fire department.

3 (3) Educational preference. Persons who have
4 successfully obtained an associate's degree in the field
5 of fire service or emergency medical services, or a
6 bachelor's degree from an accredited college or university
7 may be preferred for appointment to and employment with
8 the fire department.

9 (4) Paramedic preference. Persons who have obtained a
10 license as a paramedic shall be preferred for appointment
11 to and employment with the fire department of an affected
12 department providing emergency medical services.

13 (5) Experience preference. All persons employed by a
14 municipality who have been paid-on-call or part-time
15 certified Firefighter II, State of Illinois or nationally
16 licensed EMT, EMT-I, A-EMT, or any combination of those
17 capacities shall be awarded 0.5 point for each year of
18 successful service in one or more of those capacities, up
19 to a maximum of 5 points. Certified Firefighter III and
20 State of Illinois or nationally licensed paramedics shall
21 be awarded one point per year up to a maximum of 5 points.
22 Applicants from outside the municipality who were employed
23 as full-time firefighters or firefighter-paramedics by a
24 fire protection district or another municipality for at
25 least 2 years shall be awarded 5 experience preference
26 points. These additional points presuppose a rating scale

1 totaling 100 points available for the eligibility list. If
2 more or fewer points are used in the rating scale for the
3 eligibility list, the points awarded under this subsection
4 shall be increased or decreased by a factor equal to the
5 total possible points available for the examination
6 divided by 100.

7 Upon request by the commission, the governing body of
8 the municipality or in the case of applicants from outside
9 the municipality the governing body of any fire protection
10 district or any other municipality shall certify to the
11 commission, within 10 days after the request, the number
12 of years of successful paid-on-call, part-time, or
13 full-time service of any person. A candidate may not
14 receive the full amount of preference points under this
15 subsection if the amount of points awarded would place the
16 candidate before a veteran on the eligibility list. If
17 more than one candidate receiving experience preference
18 points is prevented from receiving all of their points due
19 to not being allowed to pass a veteran, the candidates
20 shall be placed on the list below the veteran in rank order
21 based on the totals received if all points under this
22 subsection were to be awarded. Any remaining ties on the
23 list shall be determined by lot.

24 (6) Residency preference. Applicants whose principal
25 residence is located within the fire department's
26 jurisdiction shall be preferred for appointment to and

1 employment with the fire department.

2 (7) Additional preferences. Up to 5 additional
3 preference points may be awarded for unique categories
4 based on an applicant's experience or background as
5 identified by the commission.

6 (7.5) Apprentice preferences. A person who has
7 performed fire suppression service for a department as a
8 firefighter apprentice and otherwise meets the
9 qualifications for original appointment as a firefighter
10 specified in this Section is eligible to be awarded up to
11 20 preference points. To qualify for preference points, an
12 applicant shall have completed a minimum of 600 hours of
13 fire suppression work on a regular shift for the affected
14 fire department over a 12-month period. The fire
15 suppression work must be in accordance with Section
16 10-2.1-4 of this Division and the terms established by a
17 Joint Apprenticeship Committee included in a collective
18 bargaining agreement agreed between the employer and its
19 certified bargaining agent. An eligible applicant must
20 apply to the Joint Apprenticeship Committee for preference
21 points under this item. The Joint Apprenticeship Committee
22 shall evaluate the merit of the applicant's performance,
23 determine the preference points to be awarded, and certify
24 the amount of points awarded to the commissioners. The
25 commissioners may add the certified preference points to
26 the final grades achieved by the applicant on the other

1 components of the examination.

2 (8) Scoring of preferences. The commission may give
3 preference for original appointment to persons designated
4 in item (1) by adding to the final grade that they receive
5 5 points for the recognized preference achieved. The
6 commission may give preference for original appointment to
7 persons designated in item (7.5) by adding to the final
8 grade the amount of points designated by the Joint
9 Apprenticeship Committee as defined in item (7.5). The
10 commission shall determine the number of preference points
11 for each category, except items (1) and (7.5). The number
12 of preference points for each category shall range from 0
13 to 5, except item (7.5). In determining the number of
14 preference points, the commission shall prescribe that if
15 a candidate earns the maximum number of preference points
16 in all categories except item (7.5), that number may not
17 be less than 10 nor more than 30. The commission shall give
18 preference for original appointment to persons designated
19 in items (2) through (7) by adding the requisite number of
20 points to the final grade for each recognized preference
21 achieved. The numerical result thus attained shall be
22 applied by the commission in determining the final
23 eligibility list and appointment from the eligibility
24 list. The local appointing authority may prescribe the
25 total number of preference points awarded under this
26 Section, but the total number of preference points, except

1 item (7.5), shall not be less than 10 points or more than
2 30 points. Apprentice preference points may be added in
3 addition to other preference points awarded by the
4 commission.

5 No person entitled to any preference shall be required to
6 claim the credit before any examination held under the
7 provisions of this Section, but the preference may be given
8 after the posting or publication of the initial eligibility
9 list or register at the request of a person entitled to a
10 credit before any certification or appointments are made from
11 the eligibility register, upon the furnishing of verifiable
12 evidence and proof of qualifying preference credit. Candidates
13 who are eligible for preference credit may make a claim in
14 writing within 10 days after the posting of the initial
15 eligibility list, or the claim may be deemed waived. Final
16 eligibility registers may be established after the awarding of
17 verified preference points. However, apprentice preference
18 credit earned subsequent to the establishment of the final
19 eligibility register may be applied to the applicant's score
20 upon certification by the Joint Apprenticeship Committee to
21 the commission and the rank order of candidates on the final
22 eligibility register shall be adjusted accordingly. All
23 employment shall be subject to the commission's initial hire
24 background review, including, but not limited to, criminal
25 history, employment history, moral character, oral
26 examination, and medical and psychological examinations, all

1 on a pass-fail basis. The medical and psychological
2 examinations must be conducted last, and may only be performed
3 after a conditional offer of employment has been extended.

4 Any person placed on an eligibility list who exceeds the
5 age requirement before being appointed to a fire department
6 shall remain eligible for appointment until the list is
7 abolished, or his or her name has been on the list for a period
8 of 2 years. No person who has attained the age of 35 years
9 shall be inducted into a fire department, except as otherwise
10 provided in this Section.

11 The commission shall strike off the names of candidates
12 for original appointment after the names have been on the list
13 for more than 2 years.

14 (i) Moral character. No person shall be appointed to a
15 fire department unless he or she is a person of good character;
16 not a habitual drunkard, a gambler, or a person who has been
17 convicted of a felony or a crime involving moral turpitude.
18 However, no person shall be disqualified from appointment to
19 the fire department because of the person's record of
20 misdemeanor convictions except those under Sections 11-6,
21 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
22 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
23 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs
24 (1), (6), and (8) of subsection (a) ~~subsections 1, 6, and 8~~ of
25 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
26 of 2012, or arrest for any cause without conviction thereon.

1 Any such person who is in the department may be removed on
2 charges brought for violating this subsection and after a
3 trial as hereinafter provided.

4 A classifiable set of the fingerprints of every person who
5 is offered employment as a certificated member of an affected
6 fire department whether with or without compensation, shall be
7 furnished to the Illinois State Police and to the Federal
8 Bureau of Investigation by the commission.

9 Whenever a commission is authorized or required by law to
10 consider some aspect of criminal history record information
11 for the purpose of carrying out its statutory powers and
12 responsibilities, then, upon request and payment of fees in
13 conformance with the requirements of Section 2605-400 of the
14 Illinois State Police Law of the Civil Administrative Code of
15 Illinois, the Illinois State Police is authorized to furnish,
16 pursuant to positive identification, the information contained
17 in State files as is necessary to fulfill the request.

18 (j) Temporary appointments. In order to prevent a stoppage
19 of public business, to meet extraordinary exigencies, or to
20 prevent material impairment of the fire department, the
21 commission may make temporary appointments, to remain in force
22 only until regular appointments are made under the provisions
23 of this Division, but never to exceed 60 days. No temporary
24 appointment of any one person shall be made more than twice in
25 any calendar year.

26 (k) A person who knowingly divulges or receives test

1 questions or answers before a written examination, or
2 otherwise knowingly violates or subverts any requirement of
3 this Section, commits a violation of this Section and may be
4 subject to charges for official misconduct.

5 A person who is the knowing recipient of test information
6 in advance of the examination shall be disqualified from the
7 examination or discharged from the position to which he or she
8 was appointed, as applicable, and otherwise subjected to
9 disciplinary actions.

10 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
11 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; revised
12 10-5-21.)

13 (65 ILCS 5/10-4-2.3)

14 Sec. 10-4-2.3. Required health benefits. If a
15 municipality, including a home rule municipality, is a
16 self-insurer for purposes of providing health insurance
17 coverage for its employees, the coverage shall include
18 coverage for the post-mastectomy care benefits required to be
19 covered by a policy of accident and health insurance under
20 Section 356t and the coverage required under Sections 356g,
21 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.6, 356z.8,
22 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15,
23 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32,
24 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
25 356z.48, and 356z.51 ~~and 356z.43~~ of the Illinois Insurance

1 Code. The coverage shall comply with Sections 155.22a, 355b,
2 356z.19, and 370c of the Illinois Insurance Code. The
3 Department of Insurance shall enforce the requirements of this
4 Section. The requirement that health benefits be covered as
5 provided in this is an exclusive power and function of the
6 State and is a denial and limitation under Article VII,
7 Section 6, subsection (h) of the Illinois Constitution. A home
8 rule municipality to which this Section applies must comply
9 with every provision of this Section.

10 Rulemaking authority to implement Public Act 95-1045, if
11 any, is conditioned on the rules being adopted in accordance
12 with all provisions of the Illinois Administrative Procedure
13 Act and all rules and procedures of the Joint Committee on
14 Administrative Rules; any purported rule not so adopted, for
15 whatever reason, is unauthorized.

16 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
17 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
18 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
19 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
20 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; revised
21 10-26-21.)

22 Section 300. The Revised Cities and Villages Act of 1941
23 is amended by changing Section 21-5.1 as follows:

24 (65 ILCS 20/21-5.1) (from Ch. 24, par. 21-5.1)

1 Sec. 21-5.1. Vice Mayor; election; duties; compensation.
2 ~~Mayor - election - duties - compensation.~~) Following election
3 and qualification of alderpersons at a general election as
4 provided by Section 21-22 of this Act, the City Council shall
5 elect, from among its members, a Vice Mayor, to serve as
6 interim Mayor of Chicago in the event that a vacancy occurs in
7 the office of Mayor or in the event that the Council
8 determines, by 3/5 vote, that the Mayor is under a permanent or
9 protracted disability caused by illness or injury which
10 renders the Mayor unable to serve. The Vice Mayor shall serve
11 as interim Mayor. He will serve until the City Council shall
12 elect one of its members acting Mayor or until the mayoral term
13 expires.

14 The Vice Mayor shall receive no compensation as such, but
15 shall receive compensation as an alderperson even while
16 serving as interim Mayor. While serving as interim Mayor, the
17 Vice Mayor shall possess all rights and powers and shall
18 perform the duties of Mayor.

19 (Source: P.A. 102-15, eff. 6-17-21; revised 7-15-21.)

20 Section 305. The Fire Protection District Act is amended
21 by changing Sections 16.06 and 16.06b as follows:

22 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

23 Sec. 16.06. Eligibility for positions in fire department;
24 disqualifications.

1 (a) All applicants for a position in the fire department
2 of the fire protection district shall be under 35 years of age
3 and shall be subjected to examination, which shall be public,
4 competitive, and free to all applicants, subject to reasonable
5 limitations as to health, habits, and moral character;
6 provided that the foregoing age limitation shall not apply in
7 the case of any person having previous employment status as a
8 fireman in a regularly constituted fire department of any fire
9 protection district, and further provided that each fireman or
10 fire chief who is a member in good standing in a regularly
11 constituted fire department of any municipality which shall be
12 or shall have subsequently been included within the boundaries
13 of any fire protection district now or hereafter organized
14 shall be given a preference for original appointment in the
15 same class, grade or employment over all other applicants. The
16 examinations shall be practical in their character and shall
17 relate to those matters which will fairly test the persons
18 examined as to their relative capacity to discharge the duties
19 of the positions to which they seek appointment. The
20 examinations shall include tests of physical qualifications
21 and health. No applicant, however, shall be examined
22 concerning his political or religious opinions or
23 affiliations. The examinations shall be conducted by the board
24 of fire commissioners.

25 In any fire protection district that employs full-time
26 firefighters and is subject to a collective bargaining

1 agreement, a person who has not qualified for regular
2 appointment under the provisions of this Section shall not be
3 used as a temporary or permanent substitute for certificated
4 members of a fire district's fire department or for regular
5 appointment as a certificated member of a fire district's fire
6 department unless mutually agreed to by the employee's
7 certified bargaining agent. Such agreement shall be considered
8 a permissive subject of bargaining. Fire protection districts
9 covered by the changes made by Public Act 95-490 ~~this~~
10 ~~amendatory Act of the 95th General Assembly~~ that are using
11 non-certificated employees as substitutes immediately prior to
12 June 1, 2008 (the effective date of Public Act 95-490) ~~this~~
13 ~~amendatory Act of the 95th General Assembly~~ may, by mutual
14 agreement with the certified bargaining agent, continue the
15 existing practice or a modified practice and that agreement
16 shall be considered a permissive subject of bargaining.

17 (b) No person shall be appointed to the fire department
18 unless he or she is a person of good character and not a person
19 who has been convicted of a felony in Illinois or convicted in
20 another jurisdiction for conduct that would be a felony under
21 Illinois law, or convicted of a crime involving moral
22 turpitude. No person, however, shall be disqualified from
23 appointment to the fire department because of his or her
24 record of misdemeanor convictions, except those under Sections
25 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
26 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,

1 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
2 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section
3 11-14.3, and paragraphs ~~subsections~~ (1), (6), and (8) of
4 subsection (a) of Section 24-1 of the Criminal Code of 1961 or
5 the Criminal Code of 2012.

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13;
7 revised 12-3-21.)

8 (70 ILCS 705/16.06b)

9 Sec. 16.06b. Original appointments; full-time fire
10 department.

11 (a) Applicability. Unless a commission elects to follow
12 the provisions of Section 16.06c, this Section shall apply to
13 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).

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 a no less stringent manner than the manner provided for in
22 this Section. Provisions of the Illinois Municipal Code, Fire
23 Protection District Act, fire district ordinances, and rules
24 adopted pursuant to such authority and other laws relating to
25 initial hiring of firefighters in affected departments shall

1 continue to apply to the extent they are compatible with this
2 Section, but in the event of a conflict between this Section
3 and any other law, this Section shall control.

4 A fire protection district that is operating under a court
5 order or consent decree regarding original appointments to a
6 full-time fire department before August 4, 2011 (the effective
7 date of Public Act 97-251) is exempt from the requirements of
8 this Section for the duration of the court order or consent
9 decree.

10 (b) Original appointments. All original appointments made
11 to an affected fire department shall be made from a register of
12 eligibles established in accordance with the processes
13 required by this Section. Only persons who meet or exceed the
14 performance standards required by the Section shall be placed
15 on a register of eligibles for original appointment to an
16 affected fire department.

17 Whenever an appointing authority authorizes action to hire
18 a person to perform the duties of a firefighter or to hire a
19 firefighter-paramedic to fill a position that is a new
20 position or vacancy due to resignation, discharge, promotion,
21 death, the granting of a disability or retirement pension, or
22 any other cause, the appointing authority shall appoint to
23 that position the person with the highest ranking on the final
24 eligibility list. If the appointing authority has reason to
25 conclude that the highest ranked person fails to meet the
26 minimum standards for the position or if the appointing

1 authority believes an alternate candidate would better serve
2 the needs of the department, then the appointing authority has
3 the right to pass over the highest ranked person and appoint
4 either: (i) any person who has a ranking in the top 5% of the
5 register of eligibles or (ii) any person who is among the top 5
6 highest ranked persons on the list of eligibles if the number
7 of people who have a ranking in the top 5% of the register of
8 eligibles is less than 5 people.

9 Any candidate may pass on an appointment once without
10 losing his or her position on the register of eligibles. Any
11 candidate who passes a second time may be removed from the list
12 by the appointing authority provided that such action shall
13 not prejudice a person's opportunities to participate in
14 future examinations, including an examination held during the
15 time a candidate is already on the fire district's register of
16 eligibles.

17 The sole authority to issue certificates of appointment
18 shall be vested in the board of fire commissioners, or board of
19 trustees serving in the capacity of a board of fire
20 commissioners. All certificates of appointment issued to any
21 officer or member of an affected department shall be signed by
22 the chairperson and secretary, respectively, of the commission
23 upon appointment of such officer or member to the affected
24 department by action of the commission. After being selected
25 from the register of eligibles to fill a vacancy in the
26 affected department, each appointee shall be presented with

1 his or her certificate of appointment on the day on which he or
2 she is sworn in as a classified member of the affected
3 department. Firefighters who were not issued a certificate of
4 appointment when originally appointed shall be provided with a
5 certificate within 10 days after making a written request to
6 the chairperson of the board of fire commissioners, or board
7 of trustees serving in the capacity of a board of fire
8 commissioners. Each person who accepts a certificate of
9 appointment and successfully completes his or her probationary
10 period shall be enrolled as a firefighter and as a regular
11 member of the fire department.

12 For the purposes of this Section, "firefighter" means any
13 person who has been prior to, on, or after August 4, 2011 (the
14 effective date of Public Act 97-251) appointed to a fire
15 department or fire protection district or employed by a State
16 university and sworn or commissioned to perform firefighter
17 duties or paramedic duties, or both, except that the following
18 persons are not included: part-time firefighters; auxiliary,
19 reserve, or voluntary firefighters, including paid-on-call
20 firefighters; clerks and dispatchers or other civilian
21 employees of a fire department or fire protection district who
22 are not routinely expected to perform firefighter duties; and
23 elected officials.

24 (c) Qualification for placement on register of eligibles.
25 The purpose of establishing a register of eligibles is to
26 identify applicants who possess and demonstrate the mental

1 aptitude and physical ability to perform the duties required
2 of members of the fire department in order to provide the
3 highest quality of service to the public. To this end, all
4 applicants for original appointment to an affected fire
5 department shall be subject to examination and testing which
6 shall be public, competitive, and open to all applicants
7 unless the district shall by ordinance limit applicants to
8 residents of the district, county or counties in which the
9 district is located, State, or nation. Any examination and
10 testing procedure utilized under subsection (e) of this
11 Section shall be supported by appropriate validation evidence
12 and shall comply with all applicable State and federal laws.
13 Districts may establish educational, emergency medical service
14 licensure, and other prerequisites for participation in an
15 examination or for hire as a firefighter. Any fire protection
16 district may charge a fee to cover the costs of the application
17 process.

18 Residency requirements in effect at the time an individual
19 enters the fire service of a district cannot be made more
20 restrictive for that individual during his or her period of
21 service for that district, or be made a condition of
22 promotion, except for the rank or position of fire chief and
23 for no more than 2 positions that rank immediately below that
24 of the chief rank which are appointed positions pursuant to
25 the Fire Department Promotion Act.

26 No person who is 35 years of age or older shall be eligible

1 to take an examination for a position as a firefighter unless
2 the person has had previous employment status as a firefighter
3 in the regularly constituted fire department of the district,
4 except as provided in this Section. The age limitation does
5 not apply to:

6 (1) any person previously employed as a full-time
7 firefighter in a regularly constituted fire department of

8 (i) any municipality or fire protection district located
9 in Illinois, (ii) a fire protection district whose
10 obligations were assumed by a municipality under Section
11 21 of the Fire Protection District Act, or (iii) a
12 municipality whose obligations were taken over by a fire
13 protection district;

14 (2) any person who has served a fire district as a
15 regularly enrolled volunteer, paid-on-call, or part-time
16 firefighter; or

17 (3) any person who turned 35 while serving as a member
18 of the active or reserve components of any of the branches
19 of the Armed Forces of the United States or the National
20 Guard of any state, whose service was characterized as
21 honorable or under honorable, if separated from the
22 military, and is currently under the age of 40.

23 No person who is under 21 years of age shall be eligible
24 for employment as a firefighter.

25 No applicant shall be examined concerning his or her
26 political or religious opinions or affiliations. The

1 examinations shall be conducted by the commissioners of the
2 district or their designees and agents.

3 No district shall require that any firefighter appointed
4 to the lowest rank serve a probationary employment period of
5 longer than one year of actual active employment, which may
6 exclude periods of training, or injury or illness leaves,
7 including duty related leave, in excess of 30 calendar days.
8 Notwithstanding anything to the contrary in this Section, the
9 probationary employment period limitation may be extended for
10 a firefighter who is required, as a condition of employment,
11 to be a licensed paramedic, during which time the sole reason
12 that a firefighter may be discharged without a hearing is for
13 failing to meet the requirements for paramedic licensure.

14 In the event that any applicant who has been found
15 eligible for appointment and whose name has been placed upon
16 the final eligibility register provided for in this Section
17 has not been appointed to a firefighter position within one
18 year after the date of his or her physical ability
19 examination, the commission may cause a second examination to
20 be made of that applicant's physical ability prior to his or
21 her appointment. If, after the second examination, the
22 physical ability of the applicant shall be found to be less
23 than the minimum standard fixed by the rules of the
24 commission, the applicant shall not be appointed. The
25 applicant's name may be retained upon the register of
26 candidates eligible for appointment and when next reached for

1 certification and appointment that applicant may be again
2 examined as provided in this Section, and if the physical
3 ability of that applicant is found to be less than the minimum
4 standard fixed by the rules of the commission, the applicant
5 shall not be appointed, and the name of the applicant shall be
6 removed from the register.

7 (d) Notice, examination, and testing components. Notice of
8 the time, place, general scope, merit criteria for any
9 subjective component, and fee of every examination shall be
10 given by the commission, by a publication at least 2 weeks
11 preceding the examination: (i) in one or more newspapers
12 published in the district, or if no newspaper is published
13 therein, then in one or more newspapers with a general
14 circulation within the district, or (ii) on the fire
15 protection district's Internet website. Additional notice of
16 the examination may be given as the commission shall
17 prescribe.

18 The examination and qualifying standards for employment of
19 firefighters shall be based on: mental aptitude, physical
20 ability, preferences, moral character, and health. The mental
21 aptitude, physical ability, and preference components shall
22 determine an applicant's qualification for and placement on
23 the final register of eligibles. The examination may also
24 include a subjective component based on merit criteria as
25 determined by the commission. Scores from the examination must
26 be made available to the public.

1 (e) Mental aptitude. No person who does not possess at
2 least a high school diploma or an equivalent high school
3 education shall be placed on a register of eligibles.
4 Examination of an applicant's mental aptitude shall be based
5 upon a written examination. The examination shall be practical
6 in character and relate to those matters that fairly test the
7 capacity of the persons examined to discharge the duties
8 performed by members of a fire department. Written
9 examinations shall be administered in a manner that ensures
10 the security and accuracy of the scores achieved.

11 (f) Physical ability. All candidates shall be required to
12 undergo an examination of their physical ability to perform
13 the essential functions included in the duties they may be
14 called upon to perform as a member of a fire department. For
15 the purposes of this Section, essential functions of the job
16 are functions associated with duties that a firefighter may be
17 called upon to perform in response to emergency calls. The
18 frequency of the occurrence of those duties as part of the fire
19 department's regular routine shall not be a controlling factor
20 in the design of examination criteria or evolutions selected
21 for testing. These physical examinations shall be open,
22 competitive, and based on industry standards designed to test
23 each applicant's physical abilities in the following
24 dimensions:

25 (1) Muscular strength to perform tasks and evolutions
26 that may be required in the performance of duties

1 including grip strength, leg strength, and arm strength.
2 Tests shall be conducted under anaerobic as well as
3 aerobic conditions to test both the candidate's speed and
4 endurance in performing tasks and evolutions. Tasks tested
5 may be based on standards developed, or approved, by the
6 local appointing authority.

7 (2) The ability to climb ladders, operate from
8 heights, walk or crawl in the dark along narrow and uneven
9 surfaces, and operate in proximity to hazardous
10 environments.

11 (3) The ability to carry out critical, time-sensitive,
12 and complex problem solving during physical exertion in
13 stressful and hazardous environments. The testing
14 environment may be hot and dark with tightly enclosed
15 spaces, flashing lights, sirens, and other distractions.

16 The tests utilized to measure each applicant's
17 capabilities in each of these dimensions may be tests based on
18 industry standards currently in use or equivalent tests
19 approved by the Joint Labor-Management Committee of the Office
20 of the State Fire Marshal.

21 Physical ability examinations administered under this
22 Section shall be conducted with a reasonable number of
23 proctors and monitors, open to the public, and subject to
24 reasonable regulations of the commission.

25 (g) Scoring of examination components. Appointing
26 authorities may create a preliminary eligibility register. A

1 person shall be placed on the list based upon his or her
2 passage of the written examination or the passage of the
3 written examination and the physical ability component.
4 Passage of the written examination means attaining the minimum
5 score set by the commission. Minimum scores should be set by
6 the appointing authorities so as to demonstrate a candidate's
7 ability to perform the essential functions of the job. The
8 minimum score set by the commission shall be supported by
9 appropriate validation evidence and shall comply with all
10 applicable State and federal laws. The appointing authority
11 may conduct the physical ability component and any subjective
12 components subsequent to the posting of the preliminary
13 eligibility register.

14 The examination components for an initial eligibility
15 register shall be graded on a 100-point scale. A person's
16 position on the list shall be determined by the following: (i)
17 the person's score on the written examination, (ii) the person
18 successfully passing the physical ability component, and (iii)
19 the person's results on any subjective component as described
20 in subsection (d).

21 In order to qualify for placement on the final eligibility
22 register, an applicant's score on the written examination,
23 before any applicable preference points or subjective points
24 are applied, shall be at or above the minimum score set by the
25 commission. The local appointing authority may prescribe the
26 score to qualify for placement on the final eligibility

1 register, but the score shall not be less than the minimum
2 score set by the commission.

3 The commission shall prepare and keep a register of
4 persons whose total score is not less than the minimum score
5 for passage and who have passed the physical ability
6 examination. These persons shall take rank upon the register
7 as candidates in the order of their relative excellence based
8 on the highest to the lowest total points scored on the mental
9 aptitude, subjective component, and preference components of
10 the test administered in accordance with this Section. No more
11 than 60 days after each examination, an initial eligibility
12 list shall be posted by the commission. The list shall include
13 the final grades of the candidates without reference to
14 priority of the time of examination and subject to claim for
15 preference credit.

16 Commissions may conduct additional examinations, including
17 without limitation a polygraph test, after a final eligibility
18 register is established and before it expires with the
19 candidates ranked by total score without regard to date of
20 examination. No more than 60 days after each examination, an
21 initial eligibility list shall be posted by the commission
22 showing the final grades of the candidates without reference
23 to priority of time of examination and subject to claim for
24 preference credit.

25 (h) Preferences. The following are preferences:

26 (1) Veteran preference. Persons who were engaged in

1 the military service of the United States for a period of
2 at least one year of active duty and who were honorably
3 discharged therefrom, or who are now or have been members
4 on inactive or reserve duty in such military or naval
5 service, shall be preferred for appointment to and
6 employment with the fire department of an affected
7 department.

8 (2) Fire cadet preference. Persons who have
9 successfully completed 2 years of study in fire techniques
10 or cadet training within a cadet program established under
11 the rules of the Joint Labor and Management Committee
12 (JLMC), as defined in Section 50 of the Fire Department
13 Promotion Act, may be preferred for appointment to and
14 employment with the fire department.

15 (3) Educational preference. Persons who have
16 successfully obtained an associate's degree in the field
17 of fire service or emergency medical services, or a
18 bachelor's degree from an accredited college or university
19 may be preferred for appointment to and employment with
20 the fire department.

21 (4) Paramedic preference. Persons who have obtained a
22 license as a paramedic may be preferred for appointment to
23 and employment with the fire department of an affected
24 department providing emergency medical services.

25 (5) Experience preference. All persons employed by a
26 district who have been paid-on-call or part-time certified

1 Firefighter II, certified Firefighter III, State of
2 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
3 paramedic, or any combination of those capacities may be
4 awarded up to a maximum of 5 points. However, the
5 applicant may not be awarded more than 0.5 points for each
6 complete year of paid-on-call or part-time service.
7 Applicants from outside the district who were employed as
8 full-time firefighters or firefighter-paramedics by a fire
9 protection district or municipality for at least 2 years
10 may be awarded up to 5 experience preference points.
11 However, the applicant may not be awarded more than one
12 point for each complete year of full-time service.

13 Upon request by the commission, the governing body of
14 the district or in the case of applicants from outside the
15 district the governing body of any other fire protection
16 district or any municipality shall certify to the
17 commission, within 10 days after the request, the number
18 of years of successful paid-on-call, part-time, or
19 full-time service of any person. A candidate may not
20 receive the full amount of preference points under this
21 subsection if the amount of points awarded would place the
22 candidate before a veteran on the eligibility list. If
23 more than one candidate receiving experience preference
24 points is prevented from receiving all of their points due
25 to not being allowed to pass a veteran, the candidates
26 shall be placed on the list below the veteran in rank order

1 based on the totals received if all points under this
2 subsection were to be awarded. Any remaining ties on the
3 list shall be determined by lot.

4 (6) Residency preference. Applicants whose principal
5 residence is located within the fire department's
6 jurisdiction may be preferred for appointment to and
7 employment with the fire department.

8 (7) Additional preferences. Up to 5 additional
9 preference points may be awarded for unique categories
10 based on an applicant's experience or background as
11 identified by the commission.

12 (7.5) Apprentice preferences. A person who has
13 performed fire suppression service for a department as a
14 firefighter apprentice and otherwise meets the
15 qualifications for original appointment as a firefighter
16 specified in this Section is eligible to be awarded up to
17 20 preference points. To qualify for preference points, an
18 applicant shall have completed a minimum of 600 hours of
19 fire suppression work on a regular shift for the affected
20 fire department over a 12-month period. The fire
21 suppression work must be in accordance with Section 16.06
22 of this Act and the terms established by a Joint
23 Apprenticeship Committee included in a collective
24 bargaining agreement agreed between the employer and its
25 certified bargaining agent. An eligible applicant must
26 apply to the Joint Apprenticeship Committee for preference

1 points under this item. The Joint Apprenticeship Committee
2 shall evaluate the merit of the applicant's performance,
3 determine the preference points to be awarded, and certify
4 the amount of points awarded to the commissioners. The
5 commissioners may add the certified preference points to
6 the final grades achieved by the applicant on the other
7 components of the examination.

8 (8) Scoring of preferences. The commission shall give
9 preference for original appointment to persons designated
10 in item (1) by adding to the final grade that they receive
11 5 points for the recognized preference achieved. The
12 commission may give preference for original appointment to
13 persons designated in item (7.5) by adding to the final
14 grade the amount of points designated by the Joint
15 Apprenticeship Committee as defined in item (7.5). The
16 commission shall determine the number of preference points
17 for each category, except (1) and (7.5). The number of
18 preference points for each category shall range from 0 to
19 5, except item (7.5). In determining the number of
20 preference points, the commission shall prescribe that if
21 a candidate earns the maximum number of preference points
22 in all categories except item (7.5), that number may not
23 be less than 10 nor more than 30. The commission shall give
24 preference for original appointment to persons designated
25 in items (2) through (7) by adding the requisite number of
26 points to the final grade for each recognized preference

1 achieved. The numerical result thus attained shall be
2 applied by the commission in determining the final
3 eligibility list and appointment from the eligibility
4 list. The local appointing authority may prescribe the
5 total number of preference points awarded under this
6 Section, but the total number of preference points, except
7 item (7.5), shall not be less than 10 points or more than
8 30 points. Apprentice preference points may be added in
9 addition to other preference points awarded by the
10 commission.

11 No person entitled to any preference shall be required to
12 claim the credit before any examination held under the
13 provisions of this Section, but the preference shall be given
14 after the posting or publication of the initial eligibility
15 list or register at the request of a person entitled to a
16 credit before any certification or appointments are made from
17 the eligibility register, upon the furnishing of verifiable
18 evidence and proof of qualifying preference credit. Candidates
19 who are eligible for preference credit shall make a claim in
20 writing within 10 days after the posting of the initial
21 eligibility list, or the claim shall be deemed waived. Final
22 eligibility registers shall be established after the awarding
23 of verified preference points. However, apprentice preference
24 credit earned subsequent to the establishment of the final
25 eligibility register may be applied to the applicant's score
26 upon certification by the Joint Apprenticeship Committee to

1 the commission and the rank order of candidates on the final
2 eligibility register shall be adjusted accordingly. All
3 employment shall be subject to the commission's initial hire
4 background review, including, but not limited to, criminal
5 history, employment history, moral character, oral
6 examination, and medical and psychological examinations, all
7 on a pass-fail basis. The medical and psychological
8 examinations must be conducted last, and may only be performed
9 after a conditional offer of employment has been extended.

10 Any person placed on an eligibility list who exceeds the
11 age requirement before being appointed to a fire department
12 shall remain eligible for appointment until the list is
13 abolished, or his or her name has been on the list for a period
14 of 2 years. No person who has attained the age of 35 years
15 shall be inducted into a fire department, except as otherwise
16 provided in this Section.

17 The commission shall strike off the names of candidates
18 for original appointment after the names have been on the list
19 for more than 2 years.

20 (i) Moral character. No person shall be appointed to a
21 fire department unless he or she is a person of good character;
22 not a habitual drunkard, a gambler, or a person who has been
23 convicted of a felony or a crime involving moral turpitude.
24 However, no person shall be disqualified from appointment to
25 the fire department because of the person's record of
26 misdemeanor convictions except those under Sections 11-6,

1 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
2 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
3 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and paragraphs
4 (1), (6), and (8) of subsection (a) ~~subsections 1, 6, and 8~~ of
5 Section 24-1 of the Criminal Code of 1961 or the Criminal Code
6 of 2012, or arrest for any cause without conviction thereon.
7 Any such person who is in the department may be removed on
8 charges brought for violating this subsection and after a
9 trial as hereinafter provided.

10 A classifiable set of the fingerprints of every person who
11 is offered employment as a certificated member of an affected
12 fire department whether with or without compensation, shall be
13 furnished to the Illinois State Police and to the Federal
14 Bureau of Investigation by the commission.

15 Whenever a commission is authorized or required by law to
16 consider some aspect of criminal history record information
17 for the purpose of carrying out its statutory powers and
18 responsibilities, then, upon request and payment of fees in
19 conformance with the requirements of Section 2605-400 of the
20 Illinois State Police Law of the Civil Administrative Code of
21 Illinois, the Illinois State Police is authorized to furnish,
22 pursuant to positive identification, the information contained
23 in State files as is necessary to fulfill the request.

24 (j) Temporary appointments. In order to prevent a stoppage
25 of public business, to meet extraordinary exigencies, or to
26 prevent material impairment of the fire department, the

1 commission may make temporary appointments, to remain in force
2 only until regular appointments are made under the provisions
3 of this Section, but never to exceed 60 days. No temporary
4 appointment of any one person shall be made more than twice in
5 any calendar year.

6 (k) A person who knowingly divulges or receives test
7 questions or answers before a written examination, or
8 otherwise knowingly violates or subverts any requirement of
9 this Section, commits a violation of this Section and may be
10 subject to charges for official misconduct.

11 A person who is the knowing recipient of test information
12 in advance of the examination shall be disqualified from the
13 examination or discharged from the position to which he or she
14 was appointed, as applicable, and otherwise subjected to
15 disciplinary actions.

16 (Source: P.A. 101-489, eff. 8-23-19; 102-375, eff. 8-13-21;
17 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; revised
18 11-23-21.)

19 Section 310. The School Code is amended by changing
20 Sections 2-3.25o, 2-3.80, 10-17a, 10-21.9, 10-22.3f, 10-22.6,
21 10-22.39, 10-27.1A, 14-8.02, 18-8.15, 21A-25.5, 22-30, 24-2,
22 26-1, 26-2a, 26-13, 27-23.7, 27A-5, 29-5, 34-2.1, 34-4.5,
23 34-18.5, 34-18.8, and 34-21.9, by setting forth, renumbering,
24 and changing multiple versions of Sections 2-3.182, 10-20.73,
25 10-20.75, 14-17, and 22-90, and by setting forth and

1 renumbering Sections 27-23.15 and 34-18.67 as follows:

2 (105 ILCS 5/2-3.25o)

3 Sec. 2-3.25o. Registration and recognition of non-public
4 elementary and secondary schools.

5 (a) Findings. The General Assembly finds and declares (i)
6 that the Constitution of the State of Illinois provides that a
7 "fundamental goal of the People of the State is the
8 educational development of all persons to the limits of their
9 capacities" and (ii) that the educational development of every
10 school student serves the public purposes of the State. In
11 order to ensure that all Illinois students and teachers have
12 the opportunity to enroll and work in State-approved
13 educational institutions and programs, the State Board of
14 Education shall provide for the voluntary registration and
15 recognition of non-public elementary and secondary schools.

16 (b) Registration. All non-public elementary and secondary
17 schools in the State of Illinois may voluntarily register with
18 the State Board of Education on an annual basis. Registration
19 shall be completed in conformance with procedures prescribed
20 by the State Board of Education. Information required for
21 registration shall include assurances of compliance (i) with
22 federal and State laws regarding health examination and
23 immunization, attendance, length of term, and
24 nondiscrimination, including assurances that the school will
25 not prohibit hairstyles historically associated with race,

1 ethnicity, or hair texture, including, but not limited to,
2 protective hairstyles such as braids, locks, and twists, and
3 (ii) with applicable fire and health safety requirements.

4 (c) Recognition. All non-public elementary and secondary
5 schools in the State of Illinois may voluntarily seek the
6 status of "Non-public School Recognition" from the State Board
7 of Education. This status may be obtained by compliance with
8 administrative guidelines and review procedures as prescribed
9 by the State Board of Education. The guidelines and procedures
10 must recognize that some of the aims and the financial bases of
11 non-public schools are different from public schools and will
12 not be identical to those for public schools, nor will they be
13 more burdensome. The guidelines and procedures must also
14 recognize the diversity of non-public schools and shall not
15 impinge upon the noneducational relationships between those
16 schools and their clientele.

17 (c-5) Prohibition against recognition. A non-public
18 elementary or secondary school may not obtain "Non-public
19 School Recognition" status unless the school requires all
20 certified and non-certified applicants for employment with the
21 school, after July 1, 2007, to authorize a fingerprint-based
22 criminal history records check as a condition of employment to
23 determine if such applicants have been convicted of any of the
24 enumerated criminal or drug offenses set forth in Section
25 21B-80 of this Code or have been convicted, within 7 years of
26 the application for employment, of any other felony under the

1 laws of this State or of any offense committed or attempted in
2 any other state or against the laws of the United States that,
3 if committed or attempted in this State, would have been
4 punishable as a felony under the laws of this State.

5 Authorization for the check shall be furnished by the
6 applicant to the school, except that if the applicant is a
7 substitute teacher seeking employment in more than one
8 non-public school, a teacher seeking concurrent part-time
9 employment positions with more than one non-public school (as
10 a reading specialist, special education teacher, or
11 otherwise), or an educational support personnel employee
12 seeking employment positions with more than one non-public
13 school, then only one of the non-public schools employing the
14 individual shall request the authorization. Upon receipt of
15 this authorization, the non-public school shall submit the
16 applicant's name, sex, race, date of birth, social security
17 number, fingerprint images, and other identifiers, as
18 prescribed by the Illinois State Police, to the Illinois State
19 Police.

20 The Illinois State Police and Federal Bureau of
21 Investigation shall furnish, pursuant to a fingerprint-based
22 criminal history records check, records of convictions,
23 forever and hereafter, until expunged, to the president or
24 principal of the non-public school that requested the check.
25 The Illinois State Police shall charge that school a fee for
26 conducting such check, which fee must be deposited into the

1 State Police Services Fund and must not exceed the cost of the
2 inquiry. Subject to appropriations for these purposes, the
3 State Superintendent of Education shall reimburse non-public
4 schools for fees paid to obtain criminal history records
5 checks under this Section.

6 A non-public school may not obtain recognition status
7 unless the school also performs a check of the Statewide Sex
8 Offender Database, as authorized by the Sex Offender Community
9 Notification Law, for each applicant for employment, after
10 July 1, 2007, to determine whether the applicant has been
11 adjudicated a sex offender.

12 Any information concerning the record of convictions
13 obtained by a non-public school's president or principal under
14 this Section is confidential and may be disseminated only to
15 the governing body of the non-public school or any other
16 person necessary to the decision of hiring the applicant for
17 employment. A copy of the record of convictions obtained from
18 the Illinois State Police shall be provided to the applicant
19 for employment. Upon a check of the Statewide Sex Offender
20 Database, the non-public school shall notify the applicant as
21 to whether or not the applicant has been identified in the Sex
22 Offender Database as a sex offender. Any information
23 concerning the records of conviction obtained by the
24 non-public school's president or principal under this Section
25 for a substitute teacher seeking employment in more than one
26 non-public school, a teacher seeking concurrent part-time

1 employment positions with more than one non-public school (as
2 a reading specialist, special education teacher, or
3 otherwise), or an educational support personnel employee
4 seeking employment positions with more than one non-public
5 school may be shared with another non-public school's
6 principal or president to which the applicant seeks
7 employment. Any unauthorized release of confidential
8 information may be a violation of Section 7 of the Criminal
9 Identification Act.

10 No non-public school may obtain recognition status that
11 knowingly employs a person, hired after July 1, 2007, for whom
12 an Illinois State Police and Federal Bureau of Investigation
13 fingerprint-based criminal history records check and a
14 Statewide Sex Offender Database check has not been initiated
15 or who has been convicted of any offense enumerated in Section
16 21B-80 of this Code or any offense committed or attempted in
17 any other state or against the laws of the United States that,
18 if committed or attempted in this State, would have been
19 punishable as one or more of those offenses. No non-public
20 school may obtain recognition status under this Section that
21 knowingly employs a person who has been found to be the
22 perpetrator of sexual or physical abuse of a minor under 18
23 years of age pursuant to proceedings under Article II of the
24 Juvenile Court Act of 1987.

25 In order to obtain recognition status under this Section,
26 a non-public school must require compliance with the

1 provisions of this subsection (c-5) from all employees of
2 persons or firms holding contracts with the school, including,
3 but not limited to, food service workers, school bus drivers,
4 and other transportation employees, who have direct, daily
5 contact with pupils. Any information concerning the records of
6 conviction or identification as a sex offender of any such
7 employee obtained by the non-public school principal or
8 president must be promptly reported to the school's governing
9 body.

10 Prior to the commencement of any student teaching
11 experience or required internship (which is referred to as
12 student teaching in this Section) in any non-public elementary
13 or secondary school that has obtained or seeks to obtain
14 recognition status under this Section, a student teacher is
15 required to authorize a fingerprint-based criminal history
16 records check. Authorization for and payment of the costs of
17 the check must be furnished by the student teacher to the chief
18 administrative officer of the non-public school where the
19 student teaching is to be completed. Upon receipt of this
20 authorization and payment, the chief administrative officer of
21 the non-public school shall submit the student teacher's name,
22 sex, race, date of birth, social security number, fingerprint
23 images, and other identifiers, as prescribed by the Illinois
24 State Police, to the Illinois State Police. The Illinois State
25 Police and the Federal Bureau of Investigation shall furnish,
26 pursuant to a fingerprint-based criminal history records

1 check, records of convictions, forever and hereinafter, until
2 expunged, to the chief administrative officer of the
3 non-public school that requested the check. The Illinois State
4 Police shall charge the school a fee for conducting the check,
5 which fee must be passed on to the student teacher, must not
6 exceed the cost of the inquiry, and must be deposited into the
7 State Police Services Fund. The school shall further perform a
8 check of the Statewide Sex Offender Database, as authorized by
9 the Sex Offender Community Notification Law, and of the
10 Statewide Murderer and Violent Offender Against Youth
11 Database, as authorized by the Murderer and Violent Offender
12 Against Youth Registration Act, for each student teacher. No
13 school that has obtained or seeks to obtain recognition status
14 under this Section may knowingly allow a person to student
15 teach for whom a criminal history records check, a Statewide
16 Sex Offender Database check, and a Statewide Murderer and
17 Violent Offender Against Youth Database check have not been
18 completed and reviewed by the chief administrative officer of
19 the non-public school.

20 A copy of the record of convictions obtained from the
21 Illinois State Police must be provided to the student teacher.
22 Any information concerning the record of convictions obtained
23 by the chief administrative officer of the non-public school
24 is confidential and may be transmitted only to the chief
25 administrative officer of the non-public school or his or her
26 designee, the State Superintendent of Education, the State

1 Educator Preparation and Licensure Board, or, for
2 clarification purposes, the Illinois State Police or the
3 Statewide Sex Offender Database or Statewide Murderer and
4 Violent Offender Against Youth Database. Any unauthorized
5 release of confidential information may be a violation of
6 Section 7 of the Criminal Identification Act.

7 No school that has obtained or seeks to obtain recognition
8 status under this Section may knowingly allow a person to
9 student teach who has been convicted of any offense that would
10 subject him or her to license suspension or revocation
11 pursuant to Section 21B-80 of this Code or who has been found
12 to be the perpetrator of sexual or physical abuse of a minor
13 under 18 years of age pursuant to proceedings under Article II
14 of the Juvenile Court Act of 1987.

15 Any school that has obtained or seeks to obtain
16 recognition status under this Section may not prohibit
17 hairstyles historically associated with race, ethnicity, or
18 hair texture, including, but not limited to, protective
19 hairstyles such as braids, locks, and twists.

20 (d) Public purposes. The provisions of this Section are in
21 the public interest, for the public benefit, and serve secular
22 public purposes.

23 (e) Definition. For purposes of this Section, a non-public
24 school means any non-profit, non-home-based, and non-public
25 elementary or secondary school that is in compliance with
26 Title VI of the Civil Rights Act of 1964 and attendance at

1 which satisfies the requirements of Section 26-1 of this Code.
2 (Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21;
3 revised 10-4-21.)

4 (105 ILCS 5/2-3.80) (from Ch. 122, par. 2-3.80)

5 Sec. 2-3.80. (a) The General Assembly recognizes that
6 agriculture is the most basic and singularly important
7 industry in the State, that agriculture is of central
8 importance to the welfare and economic stability of the State,
9 and that the maintenance of this vital industry requires a
10 continued source of trained and qualified individuals for
11 employment in agriculture and agribusiness. The General
12 Assembly hereby declares that it is in the best interests of
13 the people of the State of Illinois that a comprehensive
14 education program in agriculture be created and maintained by
15 the State's public school system in order to ensure an
16 adequate supply of trained and skilled individuals and to
17 ensure appropriate representation of racial and ethnic groups
18 in all phases of the industry. It is the intent of the General
19 Assembly that a State program for agricultural education shall
20 be a part of the curriculum of the public school system K
21 through adult, and made readily available to all school
22 districts which may, at their option, include programs in
23 education in agriculture as a part of the curriculum of that
24 district.

25 (b) The State Board of Education shall adopt such rules

1 and regulations as are necessary to implement the provisions
2 of this Section. The rules and regulations shall not create
3 any new State mandates on school districts as a condition of
4 receiving federal, State, and local funds by those entities.
5 It is in the intent of the General Assembly that, although this
6 Section does not create any new mandates, school districts are
7 strongly advised to follow the guidelines set forth in this
8 Section.

9 (c) The State Superintendent of Education shall assume
10 responsibility for the administration of the State program
11 adopted under this Section throughout the public school system
12 as well as the articulation of the State program to the
13 requirements and mandates of federally assisted education.
14 There is currently within the State Board of Education an
15 agricultural education unit to assist school districts in the
16 establishment and maintenance of educational programs pursuant
17 to the provisions of this Section. The staffing of the unit
18 shall at all times be comprised of an appropriate number of
19 full-time employees who shall serve as program consultants in
20 agricultural education and shall be available to provide
21 assistance to school districts. At least one consultant shall
22 be responsible for the coordination of the State program, as
23 Head Consultant. At least one consultant shall be responsible
24 for the coordination of the activities of student and
25 agricultural organizations and associations.

26 (d) A committee of 13 agriculturalists representative of

1 the various and diverse areas of the agricultural industry in
2 Illinois shall be established to at least develop a curriculum
3 and overview the implementation of the Build Illinois through
4 Quality Agricultural Education plans of the Illinois
5 Leadership Council for Agricultural Education and to advise
6 the State Board of Education on vocational agricultural
7 education, including the administration of the agricultural
8 education line item appropriation and agency rulemaking that
9 affects agricultural education educators. The committee shall
10 be composed of the following:

11 (1) 3 ~~6~~ agriculturalists representing the Illinois
12 Leadership Council for Agricultural Education;

13 (2) 3 agriculturalists;

14 (3) 2 secondary agriculture teachers;

15 (4) one representative of "Ag In The Classroom";

16 (5) one community college agriculture teacher;

17 (6) one adult agriculture educator;

18 (7) one university agriculture teacher educator; and

19 (8) one FFA representative.

20 All members of the committee shall be appointed by the
21 Governor by and with the advice and consent of the Senate. The
22 terms of all members so appointed shall be for 3 years, except
23 that of the members initially appointed, 5 shall be appointed
24 to serve for terms of one year, 4 shall be appointed to serve
25 for terms of 2 years, and 4 shall be appointed to serve for
26 terms of 3 years. All members of the committee shall serve

1 until their successors are appointed and qualified. Subject to
2 a requirement that committee members in office before January
3 1, 2022 (the effective date of Public Act 102-463) ~~this~~
4 ~~amendatory Act of 102nd General Assembly~~ may serve the full
5 term to which they were appointed, the appointment of
6 committee members to terms that commence on or after January
7 1, 2022 (the effective date of Public Act 102-463) ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~ shall be made in a
9 manner that gives effect at the earliest possible time to the
10 changes that are required by Public Act 102-463 ~~this~~
11 ~~amendatory Act of the 102nd General Assembly~~ in the
12 representative composition of the committee's membership.

13 Vacancies in terms shall be filled by appointment of the
14 Governor with the advice and consent of the Senate for the
15 extent of the unexpired term.

16 The State Board of Education shall implement a Build
17 Illinois through Quality Agricultural Education plan following
18 receipt of these recommendations, which shall be made
19 available on or before March 31, 1987. Recommendations shall
20 include, but not be limited to, the development of a
21 curriculum and a strategy for the purpose of establishing a
22 source of trained and qualified individuals in agriculture, a
23 strategy for articulating the State program in agricultural
24 education throughout the public school system, and a consumer
25 education outreach strategy regarding the importance of
26 agriculture in Illinois.

1 The committee of agriculturalists shall serve without
2 compensation.

3 (e) A school district that offers a secondary agricultural
4 education program that is approved for State and federal
5 funding must ensure that, at a minimum, all of the following
6 are available to its secondary agricultural education
7 students:

8 (1) An instructional sequence of courses approved by
9 the State Board of Education.

10 (2) A State and nationally affiliated FFA (Future
11 Farmers of America) chapter that is integral to
12 instruction and is not treated solely as an
13 extracurricular activity.

14 (3) A mechanism for ensuring the involvement of all
15 secondary agricultural education students in formal,
16 supervised, agricultural-experience activities and
17 programs.

18 (f) Nothing in this Section may prevent those secondary
19 agricultural education programs that are in operation before
20 January 1, 2007 (the effective date of Public Act 94-855) and
21 that do not have an active State and nationally affiliated FFA
22 chapter from continuing to operate or from continuing to
23 receive funding from the State Board of Education.

24 (Source: P.A. 102-463, eff. 1-1-22; 102-558, eff. 8-20-21;
25 revised 10-5-21.)

1 (105 ILCS 5/2-3.182)

2 Sec. 2-3.182. Annual census of personnel holding school
3 support personnel endorsements.

4 (a) In this Section:

5 "School support personnel endorsement" means an
6 endorsement affixed to a Professional Educator License as
7 referenced in subparagraph (G) of paragraph (2) of Section
8 21B-25 of this Code.

9 "Special education joint agreement" means an entity formed
10 pursuant to Section 10-22.31 of this Code.

11 (b) No later than December 1, 2023 and each December 1st
12 annually thereafter, the State Board of Education must make
13 available on its website the following information for each
14 school district as of October 1st of each year beginning in
15 2022:

16 (1) The total number of personnel with a school
17 support personnel endorsement and, for each endorsement
18 area:

19 (A) those actively employed on a full-time basis
20 by the school district;

21 (B) those actively employed on a part-time basis
22 by the school district; and

23 (C) those actively employed by a special education
24 joint agreement providing services to students in the
25 school district.

26 (2) The total number of students enrolled in the

1 school district and, of that total, the number of students
2 with an individualized education program or a plan
3 pursuant to Section 504 of the federal Rehabilitation Act
4 of 1973.

5 (Source: P.A. 102-302, eff. 1-1-22.)

6 (105 ILCS 5/2-3.189)

7 Sec. 2-3.189 ~~2-3.182~~. School unused food sharing plan.
8 School districts shall incorporate a food sharing plan for
9 unused food into their local wellness policy under Section
10 2-3.139. The food sharing plan shall focus on needy students,
11 with the plan being developed and supported jointly by the
12 district's local health department. Participants in the child
13 nutrition programs, the National School Lunch Program and
14 National School Breakfast Program, the Child and Adult Care
15 Food Program (CACFP), and the Summer Food Service Program
16 (SFSP) shall adhere to the provisions of the Richard B.
17 Russell National School Lunch Act, as well as accompanying
18 guidance from the U.S. Department of Agriculture on the Food
19 Donation Program, to ensure that any leftover food items are
20 properly donated in order to combat potential food insecurity
21 in their communities. For the purpose of this Section,
22 "properly" means in accordance with all federal regulations
23 and State and local health and sanitation codes.

24 (Source: P.A. 102-359, eff. 8-13-21; revised 11-9-21.)

1 (105 ILCS 5/2-3.190)

2 Sec. 2-3.190 ~~2-3.182~~. Anaphylactic policy for school
3 districts.

4 (a) The State Board of Education, in consultation with the
5 Department of Public Health, shall establish an anaphylactic
6 policy for school districts setting forth guidelines and
7 procedures to be followed both for the prevention of
8 anaphylaxis and during a medical emergency resulting from
9 anaphylaxis. The policy shall be developed after consultation
10 with the advisory committee established pursuant to Section 5
11 of the Critical Health Problems and Comprehensive Health
12 Education Act. In establishing the policy required under this
13 Section, the State Board shall consider existing requirements
14 and current and best practices for schools regarding allergies
15 and anaphylaxis. The State Board must also consider the
16 voluntary guidelines for managing food allergies in schools
17 issued by the United States Department of Health and Human
18 Services.

19 (b) The anaphylactic policy established under subsection
20 (a) shall include the following:

21 (1) A procedure and treatment plan, including
22 emergency protocols and responsibilities for school nurses
23 and other appropriate school personnel, for responding to
24 anaphylaxis.

25 (2) Requirements for a training course for appropriate
26 school personnel on preventing and responding to

1 anaphylaxis.

2 (3) A procedure and appropriate guidelines for the
3 development of an individualized emergency health care
4 plan for children with a food or other allergy that could
5 result in anaphylaxis.

6 (4) A communication plan for intake and dissemination
7 of information provided by this State regarding children
8 with a food or other allergy that could result in
9 anaphylaxis, including a discussion of methods,
10 treatments, and therapies to reduce the risk of allergic
11 reactions, including anaphylaxis.

12 (5) Strategies for reducing the risk of exposure to
13 anaphylactic causative agents, including food and other
14 allergens.

15 (6) A communication plan for discussion with children
16 who have developed adequate verbal communication and
17 comprehension skills and with the parents or guardians of
18 all children about foods that are safe and unsafe and
19 about strategies to avoid exposure to unsafe food.

20 (c) At least once each calendar year, each school district
21 shall send a notification to the parents or guardians of all
22 children under the care of a school to make them aware of the
23 anaphylactic policy. The notification shall include contact
24 information for parents and guardians to engage further with
25 the school to learn more about individualized aspects of the
26 policy.

1 (d) At least 6 months after August 20, 2021 (the effective
2 date of Public Act 102-413) ~~this amendatory Act of the 102nd~~
3 ~~General Assembly~~, the anaphylactic policy established under
4 subsection (a) shall be forwarded by the State Board to the
5 school board of each school district in this State. Each
6 school district shall implement or update, as appropriate, its
7 anaphylactic policy in accordance with those developed by the
8 State Board within 6 months after receiving the anaphylactic
9 policy from the State Board.

10 (e) The anaphylactic policy established under subsection
11 (a) shall be reviewed and updated, if necessary, at least once
12 every 3 years.

13 (f) The State Board shall post the anaphylactic policy
14 established under subsection (a) and resources regarding
15 allergies and anaphylaxis on its website.

16 (g) The State Board may adopt any rules necessary to
17 implement this Section.

18 (Source: P.A. 102-413, eff. 8-20-21; revised 11-9-21.)

19 (105 ILCS 5/2-3.191)

20 Sec. 2-3.191 ~~2-3.182~~. State Education Equity Committee.

21 (a) The General Assembly finds that this State has an
22 urgent and collective responsibility to achieve educational
23 equity by ensuring that all policies, programs, and practices
24 affirm the strengths that each and every child brings with
25 diverse backgrounds and life experiences and by delivering the

1 comprehensive support, programs, and educational opportunities
2 children need to succeed.

3 (b) The State Education Equity Committee is created within
4 the State Board of Education to strive toward ensuring equity
5 in education for all children from birth through grade 12.

6 (c) The Committee shall consist of the State
7 Superintendent of Education or the State Superintendent's
8 designee, who shall serve as chairperson, and one member from
9 each of the following organizations appointed by the State
10 Superintendent:

11 (1) At least 2 educators who each represent a
12 different statewide professional teachers' organization.

13 (2) A professional teachers' organization located in a
14 city having a population exceeding 500,000.

15 (3) A statewide association representing school
16 administrators.

17 (4) A statewide association representing regional
18 superintendents of schools.

19 (5) A statewide association representing school board
20 members.

21 (6) A statewide association representing school
22 principals.

23 (7) A school district serving a community with a
24 population of 500,000 or more.

25 (8) A parent-led organization.

26 (9) A student-led organization.

1 (10) One community organization that works to foster
2 safe and healthy environments through advocacy for
3 immigrant families and ensuring equitable opportunities
4 for educational advancement and economic development.

5 (11) An organization that works for economic,
6 educational, and social progress for African Americans and
7 promotes strong sustainable communities through advocacy,
8 collaboration, and innovation.

9 (12) One statewide organization whose focus is to
10 narrow or close the achievement gap between students of
11 color and their peers.

12 (13) An organization that advocates for healthier
13 school environments in this State.

14 (14) One statewide organization that advocates for
15 partnerships among schools, families, and the community,
16 provides access to support, and removes barriers to
17 learning and development, using schools as hubs.

18 (15) One organization that advocates for the health
19 and safety of Illinois youth and families by providing
20 capacity building services.

21 (16) An organization dedicated to advocating for
22 public policies to prevent homelessness.

23 (17) Other appropriate State agencies as determined by
24 the State Superintendent.

25 Members appointed to the Committee must reflect, as much
26 as possible, the racial, ethnic, and geographic diversity of

1 this State.

2 (d) Members appointed by the State Superintendent shall
3 serve without compensation, but may be reimbursed for
4 reasonable and necessary expenses, including travel, from
5 funds appropriated to the State Board of Education for that
6 purpose, subject to the rules of the appropriate travel
7 control board.

8 (e) The Committee shall meet at the call of the
9 chairperson, but shall meet no less than 3 times a year.

10 (f) The Committee shall recognize that, while progress has
11 been made, much remains to be done to address systemic
12 inequities and ensure each and every child is equipped to
13 reach the child's fullest potential and shall:

14 (1) guide its work through the principles of equity,
15 equality, collaboration, and community;

16 (2) focus its work around the overarching goals of
17 student learning, learning conditions, and elevating
18 educators, all underpinned by equity;

19 (3) identify evidence-based practices or policies
20 around these goals to build on this State's progress of
21 ensuring educational equity for all its students in all
22 aspects of birth through grade 12 education; and

23 (4) seek input and feedback on identified
24 evidence-based practices or policies from stakeholders,
25 including, but not limited to, parents, students, and
26 educators that reflect the rich diversity of Illinois

1 students.

2 (g) The Committee shall submit its recommendations to the
3 General Assembly and the State Board of Education no later
4 than January 31, 2022. By no later than December 15, 2023 and
5 each year thereafter, the Committee shall report to the
6 General Assembly and the State Board of Education about the
7 additional progress that has been made to achieve educational
8 equity.

9 (Source: P.A. 102-458, eff. 8-20-21; revised 1-15-22.)

10 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

11 (Text of Section before amendment by P.A. 102-594)

12 Sec. 10-17a. State, school district, and school report
13 cards.

14 (1) By October 31, 2013 and October 31 of each subsequent
15 school year, the State Board of Education, through the State
16 Superintendent of Education, shall prepare a State report
17 card, school district report cards, and school report cards,
18 and shall by the most economical ~~economic~~ means provide to
19 each school district in this State, including special charter
20 districts and districts subject to the provisions of Article
21 34, the report cards for the school district and each of its
22 schools. Because of the impacts of the COVID-19 public health
23 emergency during school year 2020-2021, the State Board of
24 Education shall have until December 31, 2021 to prepare and
25 provide the report cards that would otherwise be due by

1 October 31, 2021. During a school year in which the Governor
2 has declared a disaster due to a public health emergency
3 pursuant to Section 7 of the Illinois Emergency Management
4 Agency Act, the report cards for the school districts and each
5 of its schools shall be prepared by December 31.

6 (2) In addition to any information required by federal
7 law, the State Superintendent shall determine the indicators
8 and presentation of the school report card, which must
9 include, at a minimum, the most current data collected and
10 maintained by the State Board of Education related to the
11 following:

12 (A) school characteristics and student demographics,
13 including average class size, average teaching experience,
14 student racial/ethnic breakdown, and the percentage of
15 students classified as low-income; the percentage of
16 students classified as English learners, the number of
17 students who graduate from a bilingual or English learner
18 program, and the number of students who graduate from,
19 transfer from, or otherwise leave bilingual programs; the
20 percentage of students who have individualized education
21 plans or 504 plans that provide for special education
22 services; the number and percentage of all students who
23 have been assessed for placement in a gifted education or
24 advanced academic program and, of those students: (i) the
25 racial and ethnic breakdown, (ii) the percentage who are
26 classified as low-income, and (iii) the number and

1 percentage of students who received direct instruction
2 from a teacher who holds a gifted education endorsement
3 and, of those students, the percentage who are classified
4 as low-income; the percentage of students scoring at the
5 "exceeds expectations" level on the assessments required
6 under Section 2-3.64a-5 of this Code; the percentage of
7 students who annually transferred in or out of the school
8 district; average daily attendance; the per-pupil
9 operating expenditure of the school district; and the
10 per-pupil State average operating expenditure for the
11 district type (elementary, high school, or unit);

12 (B) curriculum information, including, where
13 applicable, Advanced Placement, International
14 Baccalaureate or equivalent courses, dual enrollment
15 courses, foreign language classes, computer science
16 courses, school personnel resources (including Career
17 Technical Education teachers), before and after school
18 programs, extracurricular activities, subjects in which
19 elective classes are offered, health and wellness
20 initiatives (including the average number of days of
21 Physical Education per week per student), approved
22 programs of study, awards received, community
23 partnerships, and special programs such as programming for
24 the gifted and talented, students with disabilities, and
25 work-study students;

26 (C) student outcomes, including, where applicable, the

1 percentage of students deemed proficient on assessments of
2 State standards, the percentage of students in the eighth
3 grade who pass Algebra, the percentage of students who
4 participated in workplace learning experiences, the
5 percentage of students enrolled in post-secondary
6 institutions (including colleges, universities, community
7 colleges, trade/vocational schools, and training programs
8 leading to career certification within 2 semesters of high
9 school graduation), the percentage of students graduating
10 from high school who are college and career ready, and the
11 percentage of graduates enrolled in community colleges,
12 colleges, and universities who are in one or more courses
13 that the community college, college, or university
14 identifies as a developmental course;

15 (D) student progress, including, where applicable, the
16 percentage of students in the ninth grade who have earned
17 5 credits or more without failing more than one core
18 class, a measure of students entering kindergarten ready
19 to learn, a measure of growth, and the percentage of
20 students who enter high school on track for college and
21 career readiness;

22 (E) the school environment, including, where
23 applicable, high school dropout rate by grade level, the
24 percentage of students with less than 10 absences in a
25 school year, the percentage of teachers with less than 10
26 absences in a school year for reasons other than

1 professional development, leaves taken pursuant to the
2 federal Family Medical Leave Act of 1993, long-term
3 disability, or parental leaves, the 3-year average of the
4 percentage of teachers returning to the school from the
5 previous year, the number of different principals at the
6 school in the last 6 years, the number of teachers who hold
7 a gifted education endorsement, the process and criteria
8 used by the district to determine whether a student is
9 eligible for participation in a gifted education program
10 or advanced academic program and the manner in which
11 parents and guardians are made aware of the process and
12 criteria, 2 or more indicators from any school climate
13 survey selected or approved by the State and administered
14 pursuant to Section 2-3.153 of this Code, with the same or
15 similar indicators included on school report cards for all
16 surveys selected or approved by the State pursuant to
17 Section 2-3.153 of this Code, the combined percentage of
18 teachers rated as proficient or excellent in their most
19 recent evaluation, and, beginning with the 2022-2023
20 school year, data on the number of incidents of violence
21 that occurred on school grounds or during school-related
22 activities and that resulted in an out-of-school
23 suspension, expulsion, or removal to an alternative
24 setting, as reported pursuant to Section 2-3.162;

25 (F) a school district's and its individual schools'
26 balanced accountability measure, in accordance with

1 Section 2-3.25a of this Code;

2 (G) the total and per pupil normal cost amount the
3 State contributed to the Teachers' Retirement System of
4 the State of Illinois in the prior fiscal year for the
5 school's employees, which shall be reported to the State
6 Board of Education by the Teachers' Retirement System of
7 the State of Illinois;

8 (H) for a school district organized under Article 34
9 of this Code only, State contributions to the Public
10 School Teachers' Pension and Retirement Fund of Chicago
11 and State contributions for health care for employees of
12 that school district;

13 (I) a school district's Final Percent of Adequacy, as
14 defined in paragraph (4) of subsection (f) of Section
15 18-8.15 of this Code;

16 (J) a school district's Local Capacity Target, as
17 defined in paragraph (2) of subsection (c) of Section
18 18-8.15 of this Code, displayed as a percentage amount;

19 (K) a school district's Real Receipts, as defined in
20 paragraph (1) of subsection (d) of Section 18-8.15 of this
21 Code, divided by a school district's Adequacy Target, as
22 defined in paragraph (1) of subsection (b) of Section
23 18-8.15 of this Code, displayed as a percentage amount;

24 (L) a school district's administrative costs;

25 (M) whether or not the school has participated in the
26 Illinois Youth Survey. In this paragraph (M), "Illinois

1 Youth Survey" means a self-report survey, administered in
2 school settings every 2 years, designed to gather
3 information about health and social indicators, including
4 substance abuse patterns and the attitudes of students in
5 grades 8, 10, and 12; and

6 (N) whether the school offered its students career and
7 technical education opportunities.

8 The school report card shall also provide information that
9 allows for comparing the current outcome, progress, and
10 environment data to the State average, to the school data from
11 the past 5 years, and to the outcomes, progress, and
12 environment of similar schools based on the type of school and
13 enrollment of low-income students, special education students,
14 and English learners.

15 As used in this subsection (2):

16 "Administrative costs" means costs associated with
17 executive, administrative, or managerial functions within the
18 school district that involve planning, organizing, managing,
19 or directing the school district.

20 "Advanced academic program" means a course of study to
21 which students are assigned based on advanced cognitive
22 ability or advanced academic achievement compared to local age
23 peers and in which the curriculum is substantially
24 differentiated from the general curriculum to provide
25 appropriate challenge and pace.

26 "Computer science" means the study of computers and

1 algorithms, including their principles, their hardware and
2 software designs, their implementation, and their impact on
3 society. "Computer science" does not include the study of
4 everyday uses of computers and computer applications, such as
5 keyboarding or accessing the Internet.

6 "Gifted education" means educational services, including
7 differentiated curricula and instructional methods, designed
8 to meet the needs of gifted children as defined in Article 14A
9 of this Code.

10 For the purposes of paragraph (A) of this subsection (2),
11 "average daily attendance" means the average of the actual
12 number of attendance days during the previous school year for
13 any enrolled student who is subject to compulsory attendance
14 by Section 26-1 of this Code at each school and charter school.

15 (3) At the discretion of the State Superintendent, the
16 school district report card shall include a subset of the
17 information identified in paragraphs (A) through (E) of
18 subsection (2) of this Section, as well as information
19 relating to the operating expense per pupil and other finances
20 of the school district, and the State report card shall
21 include a subset of the information identified in paragraphs
22 (A) through (E) and paragraph (N) of subsection (2) of this
23 Section. The school district report card shall include the
24 average daily attendance, as that term is defined in
25 subsection (2) of this Section, of students who have
26 individualized education programs and students who have 504

1 plans that provide for special education services within the
2 school district.

3 (4) Notwithstanding anything to the contrary in this
4 Section, in consultation with key education stakeholders, the
5 State Superintendent shall at any time have the discretion to
6 amend or update any and all metrics on the school, district, or
7 State report card.

8 (5) Annually, no more than 30 calendar days after receipt
9 of the school district and school report cards from the State
10 Superintendent of Education, each school district, including
11 special charter districts and districts subject to the
12 provisions of Article 34, shall present such report cards at a
13 regular school board meeting subject to applicable notice
14 requirements, post the report cards on the school district's
15 Internet web site, if the district maintains an Internet web
16 site, make the report cards available to a newspaper of
17 general circulation serving the district, and, upon request,
18 send the report cards home to a parent (unless the district
19 does not maintain an Internet web site, in which case the
20 report card shall be sent home to parents without request). If
21 the district posts the report card on its Internet web site,
22 the district shall send a written notice home to parents
23 stating (i) that the report card is available on the web site,
24 (ii) the address of the web site, (iii) that a printed copy of
25 the report card will be sent to parents upon request, and (iv)
26 the telephone number that parents may call to request a

1 printed copy of the report card.

2 (6) Nothing contained in Public Act 98-648 repeals,
3 supersedes, invalidates, or nullifies final decisions in
4 lawsuits pending on July 1, 2014 (the effective date of Public
5 Act 98-648) in Illinois courts involving the interpretation of
6 Public Act 97-8.

7 (Source: P.A. 101-68, eff. 1-1-20; 101-81, eff. 7-12-19;
8 101-654, eff. 3-8-21; 102-16, eff. 6-17-21; 102-294, eff.
9 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; revised
10 10-18-21.)

11 (Text of Section after amendment by P.A. 102-594)

12 Sec. 10-17a. State, school district, and school report
13 cards.

14 (1) By October 31, 2013 and October 31 of each subsequent
15 school year, the State Board of Education, through the State
16 Superintendent of Education, shall prepare a State report
17 card, school district report cards, and school report cards,
18 and shall by the most economical ~~economic~~ means provide to
19 each school district in this State, including special charter
20 districts and districts subject to the provisions of Article
21 34, the report cards for the school district and each of its
22 schools. Because of the impacts of the COVID-19 public health
23 emergency during school year 2020-2021, the State Board of
24 Education shall have until December 31, 2021 to prepare and
25 provide the report cards that would otherwise be due by

1 October 31, 2021. During a school year in which the Governor
2 has declared a disaster due to a public health emergency
3 pursuant to Section 7 of the Illinois Emergency Management
4 Agency Act, the report cards for the school districts and each
5 of its schools shall be prepared by December 31.

6 (2) In addition to any information required by federal
7 law, the State Superintendent shall determine the indicators
8 and presentation of the school report card, which must
9 include, at a minimum, the most current data collected and
10 maintained by the State Board of Education related to the
11 following:

12 (A) school characteristics and student demographics,
13 including average class size, average teaching experience,
14 student racial/ethnic breakdown, and the percentage of
15 students classified as low-income; the percentage of
16 students classified as English learners, the number of
17 students who graduate from a bilingual or English learner
18 program, and the number of students who graduate from,
19 transfer from, or otherwise leave bilingual programs; the
20 percentage of students who have individualized education
21 plans or 504 plans that provide for special education
22 services; the number and percentage of all students who
23 have been assessed for placement in a gifted education or
24 advanced academic program and, of those students: (i) the
25 racial and ethnic breakdown, (ii) the percentage who are
26 classified as low-income, and (iii) the number and

1 percentage of students who received direct instruction
2 from a teacher who holds a gifted education endorsement
3 and, of those students, the percentage who are classified
4 as low-income; the percentage of students scoring at the
5 "exceeds expectations" level on the assessments required
6 under Section 2-3.64a-5 of this Code; the percentage of
7 students who annually transferred in or out of the school
8 district; average daily attendance; the per-pupil
9 operating expenditure of the school district; and the
10 per-pupil State average operating expenditure for the
11 district type (elementary, high school, or unit);

12 (B) curriculum information, including, where
13 applicable, Advanced Placement, International
14 Baccalaureate or equivalent courses, dual enrollment
15 courses, foreign language classes, computer science
16 courses, school personnel resources (including Career
17 Technical Education teachers), before and after school
18 programs, extracurricular activities, subjects in which
19 elective classes are offered, health and wellness
20 initiatives (including the average number of days of
21 Physical Education per week per student), approved
22 programs of study, awards received, community
23 partnerships, and special programs such as programming for
24 the gifted and talented, students with disabilities, and
25 work-study students;

26 (C) student outcomes, including, where applicable, the

1 percentage of students deemed proficient on assessments of
2 State standards, the percentage of students in the eighth
3 grade who pass Algebra, the percentage of students who
4 participated in workplace learning experiences, the
5 percentage of students enrolled in post-secondary
6 institutions (including colleges, universities, community
7 colleges, trade/vocational schools, and training programs
8 leading to career certification within 2 semesters of high
9 school graduation), the percentage of students graduating
10 from high school who are college and career ready, and the
11 percentage of graduates enrolled in community colleges,
12 colleges, and universities who are in one or more courses
13 that the community college, college, or university
14 identifies as a developmental course;

15 (D) student progress, including, where applicable, the
16 percentage of students in the ninth grade who have earned
17 5 credits or more without failing more than one core
18 class, a measure of students entering kindergarten ready
19 to learn, a measure of growth, and the percentage of
20 students who enter high school on track for college and
21 career readiness;

22 (E) the school environment, including, where
23 applicable, high school dropout rate by grade level, the
24 percentage of students with less than 10 absences in a
25 school year, the percentage of teachers with less than 10
26 absences in a school year for reasons other than

1 professional development, leaves taken pursuant to the
2 federal Family Medical Leave Act of 1993, long-term
3 disability, or parental leaves, the 3-year average of the
4 percentage of teachers returning to the school from the
5 previous year, the number of different principals at the
6 school in the last 6 years, the number of teachers who hold
7 a gifted education endorsement, the process and criteria
8 used by the district to determine whether a student is
9 eligible for participation in a gifted education program
10 or advanced academic program and the manner in which
11 parents and guardians are made aware of the process and
12 criteria, the number of teachers who are National Board
13 Certified Teachers, disaggregated by race and ethnicity, 2
14 or more indicators from any school climate survey selected
15 or approved by the State and administered pursuant to
16 Section 2-3.153 of this Code, with the same or similar
17 indicators included on school report cards for all surveys
18 selected or approved by the State pursuant to Section
19 2-3.153 of this Code, the combined percentage of teachers
20 rated as proficient or excellent in their most recent
21 evaluation, and, beginning with the 2022-2023 school year,
22 data on the number of incidents of violence that occurred
23 on school grounds or during school-related activities and
24 that resulted in an out-of-school suspension, expulsion,
25 or removal to an alternative setting, as reported pursuant
26 to Section 2-3.162;

1 (F) a school district's and its individual schools'
2 balanced accountability measure, in accordance with
3 Section 2-3.25a of this Code;

4 (G) the total and per pupil normal cost amount the
5 State contributed to the Teachers' Retirement System of
6 the State of Illinois in the prior fiscal year for the
7 school's employees, which shall be reported to the State
8 Board of Education by the Teachers' Retirement System of
9 the State of Illinois;

10 (H) for a school district organized under Article 34
11 of this Code only, State contributions to the Public
12 School Teachers' Pension and Retirement Fund of Chicago
13 and State contributions for health care for employees of
14 that school district;

15 (I) a school district's Final Percent of Adequacy, as
16 defined in paragraph (4) of subsection (f) of Section
17 18-8.15 of this Code;

18 (J) a school district's Local Capacity Target, as
19 defined in paragraph (2) of subsection (c) of Section
20 18-8.15 of this Code, displayed as a percentage amount;

21 (K) a school district's Real Receipts, as defined in
22 paragraph (1) of subsection (d) of Section 18-8.15 of this
23 Code, divided by a school district's Adequacy Target, as
24 defined in paragraph (1) of subsection (b) of Section
25 18-8.15 of this Code, displayed as a percentage amount;

26 (L) a school district's administrative costs;

1 (M) whether or not the school has participated in the
2 Illinois Youth Survey. In this paragraph (M), "Illinois
3 Youth Survey" means a self-report survey, administered in
4 school settings every 2 years, designed to gather
5 information about health and social indicators, including
6 substance abuse patterns and the attitudes of students in
7 grades 8, 10, and 12; and

8 (N) whether the school offered its students career and
9 technical education opportunities.

10 The school report card shall also provide information that
11 allows for comparing the current outcome, progress, and
12 environment data to the State average, to the school data from
13 the past 5 years, and to the outcomes, progress, and
14 environment of similar schools based on the type of school and
15 enrollment of low-income students, special education students,
16 and English learners.

17 As used in this subsection (2):

18 "Administrative costs" means costs associated with
19 executive, administrative, or managerial functions within the
20 school district that involve planning, organizing, managing,
21 or directing the school district.

22 "Advanced academic program" means a course of study to
23 which students are assigned based on advanced cognitive
24 ability or advanced academic achievement compared to local age
25 peers and in which the curriculum is substantially
26 differentiated from the general curriculum to provide

1 appropriate challenge and pace.

2 "Computer science" means the study of computers and
3 algorithms, including their principles, their hardware and
4 software designs, their implementation, and their impact on
5 society. "Computer science" does not include the study of
6 everyday uses of computers and computer applications, such as
7 keyboarding or accessing the Internet.

8 "Gifted education" means educational services, including
9 differentiated curricula and instructional methods, designed
10 to meet the needs of gifted children as defined in Article 14A
11 of this Code.

12 For the purposes of paragraph (A) of this subsection (2),
13 "average daily attendance" means the average of the actual
14 number of attendance days during the previous school year for
15 any enrolled student who is subject to compulsory attendance
16 by Section 26-1 of this Code at each school and charter school.

17 (3) At the discretion of the State Superintendent, the
18 school district report card shall include a subset of the
19 information identified in paragraphs (A) through (E) of
20 subsection (2) of this Section, as well as information
21 relating to the operating expense per pupil and other finances
22 of the school district, and the State report card shall
23 include a subset of the information identified in paragraphs
24 (A) through (E) and paragraph (N) of subsection (2) of this
25 Section. The school district report card shall include the
26 average daily attendance, as that term is defined in

1 subsection (2) of this Section, of students who have
2 individualized education programs and students who have 504
3 plans that provide for special education services within the
4 school district.

5 (4) Notwithstanding anything to the contrary in this
6 Section, in consultation with key education stakeholders, the
7 State Superintendent shall at any time have the discretion to
8 amend or update any and all metrics on the school, district, or
9 State report card.

10 (5) Annually, no more than 30 calendar days after receipt
11 of the school district and school report cards from the State
12 Superintendent of Education, each school district, including
13 special charter districts and districts subject to the
14 provisions of Article 34, shall present such report cards at a
15 regular school board meeting subject to applicable notice
16 requirements, post the report cards on the school district's
17 Internet web site, if the district maintains an Internet web
18 site, make the report cards available to a newspaper of
19 general circulation serving the district, and, upon request,
20 send the report cards home to a parent (unless the district
21 does not maintain an Internet web site, in which case the
22 report card shall be sent home to parents without request). If
23 the district posts the report card on its Internet web site,
24 the district shall send a written notice home to parents
25 stating (i) that the report card is available on the web site,
26 (ii) the address of the web site, (iii) that a printed copy of

1 the report card will be sent to parents upon request, and (iv)
2 the telephone number that parents may call to request a
3 printed copy of the report card.

4 (6) Nothing contained in Public Act 98-648 repeals,
5 supersedes, invalidates, or nullifies final decisions in
6 lawsuits pending on July 1, 2014 (the effective date of Public
7 Act 98-648) in Illinois courts involving the interpretation of
8 Public Act 97-8.

9 (Source: P.A. 101-68, eff. 1-1-20; 101-81, eff. 7-12-19;
10 101-654, eff. 3-8-21; 102-16, eff. 6-17-21; 102-294, eff.
11 1-1-22; 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; 102-594,
12 eff. 7-1-22; revised 10-18-21.)

13 (105 ILCS 5/10-20.73)

14 Sec. 10-20.73. Modification of athletic or team uniform
15 permitted.

16 (a) A school board must allow a student athlete to modify
17 his or her athletic or team uniform for the purpose of modesty
18 in clothing or attire that is in accordance with the
19 requirements of his or her religion or his or her cultural
20 values or modesty preferences. The modification of the
21 athletic or team uniform may include, but is not limited to,
22 the wearing of a hijab, an undershirt, or leggings. If a
23 student chooses to modify his or her athletic or team uniform,
24 the student is responsible for all costs associated with the
25 modification of the uniform and the student shall not be

1 required to receive prior approval from the school board for
2 such modification. However, nothing in this Section prohibits
3 a school from providing the modification to the student.

4 (b) At a minimum, any modification of the athletic or team
5 uniform must not interfere with the movement of the student or
6 pose a safety hazard to the student or to other athletes or
7 players. The modification of headgear is permitted if the
8 headgear:

9 (1) is black, white, the predominant ~~predominate~~ color
10 of the uniform, or the same color for all players on the
11 team;

12 (2) does not cover any part of the face;

13 (3) is not dangerous to the player or to the other
14 players;

15 (4) has no opening or closing elements around the face
16 and neck; and

17 (5) has no parts extruding from its surface.

18 (Source: P.A. 102-51, eff. 7-9-21; revised 10-19-21.)

19 (105 ILCS 5/10-20.75)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 Sec. 10-20.75. Website accessibility guidelines.

23 (a) As used in this Section, "Internet website or web
24 service" means any third party online curriculum that is made
25 available to enrolled students or the public by a school

1 district through the Internet.

2 (b) To ensure that the content available on an Internet
3 website or web service of a school district is readily
4 accessible to persons with disabilities, the school district
5 must require that the Internet website or web service comply
6 with Level AA of the World Wide Web Consortium's Web Content
7 Accessibility Guidelines 2.1 or any revised version of those
8 guidelines.

9 (Source: P.A. 102-238, eff. 8-1-22.)

10 (105 ILCS 5/10-20.76)

11 Sec. 10-20.76 ~~10-20.73~~. Student identification; suicide
12 prevention information. Each school district shall provide
13 contact information for the National Suicide Prevention
14 Lifeline and for the Crisis Text Line on the back of each
15 student identification card issued by the school district. If
16 the school district does not issue student identification
17 cards to its students or to all of its students, the school
18 district must publish this information on its website.

19 (Source: P.A. 102-134, eff. 7-23-21; revised 10-19-21.)

20 (105 ILCS 5/10-20.77)

21 (This Section may contain text from a Public Act with a
22 delayed effective date)

23 Sec. 10-20.77 ~~10-20.73~~. Parent-teacher conference and
24 other meetings; caseworker. For any student who is in the

1 legal custody of the Department of Children and Family
2 Services, the liaison appointed under Section 10-20.59 must
3 inform the Department's Office of Education and Transition
4 Services of a parent-teacher conference or any other meeting
5 concerning the student that would otherwise involve a parent
6 and must, at the option of the caseworker, allow the student's
7 caseworker to attend the conference or meeting.

8 (Source: P.A. 102-199, eff. 7-1-22; revised 10-19-21.)

9 (105 ILCS 5/10-20.78)

10 Sec. 10-20.78 ~~10-20.73~~. Student absence; pregnancy. A
11 school board shall adopt written policies related to absences
12 and missed homework or classwork assignments as a result of or
13 related to a student's pregnancy.

14 (Source: P.A. 102-471, eff. 8-20-21; revised 10-19-21.)

15 (105 ILCS 5/10-20.79)

16 Sec. 10-20.79 ~~10-20.73~~. Computer literacy skills. All
17 school districts shall ensure that students receive
18 developmentally appropriate opportunities to gain computer
19 literacy skills beginning in elementary school.

20 (Source: P.A. 101-654, eff. 3-8-21; revised 10-19-21.)

21 (105 ILCS 5/10-20.80)

22 Sec. 10-20.80 ~~10-20.75~~. School support personnel
23 reporting. No later than December 1, 2022 and each December

1 1st annually thereafter, each school district must report to
2 the State Board of Education the information with regard to
3 the school district as of October 1st of each year beginning in
4 2022 as described in subsection (b) of Section 2-3.182 of this
5 Code and must make that information available on its website.

6 (Source: P.A. 102-302, eff. 1-1-22; revised 10-19-21.)

7 (105 ILCS 5/10-20.81)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 10-20.81 ~~10-20.75~~. Identification cards; suicide
11 prevention information. Each school district that serves
12 pupils in any of grades 6 through 12 and that issues an
13 identification card to pupils in any of grades 6 through 12
14 shall provide contact information for the National Suicide
15 Prevention Lifeline (988), the Crisis Text Line, and either
16 the Safe2Help Illinois helpline or a local suicide prevention
17 hotline or both on the identification card. The contact
18 information shall identify each helpline that may be contacted
19 through text messaging. The contact information shall be
20 included in the school's student handbook and also the student
21 planner if a student planner is custom printed by the school
22 for distribution to pupils in any of grades 6 through 12.

23 (Source: P.A. 102-416, eff. 7-1-22; revised 10-19-21.)

24 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

1 Sec. 10-21.9. Criminal history records checks and checks
2 of the Statewide Sex Offender Database and Statewide Murderer
3 and Violent Offender Against Youth Database.

4 (a) Licensed and nonlicensed applicants for employment
5 with a school district, except school bus driver applicants,
6 are required as a condition of employment to authorize a
7 fingerprint-based criminal history records check to determine
8 if such applicants have been convicted of any disqualifying,
9 enumerated criminal or drug offenses in subsection (c) of this
10 Section or have been convicted, within 7 years of the
11 application for employment with the school district, of any
12 other felony under the laws of this State or of any offense
13 committed or attempted in any other state or against the laws
14 of the United States that, if committed or attempted in this
15 State, would have been punishable as a felony under the laws of
16 this State. Authorization for the check shall be furnished by
17 the applicant to the school district, except that if the
18 applicant is a substitute teacher seeking employment in more
19 than one school district, a teacher seeking concurrent
20 part-time employment positions with more than one school
21 district (as a reading specialist, special education teacher
22 or otherwise), or an educational support personnel employee
23 seeking employment positions with more than one district, any
24 such district may require the applicant to furnish
25 authorization for the check to the regional superintendent of
26 the educational service region in which are located the school

1 districts in which the applicant is seeking employment as a
2 substitute or concurrent part-time teacher or concurrent
3 educational support personnel employee. Upon receipt of this
4 authorization, the school district or the appropriate regional
5 superintendent, as the case may be, shall submit the
6 applicant's name, sex, race, date of birth, social security
7 number, fingerprint images, and other identifiers, as
8 prescribed by the Illinois State Police, to the Illinois State
9 Police. The regional superintendent submitting the requisite
10 information to the Illinois State Police shall promptly notify
11 the school districts in which the applicant is seeking
12 employment as a substitute or concurrent part-time teacher or
13 concurrent educational support personnel employee that the
14 check of the applicant has been requested. The Illinois State
15 Police and the Federal Bureau of Investigation shall furnish,
16 pursuant to a fingerprint-based criminal history records
17 check, records of convictions, forever and hereinafter, until
18 expunged, to the president of the school board for the school
19 district that requested the check, or to the regional
20 superintendent who requested the check. The Illinois State
21 Police shall charge the school district or the appropriate
22 regional superintendent a fee for conducting such check, which
23 fee shall be deposited in the State Police Services Fund and
24 shall not exceed the cost of the inquiry; and the applicant
25 shall not be charged a fee for such check by the school
26 district or by the regional superintendent, except that those

1 applicants seeking employment as a substitute teacher with a
2 school district may be charged a fee not to exceed the cost of
3 the inquiry. Subject to appropriations for these purposes, the
4 State Superintendent of Education shall reimburse school
5 districts and regional superintendents for fees paid to obtain
6 criminal history records checks under this 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 State Police by the regional superintendent, the
6 State Board of Education and a school district as authorized
7 under subsection (b-5), the State Superintendent of Education,
8 the State Educator Preparation and Licensure Board, any other
9 person necessary to the decision of hiring the applicant for
10 employment, or for clarification purposes the Illinois State
11 Police or Statewide Sex Offender Database, or both. A copy of
12 the record of convictions obtained from the Illinois State
13 Police shall be provided to the applicant for employment. Upon
14 the check of the Statewide Sex Offender Database or Statewide
15 Murderer and Violent Offender Against Youth Database, the
16 school district or regional superintendent shall notify an
17 applicant as to whether or not the applicant has been
18 identified in the Database. If a check of an applicant for
19 employment as a substitute or concurrent part-time teacher or
20 concurrent educational support personnel employee in more than
21 one school district was requested by the regional
22 superintendent, and the Illinois State Police upon a check
23 ascertains that the applicant has not been convicted of any of
24 the enumerated criminal or drug offenses in subsection (c) of
25 this Section or has not been convicted, within 7 years of the
26 application for employment with the school district, of any

1 other felony under the laws of this State or of any offense
2 committed or attempted in any other state or against the laws
3 of the United States that, if committed or attempted in this
4 State, would have been punishable as a felony under the laws of
5 this State and so notifies the regional superintendent and if
6 the regional superintendent upon a check ascertains that the
7 applicant has not been identified in the Sex Offender Database
8 or Statewide Murderer and Violent Offender Against Youth
9 Database, then the regional superintendent shall issue to the
10 applicant a certificate evidencing that as of the date
11 specified by the Illinois State Police the applicant has not
12 been convicted of any of the enumerated criminal or drug
13 offenses in subsection (c) of this Section or has not been
14 convicted, within 7 years of the application for employment
15 with the school district, of any other felony under the laws of
16 this State or of any offense committed or attempted in any
17 other state or against the laws of the United States that, if
18 committed or attempted in this State, would have been
19 punishable as a felony under the laws of this State and
20 evidencing that as of the date that the regional
21 superintendent conducted a check of the Statewide Sex Offender
22 Database or Statewide Murderer and Violent Offender Against
23 Youth Database, the applicant has not been identified in the
24 Database. The school board of any school district may rely on
25 the certificate issued by any regional superintendent to that
26 substitute teacher, concurrent part-time teacher, or

1 concurrent educational support personnel employee or may
2 initiate its own criminal history records check of the
3 applicant through the Illinois State Police and its own check
4 of the Statewide Sex Offender Database or Statewide Murderer
5 and Violent Offender Against Youth Database as provided in
6 this Section. Any unauthorized release of confidential
7 information may be a violation of Section 7 of the Criminal
8 Identification Act.

9 (b-5) If a criminal history records check or check of the
10 Statewide Sex Offender Database or Statewide Murderer and
11 Violent Offender Against Youth Database is performed by a
12 regional superintendent for an applicant seeking employment as
13 a substitute teacher with a school district, the regional
14 superintendent may disclose to the State Board of Education
15 whether the applicant has been issued a certificate under
16 subsection (b) based on those checks. If the State Board
17 receives information on an applicant under this subsection,
18 then it must indicate in the Educator Licensure Information
19 System for a 90-day period that the applicant has been issued
20 or has not been issued a certificate.

21 (c) No school board shall knowingly employ a person who
22 has been convicted of any offense that would subject him or her
23 to license suspension or revocation pursuant to Section 21B-80
24 of this Code, except as provided under subsection (b) of
25 Section 21B-80. Further, no school board shall knowingly
26 employ a person who has been found to be the perpetrator of

1 sexual or physical abuse of any minor under 18 years of age
2 pursuant to proceedings under Article II of the Juvenile Court
3 Act of 1987. As a condition of employment, each school board
4 must consider the status of a person who has been issued an
5 indicated finding of abuse or neglect of a child by the
6 Department of Children and Family Services under the Abused
7 and Neglected Child Reporting Act or by a child welfare agency
8 of another jurisdiction.

9 (d) No school board shall knowingly employ a person for
10 whom a criminal history records check and a Statewide Sex
11 Offender Database check have not been initiated.

12 (e) Within 10 days after a superintendent, regional office
13 of education, or entity that provides background checks of
14 license holders to public schools receives information of a
15 pending criminal charge against a license holder for an
16 offense set forth in Section 21B-80 of this Code, the
17 superintendent, regional office of education, or entity must
18 notify the State Superintendent of Education of the pending
19 criminal charge.

20 If permissible by federal or State law, no later than 15
21 business days after receipt of a record of conviction or of
22 checking the Statewide Murderer and Violent Offender Against
23 Youth Database or the Statewide Sex Offender Database and
24 finding a registration, the superintendent of the employing
25 school board or the applicable regional superintendent shall,
26 in writing, notify the State Superintendent of Education of

1 any license holder who has been convicted of a crime set forth
2 in Section 21B-80 of this Code. Upon receipt of the record of a
3 conviction of or a finding of child abuse by a holder of any
4 license issued pursuant to Article 21B or Section 34-8.1 or
5 34-83 of the School Code, the State Superintendent of
6 Education may initiate licensure suspension and revocation
7 proceedings as authorized by law. If the receipt of the record
8 of conviction or finding of child abuse is received within 6
9 months after the initial grant of or renewal of a license, the
10 State Superintendent of Education may rescind the license
11 holder's license.

12 (e-5) The superintendent of the employing school board
13 shall, in writing, notify the State Superintendent of
14 Education and the applicable regional superintendent of
15 schools of any license holder whom he or she has reasonable
16 cause to believe has committed an intentional act of abuse or
17 neglect with the result of making a child an abused child or a
18 neglected child, as defined in Section 3 of the Abused and
19 Neglected Child Reporting Act, and that act resulted in the
20 license holder's dismissal or resignation from the school
21 district. This notification must be submitted within 30 days
22 after the dismissal or resignation and must include the
23 Illinois Educator Identification Number (IEIN) of the license
24 holder and a brief description of the misconduct alleged. The
25 license holder must also be contemporaneously sent a copy of
26 the notice by the superintendent. All correspondence,

1 documentation, and other information so received by the
2 regional superintendent of schools, the State Superintendent
3 of Education, the State Board of Education, or the State
4 Educator Preparation and Licensure Board under this subsection
5 (e-5) is confidential and must not be disclosed to third
6 parties, except (i) as necessary for the State Superintendent
7 of Education or his or her designee to investigate and
8 prosecute pursuant to Article 21B of this Code, (ii) pursuant
9 to a court order, (iii) for disclosure to the license holder or
10 his or her representative, or (iv) as otherwise provided in
11 this Article and provided that any such information admitted
12 into evidence in a hearing is exempt from this confidentiality
13 and non-disclosure requirement. Except for an act of willful
14 or wanton misconduct, any superintendent who provides
15 notification as required in this subsection (e-5) shall have
16 immunity from any liability, whether civil or criminal or that
17 otherwise might 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 State Police and for
7 conducting a check of the Statewide Sex Offender Database for
8 each employee. Any information concerning the record of
9 conviction and identification as a sex offender of any such
10 employee obtained by the regional superintendent shall be
11 promptly reported to the president of the appropriate school
12 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 State Police, to the Illinois State
3 Police. The Illinois State Police and the Federal Bureau of
4 Investigation shall furnish, pursuant to a fingerprint-based
5 criminal history records check, records of convictions,
6 forever and hereinafter, until expunged, to the president of
7 the school board for the school district that requested the
8 check. The Illinois State Police shall charge the school
9 district a fee for conducting the check, which fee must not
10 exceed the cost of the inquiry and must be deposited into the
11 State Police Services Fund. The school district shall further
12 perform a check of the Statewide Sex Offender Database, as
13 authorized by the Sex Offender Community Notification Law, and
14 of the Statewide Murderer and Violent Offender Against Youth
15 Database, as authorized by the Murderer and Violent Offender
16 Against Youth Registration Act, for each student teacher. No
17 school board may knowingly allow a person to student teach for
18 whom a criminal history records check, a Statewide Sex
19 Offender Database check, and a Statewide Murderer and Violent
20 Offender Against Youth Database check have not been completed
21 and reviewed by the district.

22 A copy of the record of convictions obtained from the
23 Illinois State Police must be provided to the student teacher.
24 Any information concerning the record of convictions obtained
25 by the president of the school board is confidential and may
26 only be transmitted to the superintendent of the school

1 district or his or her designee, the State Superintendent of
2 Education, the State Educator Preparation and Licensure Board,
3 or, for clarification purposes, the Illinois State Police or
4 the Statewide Sex Offender Database or Statewide Murderer and
5 Violent Offender Against Youth Database. Any unauthorized
6 release of confidential information may be a violation of
7 Section 7 of the Criminal Identification Act.

8 No school board shall knowingly allow a person to student
9 teach who has been convicted of any offense that would subject
10 him or her to license suspension or revocation pursuant to
11 subsection (c) of Section 21B-80 of this Code, except as
12 provided under subsection (b) of Section 21B-80. Further, no
13 school board shall allow a person to student teach if he or she
14 has been found to be the perpetrator of sexual or physical
15 abuse of a minor under 18 years of age pursuant to proceedings
16 under Article II of the Juvenile Court Act of 1987. Each school
17 board must consider the status of a person to student teach who
18 has been issued an indicated finding of abuse or neglect of a
19 child by the Department of Children and Family Services under
20 the Abused and Neglected Child Reporting Act or by a child
21 welfare agency of another jurisdiction.

22 (h) (Blank).

23 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
24 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
25 1-1-22; revised 10-6-21.)

1 (105 ILCS 5/10-22.3f)

2 Sec. 10-22.3f. Required health benefits. Insurance
3 protection and benefits for employees shall provide the
4 post-mastectomy care benefits required to be covered by a
5 policy of accident and health insurance under Section 356t and
6 the coverage required under Sections 356g, 356g.5, 356g.5-1,
7 356q, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11,
8 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
9 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,
10 356z.41, 356z.45, 356z.46, 356z.47, and 356z.51 and ~~356z.43~~ of
11 the Illinois Insurance Code. Insurance policies shall comply
12 with Section 356z.19 of the Illinois Insurance Code. The
13 coverage shall comply with Sections 155.22a, 355b, and 370c of
14 the Illinois Insurance Code. The Department of Insurance shall
15 enforce the requirements of this Section.

16 Rulemaking authority to implement Public Act 95-1045, if
17 any, is conditioned on the rules being adopted in accordance
18 with all provisions of the Illinois Administrative Procedure
19 Act and all rules and procedures of the Joint Committee on
20 Administrative Rules; any purported rule not so adopted, for
21 whatever reason, is unauthorized.

22 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
23 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
24 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
25 eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22;
26 102-665, eff. 10-8-21; revised 10-27-21.)

1 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

2 (Text of Section before amendment by P.A. 102-466)

3 Sec. 10-22.6. Suspension or expulsion of pupils; school
4 searches.

5 (a) To expel pupils guilty of gross disobedience or
6 misconduct, including gross disobedience or misconduct
7 perpetuated by electronic means, pursuant to subsection (b-20)
8 of this Section, and no action shall lie against them for such
9 expulsion. Expulsion shall take place only after the parents
10 have been requested to appear at a meeting of the board, or
11 with a hearing officer appointed by it, to discuss their
12 child's behavior. Such request shall be made by registered or
13 certified mail and shall state the time, place and purpose of
14 the meeting. The board, or a hearing officer appointed by it,
15 at such meeting shall state the reasons for dismissal and the
16 date on which the expulsion is to become effective. If a
17 hearing officer is appointed by the board, he shall report to
18 the board a written summary of the evidence heard at the
19 meeting and the board may take such action thereon as it finds
20 appropriate. If the board acts to expel a pupil, the written
21 expulsion decision shall detail the specific reasons why
22 removing the pupil from the learning environment is in the
23 best interest of the school. The expulsion decision shall also
24 include a rationale as to the specific duration of the
25 expulsion. An expelled pupil may be immediately transferred to

1 an alternative program in the manner provided in Article 13A
2 or 13B of this Code. A pupil must not be denied transfer
3 because of the expulsion, except in cases in which such
4 transfer is deemed to cause a threat to the safety of students
5 or staff in the alternative program.

6 (b) To suspend or by policy to authorize the
7 superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend pupils
9 guilty of gross disobedience or misconduct, or to suspend
10 pupils guilty of gross disobedience or misconduct on the
11 school bus from riding the school bus, pursuant to subsections
12 (b-15) and (b-20) of this Section, and no action shall lie
13 against them for such suspension. The board may by policy
14 authorize the superintendent of the district or the principal,
15 assistant principal, or dean of students of any school to
16 suspend pupils guilty of such acts for a period not to exceed
17 10 school days. If a pupil is suspended due to gross
18 disobedience or misconduct on a school bus, the board may
19 suspend the pupil in excess of 10 school days for safety
20 reasons.

21 Any suspension shall be reported immediately to the
22 parents or guardian of a pupil along with a full statement of
23 the reasons for such suspension and a notice of their right to
24 a review. The school board must be given a summary of the
25 notice, including the reason for the suspension and the
26 suspension length. Upon request of the parents or guardian,

1 the school board or a hearing officer appointed by it shall
2 review such action of the superintendent or principal,
3 assistant principal, or dean of students. At such review, the
4 parents or guardian of the pupil may appear and discuss the
5 suspension with the board or its hearing officer. If a hearing
6 officer is appointed by the board, he shall report to the board
7 a written summary of the evidence heard at the meeting. After
8 its hearing or upon receipt of the written report of its
9 hearing officer, the board may take such action as it finds
10 appropriate. If a student is suspended pursuant to this
11 subsection (b), the board shall, in the written suspension
12 decision, detail the specific act of gross disobedience or
13 misconduct resulting in the decision to suspend. The
14 suspension decision shall also include a rationale as to the
15 specific duration of the suspension. A pupil who is suspended
16 in excess of 20 school days may be immediately transferred to
17 an alternative program in the manner provided in Article 13A
18 or 13B of this Code. A pupil must not be denied transfer
19 because of the suspension, except in cases in which such
20 transfer is deemed to cause a threat to the safety of students
21 or staff in the alternative program.

22 (b-5) Among the many possible disciplinary interventions
23 and consequences available to school officials, school
24 exclusions, such as out-of-school suspensions and expulsions,
25 are the most serious. School officials shall limit the number
26 and duration of expulsions and suspensions to the greatest

1 extent practicable, and it is recommended that they use them
2 only for legitimate educational purposes. To ensure that
3 students are not excluded from school unnecessarily, it is
4 recommended that school officials consider forms of
5 non-exclusionary discipline prior to using out-of-school
6 suspensions or expulsions.

7 (b-10) Unless otherwise required by federal law or this
8 Code, school boards may not institute zero-tolerance policies
9 by which school administrators are required to suspend or
10 expel students for particular behaviors.

11 (b-15) Out-of-school suspensions of 3 days or less may be
12 used only if the student's continuing presence in school would
13 pose a threat to school safety or a disruption to other
14 students' learning opportunities. For purposes of this
15 subsection (b-15), "threat to school safety or a disruption to
16 other students' learning opportunities" shall be determined on
17 a case-by-case basis by the school board or its designee.
18 School officials shall make all reasonable efforts to resolve
19 such threats, address such disruptions, and minimize the
20 length of suspensions to the greatest extent practicable.

21 (b-20) Unless otherwise required by this Code,
22 out-of-school suspensions of longer than 3 days, expulsions,
23 and disciplinary removals to alternative schools may be used
24 only if other appropriate and available behavioral and
25 disciplinary interventions have been exhausted and the
26 student's continuing presence in school would either (i) pose

1 a threat to the safety of other students, staff, or members of
2 the school community or (ii) substantially disrupt, impede, or
3 interfere with the operation of the school. For purposes of
4 this subsection (b-20), "threat to the safety of other
5 students, staff, or members of the school community" and
6 "substantially disrupt, impede, or interfere with the
7 operation of the school" shall be determined on a case-by-case
8 basis by school officials. For purposes of this subsection
9 (b-20), the determination of whether "appropriate and
10 available behavioral and disciplinary interventions have been
11 exhausted" shall be made by school officials. School officials
12 shall make all reasonable efforts to resolve such threats,
13 address such disruptions, and minimize the length of student
14 exclusions to the greatest extent practicable. Within the
15 suspension decision described in subsection (b) of this
16 Section or the expulsion decision described in subsection (a)
17 of this Section, it shall be documented whether other
18 interventions were attempted or whether it was determined that
19 there were no other appropriate and available interventions.

20 (b-25) Students who are suspended out-of-school for longer
21 than 4 school days shall be provided appropriate and available
22 support services during the period of their suspension. For
23 purposes of this subsection (b-25), "appropriate and available
24 support services" shall be determined by school authorities.
25 Within the suspension decision described in subsection (b) of
26 this Section, it shall be documented whether such services are

1 to be provided or whether it was determined that there are no
2 such appropriate and available services.

3 A school district may refer students who are expelled to
4 appropriate and available support services.

5 A school district shall create a policy to facilitate the
6 re-engagement of students who are suspended out-of-school,
7 expelled, or returning from an alternative school setting.

8 (b-30) A school district shall create a policy by which
9 suspended pupils, including those pupils suspended from the
10 school bus who do not have alternate transportation to school,
11 shall have the opportunity to make up work for equivalent
12 academic credit. It shall be the responsibility of a pupil's
13 parent or guardian to notify school officials that a pupil
14 suspended from the school bus does not have alternate
15 transportation to school.

16 (c) A school board must invite a representative from a
17 local mental health agency to consult with the board at the
18 meeting whenever there is evidence that mental illness may be
19 the cause of a student's expulsion or suspension.

20 (c-5) School districts shall make reasonable efforts to
21 provide ongoing professional development to teachers,
22 administrators, school board members, school resource
23 officers, and staff on the adverse consequences of school
24 exclusion and justice-system involvement, effective classroom
25 management strategies, culturally responsive discipline, the
26 appropriate and available supportive services for the

1 promotion of student attendance and engagement, and
2 developmentally appropriate disciplinary methods that promote
3 positive and healthy school climates.

4 (d) The board may expel a student for a definite period of
5 time not to exceed 2 calendar years, as determined on a
6 case-by-case basis. A student who is determined to have
7 brought one of the following objects to school, any
8 school-sponsored activity or event, or any activity or event
9 that bears a reasonable relationship to school shall be
10 expelled for a period of not less than one year:

11 (1) A firearm. For the purposes of this Section,
12 "firearm" means any gun, rifle, shotgun, weapon as defined
13 by Section 921 of Title 18 of the United States Code,
14 firearm as defined in Section 1.1 of the Firearm Owners
15 Identification Card Act, or firearm as defined in Section
16 24-1 of the Criminal Code of 2012. The expulsion period
17 under this subdivision (1) may be modified by the
18 superintendent, and the superintendent's determination may
19 be modified by the board on a case-by-case basis.

20 (2) A knife, brass knuckles or other knuckle weapon
21 regardless of its composition, a billy club, or any other
22 object if used or attempted to be used to cause bodily
23 harm, including "look alike" of any firearm as defined in
24 subdivision (1) of this subsection (d). The expulsion
25 requirement under this subdivision (2) may be modified by
26 the superintendent, and the superintendent's determination

1 may be modified by the board on a case-by-case basis.
2 Expulsion or suspension shall be construed in a manner
3 consistent with the federal Individuals with Disabilities
4 Education Act. A student who is subject to suspension or
5 expulsion as provided in this Section may be eligible for a
6 transfer to an alternative school program in accordance with
7 Article 13A of the School Code.

8 (d-5) The board may suspend or by regulation authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend a
11 student for a period not to exceed 10 school days or may expel
12 a student for a definite period of time not to exceed 2
13 calendar years, as determined on a case-by-case basis, if (i)
14 that student has been determined to have made an explicit
15 threat on an Internet website against a school employee, a
16 student, or any school-related personnel, (ii) the Internet
17 website through which the threat was made is a site that was
18 accessible within the school at the time the threat was made or
19 was available to third parties who worked or studied within
20 the school grounds at the time the threat was made, and (iii)
21 the threat could be reasonably interpreted as threatening to
22 the safety and security of the threatened individual because
23 of his or her duties or employment status or status as a
24 student inside the school.

25 (e) To maintain order and security in the schools, school
26 authorities may inspect and search places and areas such as

1 lockers, desks, parking lots, and other school property and
2 equipment owned or controlled by the school, as well as
3 personal effects left in those places and areas by students,
4 without notice to or the consent of the student, and without a
5 search warrant. As a matter of public policy, the General
6 Assembly finds that students have no reasonable expectation of
7 privacy in these places and areas or in their personal effects
8 left in these places and areas. School authorities may request
9 the assistance of law enforcement officials for the purpose of
10 conducting inspections and searches of lockers, desks, parking
11 lots, and other school property and equipment owned or
12 controlled by the school for illegal drugs, weapons, or other
13 illegal or dangerous substances or materials, including
14 searches conducted through the use of specially trained dogs.
15 If a search conducted in accordance with this Section produces
16 evidence that the student has violated or is violating either
17 the law, local ordinance, or the school's policies or rules,
18 such evidence may be seized by school authorities, and
19 disciplinary action may be taken. School authorities may also
20 turn over such evidence to law enforcement authorities.

21 (f) Suspension or expulsion may include suspension or
22 expulsion from school and all school activities and a
23 prohibition from being present on school grounds.

24 (g) A school district may adopt a policy providing that if
25 a student is suspended or expelled for any reason from any
26 public or private school in this or any other state, the

1 student must complete the entire term of the suspension or
2 expulsion in an alternative school program under Article 13A
3 of this Code or an alternative learning opportunities program
4 under Article 13B of this Code before being admitted into the
5 school district if there is no threat to the safety of students
6 or staff in the alternative program.

7 (h) School officials shall not advise or encourage
8 students to drop out voluntarily due to behavioral or academic
9 difficulties.

10 (i) A student may not be issued a monetary fine or fee as a
11 disciplinary consequence, though this shall not preclude
12 requiring a student to provide restitution for lost, stolen,
13 or damaged property.

14 (j) Subsections (a) through (i) of this Section shall
15 apply to elementary and secondary schools, charter schools,
16 special charter districts, and school districts organized
17 under Article 34 of this Code.

18 (k) The expulsion of children enrolled in programs funded
19 under Section 1C-2 of this Code is subject to the requirements
20 under paragraph (7) of subsection (a) of Section 2-3.71 of
21 this Code.

22 (l) Beginning with the 2018-2019 school year, an in-school
23 suspension program provided by a school district for any
24 students in kindergarten through grade 12 may focus on
25 promoting non-violent conflict resolution and positive
26 interaction with other students and school personnel. A school

1 district may employ a school social worker or a licensed
2 mental health professional to oversee an in-school suspension
3 program in kindergarten through grade 12.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21.)

5 (Text of Section after amendment by P.A. 102-466)

6 Sec. 10-22.6. Suspension or expulsion of pupils; school
7 searches.

8 (a) To expel pupils guilty of gross disobedience or
9 misconduct, including gross disobedience or misconduct
10 perpetuated by electronic means, pursuant to subsection (b-20)
11 of this Section, and no action shall lie against them for such
12 expulsion. Expulsion shall take place only after the parents
13 or guardians have been requested to appear at a meeting of the
14 board, or with a hearing officer appointed by it, to discuss
15 their child's behavior. Such request shall be made by
16 registered or certified mail and shall state the time, place
17 and purpose of the meeting. The board, or a hearing officer
18 appointed by it, at such meeting shall state the reasons for
19 dismissal and the date on which the expulsion is to become
20 effective. If a hearing officer is appointed by the board, he
21 shall report to the board a written summary of the evidence
22 heard at the meeting and the board may take such action thereon
23 as it finds appropriate. If the board acts to expel a pupil,
24 the written expulsion decision shall detail the specific
25 reasons why removing the pupil from the learning environment

1 is in the best interest of the school. The expulsion decision
2 shall also include a rationale as to the specific duration of
3 the expulsion. An expelled pupil may be immediately
4 transferred to an alternative program in the manner provided
5 in Article 13A or 13B of this Code. A pupil must not be denied
6 transfer because of the expulsion, except in cases in which
7 such transfer is deemed to cause a threat to the safety of
8 students or staff in the alternative program.

9 (b) To suspend or by policy to authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend pupils
12 guilty of gross disobedience or misconduct, or to suspend
13 pupils guilty of gross disobedience or misconduct on the
14 school bus from riding the school bus, pursuant to subsections
15 (b-15) and (b-20) of this Section, and no action shall lie
16 against them for such suspension. The board may by policy
17 authorize the superintendent of the district or the principal,
18 assistant principal, or dean of students of any school to
19 suspend pupils guilty of such acts for a period not to exceed
20 10 school days. If a pupil is suspended due to gross
21 disobedience or misconduct on a school bus, the board may
22 suspend the pupil in excess of 10 school days for safety
23 reasons.

24 Any suspension shall be reported immediately to the
25 parents or guardians of a pupil along with a full statement of
26 the reasons for such suspension and a notice of their right to

1 a review. The school board must be given a summary of the
2 notice, including the reason for the suspension and the
3 suspension length. Upon request of the parents or guardians,
4 the school board or a hearing officer appointed by it shall
5 review such action of the superintendent or principal,
6 assistant principal, or dean of students. At such review, the
7 parents or guardians of the pupil may appear and discuss the
8 suspension with the board or its hearing officer. If a hearing
9 officer is appointed by the board, he shall report to the board
10 a written summary of the evidence heard at the meeting. After
11 its hearing or upon receipt of the written report of its
12 hearing officer, the board may take such action as it finds
13 appropriate. If a student is suspended pursuant to this
14 subsection (b), the board shall, in the written suspension
15 decision, detail the specific act of gross disobedience or
16 misconduct resulting in the decision to suspend. The
17 suspension decision shall also include a rationale as to the
18 specific duration of the suspension. A pupil who is suspended
19 in excess of 20 school days may be immediately transferred to
20 an alternative program in the manner provided in Article 13A
21 or 13B of this Code. A pupil must not be denied transfer
22 because of the suspension, except in cases in which such
23 transfer is deemed to cause a threat to the safety of students
24 or staff in the alternative program.

25 (b-5) Among the many possible disciplinary interventions
26 and consequences available to school officials, school

1 exclusions, such as out-of-school suspensions and expulsions,
2 are the most serious. School officials shall limit the number
3 and duration of expulsions and suspensions to the greatest
4 extent practicable, and it is recommended that they use them
5 only for legitimate educational purposes. To ensure that
6 students are not excluded from school unnecessarily, it is
7 recommended that school officials consider forms of
8 non-exclusionary discipline prior to using out-of-school
9 suspensions or expulsions.

10 (b-10) Unless otherwise required by federal law or this
11 Code, school boards may not institute zero-tolerance policies
12 by which school administrators are required to suspend or
13 expel students for particular behaviors.

14 (b-15) Out-of-school suspensions of 3 days or less may be
15 used only if the student's continuing presence in school would
16 pose a threat to school safety or a disruption to other
17 students' learning opportunities. For purposes of this
18 subsection (b-15), "threat to school safety or a disruption to
19 other students' learning opportunities" shall be determined on
20 a case-by-case basis by the school board or its designee.
21 School officials shall make all reasonable efforts to resolve
22 such threats, address such disruptions, and minimize the
23 length of suspensions to the greatest extent practicable.

24 (b-20) Unless otherwise required by this Code,
25 out-of-school suspensions of longer than 3 days, expulsions,
26 and disciplinary removals to alternative schools may be used

1 only if other appropriate and available behavioral and
2 disciplinary interventions have been exhausted and the
3 student's continuing presence in school would either (i) pose
4 a threat to the safety of other students, staff, or members of
5 the school community or (ii) substantially disrupt, impede, or
6 interfere with the operation of the school. For purposes of
7 this subsection (b-20), "threat to the safety of other
8 students, staff, or members of the school community" and
9 "substantially disrupt, impede, or interfere with the
10 operation of the school" shall be determined on a case-by-case
11 basis by school officials. For purposes of this subsection
12 (b-20), the determination of whether "appropriate and
13 available behavioral and disciplinary interventions have been
14 exhausted" shall be made by school officials. School officials
15 shall make all reasonable efforts to resolve such threats,
16 address such disruptions, and minimize the length of student
17 exclusions to the greatest extent practicable. Within the
18 suspension decision described in subsection (b) of this
19 Section or the expulsion decision described in subsection (a)
20 of this Section, it shall be documented whether other
21 interventions were attempted or whether it was determined that
22 there were no other appropriate and available interventions.

23 (b-25) Students who are suspended out-of-school for longer
24 than 4 school days shall be provided appropriate and available
25 support services during the period of their suspension. For
26 purposes of this subsection (b-25), "appropriate and available

1 support services" shall be determined by school authorities.
2 Within the suspension decision described in subsection (b) of
3 this Section, it shall be documented whether such services are
4 to be provided or whether it was determined that there are no
5 such appropriate and available services.

6 A school district may refer students who are expelled to
7 appropriate and available support services.

8 A school district shall create a policy to facilitate the
9 re-engagement of students who are suspended out-of-school,
10 expelled, or returning from an alternative school setting.

11 (b-30) A school district shall create a policy by which
12 suspended pupils, including those pupils suspended from the
13 school bus who do not have alternate transportation to school,
14 shall have the opportunity to make up work for equivalent
15 academic credit. It shall be the responsibility of a pupil's
16 parents or guardians to notify school officials that a pupil
17 suspended from the school bus does not have alternate
18 transportation to school.

19 (b-35) In all suspension review hearings conducted under
20 subsection (b) or expulsion hearings conducted under
21 subsection (a), a student may disclose any factor to be
22 considered in mitigation, including his or her status as a
23 parent, expectant parent, or victim of domestic or sexual
24 violence, as defined in Article 26A. A representative of the
25 parent's or guardian's choice, or of the student's choice if
26 emancipated, must be permitted to represent the student

1 throughout the proceedings and to address the school board or
2 its appointed hearing officer. With the approval of the
3 student's parent or guardian, or of the student if
4 emancipated, a support person must be permitted to accompany
5 the student to any disciplinary hearings or proceedings. The
6 representative or support person must comply with any rules of
7 the school district's hearing process. If the representative
8 or support person violates the rules or engages in behavior or
9 advocacy that harasses, abuses, or intimidates either party, a
10 witness, or anyone else in attendance at the hearing, the
11 representative or support person may be prohibited from
12 further participation in the hearing or proceeding. A
13 suspension or expulsion proceeding under this subsection
14 (b-35) must be conducted independently from any ongoing
15 criminal investigation or proceeding, and an absence of
16 pending or possible criminal charges, criminal investigations,
17 or proceedings may not be a factor in school disciplinary
18 decisions.

19 (b-40) During a suspension review hearing conducted under
20 subsection (b) or an expulsion hearing conducted under
21 subsection (a) that involves allegations of sexual violence by
22 the student who is subject to discipline, neither the student
23 nor his or her representative shall directly question nor have
24 direct contact with the alleged victim. The student who is
25 subject to discipline or his or her representative may, at the
26 discretion and direction of the school board or its appointed

1 hearing officer, suggest questions to be posed by the school
2 board or its appointed hearing officer to the alleged victim.

3 (c) A school board must invite a representative from a
4 local mental health agency to consult with the board at the
5 meeting whenever there is evidence that mental illness may be
6 the cause of a student's expulsion or suspension.

7 (c-5) School districts shall make reasonable efforts to
8 provide ongoing professional development to teachers,
9 administrators, school board members, school resource
10 officers, and staff on the adverse consequences of school
11 exclusion and justice-system involvement, effective classroom
12 management strategies, culturally responsive discipline, the
13 appropriate and available supportive services for the
14 promotion of student attendance and engagement, and
15 developmentally appropriate disciplinary methods that promote
16 positive and healthy school climates.

17 (d) The board may expel a student for a definite period of
18 time not to exceed 2 calendar years, as determined on a
19 case-by-case basis. A student who is determined to have
20 brought one of the following objects to school, any
21 school-sponsored activity or event, or any activity or event
22 that bears a reasonable relationship to school shall be
23 expelled for a period of not less than one year:

24 (1) A firearm. For the purposes of this Section,
25 "firearm" means any gun, rifle, shotgun, weapon as defined
26 by Section 921 of Title 18 of the United States Code,

1 firearm as defined in Section 1.1 of the Firearm Owners
2 Identification Card Act, or firearm as defined in Section
3 24-1 of the Criminal Code of 2012. The expulsion period
4 under this subdivision (1) may be modified by the
5 superintendent, and the superintendent's determination may
6 be modified by the board on a case-by-case basis.

7 (2) A knife, brass knuckles or other knuckle weapon
8 regardless of its composition, a billy club, or any other
9 object if used or attempted to be used to cause bodily
10 harm, including "look alike" of any firearm as defined in
11 subdivision (1) of this subsection (d). The expulsion
12 requirement under this subdivision (2) may be modified by
13 the superintendent, and the superintendent's determination
14 may be modified by the board on a case-by-case basis.

15 Expulsion or suspension shall be construed in a manner
16 consistent with the federal Individuals with Disabilities
17 Education Act. A student who is subject to suspension or
18 expulsion as provided in this Section may be eligible for a
19 transfer to an alternative school program in accordance with
20 Article 13A of the School Code.

21 (d-5) The board may suspend or by regulation authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend a
24 student for a period not to exceed 10 school days or may expel
25 a student for a definite period of time not to exceed 2
26 calendar years, as determined on a case-by-case basis, if (i)

1 that student has been determined to have made an explicit
2 threat on an Internet website against a school employee, a
3 student, or any school-related personnel, (ii) the Internet
4 website through which the threat was made is a site that was
5 accessible within the school at the time the threat was made or
6 was available to third parties who worked or studied within
7 the school grounds at the time the threat was made, and (iii)
8 the threat could be reasonably interpreted as threatening to
9 the safety and security of the threatened individual because
10 of his or her duties or employment status or status as a
11 student inside the school.

12 (e) To maintain order and security in the schools, school
13 authorities may inspect and search places and areas such as
14 lockers, desks, parking lots, and other school property and
15 equipment owned or controlled by the school, as well as
16 personal effects left in those places and areas by students,
17 without notice to or the consent of the student, and without a
18 search warrant. As a matter of public policy, the General
19 Assembly finds that students have no reasonable expectation of
20 privacy in these places and areas or in their personal effects
21 left in these places and areas. School authorities may request
22 the assistance of law enforcement officials for the purpose of
23 conducting inspections and searches of lockers, desks, parking
24 lots, and other school property and equipment owned or
25 controlled by the school for illegal drugs, weapons, or other
26 illegal or dangerous substances or materials, including

1 searches conducted through the use of specially trained dogs.
2 If a search conducted in accordance with this Section produces
3 evidence that the student has violated or is violating either
4 the law, local ordinance, or the school's policies or rules,
5 such evidence may be seized by school authorities, and
6 disciplinary action may be taken. School authorities may also
7 turn over such evidence to law enforcement authorities.

8 (f) Suspension or expulsion may include suspension or
9 expulsion from school and all school activities and a
10 prohibition from being present on school grounds.

11 (g) A school district may adopt a policy providing that if
12 a student is suspended or expelled for any reason from any
13 public or private school in this or any other state, the
14 student must complete the entire term of the suspension or
15 expulsion in an alternative school program under Article 13A
16 of this Code or an alternative learning opportunities program
17 under Article 13B of this Code before being admitted into the
18 school district if there is no threat to the safety of students
19 or staff in the alternative program. A school district that
20 adopts a policy under this subsection (g) must include a
21 provision allowing for consideration of any mitigating
22 factors, including, but not limited to, a student's status as
23 a parent, expectant parent, or victim of domestic or sexual
24 violence, as defined in Article 26A.

25 (h) School officials shall not advise or encourage
26 students to drop out voluntarily due to behavioral or academic

1 difficulties.

2 (i) A student may not be issued a monetary fine or fee as a
3 disciplinary consequence, though this shall not preclude
4 requiring a student to provide restitution for lost, stolen,
5 or damaged property.

6 (j) Subsections (a) through (i) of this Section shall
7 apply to elementary and secondary schools, charter schools,
8 special charter districts, and school districts organized
9 under Article 34 of this Code.

10 (k) The expulsion of children enrolled in programs funded
11 under Section 1C-2 of this Code is subject to the requirements
12 under paragraph (7) of subsection (a) of Section 2-3.71 of
13 this Code.

14 (l) Beginning with the 2018-2019 school year, an in-school
15 suspension program provided by a school district for any
16 students in kindergarten through grade 12 may focus on
17 promoting non-violent conflict resolution and positive
18 interaction with other students and school personnel. A school
19 district may employ a school social worker or a licensed
20 mental health professional to oversee an in-school suspension
21 program in kindergarten through grade 12.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
23 102-539, eff. 8-20-21; revised 9-23-21.)

24 (105 ILCS 5/10-22.39)

25 (Text of Section before amendment by P.A. 102-638)

1 Sec. 10-22.39. In-service training programs.

2 (a) To conduct in-service training programs for teachers.

3 (b) In addition to other topics at in-service training
4 programs, at least once every 2 years, licensed school
5 personnel and administrators who work with pupils in
6 kindergarten through grade 12 shall be trained to identify the
7 warning signs of mental illness and suicidal behavior in youth
8 and shall be taught appropriate intervention and referral
9 techniques. A school district may utilize the Illinois Mental
10 Health First Aid training program, established under the
11 Illinois Mental Health First Aid Training Act and administered
12 by certified instructors trained by a national association
13 recognized as an authority in behavioral health, to provide
14 the training and meet the requirements under this subsection.
15 If licensed school personnel or an administrator obtains
16 mental health first aid training outside of an in-service
17 training program, he or she may present a certificate of
18 successful completion of the training to the school district
19 to satisfy the requirements of this subsection.

20 (c) School counselors, nurses, teachers and other school
21 personnel who work with pupils may be trained to have a basic
22 knowledge of matters relating to acquired immunodeficiency
23 syndrome (AIDS), including the nature of the disease, its
24 causes and effects, the means of detecting it and preventing
25 its transmission, and the availability of appropriate sources
26 of counseling and referral, and any other information that may

1 be appropriate considering the age and grade level of such
2 pupils. The School Board shall supervise such training. The
3 State Board of Education and the Department of Public Health
4 shall jointly develop standards for such training.

5 (d) In this subsection (d):

6 "Domestic violence" means abuse by a family or household
7 member, as "abuse" and "family or household members" are
8 defined in Section 103 of the Illinois Domestic Violence Act
9 of 1986.

10 "Sexual violence" means sexual assault, abuse, or stalking
11 of an adult or minor child proscribed in the Criminal Code of
12 1961 or the Criminal Code of 2012 in Sections 11-1.20,
13 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5,
14 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including
15 sexual violence committed by perpetrators who are strangers to
16 the victim and sexual violence committed by perpetrators who
17 are known or related by blood or marriage to the victim.

18 At least once every 2 years, an in-service training
19 program for school personnel who work with pupils, including,
20 but not limited to, school and school district administrators,
21 teachers, school social workers, school counselors, school
22 psychologists, and school nurses, must be conducted by persons
23 with expertise in domestic and sexual violence and the needs
24 of expectant and parenting youth and shall include training
25 concerning (i) communicating with and listening to youth
26 victims of domestic or sexual violence and expectant and

1 parenting youth, (ii) connecting youth victims of domestic or
2 sexual violence and expectant and parenting youth to
3 appropriate in-school services and other agencies, programs,
4 and services as needed, and (iii) implementing the school
5 district's policies, procedures, and protocols with regard to
6 such youth, including confidentiality. At a minimum, school
7 personnel must be trained to understand, provide information
8 and referrals, and address issues pertaining to youth who are
9 parents, expectant parents, or victims of domestic or sexual
10 violence.

11 (e) At least every 2 years, an in-service training program
12 for school personnel who work with pupils must be conducted by
13 persons with expertise in anaphylactic reactions and
14 management.

15 (f) At least once every 2 years, a school board shall
16 conduct in-service training on educator ethics,
17 teacher-student conduct, and school employee-student conduct
18 for all personnel.

19 (Source: P.A. 101-350, eff. 1-1-20; 102-197, eff. 7-30-21.)

20 (Text of Section after amendment by P.A. 102-638)

21 Sec. 10-22.39. In-service training programs.

22 (a) To conduct in-service training programs for teachers.

23 (b) In addition to other topics at in-service training
24 programs, at least once every 2 years, licensed school
25 personnel and administrators who work with pupils in

1 kindergarten through grade 12 shall be trained to identify the
2 warning signs of mental illness, trauma, and suicidal behavior
3 in youth and shall be taught appropriate intervention and
4 referral techniques. A school district may utilize the
5 Illinois Mental Health First Aid training program, established
6 under the Illinois Mental Health First Aid Training Act and
7 administered by certified instructors trained by a national
8 association recognized as an authority in behavioral health,
9 to provide the training and meet the requirements under this
10 subsection. If licensed school personnel or an administrator
11 obtains mental health first aid training outside of an
12 in-service training program, he or she may present a
13 certificate of successful completion of the training to the
14 school district to satisfy the requirements of this
15 subsection.

16 Training regarding the implementation of trauma-informed
17 practices satisfies the requirements of this subsection (b).

18 A course of instruction as described in this subsection
19 (b) may provide information that is relevant to and within the
20 scope of the duties of licensed school personnel or school
21 administrators. Such information may include, but is not
22 limited to:

23 (1) the recognition of and care for trauma in students
24 and staff;

25 (2) the relationship between educator wellness and
26 student learning;

1 (3) the effect of trauma on student behavior and
2 learning;

3 (4) the prevalence of trauma among students, including
4 the prevalence of trauma among student populations at
5 higher risk of experiencing trauma;

6 (5) the effects of implicit or explicit bias on
7 recognizing trauma among various student groups in
8 connection with race, ethnicity, gender identity, sexual
9 orientation, socio-economic status, and other relevant
10 factors; and

11 (6) effective district practices that are shown to:

12 (A) prevent and mitigate the negative effect of
13 trauma on student behavior and learning; and

14 (B) support the emotional wellness of staff.

15 (c) School counselors, nurses, teachers and other school
16 personnel who work with pupils may be trained to have a basic
17 knowledge of matters relating to acquired immunodeficiency
18 syndrome (AIDS), including the nature of the disease, its
19 causes and effects, the means of detecting it and preventing
20 its transmission, and the availability of appropriate sources
21 of counseling and referral, and any other information that may
22 be appropriate considering the age and grade level of such
23 pupils. The School Board shall supervise such training. The
24 State Board of Education and the Department of Public Health
25 shall jointly develop standards for such training.

26 (d) In this subsection (d):

1 "Domestic violence" means abuse by a family or household
2 member, as "abuse" and "family or household members" are
3 defined in Section 103 of the Illinois Domestic Violence Act
4 of 1986.

5 "Sexual violence" means sexual assault, abuse, or stalking
6 of an adult or minor child proscribed in the Criminal Code of
7 1961 or the Criminal Code of 2012 in Sections 11-1.20,
8 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5,
9 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including
10 sexual violence committed by perpetrators who are strangers to
11 the victim and sexual violence committed by perpetrators who
12 are known or related by blood or marriage to the victim.

13 At least once every 2 years, an in-service training
14 program for school personnel who work with pupils, including,
15 but not limited to, school and school district administrators,
16 teachers, school social workers, school counselors, school
17 psychologists, and school nurses, must be conducted by persons
18 with expertise in domestic and sexual violence and the needs
19 of expectant and parenting youth and shall include training
20 concerning (i) communicating with and listening to youth
21 victims of domestic or sexual violence and expectant and
22 parenting youth, (ii) connecting youth victims of domestic or
23 sexual violence and expectant and parenting youth to
24 appropriate in-school services and other agencies, programs,
25 and services as needed, and (iii) implementing the school
26 district's policies, procedures, and protocols with regard to

1 such youth, including confidentiality. At a minimum, school
2 personnel must be trained to understand, provide information
3 and referrals, and address issues pertaining to youth who are
4 parents, expectant parents, or victims of domestic or sexual
5 violence.

6 (e) At least every 2 years, an in-service training program
7 for school personnel who work with pupils must be conducted by
8 persons with expertise in anaphylactic reactions and
9 management.

10 (f) At least once every 2 years, a school board shall
11 conduct in-service training on educator ethics,
12 teacher-student conduct, and school employee-student conduct
13 for all personnel.

14 (Source: P.A. 101-350, eff. 1-1-20; 102-197, eff. 7-30-21;
15 102-638, eff. 1-1-23; revised 10-15-21.)

16 (105 ILCS 5/10-27.1A)

17 Sec. 10-27.1A. Firearms in schools.

18 (a) All school officials, including teachers, school
19 counselors, and support staff, shall immediately notify the
20 office of the principal in the event that they observe any
21 person in possession of a firearm on school grounds; provided
22 that taking such immediate action to notify the office of the
23 principal would not immediately endanger the health, safety,
24 or welfare of students who are under the direct supervision of
25 the school official or the school official. If the health,

1 safety, or welfare of students under the direct supervision of
2 the school official or of the school official is immediately
3 endangered, the school official shall notify the office of the
4 principal as soon as the students under his or her supervision
5 and he or she are no longer under immediate danger. A report is
6 not required by this Section when the school official knows
7 that the person in possession of the firearm is a law
8 enforcement official engaged in the conduct of his or her
9 official duties. Any school official acting in good faith who
10 makes such a report under this Section shall have immunity
11 from any civil or criminal liability that might otherwise be
12 incurred as a result of making the report. The identity of the
13 school official making such report shall not be disclosed
14 except as expressly and specifically authorized by law.
15 Knowingly and willfully failing to comply with this Section is
16 a petty offense. A second or subsequent offense is a Class C
17 misdemeanor.

18 (b) Upon receiving a report from any school official
19 pursuant to this Section, or from any other person, the
20 principal or his or her designee shall immediately notify a
21 local law enforcement agency. If the person found to be in
22 possession of a firearm on school grounds is a student, the
23 principal or his or her designee shall also immediately notify
24 that student's parent or guardian. Any principal or his or her
25 designee acting in good faith who makes such reports under
26 this Section shall have immunity from any civil or criminal

1 liability that might otherwise be incurred or imposed as a
2 result of making the reports. Knowingly and willfully failing
3 to comply with this Section is a petty offense. A second or
4 subsequent offense is a Class C misdemeanor. If the person
5 found to be in possession of the firearm on school grounds is a
6 minor, the law enforcement agency shall detain that minor
7 until such time as the agency makes a determination pursuant
8 to clause (a) of subsection (1) of Section 5-401 of the
9 Juvenile Court Act of 1987, as to whether the agency
10 reasonably believes that the minor is delinquent. If the law
11 enforcement agency determines that probable cause exists to
12 believe that the minor committed a violation of item (4) of
13 subsection (a) of Section 24-1 of the Criminal Code of 2012
14 while on school grounds, the agency shall detain the minor for
15 processing pursuant to Section 5-407 of the Juvenile Court Act
16 of 1987.

17 (c) On or after January 1, 1997, upon receipt of any
18 written, electronic, or verbal report from any school
19 personnel regarding a verified incident involving a firearm in
20 a school or on school owned or leased property, including any
21 conveyance owned, leased, or used by the school for the
22 transport of students or school personnel, the superintendent
23 or his or her designee shall report all such firearm-related
24 incidents occurring in a school or on school property to the
25 local law enforcement authorities immediately and to the
26 Illinois State Police in a form, manner, and frequency as

1 prescribed by the Illinois State Police.

2 The State Board of Education shall receive an annual
3 statistical compilation and related data associated with
4 incidents involving firearms in schools from the Illinois
5 State Police. The State Board of Education shall compile this
6 information by school district and make it available to the
7 public.

8 (d) As used in this Section, the term "firearm" shall have
9 the meaning ascribed to it in Section 1.1 of the Firearm Owners
10 Identification Card Act.

11 As used in this Section, the term "school" means any
12 public or private elementary or secondary school.

13 As used in this Section, the term "school grounds"
14 includes the real property comprising any school, any
15 conveyance owned, leased, or contracted by a school to
16 transport students to or from school or a school-related
17 activity, or any public way within 1,000 feet of the real
18 property comprising any school.

19 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
20 revised 10-6-21.)

21 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

22 (Text of Section before amendment by P.A. 102-199)

23 Sec. 14-8.02. Identification, evaluation, and placement of
24 children.

25 (a) The State Board of Education shall make rules under

1 which local school boards shall determine the eligibility of
2 children to receive special education. Such rules shall ensure
3 that a free appropriate public education be available to all
4 children with disabilities as defined in Section 14-1.02. The
5 State Board of Education shall require local school districts
6 to administer non-discriminatory procedures or tests to
7 English learners coming from homes in which a language other
8 than English is used to determine their eligibility to receive
9 special education. The placement of low English proficiency
10 students in special education programs and facilities shall be
11 made in accordance with the test results reflecting the
12 student's linguistic, cultural and special education needs.
13 For purposes of determining the eligibility of children the
14 State Board of Education shall include in the rules
15 definitions of "case study", "staff conference",
16 "individualized educational program", and "qualified
17 specialist" appropriate to each category of children with
18 disabilities as defined in this Article. For purposes of
19 determining the eligibility of children from homes in which a
20 language other than English is used, the State Board of
21 Education shall include in the rules definitions for
22 "qualified bilingual specialists" and "linguistically and
23 culturally appropriate individualized educational programs".
24 For purposes of this Section, as well as Sections 14-8.02a,
25 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
26 as defined in the federal Individuals with Disabilities

1 Education Act (20 U.S.C. 1401(23)).

2 (b) No child shall be eligible for special education
3 facilities except with a carefully completed case study fully
4 reviewed by professional personnel in a multidisciplinary
5 staff conference and only upon the recommendation of qualified
6 specialists or a qualified bilingual specialist, if available.
7 At the conclusion of the multidisciplinary staff conference,
8 the parent of the child shall be given a copy of the
9 multidisciplinary conference summary report and
10 recommendations, which includes options considered, and be
11 informed of his or her right to obtain an independent
12 educational evaluation if he or she disagrees with the
13 evaluation findings conducted or obtained by the school
14 district. If the school district's evaluation is shown to be
15 inappropriate, the school district shall reimburse the parent
16 for the cost of the independent evaluation. The State Board of
17 Education shall, with advice from the State Advisory Council
18 on Education of Children with Disabilities on the inclusion of
19 specific independent educational evaluators, prepare a list of
20 suggested independent educational evaluators. The State Board
21 of Education shall include on the list clinical psychologists
22 licensed pursuant to the Clinical Psychologist Licensing Act.
23 Such psychologists shall not be paid fees in excess of the
24 amount that would be received by a school psychologist for
25 performing the same services. The State Board of Education
26 shall supply school districts with such list and make the list

1 available to parents at their request. School districts shall
2 make the list available to parents at the time they are
3 informed of their right to obtain an independent educational
4 evaluation. However, the school district may initiate an
5 impartial due process hearing under this Section within 5 days
6 of any written parent request for an independent educational
7 evaluation to show that its evaluation is appropriate. If the
8 final decision is that the evaluation is appropriate, the
9 parent still has a right to an independent educational
10 evaluation, but not at public expense. An independent
11 educational evaluation at public expense must be completed
12 within 30 days of a parent written request unless the school
13 district initiates an impartial due process hearing or the
14 parent or school district offers reasonable grounds to show
15 that such 30-day time period should be extended. If the due
16 process hearing decision indicates that the parent is entitled
17 to an independent educational evaluation, it must be completed
18 within 30 days of the decision unless the parent or the school
19 district offers reasonable grounds to show that such 30-day
20 period should be extended. If a parent disagrees with the
21 summary report or recommendations of the multidisciplinary
22 conference or the findings of any educational evaluation which
23 results therefrom, the school district shall not proceed with
24 a placement based upon such evaluation and the child shall
25 remain in his or her regular classroom setting. No child shall
26 be eligible for admission to a special class for children with

1 a mental disability who are educable or for children with a
2 mental disability who are trainable except with a
3 psychological evaluation and recommendation by a school
4 psychologist. Consent shall be obtained from the parent of a
5 child before any evaluation is conducted. If consent is not
6 given by the parent or if the parent disagrees with the
7 findings of the evaluation, then the school district may
8 initiate an impartial due process hearing under this Section.
9 The school district may evaluate the child if that is the
10 decision resulting from the impartial due process hearing and
11 the decision is not appealed or if the decision is affirmed on
12 appeal. The determination of eligibility shall be made and the
13 IEP meeting shall be completed within 60 school days from the
14 date of written parental consent. In those instances when
15 written parental consent is obtained with fewer than 60 pupil
16 attendance days left in the school year, the eligibility
17 determination shall be made and the IEP meeting shall be
18 completed prior to the first day of the following school year.
19 Special education and related services must be provided in
20 accordance with the student's IEP no later than 10 school
21 attendance days after notice is provided to the parents
22 pursuant to Section 300.503 of Title 34 of the Code of Federal
23 Regulations and implementing rules adopted by the State Board
24 of Education. The appropriate program pursuant to the
25 individualized educational program of students whose native
26 tongue is a language other than English shall reflect the

1 special education, cultural and linguistic needs. No later
2 than September 1, 1993, the State Board of Education shall
3 establish standards for the development, implementation and
4 monitoring of appropriate bilingual special individualized
5 educational programs. The State Board of Education shall
6 further incorporate appropriate monitoring procedures to
7 verify implementation of these standards. The district shall
8 indicate to the parent and the State Board of Education the
9 nature of the services the child will receive for the regular
10 school term while awaiting ~~waiting~~ placement in the
11 appropriate special education class. At the child's initial
12 IEP meeting and at each annual review meeting, the child's IEP
13 team shall provide the child's parent or guardian with a
14 written notification that informs the parent or guardian that
15 the IEP team is required to consider whether the child
16 requires assistive technology in order to receive free,
17 appropriate public education. The notification must also
18 include a toll-free telephone number and internet address for
19 the State's assistive technology program.

20 If the child is deaf, hard of hearing, blind, or visually
21 impaired or has an orthopedic impairment or physical
22 disability and he or she might be eligible to receive services
23 from the Illinois School for the Deaf, the Illinois School for
24 the Visually Impaired, or the Illinois Center for
25 Rehabilitation and Education-Roosevelt, the school district
26 shall notify the parents, in writing, of the existence of

1 these schools and the services they provide and shall make a
2 reasonable effort to inform the parents of the existence of
3 other, local schools that provide similar services and the
4 services that these other schools provide. This notification
5 shall include without limitation information on school
6 services, school admissions criteria, and school contact
7 information.

8 In the development of the individualized education program
9 for a student who has a disability on the autism spectrum
10 (which includes autistic disorder, Asperger's disorder,
11 pervasive developmental disorder not otherwise specified,
12 childhood disintegrative disorder, and Rett Syndrome, as
13 defined in the Diagnostic and Statistical Manual of Mental
14 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
15 consider all of the following factors:

16 (1) The verbal and nonverbal communication needs of
17 the child.

18 (2) The need to develop social interaction skills and
19 proficiencies.

20 (3) The needs resulting from the child's unusual
21 responses to sensory experiences.

22 (4) The needs resulting from resistance to
23 environmental change or change in daily routines.

24 (5) The needs resulting from engagement in repetitive
25 activities and stereotyped movements.

26 (6) The need for any positive behavioral

1 interventions, strategies, and supports to address any
2 behavioral difficulties resulting from autism spectrum
3 disorder.

4 (7) Other needs resulting from the child's disability
5 that impact progress in the general curriculum, including
6 social and emotional development.

7 Public Act 95-257 does not create any new entitlement to a
8 service, program, or benefit, but must not affect any
9 entitlement to a service, program, or benefit created by any
10 other law.

11 If the student may be eligible to participate in the
12 Home-Based Support Services Program for Adults with Mental
13 Disabilities authorized under the Developmental Disability and
14 Mental Disability Services Act upon becoming an adult, the
15 student's individualized education program shall include plans
16 for (i) determining the student's eligibility for those
17 home-based services, (ii) enrolling the student in the program
18 of home-based services, and (iii) developing a plan for the
19 student's most effective use of the home-based services after
20 the student becomes an adult and no longer receives special
21 educational services under this Article. The plans developed
22 under this paragraph shall include specific actions to be
23 taken by specified individuals, agencies, or officials.

24 (c) In the development of the individualized education
25 program for a student who is functionally blind, it shall be
26 presumed that proficiency in Braille reading and writing is

1 essential for the student's satisfactory educational progress.
2 For purposes of this subsection, the State Board of Education
3 shall determine the criteria for a student to be classified as
4 functionally blind. Students who are not currently identified
5 as functionally blind who are also entitled to Braille
6 instruction include: (i) those whose vision loss is so severe
7 that they are unable to read and write at a level comparable to
8 their peers solely through the use of vision, and (ii) those
9 who show evidence of progressive vision loss that may result
10 in functional blindness. Each student who is functionally
11 blind shall be entitled to Braille reading and writing
12 instruction that is sufficient to enable the student to
13 communicate with the same level of proficiency as other
14 students of comparable ability. Instruction should be provided
15 to the extent that the student is physically and cognitively
16 able to use Braille. Braille instruction may be used in
17 combination with other special education services appropriate
18 to the student's educational needs. The assessment of each
19 student who is functionally blind for the purpose of
20 developing the student's individualized education program
21 shall include documentation of the student's strengths and
22 weaknesses in Braille skills. Each person assisting in the
23 development of the individualized education program for a
24 student who is functionally blind shall receive information
25 describing the benefits of Braille instruction. The
26 individualized education program for each student who is

1 functionally blind shall specify the appropriate learning
2 medium or media based on the assessment report.

3 (d) To the maximum extent appropriate, the placement shall
4 provide the child with the opportunity to be educated with
5 children who do not have a disability; provided that children
6 with disabilities who are recommended to be placed into
7 regular education classrooms are provided with supplementary
8 services to assist the children with disabilities to benefit
9 from the regular classroom instruction and are included on the
10 teacher's regular education class register. Subject to the
11 limitation of the preceding sentence, placement in special
12 classes, separate schools or other removal of the child with a
13 disability from the regular educational environment shall
14 occur only when the nature of the severity of the disability is
15 such that education in the regular classes with the use of
16 supplementary aids and services cannot be achieved
17 satisfactorily. The placement of English learners with
18 disabilities shall be in non-restrictive environments which
19 provide for integration with peers who do not have
20 disabilities in bilingual classrooms. Annually, each January,
21 school districts shall report data on students from
22 non-English speaking backgrounds receiving special education
23 and related services in public and private facilities as
24 prescribed in Section 2-3.30. If there is a disagreement
25 between parties involved regarding the special education
26 placement of any child, either in-state or out-of-state, the

1 placement is subject to impartial due process procedures
2 described in Article 10 of the Rules and Regulations to Govern
3 the Administration and Operation of Special Education.

4 (e) No child who comes from a home in which a language
5 other than English is the principal language used may be
6 assigned to any class or program under this Article until he
7 has been given, in the principal language used by the child and
8 used in his home, tests reasonably related to his cultural
9 environment. All testing and evaluation materials and
10 procedures utilized for evaluation and placement shall not be
11 linguistically, racially or culturally discriminatory.

12 (f) Nothing in this Article shall be construed to require
13 any child to undergo any physical examination or medical
14 treatment whose parents object thereto on the grounds that
15 such examination or treatment conflicts with his religious
16 beliefs.

17 (g) School boards or their designee shall provide to the
18 parents of a child prior written notice of any decision (a)
19 proposing to initiate or change, or (b) refusing to initiate
20 or change, the identification, evaluation, or educational
21 placement of the child or the provision of a free appropriate
22 public education to their child, and the reasons therefor.
23 Such written notification shall also inform the parent of the
24 opportunity to present complaints with respect to any matter
25 relating to the educational placement of the student, or the
26 provision of a free appropriate public education and to have

1 an impartial due process hearing on the complaint. The notice
2 shall inform the parents in the parents' native language,
3 unless it is clearly not feasible to do so, of their rights and
4 all procedures available pursuant to this Act and the federal
5 Individuals with Disabilities Education Improvement Act of
6 2004 (Public Law 108-446); it shall be the responsibility of
7 the State Superintendent to develop uniform notices setting
8 forth the procedures available under this Act and the federal
9 Individuals with Disabilities Education Improvement Act of
10 2004 (Public Law 108-446) to be used by all school boards. The
11 notice shall also inform the parents of the availability upon
12 request of a list of free or low-cost legal and other relevant
13 services available locally to assist parents in initiating an
14 impartial due process hearing. The State Superintendent shall
15 revise the uniform notices required by this subsection (g) to
16 reflect current law and procedures at least once every 2
17 years. Any parent who is deaf, or does not normally
18 communicate using spoken English, who participates in a
19 meeting with a representative of a local educational agency
20 for the purposes of developing an individualized educational
21 program shall be entitled to the services of an interpreter.
22 The State Board of Education must adopt rules to establish the
23 criteria, standards, and competencies for a bilingual language
24 interpreter who attends an individualized education program
25 meeting under this subsection to assist a parent who has
26 limited English proficiency.

1 (g-5) For purposes of this subsection (g-5), "qualified
2 professional" means an individual who holds credentials to
3 evaluate the child in the domain or domains for which an
4 evaluation is sought or an intern working under the direct
5 supervision of a qualified professional, including a master's
6 or doctoral degree candidate.

7 To ensure that a parent can participate fully and
8 effectively with school personnel in the development of
9 appropriate educational and related services for his or her
10 child, the parent, an independent educational evaluator, or a
11 qualified professional retained by or on behalf of a parent or
12 child must be afforded reasonable access to educational
13 facilities, personnel, classrooms, and buildings and to the
14 child as provided in this subsection (g-5). The requirements
15 of this subsection (g-5) apply to any public school facility,
16 building, or program and to any facility, building, or program
17 supported in whole or in part by public funds. Prior to
18 visiting a school, school building, or school facility, the
19 parent, independent educational evaluator, or qualified
20 professional may be required by the school district to inform
21 the building principal or supervisor in writing of the
22 proposed visit, the purpose of the visit, and the approximate
23 duration of the visit. The visitor and the school district
24 shall arrange the visit or visits at times that are mutually
25 agreeable. Visitors shall comply with school safety, security,
26 and visitation policies at all times. School district

1 visitation policies must not conflict with this subsection
2 (g-5). Visitors shall be required to comply with the
3 requirements of applicable privacy laws, including those laws
4 protecting the confidentiality of education records such as
5 the federal Family Educational Rights and Privacy Act and the
6 Illinois School Student Records Act. The visitor shall not
7 disrupt the educational process.

8 (1) A parent must be afforded reasonable access of
9 sufficient duration and scope for the purpose of observing
10 his or her child in the child's current educational
11 placement, services, or program or for the purpose of
12 visiting an educational placement or program proposed for
13 the child.

14 (2) An independent educational evaluator or a
15 qualified professional retained by or on behalf of a
16 parent or child must be afforded reasonable access of
17 sufficient duration and scope for the purpose of
18 conducting an evaluation of the child, the child's
19 performance, the child's current educational program,
20 placement, services, or environment, or any educational
21 program, placement, services, or environment proposed for
22 the child, including interviews of educational personnel,
23 child observations, assessments, tests or assessments of
24 the child's educational program, services, or placement or
25 of any proposed educational program, services, or
26 placement. If one or more interviews of school personnel

1 are part of the evaluation, the interviews must be
2 conducted at a mutually agreed upon time, date, and place
3 that do not interfere with the school employee's school
4 duties. The school district may limit interviews to
5 personnel having information relevant to the child's
6 current educational services, program, or placement or to
7 a proposed educational service, program, or placement.

8 (Source: P.A. 101-124, eff. 1-1-20; 102-264, eff. 8-6-21;
9 102-558, eff. 8-20-21.)

10 (Text of Section after amendment by P.A. 102-199)

11 Sec. 14-8.02. Identification, evaluation, and placement of
12 children.

13 (a) The State Board of Education shall make rules under
14 which local school boards shall determine the eligibility of
15 children to receive special education. Such rules shall ensure
16 that a free appropriate public education be available to all
17 children with disabilities as defined in Section 14-1.02. The
18 State Board of Education shall require local school districts
19 to administer non-discriminatory procedures or tests to
20 English learners coming from homes in which a language other
21 than English is used to determine their eligibility to receive
22 special education. The placement of low English proficiency
23 students in special education programs and facilities shall be
24 made in accordance with the test results reflecting the
25 student's linguistic, cultural and special education needs.

1 For purposes of determining the eligibility of children the
2 State Board of Education shall include in the rules
3 definitions of "case study", "staff conference",
4 "individualized educational program", and "qualified
5 specialist" appropriate to each category of children with
6 disabilities as defined in this Article. For purposes of
7 determining the eligibility of children from homes in which a
8 language other than English is used, the State Board of
9 Education shall include in the rules definitions for
10 "qualified bilingual specialists" and "linguistically and
11 culturally appropriate individualized educational programs".
12 For purposes of this Section, as well as Sections 14-8.02a,
13 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
14 as defined in the federal Individuals with Disabilities
15 Education Act (20 U.S.C. 1401(23)).

16 (b) No child shall be eligible for special education
17 facilities except with a carefully completed case study fully
18 reviewed by professional personnel in a multidisciplinary
19 staff conference and only upon the recommendation of qualified
20 specialists or a qualified bilingual specialist, if available.
21 At the conclusion of the multidisciplinary staff conference,
22 the parent of the child and, if the child is in the legal
23 custody of the Department of Children and Family Services, the
24 Department's Office of Education and Transition Services shall
25 be given a copy of the multidisciplinary conference summary
26 report and recommendations, which includes options considered,

1 and, in the case of the parent, be informed of his or her right
2 to obtain an independent educational evaluation if he or she
3 disagrees with the evaluation findings conducted or obtained
4 by the school district. If the school district's evaluation is
5 shown to be inappropriate, the school district shall reimburse
6 the parent for the cost of the independent evaluation. The
7 State Board of Education shall, with advice from the State
8 Advisory Council on Education of Children with Disabilities on
9 the inclusion of specific independent educational evaluators,
10 prepare a list of suggested independent educational
11 evaluators. The State Board of Education shall include on the
12 list clinical psychologists licensed pursuant to the Clinical
13 Psychologist Licensing Act. Such psychologists shall not be
14 paid fees in excess of the amount that would be received by a
15 school psychologist for performing the same services. The
16 State Board of Education shall supply school districts with
17 such list and make the list available to parents at their
18 request. School districts shall make the list available to
19 parents at the time they are informed of their right to obtain
20 an independent educational evaluation. However, the school
21 district may initiate an impartial due process hearing under
22 this Section within 5 days of any written parent request for an
23 independent educational evaluation to show that its evaluation
24 is appropriate. If the final decision is that the evaluation
25 is appropriate, the parent still has a right to an independent
26 educational evaluation, but not at public expense. An

1 independent educational evaluation at public expense must be
2 completed within 30 days of a parent written request unless
3 the school district initiates an impartial due process hearing
4 or the parent or school district offers reasonable grounds to
5 show that such 30-day time period should be extended. If the
6 due process hearing decision indicates that the parent is
7 entitled to an independent educational evaluation, it must be
8 completed within 30 days of the decision unless the parent or
9 the school district offers reasonable grounds to show that
10 such 30-day period should be extended. If a parent disagrees
11 with the summary report or recommendations of the
12 multidisciplinary conference or the findings of any
13 educational evaluation which results therefrom, the school
14 district shall not proceed with a placement based upon such
15 evaluation and the child shall remain in his or her regular
16 classroom setting. No child shall be eligible for admission to
17 a special class for children with a mental disability who are
18 educable or for children with a mental disability who are
19 trainable except with a psychological evaluation and
20 recommendation by a school psychologist. Consent shall be
21 obtained from the parent of a child before any evaluation is
22 conducted. If consent is not given by the parent or if the
23 parent disagrees with the findings of the evaluation, then the
24 school district may initiate an impartial due process hearing
25 under this Section. The school district may evaluate the child
26 if that is the decision resulting from the impartial due

1 process hearing and the decision is not appealed or if the
2 decision is affirmed on appeal. The determination of
3 eligibility shall be made and the IEP meeting shall be
4 completed within 60 school days from the date of written
5 parental consent. In those instances when written parental
6 consent is obtained with fewer than 60 pupil attendance days
7 left in the school year, the eligibility determination shall
8 be made and the IEP meeting shall be completed prior to the
9 first day of the following school year. Special education and
10 related services must be provided in accordance with the
11 student's IEP no later than 10 school attendance days after
12 notice is provided to the parents pursuant to Section 300.503
13 of Title 34 of the Code of Federal Regulations and
14 implementing rules adopted by the State Board of Education.
15 The appropriate program pursuant to the individualized
16 educational program of students whose native tongue is a
17 language other than English shall reflect the special
18 education, cultural and linguistic needs. No later than
19 September 1, 1993, the State Board of Education shall
20 establish standards for the development, implementation and
21 monitoring of appropriate bilingual special individualized
22 educational programs. The State Board of Education shall
23 further incorporate appropriate monitoring procedures to
24 verify implementation of these standards. The district shall
25 indicate to the parent, the State Board of Education, and, if
26 applicable, the Department's Office of Education and

1 Transition Services the nature of the services the child will
2 receive for the regular school term while awaiting ~~waiting~~
3 placement in the appropriate special education class. At the
4 child's initial IEP meeting and at each annual review meeting,
5 the child's IEP team shall provide the child's parent or
6 guardian and, if applicable, the Department's Office of
7 Education and Transition Services with a written notification
8 that informs the parent or guardian or the Department's Office
9 of Education and Transition Services that the IEP team is
10 required to consider whether the child requires assistive
11 technology in order to receive free, appropriate public
12 education. The notification must also include a toll-free
13 telephone number and internet address for the State's
14 assistive technology program.

15 If the child is deaf, hard of hearing, blind, or visually
16 impaired or has an orthopedic impairment or physical
17 disability and he or she might be eligible to receive services
18 from the Illinois School for the Deaf, the Illinois School for
19 the Visually Impaired, or the Illinois Center for
20 Rehabilitation and Education-Roosevelt, the school district
21 shall notify the parents, in writing, of the existence of
22 these schools and the services they provide and shall make a
23 reasonable effort to inform the parents of the existence of
24 other, local schools that provide similar services and the
25 services that these other schools provide. This notification
26 shall include without limitation information on school

1 services, school admissions criteria, and school contact
2 information.

3 In the development of the individualized education program
4 for a student who has a disability on the autism spectrum
5 (which includes autistic disorder, Asperger's disorder,
6 pervasive developmental disorder not otherwise specified,
7 childhood disintegrative disorder, and Rett Syndrome, as
8 defined in the Diagnostic and Statistical Manual of Mental
9 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
10 consider all of the following factors:

11 (1) The verbal and nonverbal communication needs of
12 the child.

13 (2) The need to develop social interaction skills and
14 proficiencies.

15 (3) The needs resulting from the child's unusual
16 responses to sensory experiences.

17 (4) The needs resulting from resistance to
18 environmental change or change in daily routines.

19 (5) The needs resulting from engagement in repetitive
20 activities and stereotyped movements.

21 (6) The need for any positive behavioral
22 interventions, strategies, and supports to address any
23 behavioral difficulties resulting from autism spectrum
24 disorder.

25 (7) Other needs resulting from the child's disability
26 that impact progress in the general curriculum, including

1 social and emotional development.

2 Public Act 95-257 does not create any new entitlement to a
3 service, program, or benefit, but must not affect any
4 entitlement to a service, program, or benefit created by any
5 other law.

6 If the student may be eligible to participate in the
7 Home-Based Support Services Program for Adults with Mental
8 Disabilities authorized under the Developmental Disability and
9 Mental Disability Services Act upon becoming an adult, the
10 student's individualized education program shall include plans
11 for (i) determining the student's eligibility for those
12 home-based services, (ii) enrolling the student in the program
13 of home-based services, and (iii) developing a plan for the
14 student's most effective use of the home-based services after
15 the student becomes an adult and no longer receives special
16 educational services under this Article. The plans developed
17 under this paragraph shall include specific actions to be
18 taken by specified individuals, agencies, or officials.

19 (c) In the development of the individualized education
20 program for a student who is functionally blind, it shall be
21 presumed that proficiency in Braille reading and writing is
22 essential for the student's satisfactory educational progress.
23 For purposes of this subsection, the State Board of Education
24 shall determine the criteria for a student to be classified as
25 functionally blind. Students who are not currently identified
26 as functionally blind who are also entitled to Braille

1 instruction include: (i) those whose vision loss is so severe
2 that they are unable to read and write at a level comparable to
3 their peers solely through the use of vision, and (ii) those
4 who show evidence of progressive vision loss that may result
5 in functional blindness. Each student who is functionally
6 blind shall be entitled to Braille reading and writing
7 instruction that is sufficient to enable the student to
8 communicate with the same level of proficiency as other
9 students of comparable ability. Instruction should be provided
10 to the extent that the student is physically and cognitively
11 able to use Braille. Braille instruction may be used in
12 combination with other special education services appropriate
13 to the student's educational needs. The assessment of each
14 student who is functionally blind for the purpose of
15 developing the student's individualized education program
16 shall include documentation of the student's strengths and
17 weaknesses in Braille skills. Each person assisting in the
18 development of the individualized education program for a
19 student who is functionally blind shall receive information
20 describing the benefits of Braille instruction. The
21 individualized education program for each student who is
22 functionally blind shall specify the appropriate learning
23 medium or media based on the assessment report.

24 (d) To the maximum extent appropriate, the placement shall
25 provide the child with the opportunity to be educated with
26 children who do not have a disability; provided that children

1 with disabilities who are recommended to be placed into
2 regular education classrooms are provided with supplementary
3 services to assist the children with disabilities to benefit
4 from the regular classroom instruction and are included on the
5 teacher's regular education class register. Subject to the
6 limitation of the preceding sentence, placement in special
7 classes, separate schools or other removal of the child with a
8 disability from the regular educational environment shall
9 occur only when the nature of the severity of the disability is
10 such that education in the regular classes with the use of
11 supplementary aids and services cannot be achieved
12 satisfactorily. The placement of English learners with
13 disabilities shall be in non-restrictive environments which
14 provide for integration with peers who do not have
15 disabilities in bilingual classrooms. Annually, each January,
16 school districts shall report data on students from
17 non-English speaking backgrounds receiving special education
18 and related services in public and private facilities as
19 prescribed in Section 2-3.30. If there is a disagreement
20 between parties involved regarding the special education
21 placement of any child, either in-state or out-of-state, the
22 placement is subject to impartial due process procedures
23 described in Article 10 of the Rules and Regulations to Govern
24 the Administration and Operation of Special Education.

25 (e) No child who comes from a home in which a language
26 other than English is the principal language used may be

1 assigned to any class or program under this Article until he
2 has been given, in the principal language used by the child and
3 used in his home, tests reasonably related to his cultural
4 environment. All testing and evaluation materials and
5 procedures utilized for evaluation and placement shall not be
6 linguistically, racially or culturally discriminatory.

7 (f) Nothing in this Article shall be construed to require
8 any child to undergo any physical examination or medical
9 treatment whose parents object thereto on the grounds that
10 such examination or treatment conflicts with his religious
11 beliefs.

12 (g) School boards or their designee shall provide to the
13 parents of a child or, if applicable, the Department of
14 Children and Family Services' Office of Education and
15 Transition Services prior written notice of any decision (a)
16 proposing to initiate or change, or (b) refusing to initiate
17 or change, the identification, evaluation, or educational
18 placement of the child or the provision of a free appropriate
19 public education to their child, and the reasons therefor. For
20 a parent, such written notification shall also inform the
21 parent of the opportunity to present complaints with respect
22 to any matter relating to the educational placement of the
23 student, or the provision of a free appropriate public
24 education and to have an impartial due process hearing on the
25 complaint. The notice shall inform the parents in the parents'
26 native language, unless it is clearly not feasible to do so, of

1 their rights and all procedures available pursuant to this Act
2 and the federal Individuals with Disabilities Education
3 Improvement Act of 2004 (Public Law 108-446); it shall be the
4 responsibility of the State Superintendent to develop uniform
5 notices setting forth the procedures available under this Act
6 and the federal Individuals with Disabilities Education
7 Improvement Act of 2004 (Public Law 108-446) to be used by all
8 school boards. The notice shall also inform the parents of the
9 availability upon request of a list of free or low-cost legal
10 and other relevant services available locally to assist
11 parents in initiating an impartial due process hearing. The
12 State Superintendent shall revise the uniform notices required
13 by this subsection (g) to reflect current law and procedures
14 at least once every 2 years. Any parent who is deaf, or does
15 not normally communicate using spoken English, who
16 participates in a meeting with a representative of a local
17 educational agency for the purposes of developing an
18 individualized educational program shall be entitled to the
19 services of an interpreter. The State Board of Education must
20 adopt rules to establish the criteria, standards, and
21 competencies for a bilingual language interpreter who attends
22 an individualized education program meeting under this
23 subsection to assist a parent who has limited English
24 proficiency.

25 (g-5) For purposes of this subsection (g-5), "qualified
26 professional" means an individual who holds credentials to

1 evaluate the child in the domain or domains for which an
2 evaluation is sought or an intern working under the direct
3 supervision of a qualified professional, including a master's
4 or doctoral degree candidate.

5 To ensure that a parent can participate fully and
6 effectively with school personnel in the development of
7 appropriate educational and related services for his or her
8 child, the parent, an independent educational evaluator, or a
9 qualified professional retained by or on behalf of a parent or
10 child must be afforded reasonable access to educational
11 facilities, personnel, classrooms, and buildings and to the
12 child as provided in this subsection (g-5). The requirements
13 of this subsection (g-5) apply to any public school facility,
14 building, or program and to any facility, building, or program
15 supported in whole or in part by public funds. Prior to
16 visiting a school, school building, or school facility, the
17 parent, independent educational evaluator, or qualified
18 professional may be required by the school district to inform
19 the building principal or supervisor in writing of the
20 proposed visit, the purpose of the visit, and the approximate
21 duration of the visit. The visitor and the school district
22 shall arrange the visit or visits at times that are mutually
23 agreeable. Visitors shall comply with school safety, security,
24 and visitation policies at all times. School district
25 visitation policies must not conflict with this subsection
26 (g-5). Visitors shall be required to comply with the

1 requirements of applicable privacy laws, including those laws
2 protecting the confidentiality of education records such as
3 the federal Family Educational Rights and Privacy Act and the
4 Illinois School Student Records Act. The visitor shall not
5 disrupt the educational process.

6 (1) A parent must be afforded reasonable access of
7 sufficient duration and scope for the purpose of observing
8 his or her child in the child's current educational
9 placement, services, or program or for the purpose of
10 visiting an educational placement or program proposed for
11 the child.

12 (2) An independent educational evaluator or a
13 qualified professional retained by or on behalf of a
14 parent or child must be afforded reasonable access of
15 sufficient duration and scope for the purpose of
16 conducting an evaluation of the child, the child's
17 performance, the child's current educational program,
18 placement, services, or environment, or any educational
19 program, placement, services, or environment proposed for
20 the child, including interviews of educational personnel,
21 child observations, assessments, tests or assessments of
22 the child's educational program, services, or placement or
23 of any proposed educational program, services, or
24 placement. If one or more interviews of school personnel
25 are part of the evaluation, the interviews must be
26 conducted at a mutually agreed upon time, date, and place

1 that do not interfere with the school employee's school
2 duties. The school district may limit interviews to
3 personnel having information relevant to the child's
4 current educational services, program, or placement or to
5 a proposed educational service, program, or placement.

6 (Source: P.A. 101-124, eff. 1-1-20; 102-199, eff. 7-1-22;
7 102-264, eff. 8-6-21; 102-558, eff. 8-20-21; revised
8 10-14-21.)

9 (105 ILCS 5/14-17)

10 (Section scheduled to be repealed on December 31, 2022)

11 Sec. 14-17. High-Cost Special Education Funding
12 Commission.

13 (a) The High-Cost Special Education Funding Commission is
14 created for the purpose of making recommendations to the
15 Governor and the General Assembly for an alternative funding
16 structure in this State for high-cost special education
17 students that is aligned to the principles of the
18 evidence-based funding formula in Section 18-8.15 in which
19 school districts furthest away from adequacy receive the
20 greatest amount of funding.

21 (b) The Commission shall consist of all of the following
22 members:

23 (1) One representative appointed by the Speaker of the
24 House of Representatives, who shall serve as
25 co-chairperson.

1 (2) One representative appointed by the Minority
2 Leader of the House of Representatives.

3 (3) One senator appointed by the President of the
4 Senate, who shall serve as co-chairperson.

5 (4) One senator appointed by the Minority Leader of
6 the Senate.

7 (5) The State Superintendent of Education or a
8 designee.

9 (6) The Director of the Governor's Office of
10 Management and Budget or a designee.

11 (7) The Chairperson of the Advisory Council on the
12 Education of Children with Disabilities or a designee.

13 Additionally, within 60 days after July 23, 2021 (the
14 effective date of Public Act 102-150) ~~this amendatory Act of~~
15 ~~the 102nd General Assembly~~, the State Superintendent of
16 Education shall appoint all of the following individuals to
17 the Commission:

18 (A) One representative of a statewide association that
19 represents private special education schools.

20 (B) One representative of a statewide association that
21 represents special education cooperatives.

22 (C) One educator from a special education cooperative,
23 recommended by a statewide association that represents
24 teachers.

25 (D) One educator from a special education cooperative
26 that is not a member district of a special education

1 cooperative, recommended by a different statewide
2 association that represents teachers.

3 (E) One educator or administrator from a nonpublic
4 special education school.

5 (F) One representative of a statewide association that
6 represents school administrators.

7 (G) One representative of a statewide association that
8 represents school business officials.

9 (H) One representative of a statewide association that
10 represents private special education schools in rural
11 school districts.

12 (I) One representative from a residential program.

13 Members appointed to the Commission must reflect the
14 racial, ethnic, and geographic diversity of this State.

15 (c) Members of the Commission shall serve without
16 compensation, but may be reimbursed for their reasonable and
17 necessary expenses from funds appropriated to the State Board
18 of Education for that purpose.

19 (d) The State Board of Education shall provide
20 administrative support to the Commission.

21 (e) To ensure that high-quality services are provided to
22 ensure equitable outcomes for high-cost special education
23 students, the Commission shall do all the following:

24 (1) Review the current system of funding high-cost
25 special education students in this State.

26 (2) Review the needs of high-cost special education

1 students in this State and the associated costs to ensure
2 high-quality services are provided to these students.

3 (3) Review how other states fund high-cost special
4 education students.

5 (4) If available, review other proposals and best
6 practices for funding high-cost special education
7 students.

8 (f) On or before November 30, 2021, the Commission shall
9 report its recommendations to the Governor and the General
10 Assembly.

11 (g) This Section is repealed on December 31, 2022.

12 (Source: P.A. 102-150, eff. 7-23-21; revised 11-9-21.)

13 (105 ILCS 5/14-18)

14 Sec. 14-18 ~~14-17~~. COVID-19 recovery post-secondary
15 transition recovery eligibility.

16 (a) If a student with an individualized education program
17 (IEP) reaches the age of 22 during the time in which the
18 student's in-person instruction, services, or activities are
19 suspended for a period of 3 months or more during the school
20 year as a result of the COVID-19 pandemic, the student is
21 eligible for such services up to the end of the regular
22 2021-2022 school year.

23 (b) This Section does not apply to any student who is no
24 longer a resident of the school district that was responsible
25 for the student's IEP at the time the student reached the

1 student's 22nd birthday.

2 (c) The IEP goals in effect when the student reached the
3 student's 22nd birthday shall be resumed unless there is an
4 agreement that the goals should be revised to appropriately
5 meet the student's current transition needs.

6 (d) If a student was in a private therapeutic day or
7 residential program when the student reached the student's
8 22nd birthday, the school district is not required to resume
9 that program for the student if the student has aged out of the
10 program or the funding for supporting the student's placement
11 in the facility is no longer available.

12 (e) Within 30 days after July 28, 2021 (the effective date
13 of Public Act 102-173) ~~this amendatory Act of the 102nd~~
14 ~~General Assembly~~, each school district shall provide
15 notification of the availability of services under this
16 Section to each student covered by this Section by regular
17 mail sent to the last known address of the student or the
18 student's parent or guardian.

19 (Source: P.A. 102-173, eff. 7-28-21; revised 11-9-21.)

20 (105 ILCS 5/18-8.15)

21 Sec. 18-8.15. Evidence-Based Funding for student success
22 for the 2017-2018 and subsequent school years.

23 (a) General provisions.

24 (1) The purpose of this Section is to ensure that, by
25 June 30, 2027 and beyond, this State has a kindergarten

1 through grade 12 public education system with the capacity
2 to ensure the educational development of all persons to
3 the limits of their capacities in accordance with Section
4 1 of Article X of the Constitution of the State of
5 Illinois. To accomplish that objective, this Section
6 creates a method of funding public education that is
7 evidence-based; is sufficient to ensure every student
8 receives a meaningful opportunity to learn irrespective of
9 race, ethnicity, sexual orientation, gender, or
10 community-income level; and is sustainable and
11 predictable. When fully funded under this Section, every
12 school shall have the resources, based on what the
13 evidence indicates is needed, to:

14 (A) provide all students with a high quality
15 education that offers the academic, enrichment, social
16 and emotional support, technical, and career-focused
17 programs that will allow them to become competitive
18 workers, responsible parents, productive citizens of
19 this State, and active members of our national
20 democracy;

21 (B) ensure all students receive the education they
22 need to graduate from high school with the skills
23 required to pursue post-secondary education and
24 training for a rewarding career;

25 (C) reduce, with a goal of eliminating, the
26 achievement gap between at-risk and non-at-risk

1 students by raising the performance of at-risk
2 students and not by reducing standards; and

3 (D) ensure this State satisfies its obligation to
4 assume the primary responsibility to fund public
5 education and simultaneously relieve the
6 disproportionate burden placed on local property taxes
7 to fund schools.

8 (2) The Evidence-Based Funding formula under this
9 Section shall be applied to all Organizational Units in
10 this State. The Evidence-Based Funding formula outlined in
11 this Act is based on the formula outlined in Senate Bill 1
12 of the 100th General Assembly, as passed by both
13 legislative chambers. As further defined and described in
14 this Section, there are 4 major components of the
15 Evidence-Based Funding model:

16 (A) First, the model calculates a unique Adequacy
17 Target for each Organizational Unit in this State that
18 considers the costs to implement research-based
19 activities, the unit's student demographics, and
20 regional wage differences.

21 (B) Second, the model calculates each
22 Organizational Unit's Local Capacity, or the amount
23 each Organizational Unit is assumed to contribute
24 toward its Adequacy Target from local resources.

25 (C) Third, the model calculates how much funding
26 the State currently contributes to the Organizational

1 Unit and adds that to the unit's Local Capacity to
2 determine the unit's overall current adequacy of
3 funding.

4 (D) Finally, the model's distribution method
5 allocates new State funding to those Organizational
6 Units that are least well-funded, considering both
7 Local Capacity and State funding, in relation to their
8 Adequacy Target.

9 (3) An Organizational Unit receiving any funding under
10 this Section may apply those funds to any fund so received
11 for which that Organizational Unit is authorized to make
12 expenditures by law.

13 (4) As used in this Section, the following terms shall
14 have the meanings ascribed in this paragraph (4):

15 "Adequacy Target" is defined in paragraph (1) of
16 subsection (b) of this Section.

17 "Adjusted EAV" is defined in paragraph (4) of
18 subsection (d) of this Section.

19 "Adjusted Local Capacity Target" is defined in
20 paragraph (3) of subsection (c) of this Section.

21 "Adjusted Operating Tax Rate" means a tax rate for all
22 Organizational Units, for which the State Superintendent
23 shall calculate and subtract for the Operating Tax Rate a
24 transportation rate based on total expenses for
25 transportation services under this Code, as reported on
26 the most recent Annual Financial Report in Pupil

1 Transportation Services, function 2550 in both the
2 Education and Transportation funds and functions 4110 and
3 4120 in the Transportation fund, less any corresponding
4 fiscal year State of Illinois scheduled payments excluding
5 net adjustments for prior years for regular, vocational,
6 or special education transportation reimbursement pursuant
7 to Section 29-5 or subsection (b) of Section 14-13.01 of
8 this Code divided by the Adjusted EAV. If an
9 Organizational Unit's corresponding fiscal year State of
10 Illinois scheduled payments excluding net adjustments for
11 prior years for regular, vocational, or special education
12 transportation reimbursement pursuant to Section 29-5 or
13 subsection (b) of Section 14-13.01 of this Code exceed the
14 total transportation expenses, as defined in this
15 paragraph, no transportation rate shall be subtracted from
16 the Operating Tax Rate.

17 "Allocation Rate" is defined in paragraph (3) of
18 subsection (g) of this Section.

19 "Alternative School" means a public school that is
20 created and operated by a regional superintendent of
21 schools and approved by the State Board.

22 "Applicable Tax Rate" is defined in paragraph (1) of
23 subsection (d) of this Section.

24 "Assessment" means any of those benchmark, progress
25 monitoring, formative, diagnostic, and other assessments,
26 in addition to the State accountability assessment, that

1 assist teachers' needs in understanding the skills and
2 meeting the needs of the students they serve.

3 "Assistant principal" means a school administrator
4 duly endorsed to be employed as an assistant principal in
5 this State.

6 "At-risk student" means a student who is at risk of
7 not meeting the Illinois Learning Standards or not
8 graduating from elementary or high school and who
9 demonstrates a need for vocational support or social
10 services beyond that provided by the regular school
11 program. All students included in an Organizational Unit's
12 Low-Income Count, as well as all English learner and
13 disabled students attending the Organizational Unit, shall
14 be considered at-risk students under this Section.

15 "Average Student Enrollment" or "ASE" for fiscal year
16 2018 means, for an Organizational Unit, the greater of the
17 average number of students (grades K through 12) reported
18 to the State Board as enrolled in the Organizational Unit
19 on October 1 in the immediately preceding school year,
20 plus the pre-kindergarten students who receive special
21 education services of 2 or more hours a day as reported to
22 the State Board on December 1 in the immediately preceding
23 school year, or the average number of students (grades K
24 through 12) reported to the State Board as enrolled in the
25 Organizational Unit on October 1, plus the
26 pre-kindergarten students who receive special education

1 services of 2 or more hours a day as reported to the State
2 Board on December 1, for each of the immediately preceding
3 3 school years. For fiscal year 2019 and each subsequent
4 fiscal year, "Average Student Enrollment" or "ASE" means,
5 for an Organizational Unit, the greater of the average
6 number of students (grades K through 12) reported to the
7 State Board as enrolled in the Organizational Unit on
8 October 1 and March 1 in the immediately preceding school
9 year, plus the pre-kindergarten students who receive
10 special education services as reported to the State Board
11 on October 1 and March 1 in the immediately preceding
12 school year, or the average number of students (grades K
13 through 12) reported to the State Board as enrolled in the
14 Organizational Unit on October 1 and March 1, plus the
15 pre-kindergarten students who receive special education
16 services as reported to the State Board on October 1 and
17 March 1, for each of the immediately preceding 3 school
18 years. For the purposes of this definition, "enrolled in
19 the Organizational Unit" means the number of students
20 reported to the State Board who are enrolled in schools
21 within the Organizational Unit that the student attends or
22 would attend if not placed or transferred to another
23 school or program to receive needed services. For the
24 purposes of calculating "ASE", all students, grades K
25 through 12, excluding those attending kindergarten for a
26 half day and students attending an alternative education

1 program operated by a regional office of education or
2 intermediate service center, shall be counted as 1.0. All
3 students attending kindergarten for a half day shall be
4 counted as 0.5, unless in 2017 by June 15 or by March 1 in
5 subsequent years, the school district reports to the State
6 Board of Education the intent to implement full-day
7 kindergarten district-wide for all students, then all
8 students attending kindergarten shall be counted as 1.0.
9 Special education pre-kindergarten students shall be
10 counted as 0.5 each. If the State Board does not collect or
11 has not collected both an October 1 and March 1 enrollment
12 count by grade or a December 1 collection of special
13 education pre-kindergarten students as of August 31, 2017
14 (the effective date of Public Act 100-465), it shall
15 establish such collection for all future years. For any
16 year in which a count by grade level was collected only
17 once, that count shall be used as the single count
18 available for computing a 3-year average ASE. Funding for
19 programs operated by a regional office of education or an
20 intermediate service center must be calculated using the
21 Evidence-Based Funding formula under this Section for the
22 2019-2020 school year and each subsequent school year
23 until separate adequacy formulas are developed and adopted
24 for each type of program. ASE for a program operated by a
25 regional office of education or an intermediate service
26 center must be determined by the March 1 enrollment for

1 the program. For the 2019-2020 school year, the ASE used
2 in the calculation must be the first-year ASE and, in that
3 year only, the assignment of students served by a regional
4 office of education or intermediate service center shall
5 not result in a reduction of the March enrollment for any
6 school district. For the 2020-2021 school year, the ASE
7 must be the greater of the current-year ASE or the 2-year
8 average ASE. Beginning with the 2021-2022 school year, the
9 ASE must be the greater of the current-year ASE or the
10 3-year average ASE. School districts shall submit the data
11 for the ASE calculation to the State Board within 45 days
12 of the dates required in this Section for submission of
13 enrollment data in order for it to be included in the ASE
14 calculation. For fiscal year 2018 only, the ASE
15 calculation shall include only enrollment taken on October
16 1. In recognition of the impact of COVID-19, the
17 definition of "Average Student Enrollment" or "ASE" shall
18 be adjusted for calculations under this Section for fiscal
19 years 2022 through 2024. For fiscal years 2022 through
20 2024, the enrollment used in the calculation of ASE
21 representing the 2020-2021 school year shall be the
22 greater of the enrollment for the 2020-2021 school year or
23 the 2019-2020 school year.

24 "Base Funding Guarantee" is defined in paragraph (10)
25 of subsection (g) of this Section.

26 "Base Funding Minimum" is defined in subsection (e) of

1 this Section.

2 "Base Tax Year" means the property tax levy year used
3 to calculate the Budget Year allocation of primary State
4 aid.

5 "Base Tax Year's Extension" means the product of the
6 equalized assessed valuation utilized by the county clerk
7 in the Base Tax Year multiplied by the limiting rate as
8 calculated by the county clerk and defined in PTELL.

9 "Bilingual Education Allocation" means the amount of
10 an Organizational Unit's final Adequacy Target
11 attributable to bilingual education divided by the
12 Organizational Unit's final Adequacy Target, the product
13 of which shall be multiplied by the amount of new funding
14 received pursuant to this Section. An Organizational
15 Unit's final Adequacy Target attributable to bilingual
16 education shall include all additional investments in
17 English learner students' adequacy elements.

18 "Budget Year" means the school year for which primary
19 State aid is calculated and awarded under this Section.

20 "Central office" means individual administrators and
21 support service personnel charged with managing the
22 instructional programs, business and operations, and
23 security of the Organizational Unit.

24 "Comparable Wage Index" or "CWI" means a regional cost
25 differentiation metric that measures systemic, regional
26 variations in the salaries of college graduates who are

1 not educators. The CWI utilized for this Section shall,
2 for the first 3 years of Evidence-Based Funding
3 implementation, be the CWI initially developed by the
4 National Center for Education Statistics, as most recently
5 updated by Texas A & M University. In the fourth and
6 subsequent years of Evidence-Based Funding implementation,
7 the State Superintendent shall re-determine the CWI using
8 a similar methodology to that identified in the Texas A & M
9 University study, with adjustments made no less frequently
10 than once every 5 years.

11 "Computer technology and equipment" means computers
12 servers, notebooks, network equipment, copiers, printers,
13 instructional software, security software, curriculum
14 management courseware, and other similar materials and
15 equipment.

16 "Computer technology and equipment investment
17 allocation" means the final Adequacy Target amount of an
18 Organizational Unit assigned to Tier 1 or Tier 2 in the
19 prior school year attributable to the additional \$285.50
20 per student computer technology and equipment investment
21 grant divided by the Organizational Unit's final Adequacy
22 Target, the result of which shall be multiplied by the
23 amount of new funding received pursuant to this Section.
24 An Organizational Unit assigned to a Tier 1 or Tier 2 final
25 Adequacy Target attributable to the received computer
26 technology and equipment investment grant shall include

1 all additional investments in computer technology and
2 equipment adequacy elements.

3 "Core subject" means mathematics; science; reading,
4 English, writing, and language arts; history and social
5 studies; world languages; and subjects taught as Advanced
6 Placement in high schools.

7 "Core teacher" means a regular classroom teacher in
8 elementary schools and teachers of a core subject in
9 middle and high schools.

10 "Core Intervention teacher (tutor)" means a licensed
11 teacher providing one-on-one or small group tutoring to
12 students struggling to meet proficiency in core subjects.

13 "CPPRT" means corporate personal property replacement
14 tax funds paid to an Organizational Unit during the
15 calendar year one year before the calendar year in which a
16 school year begins, pursuant to "An Act in relation to the
17 abolition of ad valorem personal property tax and the
18 replacement of revenues lost thereby, and amending and
19 repealing certain Acts and parts of Acts in connection
20 therewith", certified August 14, 1979, as amended (Public
21 Act 81-1st S.S.-1).

22 "EAV" means equalized assessed valuation as defined in
23 paragraph (2) of subsection (d) of this Section and
24 calculated in accordance with paragraph (3) of subsection
25 (d) of this Section.

26 "ECI" means the Bureau of Labor Statistics' national

1 employment cost index for civilian workers in educational
2 services in elementary and secondary schools on a
3 cumulative basis for the 12-month calendar year preceding
4 the fiscal year of the Evidence-Based Funding calculation.

5 "EIS Data" means the employment information system
6 data maintained by the State Board on educators within
7 Organizational Units.

8 "Employee benefits" means health, dental, and vision
9 insurance offered to employees of an Organizational Unit,
10 the costs associated with the statutorily required payment
11 of the normal cost of the Organizational Unit's teacher
12 pensions, Social Security employer contributions, and
13 Illinois Municipal Retirement Fund employer contributions.

14 "English learner" or "EL" means a child included in
15 the definition of "English learners" under Section 14C-2
16 of this Code participating in a program of transitional
17 bilingual education or a transitional program of
18 instruction meeting the requirements and program
19 application procedures of Article 14C of this Code. For
20 the purposes of collecting the number of EL students
21 enrolled, the same collection and calculation methodology
22 as defined above for "ASE" shall apply to English
23 learners, with the exception that EL student enrollment
24 shall include students in grades pre-kindergarten through
25 12.

26 "Essential Elements" means those elements, resources,

1 and educational programs that have been identified through
2 academic research as necessary to improve student success,
3 improve academic performance, close achievement gaps, and
4 provide for other per student costs related to the
5 delivery and leadership of the Organizational Unit, as
6 well as the maintenance and operations of the unit, and
7 which are specified in paragraph (2) of subsection (b) of
8 this Section.

9 "Evidence-Based Funding" means State funding provided
10 to an Organizational Unit pursuant to this Section.

11 "Extended day" means academic and enrichment programs
12 provided to students outside the regular school day before
13 and after school or during non-instructional times during
14 the school day.

15 "Extension Limitation Ratio" means a numerical ratio
16 in which the numerator is the Base Tax Year's Extension
17 and the denominator is the Preceding Tax Year's Extension.

18 "Final Percent of Adequacy" is defined in paragraph
19 (4) of subsection (f) of this Section.

20 "Final Resources" is defined in paragraph (3) of
21 subsection (f) of this Section.

22 "Full-time equivalent" or "FTE" means the full-time
23 equivalency compensation for staffing the relevant
24 position at an Organizational Unit.

25 "Funding Gap" is defined in paragraph (1) of
26 subsection (g).

1 "Hybrid District" means a partial elementary unit
2 district created pursuant to Article 11E of this Code.

3 "Instructional assistant" means a core or special
4 education, non-licensed employee who assists a teacher in
5 the classroom and provides academic support to students.

6 "Instructional facilitator" means a qualified teacher
7 or licensed teacher leader who facilitates and coaches
8 continuous improvement in classroom instruction; provides
9 instructional support to teachers in the elements of
10 research-based instruction or demonstrates the alignment
11 of instruction with curriculum standards and assessment
12 tools; develops or coordinates instructional programs or
13 strategies; develops and implements training; chooses
14 standards-based instructional materials; provides
15 teachers with an understanding of current research; serves
16 as a mentor, site coach, curriculum specialist, or lead
17 teacher; or otherwise works with fellow teachers, in
18 collaboration, to use data to improve instructional
19 practice or develop model lessons.

20 "Instructional materials" means relevant
21 instructional materials for student instruction,
22 including, but not limited to, textbooks, consumable
23 workbooks, laboratory equipment, library books, and other
24 similar materials.

25 "Laboratory School" means a public school that is
26 created and operated by a public university and approved

1 by the State Board.

2 "Librarian" means a teacher with an endorsement as a
3 library information specialist or another individual whose
4 primary responsibility is overseeing library resources
5 within an Organizational Unit.

6 "Limiting rate for Hybrid Districts" means the
7 combined elementary school and high school limiting rates.

8 "Local Capacity" is defined in paragraph (1) of
9 subsection (c) of this Section.

10 "Local Capacity Percentage" is defined in subparagraph
11 (A) of paragraph (2) of subsection (c) of this Section.

12 "Local Capacity Ratio" is defined in subparagraph (B)
13 of paragraph (2) of subsection (c) of this Section.

14 "Local Capacity Target" is defined in paragraph (2) of
15 subsection (c) of this Section.

16 "Low-Income Count" means, for an Organizational Unit
17 in a fiscal year, the higher of the average number of
18 students for the prior school year or the immediately
19 preceding 3 school years who, as of July 1 of the
20 immediately preceding fiscal year (as determined by the
21 Department of Human Services), are eligible for at least
22 one of the following low-income programs: Medicaid, the
23 Children's Health Insurance Program, Temporary Assistance
24 for Needy Families (TANF), or the Supplemental Nutrition
25 Assistance Program, excluding pupils who are eligible for
26 services provided by the Department of Children and Family

1 Services. Until such time that grade level low-income
2 populations become available, grade level low-income
3 populations shall be determined by applying the low-income
4 percentage to total student enrollments by grade level.
5 The low-income percentage is determined by dividing the
6 Low-Income Count by the Average Student Enrollment. The
7 low-income percentage for programs operated by a regional
8 office of education or an intermediate service center must
9 be set to the weighted average of the low-income
10 percentages of all of the school districts in the service
11 region. The weighted low-income percentage is the result
12 of multiplying the low-income percentage of each school
13 district served by the regional office of education or
14 intermediate service center by each school district's
15 Average Student Enrollment, summarizing those products and
16 dividing the total by the total Average Student Enrollment
17 for the service region.

18 "Maintenance and operations" means custodial services,
19 facility and ground maintenance, facility operations,
20 facility security, routine facility repairs, and other
21 similar services and functions.

22 "Minimum Funding Level" is defined in paragraph (9) of
23 subsection (g) of this Section.

24 "New Property Tax Relief Pool Funds" means, for any
25 given fiscal year, all State funds appropriated under
26 Section 2-3.170 of this Code.

1 "New State Funds" means, for a given school year, all
2 State funds appropriated for Evidence-Based Funding in
3 excess of the amount needed to fund the Base Funding
4 Minimum for all Organizational Units in that school year.

5 "Net State Contribution Target" means, for a given
6 school year, the amount of State funds that would be
7 necessary to fully meet the Adequacy Target of an
8 Operational Unit minus the Preliminary Resources available
9 to each unit.

10 "Nurse" means an individual licensed as a certified
11 school nurse, in accordance with the rules established for
12 nursing services by the State Board, who is an employee of
13 and is available to provide health care-related services
14 for students of an Organizational Unit.

15 "Operating Tax Rate" means the rate utilized in the
16 previous year to extend property taxes for all purposes,
17 except Bond and Interest, Summer School, Rent, Capital
18 Improvement, and Vocational Education Building purposes.
19 For Hybrid Districts, the Operating Tax Rate shall be the
20 combined elementary and high school rates utilized in the
21 previous year to extend property taxes for all purposes,
22 except Bond and Interest, Summer School, Rent, Capital
23 Improvement, and Vocational Education Building purposes.

24 "Organizational Unit" means a Laboratory School or any
25 public school district that is recognized as such by the
26 State Board and that contains elementary schools typically

1 serving kindergarten through 5th grades, middle schools
2 typically serving 6th through 8th grades, high schools
3 typically serving 9th through 12th grades, a program
4 established under Section 2-3.66 or 2-3.41, or a program
5 operated by a regional office of education or an
6 intermediate service center under Article 13A or 13B. The
7 General Assembly acknowledges that the actual grade levels
8 served by a particular Organizational Unit may vary
9 slightly from what is typical.

10 "Organizational Unit CWI" is determined by calculating
11 the CWI in the region and original county in which an
12 Organizational Unit's primary administrative office is
13 located as set forth in this paragraph, provided that if
14 the Organizational Unit CWI as calculated in accordance
15 with this paragraph is less than 0.9, the Organizational
16 Unit CWI shall be increased to 0.9. Each county's current
17 CWI value shall be adjusted based on the CWI value of that
18 county's neighboring Illinois counties, to create a
19 "weighted adjusted index value". This shall be calculated
20 by summing the CWI values of all of a county's adjacent
21 Illinois counties and dividing by the number of adjacent
22 Illinois counties, then taking the weighted value of the
23 original county's CWI value and the adjacent Illinois
24 county average. To calculate this weighted value, if the
25 number of adjacent Illinois counties is greater than 2,
26 the original county's CWI value will be weighted at 0.25

1 and the adjacent Illinois county average will be weighted
2 at 0.75. If the number of adjacent Illinois counties is 2,
3 the original county's CWI value will be weighted at 0.33
4 and the adjacent Illinois county average will be weighted
5 at 0.66. The greater of the county's current CWI value and
6 its weighted adjusted index value shall be used as the
7 Organizational Unit CWI.

8 "Preceding Tax Year" means the property tax levy year
9 immediately preceding the Base Tax Year.

10 "Preceding Tax Year's Extension" means the product of
11 the equalized assessed valuation utilized by the county
12 clerk in the Preceding Tax Year multiplied by the
13 Operating Tax Rate.

14 "Preliminary Percent of Adequacy" is defined in
15 paragraph (2) of subsection (f) of this Section.

16 "Preliminary Resources" is defined in paragraph (2) of
17 subsection (f) of this Section.

18 "Principal" means a school administrator duly endorsed
19 to be employed as a principal in this State.

20 "Professional development" means training programs for
21 licensed staff in schools, including, but not limited to,
22 programs that assist in implementing new curriculum
23 programs, provide data focused or academic assessment data
24 training to help staff identify a student's weaknesses and
25 strengths, target interventions, improve instruction,
26 encompass instructional strategies for English learner,

1 gifted, or at-risk students, address inclusivity, cultural
2 sensitivity, or implicit bias, or otherwise provide
3 professional support for licensed staff.

4 "Prototypical" means 450 special education
5 pre-kindergarten and kindergarten through grade 5 students
6 for an elementary school, 450 grade 6 through 8 students
7 for a middle school, and 600 grade 9 through 12 students
8 for a high school.

9 "PTELL" means the Property Tax Extension Limitation
10 Law.

11 "PTELL EAV" is defined in paragraph (4) of subsection
12 (d) of this Section.

13 "Pupil support staff" means a nurse, psychologist,
14 social worker, family liaison personnel, or other staff
15 member who provides support to at-risk or struggling
16 students.

17 "Real Receipts" is defined in paragraph (1) of
18 subsection (d) of this Section.

19 "Regionalization Factor" means, for a particular
20 Organizational Unit, the figure derived by dividing the
21 Organizational Unit CWI by the Statewide Weighted CWI.

22 "School counselor" means a licensed school counselor
23 who provides guidance and counseling support for students
24 within an Organizational Unit.

25 "School site staff" means the primary school secretary
26 and any additional clerical personnel assigned to a

1 school.

2 "Special education" means special educational
3 facilities and services, as defined in Section 14-1.08 of
4 this Code.

5 "Special Education Allocation" means the amount of an
6 Organizational Unit's final Adequacy Target attributable
7 to special education divided by the Organizational Unit's
8 final Adequacy Target, the product of which shall be
9 multiplied by the amount of new funding received pursuant
10 to this Section. An Organizational Unit's final Adequacy
11 Target attributable to special education shall include all
12 special education investment adequacy elements.

13 "Specialist teacher" means a teacher who provides
14 instruction in subject areas not included in core
15 subjects, including, but not limited to, art, music,
16 physical education, health, driver education,
17 career-technical education, and such other subject areas
18 as may be mandated by State law or provided by an
19 Organizational Unit.

20 "Specially Funded Unit" means an Alternative School,
21 safe school, Department of Juvenile Justice school,
22 special education cooperative or entity recognized by the
23 State Board as a special education cooperative,
24 State-approved charter school, or alternative learning
25 opportunities program that received direct funding from
26 the State Board during the 2016-2017 school year through

1 any of the funding sources included within the calculation
2 of the Base Funding Minimum or Glenwood Academy.

3 "Supplemental Grant Funding" means supplemental
4 general State aid funding received by an Organizational
5 Unit during the 2016-2017 school year pursuant to
6 subsection (H) of Section 18-8.05 of this Code (now
7 repealed).

8 "State Adequacy Level" is the sum of the Adequacy
9 Targets of all Organizational Units.

10 "State Board" means the State Board of Education.

11 "State Superintendent" means the State Superintendent
12 of Education.

13 "Statewide Weighted CWI" means a figure determined by
14 multiplying each Organizational Unit CWI times the ASE for
15 that Organizational Unit creating a weighted value,
16 summing all Organizational Units' weighted values, and
17 dividing by the total ASE of all Organizational Units,
18 thereby creating an average weighted index.

19 "Student activities" means non-credit producing
20 after-school programs, including, but not limited to,
21 clubs, bands, sports, and other activities authorized by
22 the school board of the Organizational Unit.

23 "Substitute teacher" means an individual teacher or
24 teaching assistant who is employed by an Organizational
25 Unit and is temporarily serving the Organizational Unit on
26 a per diem or per period-assignment basis to replace

1 another staff member.

2 "Summer school" means academic and enrichment programs
3 provided to students during the summer months outside of
4 the regular school year.

5 "Supervisory aide" means a non-licensed staff member
6 who helps in supervising students of an Organizational
7 Unit, but does so outside of the classroom, in situations
8 such as, but not limited to, monitoring hallways and
9 playgrounds, supervising lunchrooms, or supervising
10 students when being transported in buses serving the
11 Organizational Unit.

12 "Target Ratio" is defined in paragraph (4) of
13 subsection (g).

14 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
15 in paragraph (3) of subsection (g).

16 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
17 Funding", "Tier 3 Aggregate Funding", and "Tier 4
18 Aggregate Funding" are defined in paragraph (1) of
19 subsection (g).

20 (b) Adequacy Target calculation.

21 (1) Each Organizational Unit's Adequacy Target is the
22 sum of the Organizational Unit's cost of providing
23 Essential Elements, as calculated in accordance with this
24 subsection (b), with the salary amounts in the Essential
25 Elements multiplied by a Regionalization Factor calculated
26 pursuant to paragraph (3) of this subsection (b).

1 (2) The Essential Elements are attributable on a pro
2 rata basis related to defined subgroups of the ASE of each
3 Organizational Unit as specified in this paragraph (2),
4 with investments and FTE positions pro rata funded based
5 on ASE counts in excess of or less than the thresholds set
6 forth in this paragraph (2). The method for calculating
7 attributable pro rata costs and the defined subgroups
8 thereto are as follows:

9 (A) Core class size investments. Each
10 Organizational Unit shall receive the funding required
11 to support that number of FTE core teacher positions
12 as is needed to keep the respective class sizes of the
13 Organizational Unit to the following maximum numbers:

14 (i) For grades kindergarten through 3, the
15 Organizational Unit shall receive funding required
16 to support one FTE core teacher position for every
17 15 Low-Income Count students in those grades and
18 one FTE core teacher position for every 20
19 non-Low-Income Count students in those grades.

20 (ii) For grades 4 through 12, the
21 Organizational Unit shall receive funding required
22 to support one FTE core teacher position for every
23 20 Low-Income Count students in those grades and
24 one FTE core teacher position for every 25
25 non-Low-Income Count students in those grades.

26 The number of non-Low-Income Count students in a

1 grade shall be determined by subtracting the
2 Low-Income students in that grade from the ASE of the
3 Organizational Unit for that grade.

4 (B) Specialist teacher investments. Each
5 Organizational Unit shall receive the funding needed
6 to cover that number of FTE specialist teacher
7 positions that correspond to the following
8 percentages:

9 (i) if the Organizational Unit operates an
10 elementary or middle school, then 20.00% of the
11 number of the Organizational Unit's core teachers,
12 as determined under subparagraph (A) of this
13 paragraph (2); and

14 (ii) if such Organizational Unit operates a
15 high school, then 33.33% of the number of the
16 Organizational Unit's core teachers.

17 (C) Instructional facilitator investments. Each
18 Organizational Unit shall receive the funding needed
19 to cover one FTE instructional facilitator position
20 for every 200 combined ASE of pre-kindergarten
21 children with disabilities and all kindergarten
22 through grade 12 students of the Organizational Unit.

23 (D) Core intervention teacher (tutor) investments.
24 Each Organizational Unit shall receive the funding
25 needed to cover one FTE teacher position for each
26 prototypical elementary, middle, and high school.

1 (E) Substitute teacher investments. Each
2 Organizational Unit shall receive the funding needed
3 to cover substitute teacher costs that is equal to
4 5.70% of the minimum pupil attendance days required
5 under Section 10-19 of this Code for all full-time
6 equivalent core, specialist, and intervention
7 teachers, school nurses, special education teachers
8 and instructional assistants, instructional
9 facilitators, and summer school and extended day
10 teacher positions, as determined under this paragraph
11 (2), at a salary rate of 33.33% of the average salary
12 for grade K through 12 teachers and 33.33% of the
13 average salary of each instructional assistant
14 position.

15 (F) Core school counselor investments. Each
16 Organizational Unit shall receive the funding needed
17 to cover one FTE school counselor for each 450
18 combined ASE of pre-kindergarten children with
19 disabilities and all kindergarten through grade 5
20 students, plus one FTE school counselor for each 250
21 grades 6 through 8 ASE middle school students, plus
22 one FTE school counselor for each 250 grades 9 through
23 12 ASE high school students.

24 (G) Nurse investments. Each Organizational Unit
25 shall receive the funding needed to cover one FTE
26 nurse for each 750 combined ASE of pre-kindergarten

1 children with disabilities and all kindergarten
2 through grade 12 students across all grade levels it
3 serves.

4 (H) Supervisory aide investments. Each
5 Organizational Unit shall receive the funding needed
6 to cover one FTE for each 225 combined ASE of
7 pre-kindergarten children with disabilities and all
8 kindergarten through grade 5 students, plus one FTE
9 for each 225 ASE middle school students, plus one FTE
10 for each 200 ASE high school students.

11 (I) Librarian investments. Each Organizational
12 Unit shall receive the funding needed to cover one FTE
13 librarian for each prototypical elementary school,
14 middle school, and high school and one FTE aide or
15 media technician for every 300 combined ASE of
16 pre-kindergarten children with disabilities and all
17 kindergarten through grade 12 students.

18 (J) Principal investments. Each Organizational
19 Unit shall receive the funding needed to cover one FTE
20 principal position for each prototypical elementary
21 school, plus one FTE principal position for each
22 prototypical middle school, plus one FTE principal
23 position for each prototypical high school.

24 (K) Assistant principal investments. Each
25 Organizational Unit shall receive the funding needed
26 to cover one FTE assistant principal position for each

1 prototypical elementary school, plus one FTE assistant
2 principal position for each prototypical middle
3 school, plus one FTE assistant principal position for
4 each prototypical high school.

5 (L) School site staff investments. Each
6 Organizational Unit shall receive the funding needed
7 for one FTE position for each 225 ASE of
8 pre-kindergarten children with disabilities and all
9 kindergarten through grade 5 students, plus one FTE
10 position for each 225 ASE middle school students, plus
11 one FTE position for each 200 ASE high school
12 students.

13 (M) Gifted investments. Each Organizational Unit
14 shall receive \$40 per kindergarten through grade 12
15 ASE.

16 (N) Professional development investments. Each
17 Organizational Unit shall receive \$125 per student of
18 the combined ASE of pre-kindergarten children with
19 disabilities and all kindergarten through grade 12
20 students for trainers and other professional
21 development-related expenses for supplies and
22 materials.

23 (O) Instructional material investments. Each
24 Organizational Unit shall receive \$190 per student of
25 the combined ASE of pre-kindergarten children with
26 disabilities and all kindergarten through grade 12

1 students to cover instructional material costs.

2 (P) Assessment investments. Each Organizational
3 Unit shall receive \$25 per student of the combined ASE
4 of pre-kindergarten children with disabilities and all
5 kindergarten through grade 12 students to cover
6 assessment costs.

7 (Q) Computer technology and equipment investments.
8 Each Organizational Unit shall receive \$285.50 per
9 student of the combined ASE of pre-kindergarten
10 children with disabilities and all kindergarten
11 through grade 12 students to cover computer technology
12 and equipment costs. For the 2018-2019 school year and
13 subsequent school years, Organizational Units assigned
14 to Tier 1 and Tier 2 in the prior school year shall
15 receive an additional \$285.50 per student of the
16 combined ASE of pre-kindergarten children with
17 disabilities and all kindergarten through grade 12
18 students to cover computer technology and equipment
19 costs in the Organizational Unit's Adequacy Target.
20 The State Board may establish additional requirements
21 for Organizational Unit expenditures of funds received
22 pursuant to this subparagraph (Q), including a
23 requirement that funds received pursuant to this
24 subparagraph (Q) may be used only for serving the
25 technology needs of the district. It is the intent of
26 Public Act 100-465 that all Tier 1 and Tier 2 districts

1 receive the addition to their Adequacy Target in the
2 following year, subject to compliance with the
3 requirements of the State Board.

4 (R) Student activities investments. Each
5 Organizational Unit shall receive the following
6 funding amounts to cover student activities: \$100 per
7 kindergarten through grade 5 ASE student in elementary
8 school, plus \$200 per ASE student in middle school,
9 plus \$675 per ASE student in high school.

10 (S) Maintenance and operations investments. Each
11 Organizational Unit shall receive \$1,038 per student
12 of the combined ASE of pre-kindergarten children with
13 disabilities and all kindergarten through grade 12
14 students for day-to-day maintenance and operations
15 expenditures, including salary, supplies, and
16 materials, as well as purchased services, but
17 excluding employee benefits. The proportion of salary
18 for the application of a Regionalization Factor and
19 the calculation of benefits is equal to \$352.92.

20 (T) Central office investments. Each
21 Organizational Unit shall receive \$742 per student of
22 the combined ASE of pre-kindergarten children with
23 disabilities and all kindergarten through grade 12
24 students to cover central office operations, including
25 administrators and classified personnel charged with
26 managing the instructional programs, business and

1 operations of the school district, and security
2 personnel. The proportion of salary for the
3 application of a Regionalization Factor and the
4 calculation of benefits is equal to \$368.48.

5 (U) Employee benefit investments. Each
6 Organizational Unit shall receive 30% of the total of
7 all salary-calculated elements of the Adequacy Target,
8 excluding substitute teachers and student activities
9 investments, to cover benefit costs. For central
10 office and maintenance and operations investments, the
11 benefit calculation shall be based upon the salary
12 proportion of each investment. If at any time the
13 responsibility for funding the employer normal cost of
14 teacher pensions is assigned to school districts, then
15 that amount certified by the Teachers' Retirement
16 System of the State of Illinois to be paid by the
17 Organizational Unit for the preceding school year
18 shall be added to the benefit investment. For any
19 fiscal year in which a school district organized under
20 Article 34 of this Code is responsible for paying the
21 employer normal cost of teacher pensions, then that
22 amount of its employer normal cost plus the amount for
23 retiree health insurance as certified by the Public
24 School Teachers' Pension and Retirement Fund of
25 Chicago to be paid by the school district for the
26 preceding school year that is statutorily required to

1 cover employer normal costs and the amount for retiree
2 health insurance shall be added to the 30% specified
3 in this subparagraph (U). The Teachers' Retirement
4 System of the State of Illinois and the Public School
5 Teachers' Pension and Retirement Fund of Chicago shall
6 submit such information as the State Superintendent
7 may require for the calculations set forth in this
8 subparagraph (U).

9 (V) Additional investments in low-income students.
10 In addition to and not in lieu of all other funding
11 under this paragraph (2), each Organizational Unit
12 shall receive funding based on the average teacher
13 salary for grades K through 12 to cover the costs of:

14 (i) one FTE intervention teacher (tutor)
15 position for every 125 Low-Income Count students;

16 (ii) one FTE pupil support staff position for
17 every 125 Low-Income Count students;

18 (iii) one FTE extended day teacher position
19 for every 120 Low-Income Count students; and

20 (iv) one FTE summer school teacher position
21 for every 120 Low-Income Count students.

22 (W) Additional investments in English learner
23 students. In addition to and not in lieu of all other
24 funding under this paragraph (2), each Organizational
25 Unit shall receive funding based on the average
26 teacher salary for grades K through 12 to cover the

1 costs of:

2 (i) one FTE intervention teacher (tutor)
3 position for every 125 English learner students;

4 (ii) one FTE pupil support staff position for
5 every 125 English learner students;

6 (iii) one FTE extended day teacher position
7 for every 120 English learner students;

8 (iv) one FTE summer school teacher position
9 for every 120 English learner students; and

10 (v) one FTE core teacher position for every
11 100 English learner students.

12 (X) Special education investments. Each
13 Organizational Unit shall receive funding based on the
14 average teacher salary for grades K through 12 to
15 cover special education as follows:

16 (i) one FTE teacher position for every 141
17 combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students;

20 (ii) one FTE instructional assistant for every
21 141 combined ASE of pre-kindergarten children with
22 disabilities and all kindergarten through grade 12
23 students; and

24 (iii) one FTE psychologist position for every
25 1,000 combined ASE of pre-kindergarten children
26 with disabilities and all kindergarten through

1 grade 12 students.

2 (3) For calculating the salaries included within the
3 Essential Elements, the State Superintendent shall
4 annually calculate average salaries to the nearest dollar
5 using the employment information system data maintained by
6 the State Board, limited to public schools only and
7 excluding special education and vocational cooperatives,
8 schools operated by the Department of Juvenile Justice,
9 and charter schools, for the following positions:

10 (A) Teacher for grades K through 8.

11 (B) Teacher for grades 9 through 12.

12 (C) Teacher for grades K through 12.

13 (D) School counselor for grades K through 8.

14 (E) School counselor for grades 9 through 12.

15 (F) School counselor for grades K through 12.

16 (G) Social worker.

17 (H) Psychologist.

18 (I) Librarian.

19 (J) Nurse.

20 (K) Principal.

21 (L) Assistant principal.

22 For the purposes of this paragraph (3), "teacher"
23 includes core teachers, specialist and elective teachers,
24 instructional facilitators, tutors, special education
25 teachers, pupil support staff teachers, English learner
26 teachers, extended day teachers, and summer school

1 teachers. Where specific grade data is not required for
2 the Essential Elements, the average salary for
3 corresponding positions shall apply. For substitute
4 teachers, the average teacher salary for grades K through
5 12 shall apply.

6 For calculating the salaries included within the
7 Essential Elements for positions not included within EIS
8 Data, the following salaries shall be used in the first
9 year of implementation of Evidence-Based Funding:

10 (i) school site staff, \$30,000; and

11 (ii) non-instructional assistant, instructional
12 assistant, library aide, library media tech, or
13 supervisory aide: \$25,000.

14 In the second and subsequent years of implementation
15 of Evidence-Based Funding, the amounts in items (i) and
16 (ii) of this paragraph (3) shall annually increase by the
17 ECI.

18 The salary amounts for the Essential Elements
19 determined pursuant to subparagraphs (A) through (L), (S)
20 and (T), and (V) through (X) of paragraph (2) of
21 subsection (b) of this Section shall be multiplied by a
22 Regionalization Factor.

23 (c) Local Capacity calculation.

24 (1) Each Organizational Unit's Local Capacity
25 represents an amount of funding it is assumed to
26 contribute toward its Adequacy Target for purposes of the

1 Evidence-Based Funding formula calculation. "Local
2 Capacity" means either (i) the Organizational Unit's Local
3 Capacity Target as calculated in accordance with paragraph
4 (2) of this subsection (c) if its Real Receipts are equal
5 to or less than its Local Capacity Target or (ii) the
6 Organizational Unit's Adjusted Local Capacity, as
7 calculated in accordance with paragraph (3) of this
8 subsection (c) if Real Receipts are more than its Local
9 Capacity Target.

10 (2) "Local Capacity Target" means, for an
11 Organizational Unit, that dollar amount that is obtained
12 by multiplying its Adequacy Target by its Local Capacity
13 Ratio.

14 (A) An Organizational Unit's Local Capacity
15 Percentage is the conversion of the Organizational
16 Unit's Local Capacity Ratio, as such ratio is
17 determined in accordance with subparagraph (B) of this
18 paragraph (2), into a cumulative distribution
19 resulting in a percentile ranking to determine each
20 Organizational Unit's relative position to all other
21 Organizational Units in this State. The calculation of
22 Local Capacity Percentage is described in subparagraph
23 (C) of this paragraph (2).

24 (B) An Organizational Unit's Local Capacity Ratio
25 in a given year is the percentage obtained by dividing
26 its Adjusted EAV or PTELL EAV, whichever is less, by

1 its Adequacy Target, with the resulting ratio further
2 adjusted as follows:

3 (i) for Organizational Units serving grades
4 kindergarten through 12 and Hybrid Districts, no
5 further adjustments shall be made;

6 (ii) for Organizational Units serving grades
7 kindergarten through 8, the ratio shall be
8 multiplied by 9/13;

9 (iii) for Organizational Units serving grades
10 9 through 12, the Local Capacity Ratio shall be
11 multiplied by 4/13; and

12 (iv) for an Organizational Unit with a
13 different grade configuration than those specified
14 in items (i) through (iii) of this subparagraph
15 (B), the State Superintendent shall determine a
16 comparable adjustment based on the grades served.

17 (C) The Local Capacity Percentage is equal to the
18 percentile ranking of the district. Local Capacity
19 Percentage converts each Organizational Unit's Local
20 Capacity Ratio to a cumulative distribution resulting
21 in a percentile ranking to determine each
22 Organizational Unit's relative position to all other
23 Organizational Units in this State. The Local Capacity
24 Percentage cumulative distribution resulting in a
25 percentile ranking for each Organizational Unit shall
26 be calculated using the standard normal distribution

1 of the score in relation to the weighted mean and
2 weighted standard deviation and Local Capacity Ratios
3 of all Organizational Units. If the value assigned to
4 any Organizational Unit is in excess of 90%, the value
5 shall be adjusted to 90%. For Laboratory Schools, the
6 Local Capacity Percentage shall be set at 10% in
7 recognition of the absence of EAV and resources from
8 the public university that are allocated to the
9 Laboratory School. For programs operated by a regional
10 office of education or an intermediate service center,
11 the Local Capacity Percentage must be set at 10% in
12 recognition of the absence of EAV and resources from
13 school districts that are allocated to the regional
14 office of education or intermediate service center.
15 The weighted mean for the Local Capacity Percentage
16 shall be determined by multiplying each Organizational
17 Unit's Local Capacity Ratio times the ASE for the unit
18 creating a weighted value, summing the weighted values
19 of all Organizational Units, and dividing by the total
20 ASE of all Organizational Units. The weighted standard
21 deviation shall be determined by taking the square
22 root of the weighted variance of all Organizational
23 Units' Local Capacity Ratio, where the variance is
24 calculated by squaring the difference between each
25 unit's Local Capacity Ratio and the weighted mean,
26 then multiplying the variance for each unit times the

1 ASE for the unit to create a weighted variance for each
2 unit, then summing all units' weighted variance and
3 dividing by the total ASE of all units.

4 (D) For any Organizational Unit, the
5 Organizational Unit's Adjusted Local Capacity Target
6 shall be reduced by either (i) the school board's
7 remaining contribution pursuant to paragraph (ii) of
8 subsection (b-4) of Section 16-158 of the Illinois
9 Pension Code in a given year or (ii) the board of
10 education's remaining contribution pursuant to
11 paragraph (iv) of subsection (b) of Section 17-129 of
12 the Illinois Pension Code absent the employer normal
13 cost portion of the required contribution and amount
14 allowed pursuant to subdivision (3) of Section
15 17-142.1 of the Illinois Pension Code in a given year.
16 In the preceding sentence, item (i) shall be certified
17 to the State Board of Education by the Teachers'
18 Retirement System of the State of Illinois and item
19 (ii) shall be certified to the State Board of
20 Education by the Public School Teachers' Pension and
21 Retirement Fund of the City of Chicago.

22 (3) If an Organizational Unit's Real Receipts are more
23 than its Local Capacity Target, then its Local Capacity
24 shall equal an Adjusted Local Capacity Target as
25 calculated in accordance with this paragraph (3). The
26 Adjusted Local Capacity Target is calculated as the sum of

1 the Organizational Unit's Local Capacity Target and its
2 Real Receipts Adjustment. The Real Receipts Adjustment
3 equals the Organizational Unit's Real Receipts less its
4 Local Capacity Target, with the resulting figure
5 multiplied by the Local Capacity Percentage.

6 As used in this paragraph (3), "Real Percent of
7 Adequacy" means the sum of an Organizational Unit's Real
8 Receipts, CPPRT, and Base Funding Minimum, with the
9 resulting figure divided by the Organizational Unit's
10 Adequacy Target.

11 (d) Calculation of Real Receipts, EAV, and Adjusted EAV
12 for purposes of the Local Capacity calculation.

13 (1) An Organizational Unit's Real Receipts are the
14 product of its Applicable Tax Rate and its Adjusted EAV.
15 An Organizational Unit's Applicable Tax Rate is its
16 Adjusted Operating Tax Rate for property within the
17 Organizational Unit.

18 (2) The State Superintendent shall calculate the
19 equalized assessed valuation, or EAV, of all taxable
20 property of each Organizational Unit as of September 30 of
21 the previous year in accordance with paragraph (3) of this
22 subsection (d). The State Superintendent shall then
23 determine the Adjusted EAV of each Organizational Unit in
24 accordance with paragraph (4) of this subsection (d),
25 which Adjusted EAV figure shall be used for the purposes
26 of calculating Local Capacity.

1 (3) To calculate Real Receipts and EAV, the Department
2 of Revenue shall supply to the State Superintendent the
3 value as equalized or assessed by the Department of
4 Revenue of all taxable property of every Organizational
5 Unit, together with (i) the applicable tax rate used in
6 extending taxes for the funds of the Organizational Unit
7 as of September 30 of the previous year and (ii) the
8 limiting rate for all Organizational Units subject to
9 property tax extension limitations as imposed under PTELL.

10 (A) The Department of Revenue shall add to the
11 equalized assessed value of all taxable property of
12 each Organizational Unit situated entirely or
13 partially within a county that is or was subject to the
14 provisions of Section 15-176 or 15-177 of the Property
15 Tax Code (i) an amount equal to the total amount by
16 which the homestead exemption allowed under Section
17 15-176 or 15-177 of the Property Tax Code for real
18 property situated in that Organizational Unit exceeds
19 the total amount that would have been allowed in that
20 Organizational Unit if the maximum reduction under
21 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
22 in all other counties in tax year 2003 or (II) \$5,000
23 in all counties in tax year 2004 and thereafter and
24 (ii) an amount equal to the aggregate amount for the
25 taxable year of all additional exemptions under
26 Section 15-175 of the Property Tax Code for owners

1 with a household income of \$30,000 or less. The county
2 clerk of any county that is or was subject to the
3 provisions of Section 15-176 or 15-177 of the Property
4 Tax Code shall annually calculate and certify to the
5 Department of Revenue for each Organizational Unit all
6 homestead exemption amounts under Section 15-176 or
7 15-177 of the Property Tax Code and all amounts of
8 additional exemptions under Section 15-175 of the
9 Property Tax Code for owners with a household income
10 of \$30,000 or less. It is the intent of this
11 subparagraph (A) that if the general homestead
12 exemption for a parcel of property is determined under
13 Section 15-176 or 15-177 of the Property Tax Code
14 rather than Section 15-175, then the calculation of
15 EAV shall not be affected by the difference, if any,
16 between the amount of the general homestead exemption
17 allowed for that parcel of property under Section
18 15-176 or 15-177 of the Property Tax Code and the
19 amount that would have been allowed had the general
20 homestead exemption for that parcel of property been
21 determined under Section 15-175 of the Property Tax
22 Code. It is further the intent of this subparagraph
23 (A) that if additional exemptions are allowed under
24 Section 15-175 of the Property Tax Code for owners
25 with a household income of less than \$30,000, then the
26 calculation of EAV shall not be affected by the

1 difference, if any, because of those additional
2 exemptions.

3 (B) With respect to any part of an Organizational
4 Unit within a redevelopment project area in respect to
5 which a municipality has adopted tax increment
6 allocation financing pursuant to the Tax Increment
7 Allocation Redevelopment Act, Division 74.4 of Article
8 11 of the Illinois Municipal Code, or the Industrial
9 Jobs Recovery Law, Division 74.6 of Article 11 of the
10 Illinois Municipal Code, no part of the current EAV of
11 real property located in any such project area that is
12 attributable to an increase above the total initial
13 EAV of such property shall be used as part of the EAV
14 of the Organizational Unit, until such time as all
15 redevelopment project costs have been paid, as
16 provided in Section 11-74.4-8 of the Tax Increment
17 Allocation Redevelopment Act or in Section 11-74.6-35
18 of the Industrial Jobs Recovery Law. For the purpose
19 of the EAV of the Organizational Unit, the total
20 initial EAV or the current EAV, whichever is lower,
21 shall be used until such time as all redevelopment
22 project costs have been paid.

23 (B-5) The real property equalized assessed
24 valuation for a school district shall be adjusted by
25 subtracting from the real property value, as equalized
26 or assessed by the Department of Revenue, for the

1 district an amount computed by dividing the amount of
2 any abatement of taxes under Section 18-170 of the
3 Property Tax Code by 3.00% for a district maintaining
4 grades kindergarten through 12, by 2.30% for a
5 district maintaining grades kindergarten through 8, or
6 by 1.05% for a district maintaining grades 9 through
7 12 and adjusted by an amount computed by dividing the
8 amount of any abatement of taxes under subsection (a)
9 of Section 18-165 of the Property Tax Code by the same
10 percentage rates for district type as specified in
11 this subparagraph (B-5).

12 (C) For Organizational Units that are Hybrid
13 Districts, the State Superintendent shall use the
14 lesser of the adjusted equalized assessed valuation
15 for property within the partial elementary unit
16 district for elementary purposes, as defined in
17 Article 11E of this Code, or the adjusted equalized
18 assessed valuation for property within the partial
19 elementary unit district for high school purposes, as
20 defined in Article 11E of this Code.

21 (4) An Organizational Unit's Adjusted EAV shall be the
22 average of its EAV over the immediately preceding 3 years
23 or its EAV in the immediately preceding year if the EAV in
24 the immediately preceding year has declined by 10% or more
25 compared to the 3-year average. In the event of
26 Organizational Unit reorganization, consolidation, or

1 annexation, the Organizational Unit's Adjusted EAV for the
2 first 3 years after such change shall be as follows: the
3 most current EAV shall be used in the first year, the
4 average of a 2-year EAV or its EAV in the immediately
5 preceding year if the EAV declines by 10% or more compared
6 to the 2-year average for the second year, and a 3-year
7 average EAV or its EAV in the immediately preceding year
8 if the Adjusted EAV declines by 10% or more compared to the
9 3-year average for the third year. For any school district
10 whose EAV in the immediately preceding year is used in
11 calculations, in the following year, the Adjusted EAV
12 shall be the average of its EAV over the immediately
13 preceding 2 years or the immediately preceding year if
14 that year represents a decline of 10% or more compared to
15 the 2-year average.

16 "PTELL EAV" means a figure calculated by the State
17 Board for Organizational Units subject to PTELL as
18 described in this paragraph (4) for the purposes of
19 calculating an Organizational Unit's Local Capacity Ratio.
20 Except as otherwise provided in this paragraph (4), the
21 PTELL EAV of an Organizational Unit shall be equal to the
22 product of the equalized assessed valuation last used in
23 the calculation of general State aid under Section 18-8.05
24 of this Code (now repealed) or Evidence-Based Funding
25 under this Section and the Organizational Unit's Extension
26 Limitation Ratio. If an Organizational Unit has approved

1 or does approve an increase in its limiting rate, pursuant
2 to Section 18-190 of the Property Tax Code, affecting the
3 Base Tax Year, the PTELL EAV shall be equal to the product
4 of the equalized assessed valuation last used in the
5 calculation of general State aid under Section 18-8.05 of
6 this Code (now repealed) or Evidence-Based Funding under
7 this Section multiplied by an amount equal to one plus the
8 percentage increase, if any, in the Consumer Price Index
9 for All Urban Consumers for all items published by the
10 United States Department of Labor for the 12-month
11 calendar year preceding the Base Tax Year, plus the
12 equalized assessed valuation of new property, annexed
13 property, and recovered tax increment value and minus the
14 equalized assessed valuation of disconnected property.

15 As used in this paragraph (4), "new property" and
16 "recovered tax increment value" shall have the meanings
17 set forth in the Property Tax Extension Limitation Law.

18 (e) Base Funding Minimum calculation.

19 (1) For the 2017-2018 school year, the Base Funding
20 Minimum of an Organizational Unit or a Specially Funded
21 Unit shall be the amount of State funds distributed to the
22 Organizational Unit or Specially Funded Unit during the
23 2016-2017 school year prior to any adjustments and
24 specified appropriation amounts described in this
25 paragraph (1) from the following Sections, as calculated
26 by the State Superintendent: Section 18-8.05 of this Code

1 (now repealed); Section 5 of Article 224 of Public Act
2 99-524 (equity grants); Section 14-7.02b of this Code
3 (funding for children requiring special education
4 services); Section 14-13.01 of this Code (special
5 education facilities and staffing), except for
6 reimbursement of the cost of transportation pursuant to
7 Section 14-13.01; Section 14C-12 of this Code (English
8 learners); and Section 18-4.3 of this Code (summer
9 school), based on an appropriation level of \$13,121,600.
10 For a school district organized under Article 34 of this
11 Code, the Base Funding Minimum also includes (i) the funds
12 allocated to the school district pursuant to Section 1D-1
13 of this Code attributable to funding programs authorized
14 by the Sections of this Code listed in the preceding
15 sentence and (ii) the difference between (I) the funds
16 allocated to the school district pursuant to Section 1D-1
17 of this Code attributable to the funding programs
18 authorized by Section 14-7.02 (non-public special
19 education reimbursement), subsection (b) of Section
20 14-13.01 (special education transportation), Section 29-5
21 (transportation), Section 2-3.80 (agricultural
22 education), Section 2-3.66 (truants' alternative
23 education), Section 2-3.62 (educational service centers),
24 and Section 14-7.03 (special education - orphanage) of
25 this Code and Section 15 of the Childhood Hunger Relief
26 Act (free breakfast program) and (II) the school

1 district's actual expenditures for its non-public special
2 education, special education transportation,
3 transportation programs, agricultural education, truants'
4 alternative education, services that would otherwise be
5 performed by a regional office of education, special
6 education orphanage expenditures, and free breakfast, as
7 most recently calculated and reported pursuant to
8 subsection (f) of Section 1D-1 of this Code. The Base
9 Funding Minimum for Glenwood Academy shall be \$625,500.
10 For programs operated by a regional office of education or
11 an intermediate service center, the Base Funding Minimum
12 must be the total amount of State funds allocated to those
13 programs in the 2018-2019 school year and amounts provided
14 pursuant to Article 34 of Public Act 100-586 and Section
15 3-16 of this Code. All programs established after June 5,
16 2019 (the effective date of Public Act 101-10) and
17 administered by a regional office of education or an
18 intermediate service center must have an initial Base
19 Funding Minimum set to an amount equal to the first-year
20 ASE multiplied by the amount of per pupil funding received
21 in the previous school year by the lowest funded similar
22 existing program type. If the enrollment for a program
23 operated by a regional office of education or an
24 intermediate service center is zero, then it may not
25 receive Base Funding Minimum funds for that program in the
26 next fiscal year, and those funds must be distributed to

1 Organizational Units under subsection (g).

2 (2) For the 2018-2019 and subsequent school years, the
3 Base Funding Minimum of Organizational Units and Specially
4 Funded Units shall be the sum of (i) the amount of
5 Evidence-Based Funding for the prior school year, (ii) the
6 Base Funding Minimum for the prior school year, and (iii)
7 any amount received by a school district pursuant to
8 Section 7 of Article 97 of Public Act 100-21.

9 (3) Subject to approval by the General Assembly as
10 provided in this paragraph (3), an Organizational Unit
11 that meets all of the following criteria, as determined by
12 the State Board, shall have District Intervention Money
13 added to its Base Funding Minimum at the time the Base
14 Funding Minimum is calculated by the State Board:

15 (A) The Organizational Unit is operating under an
16 Independent Authority under Section 2-3.25f-5 of this
17 Code for a minimum of 4 school years or is subject to
18 the control of the State Board pursuant to a court
19 order for a minimum of 4 school years.

20 (B) The Organizational Unit was designated as a
21 Tier 1 or Tier 2 Organizational Unit in the previous
22 school year under paragraph (3) of subsection (g) of
23 this Section.

24 (C) The Organizational Unit demonstrates
25 sustainability through a 5-year financial and
26 strategic plan.

1 (D) The Organizational Unit has made sufficient
2 progress and achieved sufficient stability in the
3 areas of governance, academic growth, and finances.

4 As part of its determination under this paragraph (3),
5 the State Board may consider the Organizational Unit's
6 summative designation, any accreditations of the
7 Organizational Unit, or the Organizational Unit's
8 financial profile, as calculated by the State Board.

9 If the State Board determines that an Organizational
10 Unit has met the criteria set forth in this paragraph (3),
11 it must submit a report to the General Assembly, no later
12 than January 2 of the fiscal year in which the State Board
13 makes its determination, on the amount of District
14 Intervention Money to add to the Organizational Unit's
15 Base Funding Minimum. The General Assembly must review the
16 State Board's report and may approve or disapprove, by
17 joint resolution, the addition of District Intervention
18 Money. If the General Assembly fails to act on the report
19 within 40 calendar days from the receipt of the report,
20 the addition of District Intervention Money is deemed
21 approved. If the General Assembly approves the amount of
22 District Intervention Money to be added to the
23 Organizational Unit's Base Funding Minimum, the District
24 Intervention Money must be added to the Base Funding
25 Minimum annually thereafter.

26 For the first 4 years following the initial year that

1 the State Board determines that an Organizational Unit has
2 met the criteria set forth in this paragraph (3) and has
3 received funding under this Section, the Organizational
4 Unit must annually submit to the State Board, on or before
5 November 30, a progress report regarding its financial and
6 strategic plan under subparagraph (C) of this paragraph
7 (3). The plan shall include the financial data from the
8 past 4 annual financial reports or financial audits that
9 must be presented to the State Board by November 15 of each
10 year and the approved budget financial data for the
11 current year. The plan shall be developed according to the
12 guidelines presented to the Organizational Unit by the
13 State Board. The plan shall further include financial
14 projections for the next 3 fiscal years and include a
15 discussion and financial summary of the Organizational
16 Unit's facility needs. If the Organizational Unit does not
17 demonstrate sufficient progress toward its 5-year plan or
18 if it has failed to file an annual financial report, an
19 annual budget, a financial plan, a deficit reduction plan,
20 or other financial information as required by law, the
21 State Board may establish a Financial Oversight Panel
22 under Article 1H of this Code. However, if the
23 Organizational Unit already has a Financial Oversight
24 Panel, the State Board may extend the duration of the
25 Panel.

26 (f) Percent of Adequacy and Final Resources calculation.

1 (1) The Evidence-Based Funding formula establishes a
2 Percent of Adequacy for each Organizational Unit in order
3 to place such units into tiers for the purposes of the
4 funding distribution system described in subsection (g) of
5 this Section. Initially, an Organizational Unit's
6 Preliminary Resources and Preliminary Percent of Adequacy
7 are calculated pursuant to paragraph (2) of this
8 subsection (f). Then, an Organizational Unit's Final
9 Resources and Final Percent of Adequacy are calculated to
10 account for the Organizational Unit's poverty
11 concentration levels pursuant to paragraphs (3) and (4) of
12 this subsection (f).

13 (2) An Organizational Unit's Preliminary Resources are
14 equal to the sum of its Local Capacity Target, CPPRT, and
15 Base Funding Minimum. An Organizational Unit's Preliminary
16 Percent of Adequacy is the lesser of (i) its Preliminary
17 Resources divided by its Adequacy Target or (ii) 100%.

18 (3) Except for Specially Funded Units, an
19 Organizational Unit's Final Resources are equal to the sum
20 of its Local Capacity, CPPRT, and Adjusted Base Funding
21 Minimum. The Base Funding Minimum of each Specially Funded
22 Unit shall serve as its Final Resources, except that the
23 Base Funding Minimum for State-approved charter schools
24 shall not include any portion of general State aid
25 allocated in the prior year based on the per capita
26 tuition charge times the charter school enrollment.

1 (4) An Organizational Unit's Final Percent of Adequacy
2 is its Final Resources divided by its Adequacy Target. An
3 Organizational Unit's Adjusted Base Funding Minimum is
4 equal to its Base Funding Minimum less its Supplemental
5 Grant Funding, with the resulting figure added to the
6 product of its Supplemental Grant Funding and Preliminary
7 Percent of Adequacy.

8 (g) Evidence-Based Funding formula distribution system.

9 (1) In each school year under the Evidence-Based
10 Funding formula, each Organizational Unit receives funding
11 equal to the sum of its Base Funding Minimum and the unit's
12 allocation of New State Funds determined pursuant to this
13 subsection (g). To allocate New State Funds, the
14 Evidence-Based Funding formula distribution system first
15 places all Organizational Units into one of 4 tiers in
16 accordance with paragraph (3) of this subsection (g),
17 based on the Organizational Unit's Final Percent of
18 Adequacy. New State Funds are allocated to each of the 4
19 tiers as follows: Tier 1 Aggregate Funding equals 50% of
20 all New State Funds, Tier 2 Aggregate Funding equals 49%
21 of all New State Funds, Tier 3 Aggregate Funding equals
22 0.9% of all New State Funds, and Tier 4 Aggregate Funding
23 equals 0.1% of all New State Funds. Each Organizational
24 Unit within Tier 1 or Tier 2 receives an allocation of New
25 State Funds equal to its tier Funding Gap, as defined in
26 the following sentence, multiplied by the tier's

1 Allocation Rate determined pursuant to paragraph (4) of
2 this subsection (g). For Tier 1, an Organizational Unit's
3 Funding Gap equals the tier's Target Ratio, as specified
4 in paragraph (5) of this subsection (g), multiplied by the
5 Organizational Unit's Adequacy Target, with the resulting
6 amount reduced by the Organizational Unit's Final
7 Resources. For Tier 2, an Organizational Unit's Funding
8 Gap equals the tier's Target Ratio, as described in
9 paragraph (5) of this subsection (g), multiplied by the
10 Organizational Unit's Adequacy Target, with the resulting
11 amount reduced by the Organizational Unit's Final
12 Resources and its Tier 1 funding allocation. To determine
13 the Organizational Unit's Funding Gap, the resulting
14 amount is then multiplied by a factor equal to one minus
15 the Organizational Unit's Local Capacity Target
16 percentage. Each Organizational Unit within Tier 3 or Tier
17 4 receives an allocation of New State Funds equal to the
18 product of its Adequacy Target and the tier's Allocation
19 Rate, as specified in paragraph (4) of this subsection
20 (g).

21 (2) To ensure equitable distribution of dollars for
22 all Tier 2 Organizational Units, no Tier 2 Organizational
23 Unit shall receive fewer dollars per ASE than any Tier 3
24 Organizational Unit. Each Tier 2 and Tier 3 Organizational
25 Unit shall have its funding allocation divided by its ASE.
26 Any Tier 2 Organizational Unit with a funding allocation

1 per ASE below the greatest Tier 3 allocation per ASE shall
2 get a funding allocation equal to the greatest Tier 3
3 funding allocation per ASE multiplied by the
4 Organizational Unit's ASE. Each Tier 2 Organizational
5 Unit's Tier 2 funding allocation shall be multiplied by
6 the percentage calculated by dividing the original Tier 2
7 Aggregate Funding by the sum of all Tier 2 Organizational
8 Units' Tier 2 funding allocation after adjusting
9 districts' funding below Tier 3 levels.

10 (3) Organizational Units are placed into one of 4
11 tiers as follows:

12 (A) Tier 1 consists of all Organizational Units,
13 except for Specially Funded Units, with a Percent of
14 Adequacy less than the Tier 1 Target Ratio. The Tier 1
15 Target Ratio is the ratio level that allows for Tier 1
16 Aggregate Funding to be distributed, with the Tier 1
17 Allocation Rate determined pursuant to paragraph (4)
18 of this subsection (g).

19 (B) Tier 2 consists of all Tier 1 Units and all
20 other Organizational Units, except for Specially
21 Funded Units, with a Percent of Adequacy of less than
22 0.90.

23 (C) Tier 3 consists of all Organizational Units,
24 except for Specially Funded Units, with a Percent of
25 Adequacy of at least 0.90 and less than 1.0.

26 (D) Tier 4 consists of all Organizational Units

1 with a Percent of Adequacy of at least 1.0.

2 (4) The Allocation Rates for Tiers 1 through 4 are
3 determined as follows:

4 (A) The Tier 1 Allocation Rate is 30%.

5 (B) The Tier 2 Allocation Rate is the result of the
6 following equation: Tier 2 Aggregate Funding, divided
7 by the sum of the Funding Gaps for all Tier 2
8 Organizational Units, unless the result of such
9 equation is higher than 1.0. If the result of such
10 equation is higher than 1.0, then the Tier 2
11 Allocation Rate is 1.0.

12 (C) The Tier 3 Allocation Rate is the result of the
13 following equation: Tier 3 Aggregate Funding, divided
14 by the sum of the Adequacy Targets of all Tier 3
15 Organizational Units.

16 (D) The Tier 4 Allocation Rate is the result of the
17 following equation: Tier 4 Aggregate Funding, divided
18 by the sum of the Adequacy Targets of all Tier 4
19 Organizational Units.

20 (5) A tier's Target Ratio is determined as follows:

21 (A) The Tier 1 Target Ratio is the ratio level that
22 allows for Tier 1 Aggregate Funding to be distributed
23 with the Tier 1 Allocation Rate.

24 (B) The Tier 2 Target Ratio is 0.90.

25 (C) The Tier 3 Target Ratio is 1.0.

26 (6) If, at any point, the Tier 1 Target Ratio is

1 greater than 90%, then all Tier 1 funding shall be
2 allocated to Tier 2 and no Tier 1 Organizational Unit's
3 funding may be identified.

4 (7) In the event that all Tier 2 Organizational Units
5 receive funding at the Tier 2 Target Ratio level, any
6 remaining New State Funds shall be allocated to Tier 3 and
7 Tier 4 Organizational Units.

8 (8) If any Specially Funded Units, excluding Glenwood
9 Academy, recognized by the State Board do not qualify for
10 direct funding following the implementation of Public Act
11 100-465 from any of the funding sources included within
12 the definition of Base Funding Minimum, the unqualified
13 portion of the Base Funding Minimum shall be transferred
14 to one or more appropriate Organizational Units as
15 determined by the State Superintendent based on the prior
16 year ASE of the Organizational Units.

17 (8.5) If a school district withdraws from a special
18 education cooperative, the portion of the Base Funding
19 Minimum that is attributable to the school district may be
20 redistributed to the school district upon withdrawal. The
21 school district and the cooperative must include the
22 amount of the Base Funding Minimum that is to be
23 reapportioned in their withdrawal agreement and notify the
24 State Board of the change with a copy of the agreement upon
25 withdrawal.

26 (9) The Minimum Funding Level is intended to establish

1 a target for State funding that will keep pace with
2 inflation and continue to advance equity through the
3 Evidence-Based Funding formula. The target for State
4 funding of New Property Tax Relief Pool Funds is
5 \$50,000,000 for State fiscal year 2019 and subsequent
6 State fiscal years. The Minimum Funding Level is equal to
7 \$350,000,000. In addition to any New State Funds, no more
8 than \$50,000,000 New Property Tax Relief Pool Funds may be
9 counted toward the Minimum Funding Level. If the sum of
10 New State Funds and applicable New Property Tax Relief
11 Pool Funds are less than the Minimum Funding Level, than
12 funding for tiers shall be reduced in the following
13 manner:

14 (A) First, Tier 4 funding shall be reduced by an
15 amount equal to the difference between the Minimum
16 Funding Level and New State Funds until such time as
17 Tier 4 funding is exhausted.

18 (B) Next, Tier 3 funding shall be reduced by an
19 amount equal to the difference between the Minimum
20 Funding Level and New State Funds and the reduction in
21 Tier 4 funding until such time as Tier 3 funding is
22 exhausted.

23 (C) Next, Tier 2 funding shall be reduced by an
24 amount equal to the difference between the Minimum
25 Funding Level and New State Funds and the reduction in
26 Tier 4 and Tier 3.

1 (D) Finally, Tier 1 funding shall be reduced by an
2 amount equal to the difference between the Minimum
3 Funding level and New State Funds and the reduction in
4 Tier 2, 3, and 4 funding. In addition, the Allocation
5 Rate for Tier 1 shall be reduced to a percentage equal
6 to the Tier 1 Allocation Rate set by paragraph (4) of
7 this subsection (g), multiplied by the result of New
8 State Funds divided by the Minimum Funding Level.

9 (9.5) For State fiscal year 2019 and subsequent State
10 fiscal years, if New State Funds exceed \$300,000,000, then
11 any amount in excess of \$300,000,000 shall be dedicated
12 for purposes of Section 2-3.170 of this Code up to a
13 maximum of \$50,000,000.

14 (10) In the event of a decrease in the amount of the
15 appropriation for this Section in any fiscal year after
16 implementation of this Section, the Organizational Units
17 receiving Tier 1 and Tier 2 funding, as determined under
18 paragraph (3) of this subsection (g), shall be held
19 harmless by establishing a Base Funding Guarantee equal to
20 the per pupil kindergarten through grade 12 funding
21 received in accordance with this Section in the prior
22 fiscal year. Reductions shall be made to the Base Funding
23 Minimum of Organizational Units in Tier 3 and Tier 4 on a
24 per pupil basis equivalent to the total number of the ASE
25 in Tier 3-funded and Tier 4-funded Organizational Units
26 divided by the total reduction in State funding. The Base

1 Funding Minimum as reduced shall continue to be applied to
2 Tier 3 and Tier 4 Organizational Units and adjusted by the
3 relative formula when increases in appropriations for this
4 Section resume. In no event may State funding reductions
5 to Organizational Units in Tier 3 or Tier 4 exceed an
6 amount that would be less than the Base Funding Minimum
7 established in the first year of implementation of this
8 Section. If additional reductions are required, all school
9 districts shall receive a reduction by a per pupil amount
10 equal to the aggregate additional appropriation reduction
11 divided by the total ASE of all Organizational Units.

12 (11) The State Superintendent shall make minor
13 adjustments to the distribution formula set forth in this
14 subsection (g) to account for the rounding of percentages
15 to the nearest tenth of a percentage and dollar amounts to
16 the nearest whole dollar.

17 (h) State Superintendent administration of funding and
18 district submission requirements.

19 (1) The State Superintendent shall, in accordance with
20 appropriations made by the General Assembly, meet the
21 funding obligations created under this Section.

22 (2) The State Superintendent shall calculate the
23 Adequacy Target for each Organizational Unit and Net State
24 Contribution Target for each Organizational Unit under
25 this Section. No Evidence-Based Funding shall be
26 distributed within an Organizational Unit without the

1 approval of the unit's school board.

2 (3) Annually, the State Superintendent shall calculate
3 and report to each Organizational Unit the unit's
4 aggregate financial adequacy amount, which shall be the
5 sum of the Adequacy Target for each Organizational Unit.
6 The State Superintendent shall calculate and report
7 separately for each Organizational Unit the unit's total
8 State funds allocated for its students with disabilities.
9 The State Superintendent shall calculate and report
10 separately for each Organizational Unit the amount of
11 funding and applicable FTE calculated for each Essential
12 Element of the unit's Adequacy Target.

13 (4) Annually, the State Superintendent shall calculate
14 and report to each Organizational Unit the amount the unit
15 must expend on special education and bilingual education
16 and computer technology and equipment for Organizational
17 Units assigned to Tier 1 or Tier 2 that received an
18 additional \$285.50 per student computer technology and
19 equipment investment grant to their Adequacy Target
20 pursuant to the unit's Base Funding Minimum, Special
21 Education Allocation, Bilingual Education Allocation, and
22 computer technology and equipment investment allocation.

23 (5) Moneys distributed under this Section shall be
24 calculated on a school year basis, but paid on a fiscal
25 year basis, with payments beginning in August and
26 extending through June. Unless otherwise provided, the

1 moneys appropriated for each fiscal year shall be
2 distributed in 22 equal payments at least 2 times monthly
3 to each Organizational Unit. If moneys appropriated for
4 any fiscal year are distributed other than monthly, the
5 distribution shall be on the same basis for each
6 Organizational Unit.

7 (6) Any school district that fails, for any given
8 school year, to maintain school as required by law or to
9 maintain a recognized school is not eligible to receive
10 Evidence-Based Funding. In case of non-recognition of one
11 or more attendance centers in a school district otherwise
12 operating recognized schools, the claim of the district
13 shall be reduced in the proportion that the enrollment in
14 the attendance center or centers bears to the enrollment
15 of the school district. "Recognized school" means any
16 public school that meets the standards for recognition by
17 the State Board. A school district or attendance center
18 not having recognition status at the end of a school term
19 is entitled to receive State aid payments due upon a legal
20 claim that was filed while it was recognized.

21 (7) School district claims filed under this Section
22 are subject to Sections 18-9 and 18-12 of this Code,
23 except as otherwise provided in this Section.

24 (8) Each fiscal year, the State Superintendent shall
25 calculate for each Organizational Unit an amount of its
26 Base Funding Minimum and Evidence-Based Funding that shall

1 be deemed attributable to the provision of special
2 educational facilities and services, as defined in Section
3 14-1.08 of this Code, in a manner that ensures compliance
4 with maintenance of State financial support requirements
5 under the federal Individuals with Disabilities Education
6 Act. An Organizational Unit must use such funds only for
7 the provision of special educational facilities and
8 services, as defined in Section 14-1.08 of this Code, and
9 must comply with any expenditure verification procedures
10 adopted by the State Board.

11 (9) All Organizational Units in this State must submit
12 annual spending plans by the end of September of each year
13 to the State Board as part of the annual budget process,
14 which shall describe how each Organizational Unit will
15 utilize the Base Funding Minimum and Evidence-Based
16 Funding it receives from this State under this Section
17 with specific identification of the intended utilization
18 of Low-Income, English learner, and special education
19 resources. Additionally, the annual spending plans of each
20 Organizational Unit shall describe how the Organizational
21 Unit expects to achieve student growth and how the
22 Organizational Unit will achieve State education goals, as
23 defined by the State Board. The State Superintendent may,
24 from time to time, identify additional requisites for
25 Organizational Units to satisfy when compiling the annual
26 spending plans required under this subsection (h). The

1 format and scope of annual spending plans shall be
2 developed by the State Superintendent and the State Board
3 of Education. School districts that serve students under
4 Article 14C of this Code shall continue to submit
5 information as required under Section 14C-12 of this Code.

6 (10) No later than January 1, 2018, the State
7 Superintendent shall develop a 5-year strategic plan for
8 all Organizational Units to help in planning for adequacy
9 funding under this Section. The State Superintendent shall
10 submit the plan to the Governor and the General Assembly,
11 as provided in Section 3.1 of the General Assembly
12 Organization Act. The plan shall include recommendations
13 for:

14 (A) a framework for collaborative, professional,
15 innovative, and 21st century learning environments
16 using the Evidence-Based Funding model;

17 (B) ways to prepare and support this State's
18 educators for successful instructional careers;

19 (C) application and enhancement of the current
20 financial accountability measures, the approved State
21 plan to comply with the federal Every Student Succeeds
22 Act, and the Illinois Balanced Accountability Measures
23 in relation to student growth and elements of the
24 Evidence-Based Funding model; and

25 (D) implementation of an effective school adequacy
26 funding system based on projected and recommended

1 funding levels from the General Assembly.

2 (11) On an annual basis, the State Superintendent must
3 recalibrate all of the following per pupil elements of the
4 Adequacy Target and applied to the formulas, based on the
5 study of average expenses and as reported in the most
6 recent annual financial report:

7 (A) Gifted under subparagraph (M) of paragraph (2)
8 of subsection (b).

9 (B) Instructional materials under subparagraph (O)
10 of paragraph (2) of subsection (b).

11 (C) Assessment under subparagraph (P) of paragraph
12 (2) of subsection (b).

13 (D) Student activities under subparagraph (R) of
14 paragraph (2) of subsection (b).

15 (E) Maintenance and operations under subparagraph
16 (S) of paragraph (2) of subsection (b).

17 (F) Central office under subparagraph (T) of
18 paragraph (2) of subsection (b).

19 (i) Professional Review Panel.

20 (1) A Professional Review Panel is created to study
21 and review topics related to the implementation and effect
22 of Evidence-Based Funding, as assigned by a joint
23 resolution or Public Act of the General Assembly or a
24 motion passed by the State Board of Education. The Panel
25 must provide recommendations to and serve the Governor,
26 the General Assembly, and the State Board. The State

1 Superintendent or his or her designee must serve as a
2 voting member and chairperson of the Panel. The State
3 Superintendent must appoint a vice chairperson from the
4 membership of the Panel. The Panel must advance
5 recommendations based on a three-fifths majority vote of
6 Panel members present and voting. A minority opinion may
7 also accompany any recommendation of the Panel. The Panel
8 shall be appointed by the State Superintendent, except as
9 otherwise provided in paragraph (2) of this subsection (i)
10 and include the following members:

11 (A) Two appointees that represent district
12 superintendents, recommended by a statewide
13 organization that represents district superintendents.

14 (B) Two appointees that represent school boards,
15 recommended by a statewide organization that
16 represents school boards.

17 (C) Two appointees from districts that represent
18 school business officials, recommended by a statewide
19 organization that represents school business
20 officials.

21 (D) Two appointees that represent school
22 principals, recommended by a statewide organization
23 that represents school principals.

24 (E) Two appointees that represent teachers,
25 recommended by a statewide organization that
26 represents teachers.

1 (F) Two appointees that represent teachers,
2 recommended by another statewide organization that
3 represents teachers.

4 (G) Two appointees that represent regional
5 superintendents of schools, recommended by
6 organizations that represent regional superintendents.

7 (H) Two independent experts selected solely by the
8 State Superintendent.

9 (I) Two independent experts recommended by public
10 universities in this State.

11 (J) One member recommended by a statewide
12 organization that represents parents.

13 (K) Two representatives recommended by collective
14 impact organizations that represent major metropolitan
15 areas or geographic areas in Illinois.

16 (L) One member from a statewide organization
17 focused on research-based education policy to support
18 a school system that prepares all students for
19 college, a career, and democratic citizenship.

20 (M) One representative from a school district
21 organized under Article 34 of this Code.

22 The State Superintendent shall ensure that the
23 membership of the Panel includes representatives from
24 school districts and communities reflecting the
25 geographic, socio-economic, racial, and ethnic diversity
26 of this State. The State Superintendent shall additionally

1 ensure that the membership of the Panel includes
2 representatives with expertise in bilingual education and
3 special education. Staff from the State Board shall staff
4 the Panel.

5 (2) In addition to those Panel members appointed by
6 the State Superintendent, 4 members of the General
7 Assembly shall be appointed as follows: one member of the
8 House of Representatives appointed by the Speaker of the
9 House of Representatives, one member of the Senate
10 appointed by the President of the Senate, one member of
11 the House of Representatives appointed by the Minority
12 Leader of the House of Representatives, and one member of
13 the Senate appointed by the Minority Leader of the Senate.
14 There shall be one additional member appointed by the
15 Governor. All members appointed by legislative leaders or
16 the Governor shall be non-voting, ex officio members.

17 (3) The Panel must study topics at the direction of
18 the General Assembly or State Board of Education, as
19 provided under paragraph (1). The Panel may also study the
20 following topics at the direction of the chairperson:

21 (A) The format and scope of annual spending plans
22 referenced in paragraph (9) of subsection (h) of this
23 Section.

24 (B) The Comparable Wage Index under this Section.

25 (C) Maintenance and operations, including capital
26 maintenance and construction costs.

- 1 (D) "At-risk student" definition.
- 2 (E) Benefits.
- 3 (F) Technology.
- 4 (G) Local Capacity Target.
- 5 (H) Funding for Alternative Schools, Laboratory
6 Schools, safe schools, and alternative learning
7 opportunities programs.
- 8 (I) Funding for college and career acceleration
9 strategies.
- 10 (J) Special education investments.
- 11 (K) Early childhood investments, in collaboration
12 with the Illinois Early Learning Council.
- 13 (4) (Blank).
- 14 (5) Within 5 years after the implementation of this
15 Section, and every 5 years thereafter, the Panel shall
16 complete an evaluative study of the entire Evidence-Based
17 Funding model, including an assessment of whether or not
18 the formula is achieving State goals. The Panel shall
19 report to the State Board, the General Assembly, and the
20 Governor on the findings of the study.
- 21 (6) (Blank).
- 22 (7) To ensure that (i) the Adequacy Target calculation
23 under subsection (b) accurately reflects the needs of
24 students living in poverty or attending schools located in
25 areas of high poverty, (ii) racial equity within the
26 Evidence-Based Funding formula is explicitly explored and

1 advanced, and (iii) the funding goals of the formula
2 distribution system established under this Section are
3 sufficient to provide adequate funding for every student
4 and to fully fund every school in this State, the Panel
5 shall review the Essential Elements under paragraph (2) of
6 subsection (b). The Panel shall consider all of the
7 following in its review:

8 (A) The financial ability of school districts to
9 provide instruction in a foreign language to every
10 student and whether an additional Essential Element
11 should be added to the formula to ensure that every
12 student has access to instruction in a foreign
13 language.

14 (B) The adult-to-student ratio for each Essential
15 Element in which a ratio is identified. The Panel
16 shall consider whether the ratio accurately reflects
17 the staffing needed to support students living in
18 poverty or who have traumatic backgrounds.

19 (C) Changes to the Essential Elements that may be
20 required to better promote racial equity and eliminate
21 structural racism within schools.

22 (D) The impact of investing \$350,000,000 in
23 additional funds each year under this Section and an
24 estimate of when the school system will become fully
25 funded under this level of appropriation.

26 (E) Provide an overview of alternative funding

1 structures that would enable the State to become fully
2 funded at an earlier date.

3 (F) The potential to increase efficiency and to
4 find cost savings within the school system to expedite
5 the journey to a fully funded system.

6 (G) The appropriate levels for reenrolling and
7 graduating high-risk high school students who have
8 been previously out of school. These outcomes shall
9 include enrollment, attendance, skill gains, credit
10 gains, graduation or promotion to the next grade
11 level, and the transition to college, training, or
12 employment, with an emphasis on progressively
13 increasing the overall attendance.

14 (H) The evidence-based or research-based practices
15 that are shown to reduce the gaps and disparities
16 experienced by African American students in academic
17 achievement and educational performance, including
18 practices that have been shown to reduce disparities
19 ~~parities~~ in disciplinary rates, drop-out rates,
20 graduation rates, college matriculation rates, and
21 college completion rates.

22 On or before December 31, 2021, the Panel shall report
23 to the State Board, the General Assembly, and the Governor
24 on the findings of its review. This paragraph (7) is
25 inoperative on and after July 1, 2022.

26 (j) References. Beginning July 1, 2017, references in

1 other laws to general State aid funds or calculations under
2 Section 18-8.05 of this Code (now repealed) shall be deemed to
3 be references to evidence-based model formula funds or
4 calculations under this Section.

5 (Source: P.A. 101-10, eff. 6-5-19; 101-17, eff. 6-14-19;
6 101-643, eff. 6-18-20; 101-654, eff. 3-8-21; 102-33, eff.
7 6-25-21; 102-197, eff. 7-30-21; 102-558, eff. 8-20-21; revised
8 10-12-21.)

9 (105 ILCS 5/21A-25.5)

10 Sec. 21A-25.5. Teaching Induction and Mentoring Advisory
11 Group.

12 (a) The State Board of Education shall create a Teaching
13 Induction and Mentoring Advisory Group. Members of the
14 Advisory Group must represent the diversity of this State and
15 possess the expertise needed to perform the work required to
16 meet the goals of the programs set forth under Section 21A-20.

17 (b) The members of the Advisory Group shall ~~be~~ ~~by~~
18 appointed by the State Superintendent of Education and shall
19 include all of the following members:

20 (1) Four members representing teachers recommended by
21 a statewide professional teachers' organization.

22 (2) Four members representing teachers recommended by
23 a different statewide professional teachers' organization.

24 (3) Two members representing principals recommended by
25 a statewide organization that represents principals.

1 (4) One member representing district superintendents
2 recommended by a statewide organization that represents
3 district superintendents.

4 (5) One member representing regional superintendents
5 of schools recommended by a statewide association that
6 represents regional superintendents of schools.

7 (6) One member representing a State-approved educator
8 preparation program at an Illinois institution of higher
9 education recommended by the institution of higher
10 education.

11 The majority of the membership of the Advisory Group shall
12 consist of practicing teachers.

13 (c) The Advisory Group is responsible for approving any
14 changes made to the standards established under Section
15 21A-20.5.

16 (Source: P.A. 102-521, eff. 8-20-21; revised 11-29-21.)

17 (105 ILCS 5/22-30)

18 Sec. 22-30. Self-administration and self-carry of asthma
19 medication and epinephrine injectors; administration of
20 undesignated epinephrine injectors; administration of an
21 opioid antagonist; administration of undesignated asthma
22 medication; asthma episode emergency response protocol.

23 (a) For the purpose of this Section only, the following
24 terms shall have the meanings set forth below:

25 "Asthma action plan" means a written plan developed with a

1 pupil's medical provider to help control the pupil's asthma.
2 The goal of an asthma action plan is to reduce or prevent
3 flare-ups and emergency department visits through day-to-day
4 management and to serve as a student-specific document to be
5 referenced in the event of an asthma episode.

6 "Asthma episode emergency response protocol" means a
7 procedure to provide assistance to a pupil experiencing
8 symptoms of wheezing, coughing, shortness of breath, chest
9 tightness, or breathing difficulty.

10 "Epinephrine injector" includes an auto-injector approved
11 by the United States Food and Drug Administration for the
12 administration of epinephrine and a pre-filled syringe
13 approved by the United States Food and Drug Administration and
14 used for the administration of epinephrine that contains a
15 pre-measured dose of epinephrine that is equivalent to the
16 dosages used in an auto-injector.

17 "Asthma medication" means quick-relief asthma medication,
18 including albuterol or other short-acting bronchodilators,
19 that is approved by the United States Food and Drug
20 Administration for the treatment of respiratory distress.

21 "Asthma medication" includes medication delivered through a
22 device, including a metered dose inhaler with a reusable or
23 disposable spacer or a nebulizer with a mouthpiece or mask.

24 "Opioid antagonist" means a drug that binds to opioid
25 receptors and blocks or inhibits the effect of opioids acting
26 on those receptors, including, but not limited to, naloxone

1 hydrochloride or any other similarly acting drug approved by
2 the U.S. Food and Drug Administration.

3 "Respiratory distress" means the perceived or actual
4 presence of wheezing, coughing, shortness of breath, chest
5 tightness, breathing difficulty, or any other symptoms
6 consistent with asthma. Respiratory distress may be
7 categorized as "mild-to-moderate" or "severe".

8 "School nurse" means a registered nurse working in a
9 school with or without licensure endorsed in school nursing.

10 "Self-administration" means a pupil's discretionary use of
11 his or her prescribed asthma medication or epinephrine
12 injector.

13 "Self-carry" means a pupil's ability to carry his or her
14 prescribed asthma medication or epinephrine injector.

15 "Standing protocol" may be issued by (i) a physician
16 licensed to practice medicine in all its branches, (ii) a
17 licensed physician assistant with prescriptive authority, or
18 (iii) a licensed advanced practice registered nurse with
19 prescriptive authority.

20 "Trained personnel" means any school employee or volunteer
21 personnel authorized in Sections 10-22.34, 10-22.34a, and
22 10-22.34b of this Code who has completed training under
23 subsection (g) of this Section to recognize and respond to
24 anaphylaxis, an opioid overdose, or respiratory distress.

25 "Undesignated asthma medication" means asthma medication
26 prescribed in the name of a school district, public school,

1 charter school, or nonpublic school.

2 "Undesignated epinephrine injector" means an epinephrine
3 injector prescribed in the name of a school district, public
4 school, charter school, or nonpublic school.

5 (b) A school, whether public, charter, or nonpublic, must
6 permit the self-administration and self-carry of asthma
7 medication by a pupil with asthma or the self-administration
8 and self-carry of an epinephrine injector by a pupil, provided
9 that:

10 (1) the parents or guardians of the pupil provide to
11 the school (i) written authorization from the parents or
12 guardians for (A) the self-administration and self-carry
13 of asthma medication or (B) the self-carry of asthma
14 medication or (ii) for (A) the self-administration and
15 self-carry of an epinephrine injector or (B) the
16 self-carry of an epinephrine injector, written
17 authorization from the pupil's physician, physician
18 assistant, or advanced practice registered nurse; and

19 (2) the parents or guardians of the pupil provide to
20 the school (i) the prescription label, which must contain
21 the name of the asthma medication, the prescribed dosage,
22 and the time at which or circumstances under which the
23 asthma medication is to be administered, or (ii) for the
24 self-administration or self-carry of an epinephrine
25 injector, a written statement from the pupil's physician,
26 physician assistant, or advanced practice registered nurse

1 containing the following information:

2 (A) the name and purpose of the epinephrine
3 injector;

4 (B) the prescribed dosage; and

5 (C) the time or times at which or the special
6 circumstances under which the epinephrine injector is
7 to be administered.

8 The information provided shall be kept on file in the office of
9 the school nurse or, in the absence of a school nurse, the
10 school's administrator.

11 (b-5) A school district, public school, charter school, or
12 nonpublic school may authorize the provision of a
13 student-specific or undesignated epinephrine injector to a
14 student or any personnel authorized under a student's
15 Individual Health Care Action Plan, Illinois Food Allergy
16 Emergency Action Plan and Treatment Authorization Form, or
17 plan pursuant to Section 504 of the federal Rehabilitation Act
18 of 1973 to administer an epinephrine injector to the student,
19 that meets the student's prescription on file.

20 (b-10) The school district, public school, charter school,
21 or nonpublic school may authorize a school nurse or trained
22 personnel to do the following: (i) provide an undesignated
23 epinephrine injector to a student for self-administration only
24 or any personnel authorized under a student's Individual
25 Health Care Action Plan, Illinois Food Allergy Emergency
26 Action Plan and Treatment Authorization Form, plan pursuant to

1 Section 504 of the federal Rehabilitation Act of 1973, or
2 individualized education program plan to administer to the
3 student that meets the student's prescription on file; (ii)
4 administer an undesignated epinephrine injector that meets the
5 prescription on file to any student who has an Individual
6 Health Care Action Plan, Illinois Food Allergy Emergency
7 Action Plan and Treatment Authorization Form, plan pursuant to
8 Section 504 of the federal Rehabilitation Act of 1973, or
9 individualized education program plan that authorizes the use
10 of an epinephrine injector; (iii) administer an undesignated
11 epinephrine injector to any person that the school nurse or
12 trained personnel in good faith believes is having an
13 anaphylactic reaction; (iv) administer an opioid antagonist to
14 any person that the school nurse or trained personnel in good
15 faith believes is having an opioid overdose; (v) provide
16 undesignated asthma medication to a student for
17 self-administration only or to any personnel authorized under
18 a student's Individual Health Care Action Plan or asthma
19 action plan, plan pursuant to Section 504 of the federal
20 Rehabilitation Act of 1973, or individualized education
21 program plan to administer to the student that meets the
22 student's prescription on file; (vi) administer undesignated
23 asthma medication that meets the prescription on file to any
24 student who has an Individual Health Care Action Plan or
25 asthma action plan, plan pursuant to Section 504 of the
26 federal Rehabilitation Act of 1973, or individualized

1 education program plan that authorizes the use of asthma
2 medication; and (vii) administer undesignated asthma
3 medication to any person that the school nurse or trained
4 personnel believes in good faith is having respiratory
5 distress.

6 (c) The school district, public school, charter school, or
7 nonpublic school must inform the parents or guardians of the
8 pupil, in writing, that the school district, public school,
9 charter school, or nonpublic school and its employees and
10 agents, including a physician, physician assistant, or
11 advanced practice registered nurse providing standing protocol
12 and a prescription for school epinephrine injectors, an opioid
13 antagonist, or undesignated asthma medication, are to incur no
14 liability or professional discipline, except for willful and
15 wanton conduct, as a result of any injury arising from the
16 administration of asthma medication, an epinephrine injector,
17 or an opioid antagonist regardless of whether authorization
18 was given by the pupil's parents or guardians or by the pupil's
19 physician, physician assistant, or advanced practice
20 registered nurse. The parents or guardians of the pupil must
21 sign a statement acknowledging that the school district,
22 public school, charter school, or nonpublic school and its
23 employees and agents are to incur no liability, except for
24 willful and wanton conduct, as a result of any injury arising
25 from the administration of asthma medication, an epinephrine
26 injector, or an opioid antagonist regardless of whether

1 authorization was given by the pupil's parents or guardians or
2 by the pupil's physician, physician assistant, or advanced
3 practice registered nurse and that the parents or guardians
4 must indemnify and hold harmless the school district, public
5 school, charter school, or nonpublic school and its employees
6 and agents against any claims, except a claim based on willful
7 and wanton conduct, arising out of the administration of
8 asthma medication, an epinephrine injector, or an opioid
9 antagonist regardless of whether authorization was given by
10 the pupil's parents or guardians or by the pupil's physician,
11 physician assistant, or advanced practice registered nurse.

12 (c-5) When a school nurse or trained personnel administers
13 an undesignated epinephrine injector to a person whom the
14 school nurse or trained personnel in good faith believes is
15 having an anaphylactic reaction, administers an opioid
16 antagonist to a person whom the school nurse or trained
17 personnel in good faith believes is having an opioid overdose,
18 or administers undesignated asthma medication to a person whom
19 the school nurse or trained personnel in good faith believes
20 is having respiratory distress, notwithstanding the lack of
21 notice to the parents or guardians of the pupil or the absence
22 of the parents or guardians signed statement acknowledging no
23 liability, except for willful and wanton conduct, the school
24 district, public school, charter school, or nonpublic school
25 and its employees and agents, and a physician, a physician
26 assistant, or an advanced practice registered nurse providing

1 standing protocol and a prescription for undesignated
2 epinephrine injectors, an opioid antagonist, or undesignated
3 asthma medication, are to incur no liability or professional
4 discipline, except for willful and wanton conduct, as a result
5 of any injury arising from the use of an undesignated
6 epinephrine injector, the use of an opioid antagonist, or the
7 use of undesignated asthma medication, regardless of whether
8 authorization was given by the pupil's parents or guardians or
9 by the pupil's physician, physician assistant, or advanced
10 practice registered nurse.

11 (d) The permission for self-administration and self-carry
12 of asthma medication or the self-administration and self-carry
13 of an epinephrine injector is effective for the school year
14 for which it is granted and shall be renewed each subsequent
15 school year upon fulfillment of the requirements of this
16 Section.

17 (e) Provided that the requirements of this Section are
18 fulfilled, a pupil with asthma may self-administer and
19 self-carry his or her asthma medication or a pupil may
20 self-administer and self-carry an epinephrine injector (i)
21 while in school, (ii) while at a school-sponsored activity,
22 (iii) while under the supervision of school personnel, or (iv)
23 before or after normal school activities, such as while in
24 before-school or after-school care on school-operated property
25 or while being transported on a school bus.

26 (e-5) Provided that the requirements of this Section are

1 fulfilled, a school nurse or trained personnel may administer
2 an undesignated epinephrine injector to any person whom the
3 school nurse or trained personnel in good faith believes to be
4 having an anaphylactic reaction (i) while in school, (ii)
5 while at a school-sponsored activity, (iii) while under the
6 supervision of school personnel, or (iv) before or after
7 normal school activities, such as while in before-school or
8 after-school care on school-operated property or while being
9 transported on a school bus. A school nurse or trained
10 personnel may carry undesignated epinephrine injectors on his
11 or her person while in school or at a school-sponsored
12 activity.

13 (e-10) Provided that the requirements of this Section are
14 fulfilled, a school nurse or trained personnel may administer
15 an opioid antagonist to any person whom the school nurse or
16 trained personnel in good faith believes to be having an
17 opioid overdose (i) while in school, (ii) while at a
18 school-sponsored activity, (iii) while under the supervision
19 of school personnel, or (iv) before or after normal school
20 activities, such as while in before-school or after-school
21 care on school-operated property. A school nurse or trained
22 personnel may carry an opioid antagonist on his or her person
23 while in school or at a school-sponsored activity.

24 (e-15) If the requirements of this Section are met, a
25 school nurse or trained personnel may administer undesignated
26 asthma medication to any person whom the school nurse or

1 trained personnel in good faith believes to be experiencing
2 respiratory distress (i) while in school, (ii) while at a
3 school-sponsored activity, (iii) while under the supervision
4 of school personnel, or (iv) before or after normal school
5 activities, including before-school or after-school care on
6 school-operated property. A school nurse or trained personnel
7 may carry undesignated asthma medication on his or her person
8 while in school or at a school-sponsored activity.

9 (f) The school district, public school, charter school, or
10 nonpublic school may maintain a supply of undesignated
11 epinephrine injectors in any secure location that is
12 accessible before, during, and after school where an allergic
13 person is most at risk, including, but not limited to,
14 classrooms and lunchrooms. A physician, a physician assistant
15 who has prescriptive authority in accordance with Section 7.5
16 of the Physician Assistant Practice Act of 1987, or an
17 advanced practice registered nurse who has prescriptive
18 authority in accordance with Section 65-40 of the Nurse
19 Practice Act may prescribe undesignated epinephrine injectors
20 in the name of the school district, public school, charter
21 school, or nonpublic school to be maintained for use when
22 necessary. Any supply of epinephrine injectors shall be
23 maintained in accordance with the manufacturer's instructions.

24 The school district, public school, charter school, or
25 nonpublic school may maintain a supply of an opioid antagonist
26 in any secure location where an individual may have an opioid

1 overdose. A health care professional who has been delegated
2 prescriptive authority for opioid antagonists in accordance
3 with Section 5-23 of the Substance Use Disorder Act may
4 prescribe opioid antagonists in the name of the school
5 district, public school, charter school, or nonpublic school,
6 to be maintained for use when necessary. Any supply of opioid
7 antagonists shall be maintained in accordance with the
8 manufacturer's instructions.

9 The school district, public school, charter school, or
10 nonpublic school may maintain a supply of asthma medication in
11 any secure location that is accessible before, during, or
12 after school where a person is most at risk, including, but not
13 limited to, a classroom or the nurse's office. A physician, a
14 physician assistant who has prescriptive authority under
15 Section 7.5 of the Physician Assistant Practice Act of 1987,
16 or an advanced practice registered nurse who has prescriptive
17 authority under Section 65-40 of the Nurse Practice Act may
18 prescribe undesignated asthma medication in the name of the
19 school district, public school, charter school, or nonpublic
20 school to be maintained for use when necessary. Any supply of
21 undesignated asthma medication must be maintained in
22 accordance with the manufacturer's instructions.

23 (f-3) Whichever entity initiates the process of obtaining
24 undesignated epinephrine injectors and providing training to
25 personnel for carrying and administering undesignated
26 epinephrine injectors shall pay for the costs of the

1 undesignated epinephrine injectors.

2 (f-5) Upon any administration of an epinephrine injector,
3 a school district, public school, charter school, or nonpublic
4 school must immediately activate the EMS system and notify the
5 student's parent, guardian, or emergency contact, if known.

6 Upon any administration of an opioid antagonist, a school
7 district, public school, charter school, or nonpublic school
8 must immediately activate the EMS system and notify the
9 student's parent, guardian, or emergency contact, if known.

10 (f-10) Within 24 hours of the administration of an
11 undesignated epinephrine injector, a school district, public
12 school, charter school, or nonpublic school must notify the
13 physician, physician assistant, or advanced practice
14 registered nurse who provided the standing protocol and a
15 prescription for the undesignated epinephrine injector of its
16 use.

17 Within 24 hours after the administration of an opioid
18 antagonist, a school district, public school, charter school,
19 or nonpublic school must notify the health care professional
20 who provided the prescription for the opioid antagonist of its
21 use.

22 Within 24 hours after the administration of undesignated
23 asthma medication, a school district, public school, charter
24 school, or nonpublic school must notify the student's parent
25 or guardian or emergency contact, if known, and the physician,
26 physician assistant, or advanced practice registered nurse who

1 provided the standing protocol and a prescription for the
2 undesignated asthma medication of its use. The district or
3 school must follow up with the school nurse, if available, and
4 may, with the consent of the child's parent or guardian,
5 notify the child's health care provider of record, as
6 determined under this Section, of its use.

7 (g) Prior to the administration of an undesignated
8 epinephrine injector, trained personnel must submit to the
9 school's administration proof of completion of a training
10 curriculum to recognize and respond to anaphylaxis that meets
11 the requirements of subsection (h) of this Section. Training
12 must be completed annually. The school district, public
13 school, charter school, or nonpublic school must maintain
14 records related to the training curriculum and trained
15 personnel.

16 Prior to the administration of an opioid antagonist,
17 trained personnel must submit to the school's administration
18 proof of completion of a training curriculum to recognize and
19 respond to an opioid overdose, which curriculum must meet the
20 requirements of subsection (h-5) of this Section. Training
21 must be completed annually. Trained personnel must also submit
22 to the school's administration proof of cardiopulmonary
23 resuscitation and automated external defibrillator
24 certification. The school district, public school, charter
25 school, or nonpublic school must maintain records relating to
26 the training curriculum and the trained personnel.

1 Prior to the administration of undesignated asthma
2 medication, trained personnel must submit to the school's
3 administration proof of completion of a training curriculum to
4 recognize and respond to respiratory distress, which must meet
5 the requirements of subsection (h-10) of this Section.
6 Training must be completed annually, and the school district,
7 public school, charter school, or nonpublic school must
8 maintain records relating to the training curriculum and the
9 trained personnel.

10 (h) A training curriculum to recognize and respond to
11 anaphylaxis, including the administration of an undesignated
12 epinephrine injector, may be conducted online or in person.

13 Training shall include, but is not limited to:

14 (1) how to recognize signs and symptoms of an allergic
15 reaction, including anaphylaxis;

16 (2) how to administer an epinephrine injector; and

17 (3) a test demonstrating competency of the knowledge
18 required to recognize anaphylaxis and administer an
19 epinephrine injector.

20 Training may also include, but is not limited to:

21 (A) a review of high-risk areas within a school and
22 its related facilities;

23 (B) steps to take to prevent exposure to allergens;

24 (C) emergency follow-up procedures, including the
25 importance of calling 9-1-1 or, if 9-1-1 is not available,
26 other local emergency medical services;

1 (D) how to respond to a student with a known allergy,
2 as well as a student with a previously unknown allergy;

3 (E) other criteria as determined in rules adopted
4 pursuant to this Section; and

5 (F) any policy developed by the State Board of
6 Education under Section 2-3.190 ~~2-3.182~~.

7 In consultation with statewide professional organizations
8 representing physicians licensed to practice medicine in all
9 of its branches, registered nurses, and school nurses, the
10 State Board of Education shall make available resource
11 materials consistent with criteria in this subsection (h) for
12 educating trained personnel to recognize and respond to
13 anaphylaxis. The State Board may take into consideration the
14 curriculum on this subject developed by other states, as well
15 as any other curricular materials suggested by medical experts
16 and other groups that work on life-threatening allergy issues.
17 The State Board is not required to create new resource
18 materials. The State Board shall make these resource materials
19 available on its Internet website.

20 (h-5) A training curriculum to recognize and respond to an
21 opioid overdose, including the administration of an opioid
22 antagonist, may be conducted online or in person. The training
23 must comply with any training requirements under Section 5-23
24 of the Substance Use Disorder Act and the corresponding rules.
25 It must include, but is not limited to:

26 (1) how to recognize symptoms of an opioid overdose;

1 (2) information on drug overdose prevention and
2 recognition;

3 (3) how to perform rescue breathing and resuscitation;

4 (4) how to respond to an emergency involving an opioid
5 overdose;

6 (5) opioid antagonist dosage and administration;

7 (6) the importance of calling 9-1-1 or, if 9-1-1 is
8 not available, other local emergency medical services;

9 (7) care for the overdose victim after administration
10 of the overdose antagonist;

11 (8) a test demonstrating competency of the knowledge
12 required to recognize an opioid overdose and administer a
13 dose of an opioid antagonist; and

14 (9) other criteria as determined in rules adopted
15 pursuant to this Section.

16 (h-10) A training curriculum to recognize and respond to
17 respiratory distress, including the administration of
18 undesignated asthma medication, may be conducted online or in
19 person. The training must include, but is not limited to:

20 (1) how to recognize symptoms of respiratory distress
21 and how to distinguish respiratory distress from
22 anaphylaxis;

23 (2) how to respond to an emergency involving
24 respiratory distress;

25 (3) asthma medication dosage and administration;

26 (4) the importance of calling 9-1-1 or, if 9-1-1 is

1 not available, other local emergency medical services;

2 (5) a test demonstrating competency of the knowledge
3 required to recognize respiratory distress and administer
4 asthma medication; and

5 (6) other criteria as determined in rules adopted
6 under this Section.

7 (i) Within 3 days after the administration of an
8 undesignated epinephrine injector by a school nurse, trained
9 personnel, or a student at a school or school-sponsored
10 activity, the school must report to the State Board of
11 Education in a form and manner prescribed by the State Board
12 the following information:

13 (1) age and type of person receiving epinephrine
14 (student, staff, visitor);

15 (2) any previously known diagnosis of a severe
16 allergy;

17 (3) trigger that precipitated allergic episode;

18 (4) location where symptoms developed;

19 (5) number of doses administered;

20 (6) type of person administering epinephrine (school
21 nurse, trained personnel, student); and

22 (7) any other information required by the State Board.

23 If a school district, public school, charter school, or
24 nonpublic school maintains or has an independent contractor
25 providing transportation to students who maintains a supply of
26 undesignated epinephrine injectors, then the school district,

1 public school, charter school, or nonpublic school must report
2 that information to the State Board of Education upon adoption
3 or change of the policy of the school district, public school,
4 charter school, nonpublic school, or independent contractor,
5 in a manner as prescribed by the State Board. The report must
6 include the number of undesignated epinephrine injectors in
7 supply.

8 (i-5) Within 3 days after the administration of an opioid
9 antagonist by a school nurse or trained personnel, the school
10 must report to the State Board of Education, in a form and
11 manner prescribed by the State Board, the following
12 information:

13 (1) the age and type of person receiving the opioid
14 antagonist (student, staff, or visitor);

15 (2) the location where symptoms developed;

16 (3) the type of person administering the opioid
17 antagonist (school nurse or trained personnel); and

18 (4) any other information required by the State Board.

19 (i-10) Within 3 days after the administration of
20 undesignated asthma medication by a school nurse, trained
21 personnel, or a student at a school or school-sponsored
22 activity, the school must report to the State Board of
23 Education, on a form and in a manner prescribed by the State
24 Board of Education, the following information:

25 (1) the age and type of person receiving the asthma
26 medication (student, staff, or visitor);

1 (2) any previously known diagnosis of asthma for the
2 person;

3 (3) the trigger that precipitated respiratory
4 distress, if identifiable;

5 (4) the location of where the symptoms developed;

6 (5) the number of doses administered;

7 (6) the type of person administering the asthma
8 medication (school nurse, trained personnel, or student);

9 (7) the outcome of the asthma medication
10 administration; and

11 (8) any other information required by the State Board.

12 (j) By October 1, 2015 and every year thereafter, the
13 State Board of Education shall submit a report to the General
14 Assembly identifying the frequency and circumstances of
15 undesignated epinephrine and undesignated asthma medication
16 administration during the preceding academic year. Beginning
17 with the 2017 report, the report shall also contain
18 information on which school districts, public schools, charter
19 schools, and nonpublic schools maintain or have independent
20 contractors providing transportation to students who maintain
21 a supply of undesignated epinephrine injectors. This report
22 shall be published on the State Board's Internet website on
23 the date the report is delivered to the General Assembly.

24 (j-5) Annually, each school district, public school,
25 charter school, or nonpublic school shall request an asthma
26 action plan from the parents or guardians of a pupil with

1 asthma. If provided, the asthma action plan must be kept on
2 file in the office of the school nurse or, in the absence of a
3 school nurse, the school administrator. Copies of the asthma
4 action plan may be distributed to appropriate school staff who
5 interact with the pupil on a regular basis, and, if
6 applicable, may be attached to the pupil's federal Section 504
7 plan or individualized education program plan.

8 (j-10) To assist schools with emergency response
9 procedures for asthma, the State Board of Education, in
10 consultation with statewide professional organizations with
11 expertise in asthma management and a statewide organization
12 representing school administrators, shall develop a model
13 asthma episode emergency response protocol before September 1,
14 2016. Each school district, charter school, and nonpublic
15 school shall adopt an asthma episode emergency response
16 protocol before January 1, 2017 that includes all of the
17 components of the State Board's model protocol.

18 (j-15) Every 2 years, school personnel who work with
19 pupils shall complete an in-person or online training program
20 on the management of asthma, the prevention of asthma
21 symptoms, and emergency response in the school setting. In
22 consultation with statewide professional organizations with
23 expertise in asthma management, the State Board of Education
24 shall make available resource materials for educating school
25 personnel about asthma and emergency response in the school
26 setting.

1 (j-20) On or before October 1, 2016 and every year
2 thereafter, the State Board of Education shall submit a report
3 to the General Assembly and the Department of Public Health
4 identifying the frequency and circumstances of opioid
5 antagonist administration during the preceding academic year.
6 This report shall be published on the State Board's Internet
7 website on the date the report is delivered to the General
8 Assembly.

9 (k) The State Board of Education may adopt rules necessary
10 to implement this Section.

11 (l) Nothing in this Section shall limit the amount of
12 epinephrine injectors that any type of school or student may
13 carry or maintain a supply of.

14 (Source: P.A. 101-81, eff. 7-12-19; 102-413, eff. 8-20-21;
15 revised 11-9-21.)

16 (105 ILCS 5/22-90)

17 (Section scheduled to be repealed on February 1, 2023)

18 Sec. 22-90. Whole Child Task Force.

19 (a) The General Assembly makes all of the following
20 findings:

21 (1) The COVID-19 pandemic has exposed systemic
22 inequities in American society. Students, educators, and
23 families throughout this State have been deeply affected
24 by the pandemic, and the impact of the pandemic will be
25 felt for years to come. The negative consequences of the

1 pandemic have impacted students and communities
2 differently along the lines of race, income, language, and
3 special needs. However, students in this State faced
4 significant unmet physical health, mental health, and
5 social and emotional needs even prior to the pandemic.

6 (2) The path to recovery requires a commitment from
7 adults in this State to address our students cultural,
8 physical, emotional, and mental health needs and to
9 provide them with stronger and increased systemic support
10 and intervention.

11 (3) It is well documented that trauma and toxic stress
12 diminish a child's ability to thrive. Forms of childhood
13 trauma and toxic stress include adverse childhood
14 experiences, systemic racism, poverty, food and housing
15 insecurity, and gender-based violence. The COVID-19
16 pandemic has exacerbated these issues and brought them
17 into focus.

18 (4) It is estimated that, overall, approximately 40%
19 of children in this State have experienced at least one
20 adverse childhood experience and approximately 10% have
21 experienced 3 or more adverse childhood experiences.
22 However, the number of adverse childhood experiences is
23 higher for Black and Hispanic children who are growing up
24 in poverty. The COVID-19 pandemic has amplified the number
25 of students who have experienced childhood trauma. Also,
26 the COVID-19 pandemic has highlighted preexisting

1 inequities in school disciplinary practices that
2 disproportionately impact Black and Brown students.
3 Research shows, for example, that girls of color are
4 disproportionately impacted by trauma, adversity, and
5 abuse, and instead of receiving the care and
6 trauma-informed support they may need, many Black girls in
7 particular face disproportionately harsh disciplinary
8 measures.

9 (5) The cumulative effects of trauma and toxic stress
10 adversely impact the physical health of students, as well
11 as their ability to learn, form relationships, and
12 self-regulate. If left unaddressed, these effects increase
13 a student's risk for depression, alcoholism, anxiety,
14 asthma, smoking, and suicide, all of which are risks that
15 disproportionately affect Black youth and may lead to a
16 host of medical diseases as an adult. Access to infant and
17 early childhood mental health services is critical to
18 ensure the social and emotional well-being of this State's
19 youngest children, particularly those children who have
20 experienced trauma.

21 (6) Although this State enacted measures through
22 Public Act 100-105 to address the high rate of early care
23 and preschool expulsions of infants, toddlers, and
24 preschoolers and the disproportionately higher rate of
25 expulsion for Black and Hispanic children, a recent study
26 found a wide variation in the awareness, understanding,

1 and compliance with the law by providers of early
2 childhood care. Further work is needed to implement the
3 law, which includes providing training to early childhood
4 care providers to increase their understanding of the law,
5 increasing the availability and access to infant and early
6 childhood mental health services, and building aligned
7 data collection systems to better understand expulsion
8 rates and to allow for accurate reporting as required by
9 the law.

10 (7) Many educators and schools in this State have
11 embraced and implemented evidenced-based restorative
12 justice and trauma-responsive and culturally relevant
13 practices and interventions. However, the use of these
14 interventions on students is often isolated or is
15 implemented occasionally and only if the school has the
16 appropriate leadership, resources, and partners available
17 to engage seriously in this work. It would be malpractice
18 to deny our students access to these practices and
19 interventions, especially in the aftermath of a
20 once-in-a-century pandemic.

21 (b) The Whole Child Task Force is created for the purpose
22 of establishing an equitable, inclusive, safe, and supportive
23 environment in all schools for every student in this State.
24 The task force shall have all of the following goals, which
25 means key steps have to be taken to ensure that every child in
26 every school in this State has access to teachers, social

1 workers, school leaders, support personnel, and others who
2 have been trained in evidenced-based interventions and
3 restorative practices:

4 (1) To create a common definition of a
5 trauma-responsive school, a trauma-responsive district,
6 and a trauma-responsive community.

7 (2) To outline the training and resources required to
8 create and sustain a system of support for
9 trauma-responsive schools, districts, and communities and
10 to identify this State's role in that work, including
11 recommendations concerning options for redirecting
12 resources from school resource officers to classroom-based
13 support.

14 (3) To identify or develop a process to conduct an
15 analysis of the organizations that provide training in
16 restorative practices, implicit bias, anti-racism, and
17 trauma-responsive systems, mental health services, and
18 social and emotional services to schools.

19 (4) To provide recommendations concerning the key data
20 to be collected and reported to ensure that this State has
21 a full and accurate understanding of the progress toward
22 ensuring that all schools, including programs and
23 providers of care to pre-kindergarten children, employ
24 restorative, anti-racist, and trauma-responsive
25 strategies and practices. The data collected must include
26 information relating to the availability of trauma

1 responsive support structures in schools as well as
2 disciplinary practices employed on students in person or
3 through other means, including during remote or blended
4 learning. It should also include information on the use
5 of, and funding for, school resource officers and other
6 similar police personnel in school programs.

7 (5) To recommend an implementation timeline, including
8 the key roles, responsibilities, and resources to advance
9 this State toward a system in which every school,
10 district, and community is progressing toward becoming
11 trauma-responsive.

12 (6) To seek input and feedback from stakeholders,
13 including parents, students, and educators, who reflect
14 the diversity of this State.

15 (7) To recommend legislation, policies, and practices
16 to prevent learning loss in students during periods of
17 suspension and expulsion, including, but not limited to,
18 remote instruction.

19 (c) Members of the Whole Child Task Force shall be
20 appointed by the State Superintendent of Education. Members of
21 this task force must represent the diversity of this State and
22 possess the expertise needed to perform the work required to
23 meet the goals of the task force set forth under subsection
24 (a). Members of the task force shall include all of the
25 following:

26 (1) One member of a statewide professional teachers'

1 organization.

2 (2) One member of another statewide professional
3 teachers' organization.

4 (3) One member who represents a school district
5 serving a community with a population of 500,000 or more.

6 (4) One member of a statewide organization
7 representing social workers.

8 (5) One member of an organization that has specific
9 expertise in trauma-responsive school practices and
10 experience in supporting schools in developing
11 trauma-responsive and restorative practices.

12 (6) One member of another organization that has
13 specific expertise in trauma-responsive school practices
14 and experience in supporting schools in developing
15 trauma-responsive and restorative practices.

16 (7) One member of a statewide organization that
17 represents school administrators.

18 (8) One member of a statewide policy organization that
19 works to build a healthy public education system that
20 prepares all students for a successful college, career,
21 and civic life.

22 (9) One member of a statewide organization that brings
23 teachers together to identify and address issues critical
24 to student success.

25 (10) One member of the General Assembly recommended by
26 the President of the Senate.

1 (11) One member of the General Assembly recommended by
2 the Speaker of the House of Representatives.

3 (12) One member of the General Assembly recommended by
4 the Minority Leader of the Senate.

5 (13) One member of the General Assembly recommended by
6 the Minority Leader of the House of Representatives.

7 (14) One member of a civil rights organization that
8 works actively on issues regarding student support.

9 (15) One administrator from a school district that has
10 actively worked to develop a system of student support
11 that uses a trauma-informed lens.

12 (16) One educator from a school district that has
13 actively worked to develop a system of student support
14 that uses a trauma-informed lens.

15 (17) One member of a youth-led organization.

16 (18) One member of an organization that has
17 demonstrated expertise in restorative practices.

18 (19) One member of a coalition of mental health and
19 school practitioners who assist schools in developing and
20 implementing trauma-informed and restorative strategies
21 and systems.

22 (20) One member of an organization whose mission is to
23 promote the safety, health, and economic success of
24 children, youth, and families in this State.

25 (21) One member who works or has worked as a
26 restorative justice coach or disciplinarian.

1 (22) One member who works or has worked as a social
2 worker.

3 (23) One member of the State Board of Education.

4 (24) One member who represents a statewide principals'
5 organization.

6 (25) One member who represents a statewide
7 organization of school boards.

8 (26) One member who has expertise in pre-kindergarten
9 education.

10 (27) One member who represents a school social worker
11 association.

12 (28) One member who represents an organization that
13 represents school districts in the south suburbs.

14 (29) One member who is a licensed clinical
15 psychologist who (A) has a doctor of philosophy in the
16 field of clinical psychology and has an appointment at an
17 independent free-standing children's hospital located in
18 Chicago, (B) serves as associate professor at a medical
19 school located in Chicago, and (C) serves as the clinical
20 director of a coalition of voluntary collaboration of
21 organizations that are committed to applying a trauma lens
22 to their efforts on behalf of families and children in the
23 State.

24 (30) One member who represents a west suburban school
25 district.

26 (31) One member from a governmental agency who has

1 expertise in child development and who is responsible for
2 coordinating early childhood mental health programs and
3 services.

4 (32) One member who has significant expertise in early
5 childhood mental health and childhood trauma.

6 (33) One member who represents an organization that
7 represents school districts in the collar counties.

8 (34) ~~(31)~~ One member who represents an organization
9 representing regional offices of education.

10 (d) The Whole Child Task Force shall meet at the call of
11 the State Superintendent of Education or his or her designee,
12 who shall serve as the chairperson. The State Board of
13 Education shall provide administrative and other support to
14 the task force. Members of the task force shall serve without
15 compensation.

16 (e) The Whole Child Task Force shall submit a report of its
17 findings and recommendations to the General Assembly, the
18 Illinois Legislative Black Caucus, the State Board of
19 Education, and the Governor on or before March 15, 2022. Upon
20 submitting its report, the task force is dissolved.

21 (f) This Section is repealed on February 1, 2023.

22 (Source: P.A. 101-654, eff. 3-8-21; 102-209, eff. 11-30-21

23 (See Section 5 of P.A. 102-671 for effective date of P.A.

24 102-209); 102-635, eff. 11-30-21 (See Section 10 of P.A.

25 102-671 for effective date of P.A. 102-635); 102-671, eff.

26 11-30-21; revised 1-5-22.)

1 (105 ILCS 5/22-91)

2 Sec. 22-91 ~~22-90~~. Modification of athletic or team
3 uniform; nonpublic schools.

4 (a) A nonpublic school recognized by the State Board of
5 Education must allow a student athlete to modify his or her
6 athletic or team uniform for the purpose of modesty in
7 clothing or attire that is in accordance with the requirements
8 of his or her religion or his or her cultural values or modesty
9 preferences. The modification of the athletic or team uniform
10 may include, but is not limited to, the wearing of a hijab, an
11 undershirt, or leggings. If a student chooses to modify his or
12 her athletic or team uniform the student is responsible for
13 all costs associated with the modification of the uniform and
14 the student shall not be required to receive prior approval
15 from the school for such modification. However, nothing in
16 this Section prohibits a school from providing the
17 modification to the student.

18 (b) At a minimum, any modification of the athletic or team
19 uniform must not interfere with the movement of the student or
20 pose a safety hazard to the student or to other athletes or
21 players. The modification of headgear is permitted if the
22 headgear:

23 (1) is black, white, the predominant ~~predominate~~ color
24 of the uniform, or the same color for all players on the
25 team;

- 1 (2) does not cover any part of the face;
- 2 (3) is not dangerous to the player or to the other
3 players;
- 4 (4) has no opening or closing elements around the face
5 and neck; and
- 6 (5) has no parts extruding from its surface.
- 7 (Source: P.A. 102-51, eff. 7-9-21; revised 11-9-21.)

8 (105 ILCS 5/22-92)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 Sec. 22-92 ~~22-90~~. Absenteeism and truancy policy.

12 (a) Each school district, charter school, or alternative
13 school or any school receiving public funds shall develop and
14 communicate to its students and their parent or guardian, on
15 an annual basis, an absenteeism and truancy policy, including
16 at least the following elements:

17 (1) A definition of a valid cause for absence in
18 accordance with Section 26-2a of this Code.

19 (2) A description of diagnostic procedures to be used
20 for identifying the causes of unexcused student
21 absenteeism, which shall, at a minimum, include interviews
22 with the student, his or her parent or guardian, and any
23 school officials who may have information about the
24 reasons for the student's attendance problem.

25 (3) The identification of supportive services to be

1 made available to truant or chronically truant students.
2 These services shall include, but need not be limited to,
3 parent conferences, student counseling, family counseling,
4 and information about existing community services that are
5 available to truant and chronically truant students and
6 relevant to their needs.

7 (4) Incorporation of the provisions relating to
8 chronic absenteeism in accordance with Section 26-18 of
9 this Code.

10 (b) The absenteeism and truancy policy must be updated
11 every 2 years and filed with the State Board of Education and
12 the regional superintendent of schools.

13 (Source: P.A. 102-157, eff. 7-1-22; revised 11-9-21.)

14 (105 ILCS 5/22-93)

15 Sec. 22-93 ~~22-90~~. School guidance counselor; gift ban.

16 (a) In this Section:

17 "Guidance counselor" means a person employed by a school
18 district and working in a high school to offer students advice
19 and assistance in making career or college plans.

20 "Prohibited source" means any person who is employed by an
21 institution of higher education or is an agent or spouse of or
22 an immediate family member living with a person employed by an
23 institution of higher education.

24 "Relative" means an individual related to another as
25 father, mother, son, daughter, brother, sister, uncle, aunt,

1 great-aunt, great-uncle, first cousin, nephew, niece, husband,
2 wife, grandfather, grandmother, grandson, granddaughter,
3 father-in-law, mother-in-law, son-in-law, daughter-in-law,
4 brother-in-law, sister-in-law, stepfather, stepmother,
5 stepson, stepdaughter, stepbrother, stepsister, half brother,
6 or half sister or the father, mother, grandfather, or
7 grandmother of the individual's spouse or the individual's
8 fiance or fiancée.

9 (b) A guidance counselor may not intentionally solicit or
10 accept any gift from a prohibited source or solicit or accept a
11 gift that would be in violation of any federal or State statute
12 or rule. A prohibited source may not intentionally offer or
13 make a gift that violates this Section.

14 (c) The prohibition in subsection (b) does not apply to
15 any of the following:

16 (1) Opportunities, benefits, and services that are
17 available on the same conditions as for the general
18 public.

19 (2) Anything for which the guidance counselor pays the
20 market value.

21 (3) A gift from a relative.

22 (4) Anything provided by an individual on the basis of
23 a personal friendship, unless the guidance counselor has
24 reason to believe that, under the circumstances, the gift
25 was provided because of the official position or
26 employment of the guidance counselor and not because of

1 the personal friendship. In determining whether a gift is
2 provided on the basis of personal friendship, the guidance
3 counselor must consider the circumstances in which the
4 gift was offered, including any of the following:

5 (A) The history of the relationship between the
6 individual giving the gift and the guidance counselor,
7 including any previous exchange of gifts between those
8 individuals.

9 (B) Whether, to the actual knowledge of the
10 guidance counselor, the individual who gave the gift
11 personally paid for the gift or sought a tax deduction
12 or business reimbursement for the gift.

13 (C) Whether, to the actual knowledge of the
14 guidance counselor, the individual who gave the gift
15 also, at the same time, gave the same or a similar gift
16 to other school district employees.

17 (5) Bequests, inheritances, or other transfers at
18 death.

19 (6) Any item or items from any one prohibited source
20 during any calendar year having a cumulative total value
21 of less than \$100.

22 (7) Promotional materials, including, but not limited
23 to, pens, pencils, banners, posters, and pennants.

24 Each exception listed under this subsection is mutually
25 exclusive and independent of one another.

26 (d) A guidance counselor is not in violation of this

1 Section if he or she promptly takes reasonable action to
2 return the gift to the prohibited source or donates the gift or
3 an amount equal to its value to an appropriate charity that is
4 exempt from income taxation under Section 501(c)(3) of the
5 Internal Revenue Code of 1986.

6 A guidance counselor or prohibited source who
7 intentionally violates this Section is guilty of a business
8 offense and is subject to a fine of at least \$1,001 and up to
9 \$5,000.

10 (Source: P.A. 102-327, eff. 1-1-22; revised 11-9-21.)

11 (105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

12 Sec. 24-2. Holidays.

13 (a) Teachers shall not be required to teach on Saturdays,
14 nor, except as provided in subsection (b) of this Section,
15 shall teachers or other school employees, other than
16 noncertificated school employees whose presence is necessary
17 because of an emergency or for the continued operation and
18 maintenance of school facilities or property, be required to
19 work on legal school holidays, which are January 1, New Year's
20 Day; the third Monday in January, the Birthday of Dr. Martin
21 Luther King, Jr.; February 12, the Birthday of President
22 Abraham Lincoln; the first Monday in March (to be known as
23 Casimir Pulaski's birthday); Good Friday; the day designated
24 as Memorial Day by federal law; June 19, Juneteenth National
25 Freedom Day; July 4, Independence Day; the first Monday in

1 September, Labor Day; the second Monday in October, Columbus
2 Day; November 11, Veterans' Day; the Thursday in November
3 commonly called Thanksgiving Day; and December 25, Christmas
4 Day. School boards may grant special holidays whenever in
5 their judgment such action is advisable. No deduction shall be
6 made from the time or compensation of a school employee on
7 account of any legal or special holiday.

8 (b) A school board or other entity eligible to apply for
9 waivers and modifications under Section 2-3.25g of this Code
10 is authorized to hold school or schedule teachers' institutes,
11 parent-teacher conferences, or staff development on the third
12 Monday in January (the Birthday of Dr. Martin Luther King,
13 Jr.); February 12 (the Birthday of President Abraham Lincoln);
14 the first Monday in March (known as Casimir Pulaski's
15 birthday); the second Monday in October (Columbus Day); and
16 November 11 (Veterans' Day), provided that:

17 (1) the person or persons honored by the holiday are
18 recognized through instructional activities conducted on
19 that day or, if the day is not used for student attendance,
20 on the first school day preceding or following that day;
21 and

22 (2) the entity that chooses to exercise this authority
23 first holds a public hearing about the proposal. The
24 entity shall provide notice preceding the public hearing
25 to both educators and parents. The notice shall set forth
26 the time, date, and place of the hearing, describe the

1 proposal, and indicate that the entity will take testimony
2 from educators and parents about the proposal.

3 (c) Commemorative holidays, which recognize specified
4 patriotic, civic, cultural or historical persons, activities,
5 or events, are regular school days. Commemorative holidays
6 are: January 17 (the birthday of Muhammad Ali), January 28 (to
7 be known as Christa McAuliffe Day and observed as a
8 commemoration of space exploration), February 15 (the birthday
9 of Susan B. Anthony), March 29 (Viet Nam War Veterans' Day),
10 September 11 (September 11th Day of Remembrance), the school
11 day immediately preceding Veterans' Day (Korean War Veterans'
12 Day), October 1 (Recycling Day), October 7 (Iraq and
13 Afghanistan Veterans Remembrance Day), December 7 (Pearl
14 Harbor Veterans' Day), and any day so appointed by the
15 President or Governor. School boards may establish
16 commemorative holidays whenever in their judgment such action
17 is advisable. School boards shall include instruction relative
18 to commemorated persons, activities, or events on the
19 commemorative holiday or at any other time during the school
20 year and at any point in the curriculum when such instruction
21 may be deemed appropriate. The State Board of Education shall
22 prepare and make available to school boards instructional
23 materials relative to commemorated persons, activities, or
24 events which may be used by school boards in conjunction with
25 any instruction provided pursuant to this paragraph.

26 (d) City of Chicago School District 299 shall observe

1 March 4 of each year as a commemorative holiday. This holiday
2 shall be known as Mayors' Day which shall be a day to
3 commemorate and be reminded of the past Chief Executive
4 Officers of the City of Chicago, and in particular the late
5 Mayor Richard J. Daley and the late Mayor Harold Washington.
6 If March 4 falls on a Saturday or Sunday, Mayors' Day shall be
7 observed on the following Monday.

8 (e) Notwithstanding any other provision of State law to
9 the contrary, November 3, 2020 shall be a State holiday known
10 as 2020 General Election Day and shall be observed throughout
11 the State pursuant to this amendatory Act of the 101st General
12 Assembly. All government offices, with the exception of
13 election authorities, shall be closed unless authorized to be
14 used as a location for election day services or as a polling
15 place.

16 Notwithstanding any other provision of State law to the
17 contrary, November 8, 2022 shall be a State holiday known as
18 2022 General Election Day and shall be observed throughout the
19 State under Public Act 102-15 ~~this amendatory Act of the 102nd~~
20 ~~General Assembly.~~

21 (Source: P.A. 101-642, eff. 6-16-20; 102-14, eff. 1-1-22;
22 102-15, eff. 6-17-21; 102-334, eff. 8-9-21; 102-411, eff.
23 1-1-22; revised 10-4-21.)

24 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

25 Sec. 26-1. Compulsory school age; exemptions. Whoever has

1 custody or control of any child (i) between the ages of 7 and
2 17 years (unless the child has already graduated from high
3 school) for school years before the 2014-2015 school year or
4 (ii) between the ages of 6 (on or before September 1) and 17
5 years (unless the child has already graduated from high
6 school) beginning with the 2014-2015 school year shall cause
7 such child to attend some public school in the district
8 wherein the child resides the entire time it is in session
9 during the regular school term, except as provided in Section
10 10-19.1, and during a required summer school program
11 established under Section 10-22.33B; provided, that the
12 following children shall not be required to attend the public
13 schools:

14 1. Any child attending a private or a parochial school
15 where children are taught the branches of education taught
16 to children of corresponding age and grade in the public
17 schools, and where the instruction of the child in the
18 branches of education is in the English language;

19 2. Any child who is physically or mentally unable to
20 attend school, such disability being certified to the
21 county or district truant officer by a competent physician
22 licensed in Illinois to practice medicine and surgery in
23 all its branches, a chiropractic physician licensed under
24 the Medical Practice Act of 1987, a licensed advanced
25 practice registered nurse, a licensed physician assistant,
26 or a Christian Science practitioner residing in this State

1 and listed in the Christian Science Journal; or who is
2 excused for temporary absence for cause by the principal
3 or teacher of the school which the child attends, with
4 absence for cause by illness being required to include the
5 mental or behavioral health of the child for up to 5 days
6 for which the child need not provide a medical note, in
7 which case the child shall be given the opportunity to
8 make up any school work missed during the mental or
9 behavioral health absence and, after the second mental
10 health day used, may be referred to the appropriate school
11 support personnel; the exemptions in this paragraph (2) do
12 not apply to any female who is pregnant or the mother of
13 one or more children, except where a female is unable to
14 attend school due to a complication arising from her
15 pregnancy and the existence of such complication is
16 certified to the county or district truant officer by a
17 competent physician;

18 3. Any child necessarily and lawfully employed
19 according to the provisions of the law regulating child
20 labor may be excused from attendance at school by the
21 county superintendent of schools or the superintendent of
22 the public school which the child should be attending, on
23 certification of the facts by and the recommendation of
24 the school board of the public school district in which
25 the child resides. In districts having part-time
26 continuation schools, children so excused shall attend

1 such schools at least 8 hours each week;

2 4. Any child over 12 and under 14 years of age while in
3 attendance at confirmation classes;

4 5. Any child absent from a public school on a
5 particular day or days or at a particular time of day for
6 the reason that he is unable to attend classes or to
7 participate in any examination, study, or work
8 requirements on a particular day or days or at a
9 particular time of day because of religious reasons,
10 including the observance of a religious holiday or
11 participation in religious instruction, or because the
12 tenets of his religion forbid secular activity on a
13 particular day or days or at a particular time of day. A
14 school board may require the parent or guardian of a child
15 who is to be excused from attending school because of
16 religious reasons to give notice, not exceeding 5 days, of
17 the child's absence to the school principal or other
18 school personnel. Any child excused from attending school
19 under this paragraph 5 shall not be required to submit a
20 written excuse for such absence after returning to school.
21 A district superintendent shall develop and distribute to
22 schools appropriate procedures regarding a student's
23 absence for religious reasons, how schools are notified of
24 a student's impending absence for religious reasons, and
25 the requirements of Section 26-2b of this Code;

26 6. Any child 16 years of age or older who (i) submits

1 to a school district evidence of necessary and lawful
2 employment pursuant to paragraph 3 of this Section and
3 (ii) is enrolled in a graduation incentives program
4 pursuant to Section 26-16 of this Code or an alternative
5 learning opportunities program established pursuant to
6 Article 13B of this Code;

7 7. A child in any of grades 6 through 12 absent from a
8 public school on a particular day or days or at a
9 particular time of day for the purpose of sounding "Taps"
10 at a military honors funeral held in this State for a
11 deceased veteran. In order to be excused under this
12 paragraph 7, the student shall notify the school's
13 administration at least 2 days prior to the date of the
14 absence and shall provide the school's administration with
15 the date, time, and location of the military honors
16 funeral. The school's administration may waive this 2-day
17 notification requirement if the student did not receive at
18 least 2 days advance notice, but the student shall notify
19 the school's administration as soon as possible of the
20 absence. A student whose absence is excused under this
21 paragraph 7 shall be counted as if the student attended
22 school for purposes of calculating the average daily
23 attendance of students in the school district. A student
24 whose absence is excused under this paragraph 7 must be
25 allowed a reasonable time to make up school work missed
26 during the absence. If the student satisfactorily

1 completes the school work, the day of absence shall be
2 counted as a day of compulsory attendance and he or she may
3 not be penalized for that absence; and

4 8. Any child absent from a public school on a
5 particular day or days or at a particular time of day for
6 the reason that his or her parent or legal guardian is an
7 active duty member of the uniformed services and has been
8 called to duty for, is on leave from, or has immediately
9 returned from deployment to a combat zone or
10 combat-support postings. Such a student shall be granted 5
11 days of excused absences in any school year and, at the
12 discretion of the school board, additional excused
13 absences to visit the student's parent or legal guardian
14 relative to such leave or deployment of the parent or
15 legal guardian. In the case of excused absences pursuant
16 to this paragraph 8, the student and parent or legal
17 guardian shall be responsible for obtaining assignments
18 from the student's teacher prior to any period of excused
19 absence and for ensuring that such assignments are
20 completed by the student prior to his or her return to
21 school from such period of excused absence.

22 (Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22;
23 102-406, eff. 8-19-21; revised 9-28-21.)

24 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

25 (Text of Section before amendment by P.A. 102-466)

1 Sec. 26-2a. A "truant" is defined as a child who is subject
2 to compulsory school attendance and who is absent without
3 valid cause, as defined under this Section, from such
4 attendance for more than 1% but less than 5% of the past 180
5 school days.

6 "Valid cause" for absence shall be illness, including the
7 mental or behavioral health of the student, observance of a
8 religious holiday, death in the immediate family, or family
9 emergency and shall include such other situations beyond the
10 control of the student, as determined by the board of
11 education in each district, or such other circumstances which
12 cause reasonable concern to the parent for the mental,
13 emotional, or physical health or safety of the student.

14 "Chronic or habitual truant" shall be defined as a child
15 who is subject to compulsory school attendance and who is
16 absent without valid cause from such attendance for 5% or more
17 of the previous 180 regular attendance days.

18 "Truant minor" is defined as a chronic truant to whom
19 supportive services, including prevention, diagnostic,
20 intervention and remedial services, alternative programs and
21 other school and community resources have been provided and
22 have failed to result in the cessation of chronic truancy, or
23 have been offered and refused.

24 A "dropout" is defined as any child enrolled in grades 9
25 through 12 whose name has been removed from the district
26 enrollment roster for any reason other than the student's

1 death, extended illness, removal for medical non-compliance,
2 expulsion, aging out, graduation, or completion of a program
3 of studies and who has not transferred to another public or
4 private school and is not known to be home-schooled by his or
5 her parents or guardians or continuing school in another
6 country.

7 "Religion" for the purposes of this Article, includes all
8 aspects of religious observance and practice, as well as
9 belief.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-266, eff. 1-1-22;
11 102-321, eff. 1-1-22.)

12 (Text of Section after amendment by P.A. 102-466)

13 Sec. 26-2a. A "truant" is defined as a child who is subject
14 to compulsory school attendance and who is absent without
15 valid cause, as defined under this Section, from such
16 attendance for more than 1% but less than 5% of the past 180
17 school days.

18 "Valid cause" for absence shall be illness, including the
19 mental or behavioral health of the student, attendance at a
20 verified medical or therapeutic appointment, appointment with
21 a victim services provider, observance of a religious holiday,
22 death in the immediate family, or family emergency and shall
23 include such other situations beyond the control of the
24 student, as determined by the board of education in each
25 district, or such other circumstances which cause reasonable

1 concern to the parent for the mental, emotional, or physical
2 health or safety of the student. For purposes of a student who
3 is an expectant parent, or parent, or victim of domestic or
4 sexual violence, "valid cause" for absence includes (i) the
5 fulfillment of a parenting responsibility, including, but not
6 limited to, arranging and providing child care, caring for a
7 sick child, attending prenatal or other medical appointments
8 for the expectant student, and attending medical appointments
9 for a child, and (ii) addressing circumstances resulting from
10 domestic or sexual violence, including, but not limited to,
11 experiencing domestic or sexual violence, recovering from
12 physical or psychological injuries, seeking medical attention,
13 seeking services from a domestic or sexual violence
14 organization, as defined in Article 26A, seeking psychological
15 or other counseling, participating in safety planning,
16 temporarily or permanently relocating, seeking legal
17 assistance or remedies, or taking any other action to increase
18 the safety or health of the student or to protect the student
19 from future domestic or sexual violence. A school district may
20 require a student to verify his or her claim of domestic or
21 sexual violence under Section 26A-45 prior to the district
22 approving a valid cause for an absence of 3 or more consecutive
23 days that is related to domestic or sexual violence.

24 "Chronic or habitual truant" shall be defined as a child
25 who is subject to compulsory school attendance and who is
26 absent without valid cause from such attendance for 5% or more

1 of the previous 180 regular attendance days.

2 "Truant minor" is defined as a chronic truant to whom
3 supportive services, including prevention, diagnostic,
4 intervention and remedial services, alternative programs and
5 other school and community resources have been provided and
6 have failed to result in the cessation of chronic truancy, or
7 have been offered and refused.

8 A "dropout" is defined as any child enrolled in grades 9
9 through 12 whose name has been removed from the district
10 enrollment roster for any reason other than the student's
11 death, extended illness, removal for medical non-compliance,
12 expulsion, aging out, graduation, or completion of a program
13 of studies and who has not transferred to another public or
14 private school and is not known to be home-schooled by his or
15 her parents or guardians or continuing school in another
16 country.

17 "Religion" for the purposes of this Article, includes all
18 aspects of religious observance and practice, as well as
19 belief.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-266, eff. 1-1-22;
21 102-321, eff. 1-1-22; 102-466, eff. 7-1-25; revised 9-23-21.)

22 (105 ILCS 5/26-13) (from Ch. 122, par. 26-13)

23 (Text of Section before amendment by P.A. 102-157)

24 Sec. 26-13. Absenteeism and truancy policies. School
25 districts shall adopt policies, consistent with rules adopted

1 by the State Board of Education, which identify the
2 appropriate supportive services and available resources which
3 are provided for truants and chronic truants.

4 (Source: P.A. 84-1420.)

5 (Text of Section after amendment by P.A. 102-157)

6 Sec. 26-13. Absenteeism and truancy policies. School
7 districts shall adopt policies, consistent with rules adopted
8 by the State Board of Education and Section 22-92 ~~22-90~~, which
9 identify the appropriate supportive services and available
10 resources which are provided for truants and chronic truants.

11 (Source: P.A. 102-157, eff. 7-1-22; revised 11-9-21.)

12 (105 ILCS 5/27-23.7)

13 Sec. 27-23.7. Bullying prevention.

14 (a) The General Assembly finds that a safe and civil
15 school environment is necessary for students to learn and
16 achieve and that bullying causes physical, psychological, and
17 emotional harm to students and interferes with students'
18 ability to learn and participate in school activities. The
19 General Assembly further finds that bullying has been linked
20 to other forms of antisocial behavior, such as vandalism,
21 shoplifting, skipping and dropping out of school, fighting,
22 using drugs and alcohol, sexual harassment, and sexual
23 violence. Because of the negative outcomes associated with
24 bullying in schools, the General Assembly finds that school

1 districts, charter schools, and non-public, non-sectarian
2 elementary and secondary schools should educate students,
3 parents, and school district, charter school, or non-public,
4 non-sectarian elementary or secondary school personnel about
5 what behaviors constitute prohibited bullying.

6 Bullying on the basis of actual or perceived race, color,
7 religion, sex, national origin, ancestry, age, marital status,
8 physical or mental disability, military status, sexual
9 orientation, gender-related identity or expression,
10 unfavorable discharge from military service, association with
11 a person or group with one or more of the aforementioned actual
12 or perceived characteristics, or any other distinguishing
13 characteristic is prohibited in all school districts, charter
14 schools, and non-public, non-sectarian elementary and
15 secondary schools. No student shall be subjected to bullying:

16 (1) during any school-sponsored education program or
17 activity;

18 (2) while in school, on school property, on school
19 buses or other school vehicles, at designated school bus
20 stops waiting for the school bus, or at school-sponsored
21 or school-sanctioned events or activities;

22 (3) through the transmission of information from a
23 school computer, a school computer network, or other
24 similar electronic school equipment; or

25 (4) through the transmission of information from a
26 computer that is accessed at a nonschool-related location,

1 activity, function, or program or from the use of
2 technology or an electronic device that is not owned,
3 leased, or used by a school district or school if the
4 bullying causes a substantial disruption to the
5 educational process or orderly operation of a school. This
6 item (4) applies only in cases in which a school
7 administrator or teacher receives a report that bullying
8 through this means has occurred and does not require a
9 district or school to staff or monitor any
10 nonschool-related activity, function, or program.

11 (a-5) Nothing in this Section is intended to infringe upon
12 any right to exercise free expression or the free exercise of
13 religion or religiously based views protected under the First
14 Amendment to the United States Constitution or under Section 3
15 of Article I of the Illinois Constitution.

16 (b) In this Section:

17 "Bullying" includes "cyber-bullying" and means any severe
18 or pervasive physical or verbal act or conduct, including
19 communications made in writing or electronically, directed
20 toward a student or students that has or can be reasonably
21 predicted to have the effect of one or more of the following:

22 (1) placing the student or students in reasonable fear
23 of harm to the student's or students' person or property;

24 (2) causing a substantially detrimental effect on the
25 student's or students' physical or mental health;

26 (3) substantially interfering with the student's or

1 students' academic performance; or

2 (4) substantially interfering with the student's or
3 students' ability to participate in or benefit from the
4 services, activities, or privileges provided by a school.

5 Bullying, as defined in this subsection (b), may take
6 various forms, including without limitation one or more of the
7 following: harassment, threats, intimidation, stalking,
8 physical violence, sexual harassment, sexual violence, theft,
9 public humiliation, destruction of property, or retaliation
10 for asserting or alleging an act of bullying. This list is
11 meant to be illustrative and non-exhaustive.

12 "Cyber-bullying" means bullying through the use of
13 technology or any electronic communication, including without
14 limitation any transfer of signs, signals, writing, images,
15 sounds, data, or intelligence of any nature transmitted in
16 whole or in part by a wire, radio, electromagnetic system,
17 photoelectronic system, or photooptical system, including
18 without limitation electronic mail, Internet communications,
19 instant messages, or facsimile communications.

20 "Cyber-bullying" includes the creation of a webpage or weblog
21 in which the creator assumes the identity of another person or
22 the knowing impersonation of another person as the author of
23 posted content or messages if the creation or impersonation
24 creates any of the effects enumerated in the definition of
25 bullying in this Section. "Cyber-bullying" also includes the
26 distribution by electronic means of a communication to more

1 than one person or the posting of material on an electronic
2 medium that may be accessed by one or more persons if the
3 distribution or posting creates any of the effects enumerated
4 in the definition of bullying in this Section.

5 "Policy on bullying" means a bullying prevention policy
6 that meets the following criteria:

7 (1) Includes the bullying definition provided in this
8 Section.

9 (2) Includes a statement that bullying is contrary to
10 State law and the policy of the school district, charter
11 school, or non-public, non-sectarian elementary or
12 secondary school and is consistent with subsection (a-5)
13 of this Section.

14 (3) Includes procedures for promptly reporting
15 bullying, including, but not limited to, identifying and
16 providing the school e-mail address (if applicable) and
17 school telephone number for the staff person or persons
18 responsible for receiving such reports and a procedure for
19 anonymous reporting; however, this shall not be construed
20 to permit formal disciplinary action solely on the basis
21 of an anonymous report.

22 (4) Consistent with federal and State laws and rules
23 governing student privacy rights, includes procedures for
24 promptly informing parents or guardians of all students
25 involved in the alleged incident of bullying and
26 discussing, as appropriate, the availability of social

1 work services, counseling, school psychological services,
2 other interventions, and restorative measures.

3 (5) Contains procedures for promptly investigating and
4 addressing reports of bullying, including the following:

5 (A) Making all reasonable efforts to complete the
6 investigation within 10 school days after the date the
7 report of the incident of bullying was received and
8 taking into consideration additional relevant
9 information received during the course of the
10 investigation about the reported incident of bullying.

11 (B) Involving appropriate school support personnel
12 and other staff persons with knowledge, experience,
13 and training on bullying prevention, as deemed
14 appropriate, in the investigation process.

15 (C) Notifying the principal or school
16 administrator or his or her designee of the report of
17 the incident of bullying as soon as possible after the
18 report is received.

19 (D) Consistent with federal and State laws and
20 rules governing student privacy rights, providing
21 parents and guardians of the students who are parties
22 to the investigation information about the
23 investigation and an opportunity to meet with the
24 principal or school administrator or his or her
25 designee to discuss the investigation, the findings of
26 the investigation, and the actions taken to address

1 the reported incident of bullying.

2 (6) Includes the interventions that can be taken to
3 address bullying, which may include, but are not limited
4 to, school social work services, restorative measures,
5 social-emotional skill building, counseling, school
6 psychological services, and community-based services.

7 (7) Includes a statement prohibiting reprisal or
8 retaliation against any person who reports an act of
9 bullying and the consequences and appropriate remedial
10 actions for a person who engages in reprisal or
11 retaliation.

12 (8) Includes consequences and appropriate remedial
13 actions for a person found to have falsely accused another
14 of bullying as a means of retaliation or as a means of
15 bullying.

16 (9) Is based on the engagement of a range of school
17 stakeholders, including students and parents or guardians.

18 (10) Is posted on the school district's, charter
19 school's, or non-public, non-sectarian elementary or
20 secondary school's existing Internet website, is included
21 in the student handbook, and, where applicable, posted
22 where other policies, rules, and standards of conduct are
23 currently posted in the school and provided periodically
24 throughout the school year to students and faculty, and is
25 distributed annually to parents, guardians, students, and
26 school personnel, including new employees when hired.

1 (11) As part of the process of reviewing and
2 re-evaluating the policy under subsection (d) of this
3 Section, contains a policy evaluation process to assess
4 the outcomes and effectiveness of the policy that
5 includes, but is not limited to, factors such as the
6 frequency of victimization; student, staff, and family
7 observations of safety at a school; identification of
8 areas of a school where bullying occurs; the types of
9 bullying utilized; and bystander intervention or
10 participation. The school district, charter school, or
11 non-public, non-sectarian elementary or secondary school
12 may use relevant data and information it already collects
13 for other purposes in the policy evaluation. The
14 information developed as a result of the policy evaluation
15 must be made available on the Internet website of the
16 school district, charter school, or non-public,
17 non-sectarian elementary or secondary school. If an
18 Internet website is not available, the information must be
19 provided to school administrators, school board members,
20 school personnel, parents, guardians, and students.

21 (12) Is consistent with the policies of the school
22 board, charter school, or non-public, non-sectarian
23 elementary or secondary school.

24 "Restorative measures" means a continuum of school-based
25 alternatives to exclusionary discipline, such as suspensions
26 and expulsions, that: (i) are adapted to the particular needs

1 of the school and community, (ii) contribute to maintaining
2 school safety, (iii) protect the integrity of a positive and
3 productive learning climate, (iv) teach students the personal
4 and interpersonal skills they will need to be successful in
5 school and society, (v) serve to build and restore
6 relationships among students, families, schools, and
7 communities, (vi) reduce the likelihood of future disruption
8 by balancing accountability with an understanding of students'
9 behavioral health needs in order to keep students in school,
10 and (vii) increase student accountability if the incident of
11 bullying is based on religion, race, ethnicity, or any other
12 category that is identified in the Illinois Human Rights Act.

13 "School personnel" means persons employed by, on contract
14 with, or who volunteer in a school district, charter school,
15 or non-public, non-sectarian elementary or secondary school,
16 including without limitation school and school district
17 administrators, teachers, school social workers, school
18 counselors, school psychologists, school nurses, cafeteria
19 workers, custodians, bus drivers, school resource officers,
20 and security guards.

21 (c) (Blank).

22 (d) Each school district, charter school, and non-public,
23 non-sectarian elementary or secondary school shall create,
24 maintain, and implement a policy on bullying, which policy
25 must be filed with the State Board of Education. The policy or
26 implementing procedure shall include a process to investigate

1 whether a reported act of bullying is within the permissible
2 scope of the district's or school's jurisdiction and shall
3 require that the district or school provide the victim with
4 information regarding services that are available within the
5 district and community, such as counseling, support services,
6 and other programs. School personnel available for help with a
7 bully or to make a report about bullying shall be made known to
8 parents or legal guardians, students, and school personnel.
9 Every 2 years, each school district, charter school, and
10 non-public, non-sectarian elementary or secondary school shall
11 conduct a review and re-evaluation of its policy and make any
12 necessary and appropriate revisions. The policy must be filed
13 with the State Board of Education after being updated. The
14 State Board of Education shall monitor and provide technical
15 support for the implementation of policies created under this
16 subsection (d).

17 (e) This Section shall not be interpreted to prevent a
18 victim from seeking redress under any other available civil or
19 criminal law.

20 (Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21;
21 revised 10-18-21.)

22 (105 ILCS 5/27-23.15)

23 Sec. 27-23.15. Computer science.

24 (a) In this Section, "computer science" means the study of
25 computers and algorithms, including their principles, their

1 hardware and software designs, their implementation, and their
2 impact on society. "Computer science" does not include the
3 study of everyday uses of computers and computer applications,
4 such as keyboarding or accessing the Internet.

5 (b) Beginning with the 2023-2024 school year, the school
6 board of a school district that maintains any of grades 9
7 through 12 shall provide an opportunity for every high school
8 student to take at least one computer science course aligned
9 to rigorous learning standards of the State Board of
10 Education.

11 (Source: P.A. 101-654, eff. 3-8-21.)

12 (105 ILCS 5/27-23.16)

13 Sec. 27-23.16 ~~27-23.15~~. Study of the process of
14 naturalization. Every public high school may include in its
15 curriculum a unit of instruction about the process of
16 naturalization by which a foreign citizen or foreign national
17 becomes a U.S. citizen. The course of instruction shall
18 include content from the components of the naturalization test
19 administered by the U.S. Citizenship and Immigration Services.
20 Each school board shall determine the minimum amount of
21 instructional time under this Section.

22 (Source: P.A. 102-472, eff. 8-20-21; revised 11-9-21.)

23 (105 ILCS 5/27A-5)

24 (Text of Section before amendment by P.A. 102-157 and P.A.

1 102-466)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A charter
5 school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status.
11 Beginning on April 16, 2003 (the effective date of Public Act
12 93-3), in all new applications to establish a charter school
13 in a city having a population exceeding 500,000, operation of
14 the charter school shall be limited to one campus. The changes
15 made to this Section by Public Act 93-3 do not apply to charter
16 schools existing or approved on or before April 16, 2003 (the
17 effective date of Public Act 93-3).

18 (b-5) In this subsection (b-5), "virtual-schooling" means
19 a cyber school where students engage in online curriculum and
20 instruction via the Internet and electronic communication with
21 their teachers at remote locations and with students
22 participating at different times.

23 From April 1, 2013 through December 31, 2016, there is a
24 moratorium on the establishment of charter schools with
25 virtual-schooling components in school districts other than a
26 school district organized under Article 34 of this Code. This

1 moratorium does not apply to a charter school with
2 virtual-schooling components existing or approved prior to
3 April 1, 2013 or to the renewal of the charter of a charter
4 school with virtual-schooling components already approved
5 prior to April 1, 2013.

6 (c) A charter school shall be administered and governed by
7 its board of directors or other governing body in the manner
8 provided in its charter. The governing body of a charter
9 school shall be subject to the Freedom of Information Act and
10 the Open Meetings Act. No later than January 1, 2021 (one year
11 after the effective date of Public Act 101-291), a charter
12 school's board of directors or other governing body must
13 include at least one parent or guardian of a pupil currently
14 enrolled in the charter school who may be selected through the
15 charter school or a charter network election, appointment by
16 the charter school's board of directors or other governing
17 body, or by the charter school's Parent Teacher Organization
18 or its equivalent.

19 (c-5) No later than January 1, 2021 (one year after the
20 effective date of Public Act 101-291) or within the first year
21 of his or her first term, every voting member of a charter
22 school's board of directors or other governing body shall
23 complete a minimum of 4 hours of professional development
24 leadership training to ensure that each member has sufficient
25 familiarity with the board's or governing body's role and
26 responsibilities, including financial oversight and

1 accountability of the school, evaluating the principal's and
2 school's performance, adherence to the Freedom of Information
3 Act and the Open Meetings Act, and compliance with education
4 and labor law. In each subsequent year of his or her term, a
5 voting member of a charter school's board of directors or
6 other governing body shall complete a minimum of 2 hours of
7 professional development training in these same areas. The
8 training under this subsection may be provided or certified by
9 a statewide charter school membership association or may be
10 provided or certified by other qualified providers approved by
11 the State Board of Education.

12 (d) For purposes of this subsection (d), "non-curricular
13 health and safety requirement" means any health and safety
14 requirement created by statute or rule to provide, maintain,
15 preserve, or safeguard safe or healthful conditions for
16 students and school personnel or to eliminate, reduce, or
17 prevent threats to the health and safety of students and
18 school personnel. "Non-curricular health and safety
19 requirement" does not include any course of study or
20 specialized instructional requirement for which the State
21 Board has established goals and learning standards or which is
22 designed primarily to impart knowledge and skills for students
23 to master and apply as an outcome of their education.

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. On or before September

1 1, 2015, the State Board shall promulgate and post on its
2 Internet website a list of non-curricular health and safety
3 requirements that a charter school must meet. The list shall
4 be updated annually no later than September 1. Any charter
5 contract between a charter school and its authorizer must
6 contain a provision that requires the charter school to follow
7 the list of all non-curricular health and safety requirements
8 promulgated by the State Board and any non-curricular health
9 and safety requirements added by the State Board to such list
10 during the term of the charter. Nothing in this subsection (d)
11 precludes an authorizer from including non-curricular health
12 and safety requirements in a charter school contract that are
13 not contained in the list promulgated by the State Board,
14 including non-curricular health and safety requirements of the
15 authorizing local school board.

16 (e) Except as otherwise provided in the School Code, a
17 charter school shall not charge tuition; provided that a
18 charter school may charge reasonable fees for textbooks,
19 instructional materials, and student activities.

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs, including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. The contractor shall not be an employee of the charter
26 school or affiliated with the charter school or its authorizer

1 in any way, other than to audit the charter school's finances.
2 To ensure financial accountability for the use of public
3 funds, on or before December 1 of every year of operation, each
4 charter school shall submit to its authorizer and the State
5 Board a copy of its audit and a copy of the Form 990 the
6 charter school filed that year with the federal Internal
7 Revenue Service. In addition, if deemed necessary for proper
8 financial oversight of the charter school, an authorizer may
9 require quarterly financial statements from each charter
10 school.

11 (g) A charter school shall comply with all provisions of
12 this Article, the Illinois Educational Labor Relations Act,
13 all federal and State laws and rules applicable to public
14 schools that pertain to special education and the instruction
15 of English learners, and its charter. A charter school is
16 exempt from all other State laws and regulations in this Code
17 governing public schools and local school board policies;
18 however, a charter school is not exempt from the following:

19 (1) Sections 10-21.9 and 34-18.5 of this Code
20 regarding criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer
22 and Violent Offender Against Youth Database of applicants
23 for employment;

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

2 (4) Section 108.75 of the General Not For Profit
3 Corporation Act of 1986 regarding indemnification of
4 officers, directors, employees, and agents;

5 (5) the Abused and Neglected Child Reporting Act;

6 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

9 (7) Section 10-17a of this Code regarding school
10 report cards;

11 (8) the P-20 Longitudinal Education Data System Act;

12 (9) Section 27-23.7 of this Code regarding bullying
13 prevention;

14 (10) Section 2-3.162 of this Code regarding student
15 discipline reporting;

16 (11) Sections 22-80 and 27-8.1 of this Code;

17 (12) Sections 10-20.60 and 34-18.53 of this Code;

18 (13) Sections 10-20.63 and 34-18.56 of this Code;

19 (14) Section 26-18 of this Code;

20 (15) Section 22-30 of this Code;

21 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

22 (17) the Seizure Smart School Act;

23 (18) Section 2-3.64a-10 of this Code; ~~and~~

24 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~

25 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~and~~

26 (21) ~~(19)~~ Section 27-9.1a of this Code;

- 1 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
2 (23) ~~(21)~~ Section 34-18.8 of this Code;
3 (25) ~~(19)~~ Section 2-3.188 of this Code; and
4 (26) ~~(20)~~ Section 22-85.5 of this Code.

5 The change made by Public Act 96-104 to this subsection
6 (g) is declaratory of existing law.

7 (h) A charter school may negotiate and contract with a
8 school district, the governing body of a State college or
9 university or public community college, or any other public or
10 for-profit or nonprofit private entity for: (i) the use of a
11 school building and grounds or any other real property or
12 facilities that the charter school desires to use or convert
13 for use as a charter school site, (ii) the operation and
14 maintenance thereof, and (iii) the provision of any service,
15 activity, or undertaking that the charter school is required
16 to perform in order to carry out the terms of its charter.
17 However, a charter school that is established on or after
18 April 16, 2003 (the effective date of Public Act 93-3) and that
19 operates in a city having a population exceeding 500,000 may
20 not contract with a for-profit entity to manage or operate the
21 school during the period that commences on April 16, 2003 (the
22 effective date of Public Act 93-3) and concludes at the end of
23 the 2004-2005 school year. Except as provided in subsection
24 (i) of this Section, a school district may charge a charter
25 school reasonable rent for the use of the district's
26 buildings, grounds, and facilities. Any services for which a

1 charter school contracts with a school district shall be
2 provided by the district at cost. Any services for which a
3 charter school contracts with a local school board or with the
4 governing body of a State college or university or public
5 community college shall be provided by the public entity at
6 cost.

7 (i) In no event shall a charter school that is established
8 by converting an existing school or attendance center to
9 charter school status be required to pay rent for space that is
10 deemed available, as negotiated and provided in the charter
11 agreement, in school district facilities. However, all other
12 costs for the operation and maintenance of school district
13 facilities that are used by the charter school shall be
14 subject to negotiation between the charter school and the
15 local school board and shall be set forth in the charter.

16 (j) A charter school may limit student enrollment by age
17 or grade level.

18 (k) If the charter school is approved by the State Board or
19 Commission, then the charter school is its own local education
20 agency.

21 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
22 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
23 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-360,
24 eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21;
25 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; revised
26 12-21-21.)

1 (Text of Section after amendment by P.A. 102-157 but
2 before amendment by P.A. 102-466)

3 Sec. 27A-5. Charter school; legal entity; requirements.

4 (a) A charter school shall be a public, nonsectarian,
5 nonreligious, non-home based, and non-profit school. A charter
6 school shall be organized and operated as a nonprofit
7 corporation or other discrete, legal, nonprofit entity
8 authorized under the laws of the State of Illinois.

9 (b) A charter school may be established under this Article
10 by creating a new school or by converting an existing public
11 school or attendance center to charter school status.
12 Beginning on April 16, 2003 (the effective date of Public Act
13 93-3), in all new applications to establish a charter school
14 in a city having a population exceeding 500,000, operation of
15 the charter school shall be limited to one campus. The changes
16 made to this Section by Public Act 93-3 do not apply to charter
17 schools existing or approved on or before April 16, 2003 (the
18 effective date of Public Act 93-3).

19 (b-5) In this subsection (b-5), "virtual-schooling" means
20 a cyber school where students engage in online curriculum and
21 instruction via the Internet and electronic communication with
22 their teachers at remote locations and with students
23 participating at different times.

24 From April 1, 2013 through December 31, 2016, there is a
25 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a
2 school district organized under Article 34 of this Code. This
3 moratorium does not apply to a charter school with
4 virtual-schooling components existing or approved prior to
5 April 1, 2013 or to the renewal of the charter of a charter
6 school with virtual-schooling components already approved
7 prior to April 1, 2013.

8 (c) A charter school shall be administered and governed by
9 its board of directors or other governing body in the manner
10 provided in its charter. The governing body of a charter
11 school shall be subject to the Freedom of Information Act and
12 the Open Meetings Act. No later than January 1, 2021 (one year
13 after the effective date of Public Act 101-291), a charter
14 school's board of directors or other governing body must
15 include at least one parent or guardian of a pupil currently
16 enrolled in the charter school who may be selected through the
17 charter school or a charter network election, appointment by
18 the charter school's board of directors or other governing
19 body, or by the charter school's Parent Teacher Organization
20 or its equivalent.

21 (c-5) No later than January 1, 2021 (one year after the
22 effective date of Public Act 101-291) or within the first year
23 of his or her first term, every voting member of a charter
24 school's board of directors or other governing body shall
25 complete a minimum of 4 hours of professional development
26 leadership training to ensure that each member has sufficient

1 familiarity with the board's or governing body's role and
2 responsibilities, including financial oversight and
3 accountability of the school, evaluating the principal's and
4 school's performance, adherence to the Freedom of Information
5 Act and the Open Meetings Act, and compliance with education
6 and labor law. In each subsequent year of his or her term, a
7 voting member of a charter school's board of directors or
8 other governing body shall complete a minimum of 2 hours of
9 professional development training in these same areas. The
10 training under this subsection may be provided or certified by
11 a statewide charter school membership association or may be
12 provided or certified by other qualified providers approved by
13 the State Board of Education.

14 (d) For purposes of this subsection (d), "non-curricular
15 health and safety requirement" means any health and safety
16 requirement created by statute or rule to provide, maintain,
17 preserve, or safeguard safe or healthful conditions for
18 students and school personnel or to eliminate, reduce, or
19 prevent threats to the health and safety of students and
20 school personnel. "Non-curricular health and safety
21 requirement" does not include any course of study or
22 specialized instructional requirement for which the State
23 Board has established goals and learning standards or which is
24 designed primarily to impart knowledge and skills for students
25 to master and apply as an outcome of their education.

26 A charter school shall comply with all non-curricular

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois. On or before September
3 1, 2015, the State Board shall promulgate and post on its
4 Internet website a list of non-curricular health and safety
5 requirements that a charter school must meet. The list shall
6 be updated annually no later than September 1. Any charter
7 contract between a charter school and its authorizer must
8 contain a provision that requires the charter school to follow
9 the list of all non-curricular health and safety requirements
10 promulgated by the State Board and any non-curricular health
11 and safety requirements added by the State Board to such list
12 during the term of the charter. Nothing in this subsection (d)
13 precludes an authorizer from including non-curricular health
14 and safety requirements in a charter school contract that are
15 not contained in the list promulgated by the State Board,
16 including non-curricular health and safety requirements of the
17 authorizing local school board.

18 (e) Except as otherwise provided in the School Code, a
19 charter school shall not charge tuition; provided that a
20 charter school may charge reasonable fees for textbooks,
21 instructional materials, and student activities.

22 (f) A charter school shall be responsible for the
23 management and operation of its fiscal affairs, including, but
24 not limited to, the preparation of its budget. An audit of each
25 charter school's finances shall be conducted annually by an
26 outside, independent contractor retained by the charter

1 school. The contractor shall not be an employee of the charter
2 school or affiliated with the charter school or its authorizer
3 in any way, other than to audit the charter school's finances.
4 To ensure financial accountability for the use of public
5 funds, on or before December 1 of every year of operation, each
6 charter school shall submit to its authorizer and the State
7 Board a copy of its audit and a copy of the Form 990 the
8 charter school filed that year with the federal Internal
9 Revenue Service. In addition, if deemed necessary for proper
10 financial oversight of the charter school, an authorizer may
11 require quarterly financial statements from each charter
12 school.

13 (g) A charter school shall comply with all provisions of
14 this Article, the Illinois Educational Labor Relations Act,
15 all federal and State laws and rules applicable to public
16 schools that pertain to special education and the instruction
17 of English learners, and its charter. A charter school is
18 exempt from all other State laws and regulations in this Code
19 governing public schools and local school board policies;
20 however, a charter school is not exempt from the following:

21 (1) Sections 10-21.9 and 34-18.5 of this Code
22 regarding criminal history records checks and checks of
23 the Statewide Sex Offender Database and Statewide Murderer
24 and Violent Offender Against Youth Database of applicants
25 for employment;

26 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and

- 1 34-84a of this Code regarding discipline of students;
- 2 (3) the Local Governmental and Governmental Employees
3 Tort Immunity Act;
- 4 (4) Section 108.75 of the General Not For Profit
5 Corporation Act of 1986 regarding indemnification of
6 officers, directors, employees, and agents;
- 7 (5) the Abused and Neglected Child Reporting Act;
- 8 (5.5) subsection (b) of Section 10-23.12 and
9 subsection (b) of Section 34-18.6 of this Code;
- 10 (6) the Illinois School Student Records Act;
- 11 (7) Section 10-17a of this Code regarding school
12 report cards;
- 13 (8) the P-20 Longitudinal Education Data System Act;
- 14 (9) Section 27-23.7 of this Code regarding bullying
15 prevention;
- 16 (10) Section 2-3.162 of this Code regarding student
17 discipline reporting;
- 18 (11) Sections 22-80 and 27-8.1 of this Code;
- 19 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 20 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 21 (14) Sections 22-90 and 26-18 of this Code;
- 22 (15) Section 22-30 of this Code;
- 23 (16) Sections 24-12 and 34-85 of this Code; ~~and~~
- 24 (17) the Seizure Smart School Act;
- 25 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 26 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~

- 1 (20) ~~(19)~~ Section 10-22.25b of this Code;~~;~~
2 (21) ~~(19)~~ Section 27-9.1a of this Code;
3 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
4 (23) ~~(21)~~ Section 34-18.8 of this Code;~~;~~
5 (25) ~~(19)~~ Section 2-3.188 of this Code; and
6 (26) ~~(20)~~ Section 22-85.5 of this Code.

7 The change made by Public Act 96-104 to this subsection
8 (g) is declaratory of existing law.

9 (h) A charter school may negotiate and contract with a
10 school district, the governing body of a State college or
11 university or public community college, or any other public or
12 for-profit or nonprofit private entity for: (i) the use of a
13 school building and grounds or any other real property or
14 facilities that the charter school desires to use or convert
15 for use as a charter school site, (ii) the operation and
16 maintenance thereof, and (iii) the provision of any service,
17 activity, or undertaking that the charter school is required
18 to perform in order to carry out the terms of its charter.
19 However, a charter school that is established on or after
20 April 16, 2003 (the effective date of Public Act 93-3) and that
21 operates in a city having a population exceeding 500,000 may
22 not contract with a for-profit entity to manage or operate the
23 school during the period that commences on April 16, 2003 (the
24 effective date of Public Act 93-3) and concludes at the end of
25 the 2004-2005 school year. Except as provided in subsection
26 (i) of this Section, a school district may charge a charter

1 school reasonable rent for the use of the district's
2 buildings, grounds, and facilities. Any services for which a
3 charter school contracts with a school district shall be
4 provided by the district at cost. Any services for which a
5 charter school contracts with a local school board or with the
6 governing body of a State college or university or public
7 community college shall be provided by the public entity at
8 cost.

9 (i) In no event shall a charter school that is established
10 by converting an existing school or attendance center to
11 charter school status be required to pay rent for space that is
12 deemed available, as negotiated and provided in the charter
13 agreement, in school district facilities. However, all other
14 costs for the operation and maintenance of school district
15 facilities that are used by the charter school shall be
16 subject to negotiation between the charter school and the
17 local school board and shall be set forth in the charter.

18 (j) A charter school may limit student enrollment by age
19 or grade level.

20 (k) If the charter school is approved by the State Board or
21 Commission, then the charter school is its own local education
22 agency.

23 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
24 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
25 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
26 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;

1 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
2 12-3-21; revised 12-21-21.)

3 (Text of Section after amendment by P.A. 102-466)

4 Sec. 27A-5. Charter school; legal entity; requirements.

5 (a) A charter school shall be a public, nonsectarian,
6 nonreligious, non-home based, and non-profit school. A charter
7 school shall be organized and operated as a nonprofit
8 corporation or other discrete, legal, nonprofit entity
9 authorized under the laws of the State of Illinois.

10 (b) A charter school may be established under this Article
11 by creating a new school or by converting an existing public
12 school or attendance center to charter school status.
13 Beginning on April 16, 2003 (the effective date of Public Act
14 93-3), in all new applications to establish a charter school
15 in a city having a population exceeding 500,000, operation of
16 the charter school shall be limited to one campus. The changes
17 made to this Section by Public Act 93-3 do not apply to charter
18 schools existing or approved on or before April 16, 2003 (the
19 effective date of Public Act 93-3).

20 (b-5) In this subsection (b-5), "virtual-schooling" means
21 a cyber school where students engage in online curriculum and
22 instruction via the Internet and electronic communication with
23 their teachers at remote locations and with students
24 participating at different times.

25 From April 1, 2013 through December 31, 2016, there is a

1 moratorium on the establishment of charter schools with
2 virtual-schooling components in school districts other than a
3 school district organized under Article 34 of this Code. This
4 moratorium does not apply to a charter school with
5 virtual-schooling components existing or approved prior to
6 April 1, 2013 or to the renewal of the charter of a charter
7 school with virtual-schooling components already approved
8 prior to April 1, 2013.

9 (c) A charter school shall be administered and governed by
10 its board of directors or other governing body in the manner
11 provided in its charter. The governing body of a charter
12 school shall be subject to the Freedom of Information Act and
13 the Open Meetings Act. No later than January 1, 2021 (one year
14 after the effective date of Public Act 101-291), a charter
15 school's board of directors or other governing body must
16 include at least one parent or guardian of a pupil currently
17 enrolled in the charter school who may be selected through the
18 charter school or a charter network election, appointment by
19 the charter school's board of directors or other governing
20 body, or by the charter school's Parent Teacher Organization
21 or its equivalent.

22 (c-5) No later than January 1, 2021 (one year after the
23 effective date of Public Act 101-291) or within the first year
24 of his or her first term, every voting member of a charter
25 school's board of directors or other governing body shall
26 complete a minimum of 4 hours of professional development

1 leadership training to ensure that each member has sufficient
2 familiarity with the board's or governing body's role and
3 responsibilities, including financial oversight and
4 accountability of the school, evaluating the principal's and
5 school's performance, adherence to the Freedom of Information
6 Act and the Open Meetings Act, and compliance with education
7 and labor law. In each subsequent year of his or her term, a
8 voting member of a charter school's board of directors or
9 other governing body shall complete a minimum of 2 hours of
10 professional development training in these same areas. The
11 training under this subsection may be provided or certified by
12 a statewide charter school membership association or may be
13 provided or certified by other qualified providers approved by
14 the State Board of Education.

15 (d) For purposes of this subsection (d), "non-curricular
16 health and safety requirement" means any health and safety
17 requirement created by statute or rule to provide, maintain,
18 preserve, or safeguard safe or healthful conditions for
19 students and school personnel or to eliminate, reduce, or
20 prevent threats to the health and safety of students and
21 school personnel. "Non-curricular health and safety
22 requirement" does not include any course of study or
23 specialized instructional requirement for which the State
24 Board has established goals and learning standards or which is
25 designed primarily to impart knowledge and skills for students
26 to master and apply as an outcome of their education.

1 A charter school shall comply with all non-curricular
2 health and safety requirements applicable to public schools
3 under the laws of the State of Illinois. On or before September
4 1, 2015, the State Board shall promulgate and post on its
5 Internet website a list of non-curricular health and safety
6 requirements that a charter school must meet. The list shall
7 be updated annually no later than September 1. Any charter
8 contract between a charter school and its authorizer must
9 contain a provision that requires the charter school to follow
10 the list of all non-curricular health and safety requirements
11 promulgated by the State Board and any non-curricular health
12 and safety requirements added by the State Board to such list
13 during the term of the charter. Nothing in this subsection (d)
14 precludes an authorizer from including non-curricular health
15 and safety requirements in a charter school contract that are
16 not contained in the list promulgated by the State Board,
17 including non-curricular health and safety requirements of the
18 authorizing local school board.

19 (e) Except as otherwise provided in the School Code, a
20 charter school shall not charge tuition; provided that a
21 charter school may charge reasonable fees for textbooks,
22 instructional materials, and student activities.

23 (f) A charter school shall be responsible for the
24 management and operation of its fiscal affairs, including, but
25 not limited to, the preparation of its budget. An audit of each
26 charter school's finances shall be conducted annually by an

1 outside, independent contractor retained by the charter
2 school. The contractor shall not be an employee of the charter
3 school or affiliated with the charter school or its authorizer
4 in any way, other than to audit the charter school's finances.
5 To ensure financial accountability for the use of public
6 funds, on or before December 1 of every year of operation, each
7 charter school shall submit to its authorizer and the State
8 Board a copy of its audit and a copy of the Form 990 the
9 charter school filed that year with the federal Internal
10 Revenue Service. In addition, if deemed necessary for proper
11 financial oversight of the charter school, an authorizer may
12 require quarterly financial statements from each charter
13 school.

14 (g) A charter school shall comply with all provisions of
15 this Article, the Illinois Educational Labor Relations Act,
16 all federal and State laws and rules applicable to public
17 schools that pertain to special education and the instruction
18 of English learners, and its charter. A charter school is
19 exempt from all other State laws and regulations in this Code
20 governing public schools and local school board policies;
21 however, a charter school is not exempt from the following:

22 (1) Sections 10-21.9 and 34-18.5 of this Code
23 regarding criminal history records checks and checks of
24 the Statewide Sex Offender Database and Statewide Murderer
25 and Violent Offender Against Youth Database of applicants
26 for employment;

1 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
2 34-84a of this Code regarding discipline of students;

3 (3) the Local Governmental and Governmental Employees
4 Tort Immunity Act;

5 (4) Section 108.75 of the General Not For Profit
6 Corporation Act of 1986 regarding indemnification of
7 officers, directors, employees, and agents;

8 (5) the Abused and Neglected Child Reporting Act;

9 (5.5) subsection (b) of Section 10-23.12 and
10 subsection (b) of Section 34-18.6 of this Code;

11 (6) the Illinois School Student Records Act;

12 (7) Section 10-17a of this Code regarding school
13 report cards;

14 (8) the P-20 Longitudinal Education Data System Act;

15 (9) Section 27-23.7 of this Code regarding bullying
16 prevention;

17 (10) Section 2-3.162 of this Code regarding student
18 discipline reporting;

19 (11) Sections 22-80 and 27-8.1 of this Code;

20 (12) Sections 10-20.60 and 34-18.53 of this Code;

21 (13) Sections 10-20.63 and 34-18.56 of this Code;

22 (14) Sections 22-90 and 26-18 of this Code;

23 (15) Section 22-30 of this Code;

24 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

25 (17) the Seizure Smart School Act;

26 (18) Section 2-3.64a-10 of this Code; ~~and~~

- 1 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code;~~;~~
- 2 (20) ~~(19)~~ Section 10-22.25b of this Code;~~;~~
- 3 (21) ~~(19)~~ Section 27-9.1a of this Code;
- 4 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
- 5 (23) ~~(21)~~ Section 34-18.8 of this Code;~~;~~
- 6 (24) ~~(19)~~ Article 26A of this Code;~~;~~
- 7 (25) ~~(19)~~ Section 2-3.188 of this Code; and
- 8 (26) ~~(20)~~ Section 22-85.5 of this Code.

9 The change made by Public Act 96-104 to this subsection
10 (g) is declaratory of existing law.

11 (h) A charter school may negotiate and contract with a
12 school district, the governing body of a State college or
13 university or public community college, or any other public or
14 for-profit or nonprofit private entity for: (i) the use of a
15 school building and grounds or any other real property or
16 facilities that the charter school desires to use or convert
17 for use as a charter school site, (ii) the operation and
18 maintenance thereof, and (iii) the provision of any service,
19 activity, or undertaking that the charter school is required
20 to perform in order to carry out the terms of its charter.
21 However, a charter school that is established on or after
22 April 16, 2003 (the effective date of Public Act 93-3) and that
23 operates in a city having a population exceeding 500,000 may
24 not contract with a for-profit entity to manage or operate the
25 school during the period that commences on April 16, 2003 (the
26 effective date of Public Act 93-3) and concludes at the end of

1 the 2004-2005 school year. Except as provided in subsection
2 (i) of this Section, a school district may charge a charter
3 school reasonable rent for the use of the district's
4 buildings, grounds, and facilities. Any services for which a
5 charter school contracts with a school district shall be
6 provided by the district at cost. Any services for which a
7 charter school contracts with a local school board or with the
8 governing body of a State college or university or public
9 community college shall be provided by the public entity at
10 cost.

11 (i) In no event shall a charter school that is established
12 by converting an existing school or attendance center to
13 charter school status be required to pay rent for space that is
14 deemed available, as negotiated and provided in the charter
15 agreement, in school district facilities. However, all other
16 costs for the operation and maintenance of school district
17 facilities that are used by the charter school shall be
18 subject to negotiation between the charter school and the
19 local school board and shall be set forth in the charter.

20 (j) A charter school may limit student enrollment by age
21 or grade level.

22 (k) If the charter school is approved by the State Board or
23 Commission, then the charter school is its own local education
24 agency.

25 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
26 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.

1 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
2 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
3 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
4 8-20-21; 102-676, eff. 12-3-21; revised 12-21-21.)

5 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

6 Sec. 29-5. Reimbursement by State for transportation. Any
7 school district, maintaining a school, transporting resident
8 pupils to another school district's vocational program,
9 offered through a joint agreement approved by the State Board
10 of Education, as provided in Section 10-22.22 or transporting
11 its resident pupils to a school which meets the standards for
12 recognition as established by the State Board of Education
13 which provides transportation meeting the standards of safety,
14 comfort, convenience, efficiency and operation prescribed by
15 the State Board of Education for resident pupils in
16 kindergarten or any of grades 1 through 12 who: (a) reside at
17 least 1 1/2 miles as measured by the customary route of travel,
18 from the school attended; or (b) reside in areas where
19 conditions are such that walking constitutes a hazard to the
20 safety of the child when determined under Section 29-3; and
21 (c) are transported to the school attended from pick-up points
22 at the beginning of the school day and back again at the close
23 of the school day or transported to and from their assigned
24 attendance centers during the school day, shall be reimbursed
25 by the State as hereinafter provided in this Section.

1 The State will pay the prorated allowable cost of
2 transporting eligible pupils less the real equalized assessed
3 valuation as computed under paragraph (3) of subsection (d) of
4 Section 18-8.15 in a dual school district maintaining
5 secondary grades 9 to 12 inclusive times a qualifying rate of
6 .05%; in elementary school districts maintaining grades K to 8
7 times a qualifying rate of .06%; and in unit districts
8 maintaining grades K to 12, including partial elementary unit
9 districts formed pursuant to Article 11E, times a qualifying
10 rate of .07%. To be eligible to receive reimbursement in
11 excess of 4/5 of the cost to transport eligible pupils, a
12 school district or partial elementary unit district formed
13 pursuant to Article 11E shall have a Transportation Fund tax
14 rate of at least .12%. The Transportation Fund tax rate for a
15 partial elementary unit district formed pursuant Article 11E
16 shall be the combined elementary and high school rates
17 pursuant to paragraph (4) of subsection (a) of Section
18 18-8.15. If a school district or partial elementary unit
19 district formed pursuant to Article 11E does not have a .12%
20 Transportation Fund tax rate, the amount of its claim in
21 excess of 4/5 of the cost of transporting pupils shall be
22 reduced by the sum arrived at by subtracting the
23 Transportation Fund tax rate from .12% and multiplying that
24 amount by the district's real equalized assessed valuation as
25 computed under paragraph (3) of subsection (d) of Section
26 18-8.15, provided that in no case shall said reduction result

1 in reimbursement of less than 4/5 of the cost to transport
2 eligible pupils.

3 The minimum amount to be received by a district is \$16
4 times the number of eligible pupils transported.

5 When calculating the reimbursement for transportation
6 costs, the State Board of Education may not deduct the number
7 of pupils enrolled in early education programs from the number
8 of pupils eligible for reimbursement if the pupils enrolled in
9 the early education programs are transported at the same time
10 as other eligible pupils.

11 Any such district transporting resident pupils during the
12 school day to an area vocational school or another school
13 district's vocational program more than 1 1/2 miles from the
14 school attended, as provided in Sections 10-22.20a and
15 10-22.22, shall be reimbursed by the State for 4/5 of the cost
16 of transporting eligible pupils.

17 School day means that period of time during which the
18 pupil is required to be in attendance for instructional
19 purposes.

20 If a pupil is at a location within the school district
21 other than his residence for child care purposes at the time
22 for transportation to school, that location may be considered
23 for purposes of determining the 1 1/2 miles from the school
24 attended.

25 Claims for reimbursement that include children who attend
26 any school other than a public school shall show the number of

1 such children transported.

2 Claims for reimbursement under this Section shall not be
3 paid for the transportation of pupils for whom transportation
4 costs are claimed for payment under other Sections of this
5 Act.

6 The allowable direct cost of transporting pupils for
7 regular, vocational, and special education pupil
8 transportation shall be limited to the sum of the cost of
9 physical examinations required for employment as a school bus
10 driver; the salaries of full-time or part-time drivers and
11 school bus maintenance personnel; employee benefits excluding
12 Illinois municipal retirement payments, social security
13 payments, unemployment insurance payments and workers'
14 compensation insurance premiums; expenditures to independent
15 carriers who operate school buses; payments to other school
16 districts for pupil transportation services; pre-approved
17 contractual expenditures for computerized bus scheduling;
18 expenditures for housing assistance and homeless prevention
19 under Sections 1-17 and 1-18 of the Education for Homeless
20 Children Act that are not in excess of the school district's
21 actual costs for providing transportation services and are not
22 otherwise claimed in another State or federal grant that
23 permits those costs to a parent, a legal guardian, any other
24 person who enrolled a pupil, or a homeless assistance agency
25 that is part of the federal McKinney-Vento Homeless Assistance
26 Act's continuum of care for the area in which the district is

1 located; the cost of gasoline, oil, tires, and other supplies
2 necessary for the operation of school buses; the cost of
3 converting buses' gasoline engines to more fuel efficient
4 engines or to engines which use alternative energy sources;
5 the cost of travel to meetings and workshops conducted by the
6 regional superintendent or the State Superintendent of
7 Education pursuant to the standards established by the
8 Secretary of State under Section 6-106 of the Illinois Vehicle
9 Code to improve the driving skills of school bus drivers; the
10 cost of maintenance of school buses including parts and
11 materials used; expenditures for leasing transportation
12 vehicles, except interest and service charges; the cost of
13 insurance and licenses for transportation vehicles;
14 expenditures for the rental of transportation equipment; plus
15 a depreciation allowance of 20% for 5 years for school buses
16 and vehicles approved for transporting pupils to and from
17 school and a depreciation allowance of 10% for 10 years for
18 other transportation equipment so used. Each school year, if a
19 school district has made expenditures to the Regional
20 Transportation Authority or any of its service boards, a mass
21 transit district, or an urban transportation district under an
22 intergovernmental agreement with the district to provide for
23 the transportation of pupils and if the public transit carrier
24 received direct payment for services or passes from a school
25 district within its service area during the 2000-2001 school
26 year, then the allowable direct cost of transporting pupils

1 for regular, vocational, and special education pupil
2 transportation shall also include the expenditures that the
3 district has made to the public transit carrier. In addition
4 to the above allowable costs, school districts shall also
5 claim all transportation supervisory salary costs, including
6 Illinois municipal retirement payments, and all transportation
7 related building and building maintenance costs without
8 limitation.

9 Special education allowable costs shall also include
10 expenditures for the salaries of attendants or aides for that
11 portion of the time they assist special education pupils while
12 in transit and expenditures for parents and public carriers
13 for transporting special education pupils when pre-approved by
14 the State Superintendent of Education.

15 Indirect costs shall be included in the reimbursement
16 claim for districts which own and operate their own school
17 buses. Such indirect costs shall include administrative costs,
18 or any costs attributable to transporting pupils from their
19 attendance centers to another school building for
20 instructional purposes. No school district which owns and
21 operates its own school buses may claim reimbursement for
22 indirect costs which exceed 5% of the total allowable direct
23 costs for pupil transportation.

24 The State Board of Education shall prescribe uniform
25 regulations for determining the above standards and shall
26 prescribe forms of cost accounting and standards of

1 determining reasonable depreciation. Such depreciation shall
2 include the cost of equipping school buses with the safety
3 features required by law or by the rules, regulations and
4 standards promulgated by the State Board of Education, and the
5 Department of Transportation for the safety and construction
6 of school buses provided, however, any equipment cost
7 reimbursed by the Department of Transportation for equipping
8 school buses with such safety equipment shall be deducted from
9 the allowable cost in the computation of reimbursement under
10 this Section in the same percentage as the cost of the
11 equipment is depreciated.

12 On or before August 15, annually, the chief school
13 administrator for the district shall certify to the State
14 Superintendent of Education the district's claim for
15 reimbursement for the school year ending on June 30 next
16 preceding. The State Superintendent of Education shall check
17 and approve the claims and prepare the vouchers showing the
18 amounts due for district reimbursement claims. Each fiscal
19 year, the State Superintendent of Education shall prepare and
20 transmit the first 3 vouchers to the Comptroller on the 30th
21 day of September, December and March, respectively, and the
22 final voucher, no later than June 20.

23 If the amount appropriated for transportation
24 reimbursement is insufficient to fund total claims for any
25 fiscal year, the State Board of Education shall reduce each
26 school district's allowable costs and flat grant amount

1 proportionately to make total adjusted claims equal the total
2 amount appropriated.

3 For purposes of calculating claims for reimbursement under
4 this Section for any school year beginning July 1, 2016, the
5 equalized assessed valuation for a school district or partial
6 elementary unit district formed pursuant to Article 11E used
7 to compute reimbursement shall be the real equalized assessed
8 valuation as computed under paragraph (3) of subsection (d) of
9 Section 18-8.15.

10 All reimbursements received from the State shall be
11 deposited into the district's transportation fund or into the
12 fund from which the allowable expenditures were made.

13 Notwithstanding any other provision of law, any school
14 district receiving a payment under this Section or under
15 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
16 classify all or a portion of the funds that it receives in a
17 particular fiscal year or from State aid pursuant to Section
18 18-8.15 of this Code as funds received in connection with any
19 funding program for which it is entitled to receive funds from
20 the State in that fiscal year (including, without limitation,
21 any funding program referenced in this Section), regardless of
22 the source or timing of the receipt. The district may not
23 classify more funds as funds received in connection with the
24 funding program than the district is entitled to receive in
25 that fiscal year for that program. Any classification by a
26 district must be made by a resolution of its board of

1 education. The resolution must identify the amount of any
2 payments or general State aid to be classified under this
3 paragraph and must specify the funding program to which the
4 funds are to be treated as received in connection therewith.
5 This resolution is controlling as to the classification of
6 funds referenced therein. A certified copy of the resolution
7 must be sent to the State Superintendent of Education. The
8 resolution shall still take effect even though a copy of the
9 resolution has not been sent to the State Superintendent of
10 Education in a timely manner. No classification under this
11 paragraph by a district shall affect the total amount or
12 timing of money the district is entitled to receive under this
13 Code. No classification under this paragraph by a district
14 shall in any way relieve the district from or affect any
15 requirements that otherwise would apply with respect to that
16 funding program, including any accounting of funds by source,
17 reporting expenditures by original source and purpose,
18 reporting requirements, or requirements of providing services.

19 Any school district with a population of not more than
20 500,000 must deposit all funds received under this Article
21 into the transportation fund and use those funds for the
22 provision of transportation services.

23 (Source: P.A. 102-539, eff. 8-20-21; revised 11-29-21.)

24 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

25 Sec. 34-2.1. Local school councils; composition; voter

1 eligibility; elections; terms.

2 (a) Beginning with the first local school council election
3 that occurs after December 3, 2021 (the effective date of
4 Public Act 102-677) ~~this amendatory Act of the 102nd General~~
5 ~~Assembly~~, a local school council shall be established for each
6 attendance center within the school district, including public
7 small schools within the district. Each local school council
8 shall consist of the following 12 voting members: the
9 principal of the attendance center, 2 teachers employed and
10 assigned to perform the majority of their employment duties at
11 the attendance center, 6 parents of students currently
12 enrolled at the attendance center, one employee of the school
13 district employed and assigned to perform the majority of his
14 or her employment duties at the attendance center who is not a
15 teacher, and 2 community residents. Neither the parents nor
16 the community residents who serve as members of the local
17 school council shall be employees of the Board of Education.
18 In each secondary attendance center, the local school council
19 shall consist of 13 voting members through the 2020-2021
20 school year, the 12 voting members described above and one
21 full-time student member, and 15 voting members beginning with
22 the 2021-2022 school year, the 12 voting members described
23 above and 3 full-time student members, appointed as provided
24 in subsection (m) below. In each attendance center enrolling
25 students in 7th and 8th grade, one full-time student member
26 shall be appointed as provided in subsection (m) of this

1 Section. In the event that the chief executive officer of the
2 Chicago School Reform Board of Trustees determines that a
3 local school council is not carrying out its financial duties
4 effectively, the chief executive officer is authorized to
5 appoint a representative of the business community with
6 experience in finance and management to serve as an advisor to
7 the local school council for the purpose of providing advice
8 and assistance to the local school council on fiscal matters.
9 The advisor shall have access to relevant financial records of
10 the local school council. The advisor may attend executive
11 sessions. The chief executive officer shall issue a written
12 policy defining the circumstances under which a local school
13 council is not carrying out its financial duties effectively.

14 (b) Within 7 days of January 11, 1991, the Mayor shall
15 appoint the members and officers (a Chairperson who shall be a
16 parent member and a Secretary) of each local school council
17 who shall hold their offices until their successors shall be
18 elected and qualified. Members so appointed shall have all the
19 powers and duties of local school councils as set forth in
20 Public Act 86-1477. The Mayor's appointments shall not require
21 approval by the City Council.

22 The membership of each local school council shall be
23 encouraged to be reflective of the racial and ethnic
24 composition of the student population of the attendance center
25 served by the local school council.

26 (c) Beginning with the 1995-1996 school year and in every

1 even-numbered year thereafter, the Board shall set second
2 semester Parent Report Card Pick-up Day for Local School
3 Council elections and may schedule elections at year-round
4 schools for the same dates as the remainder of the school
5 system. Elections shall be conducted as provided herein by the
6 Board of Education in consultation with the local school
7 council at each attendance center.

8 (c-5) Notwithstanding subsection (c), for the local school
9 council election set for the 2019-2020 school year, the Board
10 may hold the election on the first semester Parent Report Card
11 Pick-up Day of the 2020-2021 school year, making any necessary
12 modifications to the election process or date to comply with
13 guidance from the Department of Public Health and the federal
14 Centers for Disease Control and Prevention. The terms of
15 office of all local school council members eligible to serve
16 and seated on or after March 23, 2020 through January 10, 2021
17 are extended through January 10, 2021, provided that the
18 members continue to meet eligibility requirements for local
19 school council membership.

20 (d) Beginning with the 1995-96 school year, the following
21 procedures shall apply to the election of local school council
22 members at each attendance center:

23 (i) The elected members of each local school council
24 shall consist of the 6 parent members and the 2 community
25 resident members.

26 (ii) Each elected member shall be elected by the

1 eligible voters of that attendance center to serve for a
2 two-year term commencing on July 1 immediately following
3 the election described in subsection (c), except that the
4 terms of members elected to a local school council under
5 subsection (c-5) shall commence on January 11, 2021 and
6 end on July 1, 2022. Eligible voters for each attendance
7 center shall consist of the parents and community
8 residents for that attendance center.

9 (iii) Each eligible voter shall be entitled to cast
10 one vote for up to a total of 5 candidates, irrespective of
11 whether such candidates are parent or community resident
12 candidates.

13 (iv) Each parent voter shall be entitled to vote in
14 the local school council election at each attendance
15 center in which he or she has a child currently enrolled.
16 Each community resident voter shall be entitled to vote in
17 the local school council election at each attendance
18 center for which he or she resides in the applicable
19 attendance area or voting district, as the case may be.

20 (v) Each eligible voter shall be entitled to vote
21 once, but not more than once, in the local school council
22 election at each attendance center at which the voter is
23 eligible to vote.

24 (vi) The 2 teacher members and the non-teacher
25 employee member of each local school council shall be
26 appointed as provided in subsection (l) below each to

1 serve for a two-year term coinciding with that of the
2 elected parent and community resident members. From March
3 23, 2020 through January 10, 2021, the chief executive
4 officer or his or her designee may make accommodations to
5 fill the vacancy of a teacher or non-teacher employee
6 member of a local school council.

7 (vii) At secondary attendance centers and attendance
8 centers enrolling students in 7th and 8th grade, the
9 voting student members shall be appointed as provided in
10 subsection (m) below to serve for a one-year term
11 coinciding with the beginning of the terms of the elected
12 parent and community members of the local school council.
13 For the 2020-2021 school year, the chief executive officer
14 or his or her designee may make accommodations to fill the
15 vacancy of a student member of a local school council.

16 (e) The Council shall publicize the date and place of the
17 election by posting notices at the attendance center, in
18 public places within the attendance boundaries of the
19 attendance center and by distributing notices to the pupils at
20 the attendance center, and shall utilize such other means as
21 it deems necessary to maximize the involvement of all eligible
22 voters.

23 (f) Nomination. The Council shall publicize the opening of
24 nominations by posting notices at the attendance center, in
25 public places within the attendance boundaries of the
26 attendance center and by distributing notices to the pupils at

1 the attendance center, and shall utilize such other means as
2 it deems necessary to maximize the involvement of all eligible
3 voters. Not less than 2 weeks before the election date,
4 persons eligible to run for the Council shall submit their
5 name, date of birth, social security number, if available, and
6 some evidence of eligibility to the Council. The Council shall
7 encourage nomination of candidates reflecting the
8 racial/ethnic population of the students at the attendance
9 center. Each person nominated who runs as a candidate shall
10 disclose, in a manner determined by the Board, any economic
11 interest held by such person, by such person's spouse or
12 children, or by each business entity in which such person has
13 an ownership interest, in any contract with the Board, any
14 local school council or any public school in the school
15 district. Each person nominated who runs as a candidate shall
16 also disclose, in a manner determined by the Board, if he or
17 she ever has been convicted of any of the offenses specified in
18 subsection (c) of Section 34-18.5; provided that neither this
19 provision nor any other provision of this Section shall be
20 deemed to require the disclosure of any information that is
21 contained in any law enforcement record or juvenile court
22 record that is confidential or whose accessibility or
23 disclosure is restricted or prohibited under Section 5-901 or
24 5-905 of the Juvenile Court Act of 1987. Failure to make such
25 disclosure shall render a person ineligible for election or to
26 serve on the local school council. The same disclosure shall

1 be required of persons under consideration for appointment to
2 the Council pursuant to subsections (l) and (m) of this
3 Section.

4 (f-5) Notwithstanding disclosure, a person who has been
5 convicted of any of the following offenses at any time shall be
6 ineligible for election or appointment to a local school
7 council and ineligible for appointment to a local school
8 council pursuant to subsections (l) and (m) of this Section:
9 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
11 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
12 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
13 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
14 Code of 2012, or (ii) any offense committed or attempted in any
15 other state or against the laws of the United States, which, if
16 committed or attempted in this State, would have been
17 punishable as one or more of the foregoing offenses.
18 Notwithstanding disclosure, a person who has been convicted of
19 any of the following offenses within the 10 years previous to
20 the date of nomination or appointment shall be ineligible for
21 election or appointment to a local school council: (i) those
22 defined in Section 401.1, 405.1, or 405.2 of the Illinois
23 Controlled Substances Act or (ii) any offense committed or
24 attempted in any other state or against the laws of the United
25 States, which, if committed or attempted in this State, would
26 have been punishable as one or more of the foregoing offenses.

1 Immediately upon election or appointment, incoming local
2 school council members shall be required to undergo a criminal
3 background investigation, to be completed prior to the member
4 taking office, in order to identify any criminal convictions
5 under the offenses enumerated in Section 34-18.5. The
6 investigation shall be conducted by the Illinois State Police
7 in the same manner as provided for in Section 34-18.5.
8 However, notwithstanding Section 34-18.5, the social security
9 number shall be provided only if available. If it is
10 determined at any time that a local school council member or
11 member-elect has been convicted of any of the offenses
12 enumerated in this Section or failed to disclose a conviction
13 of any of the offenses enumerated in Section 34-18.5, the
14 general superintendent shall notify the local school council
15 member or member-elect of such determination and the local
16 school council member or member-elect shall be removed from
17 the local school council by the Board, subject to a hearing,
18 convened pursuant to Board rule, prior to removal.

19 (g) At least one week before the election date, the
20 Council shall publicize, in the manner provided in subsection
21 (e), the names of persons nominated for election.

22 (h) Voting shall be in person by secret ballot at the
23 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

24 (i) Candidates receiving the highest number of votes shall
25 be declared elected by the Council. In cases of a tie, the
26 Council shall determine the winner by lottery.

1 (j) The Council shall certify the results of the election
2 and shall publish the results in the minutes of the Council.

3 (k) The general superintendent shall resolve any disputes
4 concerning election procedure or results and shall ensure
5 that, except as provided in subsections (e) and (g), no
6 resources of any attendance center shall be used to endorse or
7 promote any candidate.

8 (l) Beginning with the first local school council election
9 that occurs after December 3, 2021 (the effective date of
10 Public Act 102-677) ~~this amendatory Act of the 102nd General~~
11 ~~Assembly~~, in every even numbered year, the Board shall appoint
12 2 teacher members to each local school council. These
13 appointments shall be made in the following manner:

14 (i) The Board shall appoint 2 teachers who are
15 employed and assigned to perform the majority of their
16 employment duties at the attendance center to serve on the
17 local school council of the attendance center for a
18 two-year term coinciding with the terms of the elected
19 parent and community members of that local school council.
20 These appointments shall be made from among those teachers
21 who are nominated in accordance with subsection (f).

22 (ii) A non-binding, advisory poll to ascertain the
23 preferences of the school staff regarding appointments of
24 teachers to the local school council for that attendance
25 center shall be conducted in accordance with the
26 procedures used to elect parent and community Council

1 representatives. At such poll, each member of the school
2 staff shall be entitled to indicate his or her preference
3 for up to 2 candidates from among those who submitted
4 statements of candidacy as described above. These
5 preferences shall be advisory only and the Board shall
6 maintain absolute discretion to appoint teacher members to
7 local school councils, irrespective of the preferences
8 expressed in any such poll. Prior to the appointment of
9 staff members to local school councils, the Board shall
10 make public the vetting process of staff member
11 candidates. Any staff member seeking candidacy shall be
12 allowed to make an inquiry to the Board to determine if the
13 Board may deny the appointment of the staff member. An
14 inquiry made to the Board shall be made in writing in
15 accordance with Board procedure.

16 (iii) In the event that a teacher representative is
17 unable to perform his or her employment duties at the
18 school due to illness, disability, leave of absence,
19 disciplinary action, or any other reason, the Board shall
20 declare a temporary vacancy and appoint a replacement
21 teacher representative to serve on the local school
22 council until such time as the teacher member originally
23 appointed pursuant to this subsection (1) resumes service
24 at the attendance center or for the remainder of the term.
25 The replacement teacher representative shall be appointed
26 in the same manner and by the same procedures as teacher

1 representatives are appointed in subdivisions (i) and (ii)
2 of this subsection (1).

3 (m) Beginning with the 1995-1996 school year through the
4 2020-2021 school year, the Board shall appoint one student
5 member to each secondary attendance center. Beginning with the
6 2021-2022 school year and for every school year thereafter,
7 the Board shall appoint 3 student members to the local school
8 council of each secondary attendance center and one student
9 member to the local school council of each attendance center
10 enrolling students in 7th and 8th grade. Students enrolled in
11 grade 6 or above are eligible to be candidates for a local
12 school council. No attendance center enrolling students in 7th
13 and 8th grade may have more than one student member, unless the
14 attendance center enrolls students in grades 7 through 12, in
15 which case the attendance center may have a total of 3 student
16 members on the local school council. The Board may establish
17 criteria for students to be considered eligible to serve as a
18 student member. These appointments shall be made in the
19 following manner:

20 (i) Appointments shall be made from among those
21 students who submit statements of candidacy to the
22 principal of the attendance center, such statements to be
23 submitted commencing on the first day of the twentieth
24 week of school and continuing for 2 weeks thereafter. The
25 form and manner of such candidacy statements shall be
26 determined by the Board.

1 (ii) During the twenty-second week of school in every
2 year, the principal of each attendance center shall
3 conduct a binding election to ascertain the preferences of
4 the school students regarding the appointment of students
5 to the local school council for that attendance center. At
6 such election, each student shall be entitled to indicate
7 his or her preference for up to one candidate from among
8 those who submitted statements of candidacy as described
9 above. The Board shall promulgate rules to ensure that
10 these elections are conducted in a fair and equitable
11 manner and maximize the involvement of all school
12 students. In the case of a tie vote, the local school
13 council shall determine the winner by lottery. The
14 preferences expressed in these elections ~~and~~ shall be
15 transmitted by the principal to the Board. These
16 preferences shall be binding on the Board.

17 (iii) (Blank).

18 (n) The Board may promulgate such other rules and
19 regulations for election procedures as may be deemed necessary
20 to ensure fair elections.

21 (o) In the event that a vacancy occurs during a member's
22 term, the Council shall appoint a person eligible to serve on
23 the Council to fill the unexpired term created by the vacancy,
24 except that any teacher or non-teacher staff vacancy shall be
25 filled by the Board after considering the preferences of the
26 school staff as ascertained through a non-binding advisory

1 poll of school staff. In the case of a student vacancy, the
2 vacancy shall be filled by the preferences of an election poll
3 of students.

4 (p) If less than the specified number of persons is
5 elected within each candidate category, the newly elected
6 local school council shall appoint eligible persons to serve
7 as members of the Council for 2-year terms, as provided in
8 subsection (c-5) of Section 34-2.2 of this Code.

9 (q) The Board shall promulgate rules regarding conflicts
10 of interest and disclosure of economic interests which shall
11 apply to local school council members and which shall require
12 reports or statements to be filed by Council members at
13 regular intervals with the Secretary of the Board. Failure to
14 comply with such rules or intentionally falsifying such
15 reports shall be grounds for disqualification from local
16 school council membership. A vacancy on the Council for
17 disqualification may be so declared by the Secretary of the
18 Board. Rules regarding conflicts of interest and disclosure of
19 economic interests promulgated by the Board shall apply to
20 local school council members. No less than 45 days prior to the
21 deadline, the general superintendent shall provide notice, by
22 mail, to each local school council member of all requirements
23 and forms for compliance with economic interest statements.

24 (r) (1) If a parent member of a local school council ceases
25 to have any child enrolled in the attendance center governed
26 by the Local School Council due to the graduation or voluntary

1 transfer of a child or children from the attendance center,
2 the parent's membership on the Local School Council and all
3 voting rights are terminated immediately as of the date of the
4 child's graduation or voluntary transfer. If the child of a
5 parent member of a local school council dies during the
6 member's term in office, the member may continue to serve on
7 the local school council for the balance of his or her term.
8 Further, a local school council member may be removed from the
9 Council by a majority vote of the Council as provided in
10 subsection (c) of Section 34-2.2 if the Council member has
11 missed 3 consecutive regular meetings, not including committee
12 meetings, or 5 regular meetings in a 12-month period, not
13 including committee meetings. If a parent member of a local
14 school council ceases to be eligible to serve on the Council
15 for any other reason, he or she shall be removed by the Board
16 subject to a hearing, convened pursuant to Board rule, prior
17 to removal. A vote to remove a Council member by the local
18 school council shall only be valid if the Council member has
19 been notified personally or by certified mail, mailed to the
20 person's last known address, of the Council's intent to vote
21 on the Council member's removal at least 7 days prior to the
22 vote. The Council member in question shall have the right to
23 explain his or her actions and shall be eligible to vote on the
24 question of his or her removal from the Council. The
25 provisions of this subsection shall be contained within the
26 petitions used to nominate Council candidates.

1 (2) A person may continue to serve as a community resident
2 member of a local school council as long as he or she resides
3 in the attendance area served by the school and is not employed
4 by the Board nor is a parent of a student enrolled at the
5 school. If a community resident member ceases to be eligible
6 to serve on the Council, he or she shall be removed by the
7 Board subject to a hearing, convened pursuant to Board rule,
8 prior to removal.

9 (3) A person may continue to serve as a staff member of a
10 local school council as long as he or she is employed and
11 assigned to perform a majority of his or her duties at the
12 school, provided that if the staff representative resigns from
13 employment with the Board or voluntarily transfers to another
14 school, the staff member's membership on the local school
15 council and all voting rights are terminated immediately as of
16 the date of the staff member's resignation or upon the date of
17 the staff member's voluntary transfer to another school. If a
18 staff member of a local school council ceases to be eligible to
19 serve on a local school council for any other reason, that
20 member shall be removed by the Board subject to a hearing,
21 convened pursuant to Board rule, prior to removal.

22 (s) As used in this Section only, "community resident"
23 means a person, 17 years of age or older, residing within an
24 attendance area served by a school, excluding any person who
25 is a parent of a student enrolled in that school; provided that
26 with respect to any multi-area school, community resident

1 means any person, 17 years of age or older, residing within the
2 voting district established for that school pursuant to
3 Section 34-2.1c, excluding any person who is a parent of a
4 student enrolled in that school. This definition does not
5 apply to any provisions concerning school boards.

6 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;
7 102-538, eff. 8-20-21; 102-677, eff. 12-3-21; revised 1-9-22.)

8 (105 ILCS 5/34-4.5)

9 Sec. 34-4.5. Chronic truants.

10 (a) Socio-emotional focused attendance intervention. The
11 chief executive officer or the chief executive officer's
12 designee shall implement a socio-emotional focused attendance
13 approach that targets the underlying causes of chronic
14 truancy. For each pupil identified as a chronic truant, as
15 defined in Section 26-2a of this Code, the board may establish
16 an individualized student attendance plan to identify and
17 resolve the underlying cause of the pupil's chronic truancy.

18 (b) Notices. Prior to the implementation of any truancy
19 intervention services pursuant to subsection (d) of this
20 Section, the principal of the school attended by the pupil or
21 the principal's designee shall notify the pupil's parent or
22 guardian by personal visit, letter, or telephone of each
23 unexcused absence of the pupil. After giving the parent or
24 guardian notice of the tenth unexcused absence of the pupil,
25 the principal or the principal's designee shall send the

1 pupil's parent or guardian a letter, by certified mail, return
2 receipt requested, notifying the parent or guardian that he or
3 she is subjecting himself or herself to truancy intervention
4 services as provided under subsection (d) of this Section.

5 (c) (Blank).

6 (d) Truancy intervention services. The chief executive
7 officer or the chief executive officer's designee may require
8 the pupil or the pupil's parent or guardian or both the pupil
9 and the pupil's parent or guardian to do any or all of the
10 following: complete a parenting education program; obtain
11 counseling or other supportive services; and comply with an
12 individualized educational plan or service plan as provided by
13 appropriate school officials. If the parent or guardian of the
14 chronic truant shows that he or she took reasonable steps to
15 ensure attendance of the pupil at school, he or she shall not
16 be required to perform services.

17 (e) Non-compliance with services. Notwithstanding any
18 other provision of law to the contrary, if a pupil determined
19 by the chief executive officer or the chief executive
20 officer's designee to be a chronic truant or the parent or
21 guardian of the pupil fails to fully participate in the
22 services offered under subsection (d) of this Section, the
23 chief executive officer or the chief executive officer's
24 designee may refer the matter to the Department of Human
25 Services, the Department of Healthcare and Family Services, or
26 any other applicable organization or State agency for

1 socio-emotional based intervention and prevention services.
2 Additionally, if the circumstances regarding a pupil
3 identified as a chronic truant reasonably indicate that the
4 pupil may be subject to abuse or neglect, apart from truancy,
5 the chief executive officer or the chief executive officer's
6 designee must report any findings that support suspected abuse
7 or neglect to the Department of Children and Family Services
8 pursuant to the Abused and Neglected Child Reporting Act. A
9 State agency that receives a referral may enter into a data
10 sharing agreement with the school district to share applicable
11 student referral and case data. A State agency that receives a
12 referral from the school district shall implement an intake
13 process that may include a consent form that allows the agency
14 to share information with the school district.

15 (f) Limitation on applicability. Nothing in this Section
16 shall be construed to apply to a parent or guardian of a pupil
17 not required to attend a public school pursuant to Section
18 26-1.

19 (Source: P.A. 102-456, eff. 1-1-22; revised 10-6-21.)

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 State Police, to the Illinois State
4 Police. The regional superintendent submitting the requisite
5 information to the Illinois State Police shall promptly notify
6 the school districts in which the applicant is seeking
7 employment as a substitute or concurrent part-time teacher or
8 concurrent educational support personnel employee that the
9 check of the applicant has been requested. The Illinois State
10 Police and the Federal Bureau of Investigation shall furnish,
11 pursuant to a fingerprint-based criminal history records
12 check, records of convictions, forever and hereinafter, until
13 expunged, to the president of the school board for the school
14 district that requested the check, or to the regional
15 superintendent who requested the check. The Illinois State
16 Police shall charge the school district or the appropriate
17 regional superintendent a fee for conducting such check, which
18 fee shall be deposited in the State Police Services Fund and
19 shall not exceed the cost of the inquiry; and the applicant
20 shall not be charged a fee for such check by the school
21 district or by the regional superintendent. Subject to
22 appropriations for these purposes, the State Superintendent of
23 Education shall reimburse the school district and regional
24 superintendent for fees paid to obtain criminal history
25 records checks under this Section.

26 (a-5) The school district or regional superintendent shall

1 further perform a check of the Statewide Sex Offender
2 Database, as authorized by the Sex Offender Community
3 Notification Law, for each applicant. The check of the
4 Statewide Sex Offender Database must be conducted by the
5 school district or regional superintendent once for every 5
6 years that an applicant remains employed by the school
7 district.

8 (a-6) The school district or regional superintendent shall
9 further perform a check of the Statewide Murderer and Violent
10 Offender Against Youth Database, as authorized by the Murderer
11 and Violent Offender Against Youth Community Notification Law,
12 for each applicant. The check of the Murderer and Violent
13 Offender Against Youth Database must be conducted by the
14 school district or regional superintendent once for every 5
15 years that an applicant remains employed by the school
16 district.

17 (b) Any information concerning the record of convictions
18 obtained by the president of the board of education or the
19 regional superintendent shall be confidential and may only be
20 transmitted to the general superintendent of the school
21 district or his designee, the appropriate regional
22 superintendent if the check was requested by the board of
23 education for the school district, the presidents of the
24 appropriate board of education or school boards if the check
25 was requested from the Illinois State Police by the regional
26 superintendent, the State Board of Education and the school

1 district as authorized under subsection (b-5), the State
2 Superintendent of Education, the State Educator Preparation
3 and Licensure Board or any other person necessary to the
4 decision of hiring the applicant for employment. A copy of the
5 record of convictions obtained from the Illinois State Police
6 shall be provided to the applicant for employment. Upon the
7 check of the Statewide Sex Offender Database or Statewide
8 Murderer and Violent Offender Against Youth Database, the
9 school district or regional superintendent shall notify an
10 applicant as to whether or not the applicant has been
11 identified in the Database. If a check of an applicant for
12 employment as a substitute or concurrent part-time teacher or
13 concurrent educational support personnel employee in more than
14 one school district was requested by the regional
15 superintendent, and the Illinois State Police upon a check
16 ascertains that the applicant has not been convicted of any of
17 the enumerated criminal or drug offenses in subsection (c) of
18 this Section or has not been convicted, within 7 years of the
19 application for employment with the school district, of any
20 other felony under the laws of this State or of any offense
21 committed or attempted in any other state or against the laws
22 of the United States that, if committed or attempted in this
23 State, would have been punishable as a felony under the laws of
24 this State and so notifies the regional superintendent and if
25 the regional superintendent upon a check ascertains that the
26 applicant has not been identified in the Sex Offender Database

1 or Statewide Murderer and Violent Offender Against Youth
2 Database, then the regional superintendent shall issue to the
3 applicant a certificate evidencing that as of the date
4 specified by the Illinois State Police the applicant has not
5 been convicted of any of the enumerated criminal or drug
6 offenses in subsection (c) of this Section or has not been
7 convicted, within 7 years of the application for employment
8 with the school district, of any other felony under the laws of
9 this State or of any offense committed or attempted in any
10 other state or against the laws of the United States that, if
11 committed or attempted in this State, would have been
12 punishable as a felony under the laws of this State and
13 evidencing that as of the date that the regional
14 superintendent conducted a check of the Statewide Sex Offender
15 Database or Statewide Murderer and Violent Offender Against
16 Youth Database, the applicant has not been identified in the
17 Database. The school board of any school district may rely on
18 the certificate issued by any regional superintendent to that
19 substitute teacher, concurrent part-time teacher, or
20 concurrent educational support personnel employee or may
21 initiate its own criminal history records check of the
22 applicant through the Illinois State Police and its own check
23 of the Statewide Sex Offender Database or Statewide Murderer
24 and Violent Offender Against Youth Database as provided in
25 this Section. Any unauthorized release of confidential
26 information may be a violation of Section 7 of the Criminal

1 Identification Act.

2 (b-5) If a criminal history records check or check of the
3 Statewide Sex Offender Database or Statewide Murderer and
4 Violent Offender Against Youth Database is performed by a
5 regional superintendent for an applicant seeking employment as
6 a substitute teacher with the school district, the regional
7 superintendent may disclose to the State Board of Education
8 whether the applicant has been issued a certificate under
9 subsection (b) based on those checks. If the State Board
10 receives information on an applicant under this subsection,
11 then it must indicate in the Educator Licensure Information
12 System for a 90-day period that the applicant has been issued
13 or has not been issued a certificate.

14 (c) The board of education shall not knowingly employ a
15 person who has been convicted of any offense that would
16 subject him or her to license suspension or revocation
17 pursuant to Section 21B-80 of this Code, except as provided
18 under subsection (b) of 21B-80. Further, the board of
19 education shall not knowingly employ a person who has been
20 found to be the perpetrator of sexual or physical abuse of any
21 minor under 18 years of age pursuant to proceedings under
22 Article II of the Juvenile Court Act of 1987. As a condition of
23 employment, the board of education must consider the status of
24 a person who has been issued an indicated finding of abuse or
25 neglect of a child by the Department of Children and Family
26 Services under the Abused and Neglected Child Reporting Act or

1 by a child welfare agency of another jurisdiction.

2 (d) The board of education shall not knowingly employ a
3 person for whom a criminal history records check and a
4 Statewide Sex Offender Database check have not been initiated.

5 (e) Within 10 days after the general superintendent of
6 schools, a regional office of education, or an entity that
7 provides background checks of license holders to public
8 schools receives information of a pending criminal charge
9 against a license holder for an offense set forth in Section
10 21B-80 of this Code, the superintendent, regional office of
11 education, or entity must notify the State Superintendent of
12 Education of the pending criminal charge.

13 No later than 15 business days after receipt of a record of
14 conviction or of checking the Statewide Murderer and Violent
15 Offender Against Youth Database or the Statewide Sex Offender
16 Database and finding a registration, the general
17 superintendent of schools or the applicable regional
18 superintendent shall, in writing, notify the State
19 Superintendent of Education of any license holder who has been
20 convicted of a crime set forth in Section 21B-80 of this Code.
21 Upon receipt of the record of a conviction of or a finding of
22 child abuse by a holder of any license issued pursuant to
23 Article 21B or Section 34-8.1 or 34-83 of this Code, the State
24 Superintendent of Education may initiate licensure suspension
25 and revocation proceedings as authorized by law. If the
26 receipt of the record of conviction or finding of child abuse

1 is received within 6 months after the initial grant of or
2 renewal of a license, the State Superintendent of Education
3 may rescind the license holder's license.

4 (e-5) The general superintendent of schools shall, in
5 writing, notify the State Superintendent of Education of any
6 license holder whom he or she has reasonable cause to believe
7 has committed an intentional act of abuse or neglect with the
8 result of making a child an abused child or a neglected child,
9 as defined in Section 3 of the Abused and Neglected Child
10 Reporting Act, and that act resulted in the license holder's
11 dismissal or resignation from the school district and must
12 include the Illinois Educator Identification Number (IEIN) of
13 the license holder and a brief description of the misconduct
14 alleged. This notification must be submitted within 30 days
15 after the dismissal or resignation. The license holder must
16 also be 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 State Police and for
23 conducting a check of the Statewide Sex Offender Database for
24 each employee. Any information concerning the record of
25 conviction and identification as a sex offender of any such
26 employee obtained by the regional superintendent shall be

1 promptly reported to the president of the appropriate school
2 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 State Police, to the Illinois State
18 Police. The Illinois State Police and the Federal Bureau of
19 Investigation shall furnish, pursuant to a fingerprint-based
20 criminal history records check, records of convictions,
21 forever and hereinafter, until expunged, to the president of
22 the board. The Illinois State Police shall charge the school
23 district a fee for conducting the check, which fee must not
24 exceed the cost of the inquiry and must be deposited into the
25 State Police Services Fund. The school district shall further
26 perform a check of the Statewide Sex Offender Database, as

1 authorized by the Sex Offender Community Notification Law, and
2 of the Statewide Murderer and Violent Offender Against Youth
3 Database, as authorized by the Murderer and Violent Offender
4 Against Youth Registration Act, for each student teacher. The
5 board may not knowingly allow a person to student teach for
6 whom a criminal history records check, a Statewide Sex
7 Offender Database check, and a Statewide Murderer and Violent
8 Offender Against Youth Database check have not been completed
9 and reviewed by the district.

10 A copy of the record of convictions obtained from the
11 Illinois State Police must be provided to the student teacher.
12 Any information concerning the record of convictions obtained
13 by the president of the board is confidential and may only be
14 transmitted to the general superintendent of schools or his or
15 her designee, the State Superintendent of Education, the State
16 Educator Preparation and Licensure Board, or, for
17 clarification purposes, the Illinois State Police or the
18 Statewide Sex Offender Database or Statewide Murderer and
19 Violent Offender Against Youth Database. Any unauthorized
20 release of confidential information may be a violation of
21 Section 7 of the Criminal Identification Act.

22 The board may not knowingly allow a person to student
23 teach who has been convicted of any offense that would subject
24 him or her to license suspension or revocation pursuant to
25 subsection (c) of Section 21B-80 of this Code, except as
26 provided under subsection (b) of Section 21B-80. Further, the

1 board may not allow a person to student teach if he or she has
2 been found to be the perpetrator of sexual or physical abuse of
3 a minor under 18 years of age pursuant to proceedings under
4 Article II of the Juvenile Court Act of 1987. The board must
5 consider the status of a person to student teach who has been
6 issued an indicated finding of abuse or neglect of a child by
7 the Department of Children and Family Services under the
8 Abused and Neglected Child Reporting Act or by a child welfare
9 agency of another jurisdiction.

10 (h) (Blank).

11 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
12 101-643, eff. 6-18-20; 102-538, eff. 8-20-21; 102-552, eff.
13 1-1-22; revised 10-18-21.)

14 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

15 Sec. 34-18.8. HIV training. School counselors, nurses,
16 teachers, school social workers, and other school personnel
17 who work with students shall be trained to have a basic
18 knowledge of matters relating to human immunodeficiency virus
19 (HIV), including the nature of the infection, its causes and
20 effects, the means of detecting it and preventing its
21 transmission, the availability of appropriate sources of
22 counseling and referral, and any other medically accurate
23 information that is age and developmentally appropriate for
24 such students. The Board of Education shall supervise such
25 training. The State Board of Education and the Department of

1 Public Health shall jointly develop standards for such
2 training.

3 (Source: P.A. 102-197, eff. 7-30-21; 102-522, eff. 8-20-21;
4 revised 10-18-21.)

5 (105 ILCS 5/34-18.67)

6 Sec. 34-18.67. Student identification; suicide prevention
7 information. The school district shall provide contact
8 information for the National Suicide Prevention Lifeline and
9 for the Crisis Text Line on the back of each student
10 identification card issued by the school district. If the
11 school district does not issue student identification cards to
12 its students or to all of its students, the school district
13 must publish this information on its website.

14 (Source: P.A. 102-134, eff. 7-23-21.)

15 (105 ILCS 5/34-18.71)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 Sec. 34-18.71 ~~34-18.67~~. Parent-teacher conference and
19 other meetings; caseworker. For any student who is in the
20 legal custody of the Department of Children and Family
21 Services, the liaison appointed under Section 34-18.52 must
22 inform the Department's Office of Education and Transition
23 Services of a parent-teacher conference or any other meeting
24 concerning the student that would otherwise involve a parent

1 and must, at the option of the caseworker, allow the student's
2 caseworker to attend the conference or meeting.

3 (Source: P.A. 102-199, eff. 7-1-22; revised 10-19-21.)

4 (105 ILCS 5/34-18.72)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 34-18.72 ~~34-18.67~~. Website accessibility guidelines.

8 (a) As used in this Section, "Internet website or web
9 service" means any third party online curriculum that is made
10 available to enrolled students or the public by the school
11 district through the Internet.

12 (b) To ensure that the content available on an Internet
13 website or web service of the school district is readily
14 accessible to persons with disabilities, the school district
15 must require that the Internet website or web service comply
16 with Level AA of the World Wide Web Consortium's Web Content
17 Accessibility Guidelines 2.1 or any revised version of those
18 guidelines.

19 (Source: P.A. 102-238, eff. 8-1-22; revised 10-19-21.)

20 (105 ILCS 5/34-18.73)

21 Sec. 34-18.73 ~~34-18.67~~. Parental notification of student
22 discipline.

23 (a) In this Section, "misconduct" means an incident that
24 involves offensive touching, a physical altercation, or the

1 use of violence.

2 (b) If a student commits an act or acts of misconduct
3 involving offensive touching, a physical altercation, or the
4 use of violence, the student's school shall provide written
5 notification of that misconduct to the parent or guardian of
6 the student.

7 (c) If a student makes a written statement to a school
8 employee relating to an act or acts of misconduct, whether the
9 student is engaging in the act or acts or is targeted by the
10 act or acts, the school shall provide the written statement to
11 the student's parent or guardian, upon request and in
12 accordance with federal and State laws and rules governing
13 school student records.

14 (d) If the parent or guardian of a student involved in an
15 act or acts of misconduct, whether the student is engaging in
16 the act or acts or is targeted by the act or acts, requests a
17 synopsis of any statement made by the parent's or guardian's
18 child, the school shall provide any existing records
19 responsive to that request, in accordance with federal and
20 State laws and rules governing school student records.

21 (e) A school shall make reasonable attempts to provide a
22 copy of any disciplinary report resulting from an
23 investigation into a student's act or acts of misconduct to
24 the parent or guardian of the student receiving disciplinary
25 action, including any and all restorative justice measures,
26 within 2 school days after the completion of the report. The

1 disciplinary report shall include all of the following:

2 (1) A description of the student's act or acts of
3 misconduct that resulted in disciplinary action. The names
4 and any identifying information of any other student or
5 students involved must be redacted from or not included in
6 the report, in accordance with federal and State student
7 privacy laws and rules.

8 (2) A description of the disciplinary action, if any,
9 imposed on the parent's or guardian's child, including the
10 duration of the disciplinary action.

11 (3) The school's justification and rationale for the
12 disciplinary action imposed on the parent's or guardian's
13 child, including reference to the applicable student
14 discipline policies, procedures, or guidelines.

15 (4) A description of the restorative justice measures,
16 if any, used on the parent's or guardian's child.

17 (Source: P.A. 102-251, eff. 8-6-21; revised 10-19-21.)

18 (105 ILCS 5/34-18.74)

19 Sec. 34-18.74 ~~34-18.67~~. School support personnel
20 reporting. No later than December 1, 2022 and each December
21 1st annually thereafter, the school district must report to
22 the State Board of Education the information with regard to
23 the school district as of October 1st of each year beginning in
24 2022 as described in subsection (b) of Section 2-3.182 of this
25 Code and must make that information available on its website.

1 (Source: P.A. 102-302, eff. 1-1-22; revised 10-19-21.)

2 (105 ILCS 5/34-18.75)

3 (This Section may contain text from a Public Act with a
4 delayed effective date)

5 Sec. 34-18.75 ~~34-18.67~~. Identification cards; suicide
6 prevention information. If the school district issues an
7 identification card to pupils in any of grades 6 through 12,
8 the district shall provide contact information for the
9 National Suicide Prevention Lifeline (988), the Crisis Text
10 Line, and either the Safe2Help Illinois helpline or a local
11 suicide prevention hotline or both on the identification card.
12 The contact information shall identify each helpline that may
13 be contacted through text messaging. The contact information
14 shall be included in the school's student handbook and also
15 the student planner if a student planner is custom printed by
16 the school for distribution to pupils in any of grades 6
17 through 12.

18 (Source: P.A. 102-416, eff. 7-1-22; revised 10-19-21.)

19 (105 ILCS 5/34-18.76)

20 Sec. 34-18.76 ~~34-18.67~~. Student absence; pregnancy. The
21 board shall adopt written policies related to absences and
22 missed homework or classwork assignments as a result of or
23 related to a student's pregnancy.

24 (Source: P.A. 102-471, eff. 8-20-21; revised 10-19-21.)

1 (105 ILCS 5/34-21.9)

2 Sec. 34-21.9. Modification of athletic or team uniform
3 permitted.

4 (a) The board must allow a student athlete to modify his or
5 her athletic or team uniform due to the observance of modesty
6 in clothing or attire in accordance with the requirements of
7 his or her religion or his or her cultural values or modesty
8 preferences. The modification of the athletic or team uniform
9 may include, but is not limited to, the wearing of a hijab, an
10 undershirt, or leggings. If a student chooses to modify his or
11 her athletic or team uniform, the student is responsible for
12 all costs associated with the modification of the uniform and
13 the student shall not be required to receive prior approval
14 from the board for such modification. However, nothing in this
15 Section prohibits a school from providing the modification to
16 the student.

17 (b) At a minimum, any modification of the athletic or team
18 uniform must not interfere with the movement of the student or
19 pose a safety hazard to the student or to other athletes or
20 players. The modification of headgear is permitted if the
21 headgear:

22 (1) is black, white, the predominant ~~predominate~~ color
23 of the uniform, or the same color for all players on the
24 team;

25 (2) does not cover any part of the face;

1 (3) is not dangerous to the player or to the other
2 players;

3 (4) has no opening or closing elements around the face
4 and neck; and

5 (5) has no parts extruding from its surface.

6 (Source: P.A. 102-51, eff. 7-9-21; revised 10-20-21.)

7 Section 315. The Illinois School Student Records Act is
8 amended by changing Sections 2 and 6 as follows:

9 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

10 (Text of Section before amendment by P.A. 102-199 and
11 102-466)

12 Sec. 2. As used in this Act:

13 (a) "Student" means any person enrolled or previously
14 enrolled in a school.

15 (b) "School" means any public preschool, day care center,
16 kindergarten, nursery, elementary or secondary educational
17 institution, vocational school, special educational facility
18 or any other elementary or secondary educational agency or
19 institution and any person, agency or institution which
20 maintains school student records from more than one school,
21 but does not include a private or non-public school.

22 (c) "State Board" means the State Board of Education.

23 (d) "School Student Record" means any writing or other
24 recorded information concerning a student and by which a

1 student may be individually identified, maintained by a school
2 or at its direction or by an employee of a school, regardless
3 of how or where the information is stored. The following shall
4 not be deemed school student records under this Act: writings
5 or other recorded information maintained by an employee of a
6 school or other person at the direction of a school for his or
7 her exclusive use; provided that all such writings and other
8 recorded information are destroyed not later than the
9 student's graduation or permanent withdrawal from the school;
10 and provided further that no such records or recorded
11 information may be released or disclosed to any person except
12 a person designated by the school as a substitute unless they
13 are first incorporated in a school student record and made
14 subject to all of the provisions of this Act. School student
15 records shall not include information maintained by law
16 enforcement professionals working in the school.

17 (e) "Student Permanent Record" means the minimum personal
18 information necessary to a school in the education of the
19 student and contained in a school student record. Such
20 information may include the student's name, birth date,
21 address, grades and grade level, parents' names and addresses,
22 attendance records, and such other entries as the State Board
23 may require or authorize.

24 (f) "Student Temporary Record" means all information
25 contained in a school student record but not contained in the
26 student permanent record. Such information may include family

1 background information, intelligence test scores, aptitude
2 test scores, psychological and personality test results,
3 teacher evaluations, and other information of clear relevance
4 to the education of the student, all subject to regulations of
5 the State Board. The information shall include information
6 provided under Section 8.6 of the Abused and Neglected Child
7 Reporting Act and information contained in service logs
8 maintained by a local education agency under subsection (d) of
9 Section 14-8.02f of the School Code. In addition, the student
10 temporary record shall include information regarding serious
11 disciplinary infractions that resulted in expulsion,
12 suspension, or the imposition of punishment or sanction. For
13 purposes of this provision, serious disciplinary infractions
14 means: infractions involving drugs, weapons, or bodily harm to
15 another.

16 (g) "Parent" means a person who is the natural parent of
17 the student or other person who has the primary responsibility
18 for the care and upbringing of the student. All rights and
19 privileges accorded to a parent under this Act shall become
20 exclusively those of the student upon his 18th birthday,
21 graduation from secondary school, marriage or entry into
22 military service, whichever occurs first. Such rights and
23 privileges may also be exercised by the student at any time
24 with respect to the student's permanent school record.

25 (Source: P.A. 101-515, eff. 8-23-19; 102-558, eff. 8-20-21.)

1 (Text of Section after amendment by P.A. 102-199 but
2 before amendment by P.A. 102-466)

3 Sec. 2. As used in this Act:

4 (a) "Student" means any person enrolled or previously
5 enrolled in a school.

6 (b) "School" means any public preschool, day care center,
7 kindergarten, nursery, elementary or secondary educational
8 institution, vocational school, special educational facility
9 or any other elementary or secondary educational agency or
10 institution and any person, agency or institution which
11 maintains school student records from more than one school,
12 but does not include a private or non-public school.

13 (c) "State Board" means the State Board of Education.

14 (d) "School Student Record" means any writing or other
15 recorded information concerning a student and by which a
16 student may be individually identified, maintained by a school
17 or at its direction or by an employee of a school, regardless
18 of how or where the information is stored. The following shall
19 not be deemed school student records under this Act: writings
20 or other recorded information maintained by an employee of a
21 school or other person at the direction of a school for his or
22 her exclusive use; provided that all such writings and other
23 recorded information are destroyed not later than the
24 student's graduation or permanent withdrawal from the school;
25 and provided further that no such records or recorded
26 information may be released or disclosed to any person except

1 a person designated by the school as a substitute unless they
2 are first incorporated in a school student record and made
3 subject to all of the provisions of this Act. School student
4 records shall not include information maintained by law
5 enforcement professionals working in the school.

6 (e) "Student Permanent Record" means the minimum personal
7 information necessary to a school in the education of the
8 student and contained in a school student record. Such
9 information may include the student's name, birth date,
10 address, grades and grade level, parents' names and addresses,
11 attendance records, and such other entries as the State Board
12 may require or authorize.

13 (f) "Student Temporary Record" means all information
14 contained in a school student record but not contained in the
15 student permanent record. Such information may include family
16 background information, intelligence test scores, aptitude
17 test scores, psychological and personality test results,
18 teacher evaluations, and other information of clear relevance
19 to the education of the student, all subject to regulations of
20 the State Board. The information shall include information
21 provided under Section 8.6 of the Abused and Neglected Child
22 Reporting Act and information contained in service logs
23 maintained by a local education agency under subsection (d) of
24 Section 14-8.02f of the School Code. In addition, the student
25 temporary record shall include information regarding serious
26 disciplinary infractions that resulted in expulsion,

1 suspension, or the imposition of punishment or sanction. For
2 purposes of this provision, serious disciplinary infractions
3 means: infractions involving drugs, weapons, or bodily harm to
4 another.

5 (g) "Parent" means a person who is the natural parent of
6 the student or other person who has the primary responsibility
7 for the care and upbringing of the student. All rights and
8 privileges accorded to a parent under this Act shall become
9 exclusively those of the student upon his 18th birthday,
10 graduation from secondary school, marriage or entry into
11 military service, whichever occurs first. Such rights and
12 privileges may also be exercised by the student at any time
13 with respect to the student's permanent school record.

14 (h) "Department" means the Department of Children and
15 Family Services.

16 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
17 102-558, eff. 8-20-21.)

18 (Text of Section after amendment by P.A. 102-466)

19 Sec. 2. As used in this Act:

20 (a) "Student" means any person enrolled or previously
21 enrolled in a school.

22 (b) "School" means any public preschool, day care center,
23 kindergarten, nursery, elementary or secondary educational
24 institution, vocational school, special educational facility
25 or any other elementary or secondary educational agency or

1 institution and any person, agency or institution which
2 maintains school student records from more than one school,
3 but does not include a private or non-public school.

4 (c) "State Board" means the State Board of Education.

5 (d) "School Student Record" means any writing or other
6 recorded information concerning a student and by which a
7 student may be individually identified, maintained by a school
8 or at its direction or by an employee of a school, regardless
9 of how or where the information is stored. The following shall
10 not be deemed school student records under this Act: writings
11 or other recorded information maintained by an employee of a
12 school or other person at the direction of a school for his or
13 her exclusive use; provided that all such writings and other
14 recorded information are destroyed not later than the
15 student's graduation or permanent withdrawal from the school;
16 and provided further that no such records or recorded
17 information may be released or disclosed to any person except
18 a person designated by the school as a substitute unless they
19 are first incorporated in a school student record and made
20 subject to all of the provisions of this Act. School student
21 records shall not include information maintained by law
22 enforcement professionals working in the school.

23 (e) "Student Permanent Record" means the minimum personal
24 information necessary to a school in the education of the
25 student and contained in a school student record. Such
26 information may include the student's name, birth date,

1 address, grades and grade level, parents' names and addresses,
2 attendance records, and such other entries as the State Board
3 may require or authorize.

4 (f) "Student Temporary Record" means all information
5 contained in a school student record but not contained in the
6 student permanent record. Such information may include family
7 background information, intelligence test scores, aptitude
8 test scores, psychological and personality test results,
9 teacher evaluations, and other information of clear relevance
10 to the education of the student, all subject to regulations of
11 the State Board. The information shall include all of the
12 following:

13 (1) Information provided under Section 8.6 of the
14 Abused and Neglected Child Reporting Act and information
15 contained in service logs maintained by a local education
16 agency under subsection (d) of Section 14-8.02f of the
17 School Code.

18 (2) Information regarding serious disciplinary
19 infractions that resulted in expulsion, suspension, or the
20 imposition of punishment or sanction. For purposes of this
21 provision, serious disciplinary infractions means:
22 infractions involving drugs, weapons, or bodily harm to
23 another.

24 (3) Information concerning a student's status and
25 related experiences as a parent, expectant parent, or
26 victim of domestic or sexual violence, as defined in

1 Article 26A of the School Code, including a statement of
2 the student or any other documentation, record, or
3 corroborating evidence and the fact that the student has
4 requested or obtained assistance, support, or services
5 related to that status. Enforcement of this paragraph (3)
6 shall follow the procedures provided in Section 26A-40 of
7 the School Code.

8 (g) "Parent" means a person who is the natural parent of
9 the student or other person who has the primary responsibility
10 for the care and upbringing of the student. All rights and
11 privileges accorded to a parent under this Act shall become
12 exclusively those of the student upon his 18th birthday,
13 graduation from secondary school, marriage or entry into
14 military service, whichever occurs first. Such rights and
15 privileges may also be exercised by the student at any time
16 with respect to the student's permanent school record.

17 (h) "Department" means the Department of Children and
18 Family Services.

19 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
20 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; revised 10-8-21.)

21 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

22 (Text of Section before amendment by P.A. 102-199)

23 Sec. 6. (a) No school student records or information
24 contained therein may be released, transferred, disclosed or
25 otherwise disseminated, except as follows:

1 (1) to a parent or student or person specifically
2 designated as a representative by a parent, as provided in
3 paragraph (a) of Section 5;

4 (2) to an employee or official of the school or school
5 district or State Board with current demonstrable
6 educational or administrative interest in the student, in
7 furtherance of such interest;

8 (3) to the official records custodian of another
9 school within Illinois or an official with similar
10 responsibilities of a school outside Illinois, in which
11 the student has enrolled, or intends to enroll, upon the
12 request of such official or student;

13 (4) to any person for the purpose of research,
14 statistical reporting, or planning, provided that such
15 research, statistical reporting, or planning is
16 permissible under and undertaken in accordance with the
17 federal Family Educational Rights and Privacy Act (20
18 U.S.C. 1232g);

19 (5) pursuant to a court order, provided that the
20 parent shall be given prompt written notice upon receipt
21 of such order of the terms of the order, the nature and
22 substance of the information proposed to be released in
23 compliance with such order and an opportunity to inspect
24 and copy the school student records and to challenge their
25 contents pursuant to Section 7;

26 (6) to any person as specifically required by State or

1 federal law;

2 (6.5) to juvenile authorities when necessary for the
3 discharge of their official duties who request information
4 prior to adjudication of the student and who certify in
5 writing that the information will not be disclosed to any
6 other party except as provided under law or order of
7 court. For purposes of this Section "juvenile authorities"
8 means: (i) a judge of the circuit court and members of the
9 staff of the court designated by the judge; (ii) parties
10 to the proceedings under the Juvenile Court Act of 1987
11 and their attorneys; (iii) probation officers and court
12 appointed advocates for the juvenile authorized by the
13 judge hearing the case; (iv) any individual, public or
14 private agency having custody of the child pursuant to
15 court order; (v) any individual, public or private agency
16 providing education, medical or mental health service to
17 the child when the requested information is needed to
18 determine the appropriate service or treatment for the
19 minor; (vi) any potential placement provider when such
20 release is authorized by the court for the limited purpose
21 of determining the appropriateness of the potential
22 placement; (vii) law enforcement officers and prosecutors;
23 (viii) adult and juvenile prisoner review boards; (ix)
24 authorized military personnel; (x) individuals authorized
25 by court;

26 (7) subject to regulations of the State Board, in

1 connection with an emergency, to appropriate persons if
2 the knowledge of such information is necessary to protect
3 the health or safety of the student or other persons;

4 (8) to any person, with the prior specific dated
5 written consent of the parent designating the person to
6 whom the records may be released, provided that at the
7 time any such consent is requested or obtained, the parent
8 shall be advised in writing that he has the right to
9 inspect and copy such records in accordance with Section
10 5, to challenge their contents in accordance with Section
11 7 and to limit any such consent to designated records or
12 designated portions of the information contained therein;

13 (9) to a governmental agency, or social service agency
14 contracted by a governmental agency, in furtherance of an
15 investigation of a student's school attendance pursuant to
16 the compulsory student attendance laws of this State,
17 provided that the records are released to the employee or
18 agent designated by the agency;

19 (10) to those SHOCAP committee members who fall within
20 the meaning of "state and local officials and
21 authorities", as those terms are used within the meaning
22 of the federal Family Educational Rights and Privacy Act,
23 for the purposes of identifying serious habitual juvenile
24 offenders and matching those offenders with community
25 resources pursuant to Section 5-145 of the Juvenile Court
26 Act of 1987, but only to the extent that the release,

1 transfer, disclosure, or dissemination is consistent with
2 the Family Educational Rights and Privacy Act;

3 (11) to the Department of Healthcare and Family
4 Services in furtherance of the requirements of Section
5 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
6 Section 10 of the School Breakfast and Lunch Program Act;
7 ~~or~~

8 (12) to the State Board or another State government
9 agency or between or among State government agencies in
10 order to evaluate or audit federal and State programs or
11 perform research and planning, but only to the extent that
12 the release, transfer, disclosure, or dissemination is
13 consistent with the federal Family Educational Rights and
14 Privacy Act (20 U.S.C. 1232g); or-

15 (13) under ~~Under~~ an intergovernmental agreement if an
16 elementary school district and a high school district have
17 attendance boundaries that overlap and are parties to an
18 intergovernmental agreement that allows the sharing of
19 student records and information between the districts.
20 However, the sharing of student information is allowed
21 under an intergovernmental agreement only if the
22 intergovernmental agreement meets all of the following
23 requirements:

24 (A) The sharing of student information must be
25 voluntary and at the discretion of each school
26 district that is a party to the agreement.

1 (B) The sharing of student information applies
2 only to students who have been enrolled in both
3 districts or would be enrolled in both districts based
4 on district attendance boundaries, and the student's
5 parent or guardian has expressed in writing that the
6 student intends to enroll or has enrolled in the high
7 school district.

8 (C) The sharing of student information does not
9 exceed the scope of information that is shared among
10 schools in a unit school district. However, the terms
11 of an intergovernmental agreement may place further
12 limitations on the information that is allowed to be
13 shared.

14 (b) No information may be released pursuant to
15 subparagraph (3) or (6) of paragraph (a) of this Section 6
16 unless the parent receives prior written notice of the nature
17 and substance of the information proposed to be released, and
18 an opportunity to inspect and copy such records in accordance
19 with Section 5 and to challenge their contents in accordance
20 with Section 7. Provided, however, that such notice shall be
21 sufficient if published in a local newspaper of general
22 circulation or other publication directed generally to the
23 parents involved where the proposed release of information is
24 pursuant to subparagraph (6) of paragraph (a) of this Section
25 6 and relates to more than 25 students.

26 (c) A record of any release of information pursuant to

1 this Section must be made and kept as a part of the school
2 student record and subject to the access granted by Section 5.
3 Such record of release shall be maintained for the life of the
4 school student records and shall be available only to the
5 parent and the official records custodian. Each record of
6 release shall also include:

7 (1) the nature and substance of the information
8 released;

9 (2) the name and signature of the official records
10 custodian releasing such information;

11 (3) the name of the person requesting such
12 information, the capacity in which such a request has been
13 made, and the purpose of such request;

14 (4) the date of the release; and

15 (5) a copy of any consent to such release.

16 (d) Except for the student and his parents, no person to
17 whom information is released pursuant to this Section and no
18 person specifically designated as a representative by a parent
19 may permit any other person to have access to such information
20 without a prior consent of the parent obtained in accordance
21 with the requirements of subparagraph (8) of paragraph (a) of
22 this Section.

23 (e) Nothing contained in this Act shall prohibit the
24 publication of student directories which list student names,
25 addresses and other identifying information and similar
26 publications which comply with regulations issued by the State

1 Board.

2 (Source: P.A. 102-557, eff. 8-20-21; revised 10-14-21.)

3 (Text of Section after amendment by P.A. 102-199)

4 Sec. 6. (a) No school student records or information
5 contained therein may be released, transferred, disclosed or
6 otherwise disseminated, except as follows:

7 (1) to a parent or student or person specifically
8 designated as a representative by a parent, as provided in
9 paragraph (a) of Section 5;

10 (2) to an employee or official of the school or school
11 district or State Board with current demonstrable
12 educational or administrative interest in the student, in
13 furtherance of such interest;

14 (3) to the official records custodian of another
15 school within Illinois or an official with similar
16 responsibilities of a school outside Illinois, in which
17 the student has enrolled, or intends to enroll, upon the
18 request of such official or student;

19 (4) to any person for the purpose of research,
20 statistical reporting, or planning, provided that such
21 research, statistical reporting, or planning is
22 permissible under and undertaken in accordance with the
23 federal Family Educational Rights and Privacy Act (20
24 U.S.C. 1232g);

25 (5) pursuant to a court order, provided that the

1 parent shall be given prompt written notice upon receipt
2 of such order of the terms of the order, the nature and
3 substance of the information proposed to be released in
4 compliance with such order and an opportunity to inspect
5 and copy the school student records and to challenge their
6 contents pursuant to Section 7;

7 (6) to any person as specifically required by State or
8 federal law;

9 (6.5) to juvenile authorities when necessary for the
10 discharge of their official duties who request information
11 prior to adjudication of the student and who certify in
12 writing that the information will not be disclosed to any
13 other party except as provided under law or order of
14 court. For purposes of this Section "juvenile authorities"
15 means: (i) a judge of the circuit court and members of the
16 staff of the court designated by the judge; (ii) parties
17 to the proceedings under the Juvenile Court Act of 1987
18 and their attorneys; (iii) probation officers and court
19 appointed advocates for the juvenile authorized by the
20 judge hearing the case; (iv) any individual, public or
21 private agency having custody of the child pursuant to
22 court order; (v) any individual, public or private agency
23 providing education, medical or mental health service to
24 the child when the requested information is needed to
25 determine the appropriate service or treatment for the
26 minor; (vi) any potential placement provider when such

1 release is authorized by the court for the limited purpose
2 of determining the appropriateness of the potential
3 placement; (vii) law enforcement officers and prosecutors;
4 (viii) adult and juvenile prisoner review boards; (ix)
5 authorized military personnel; (x) individuals authorized
6 by court;

7 (7) subject to regulations of the State Board, in
8 connection with an emergency, to appropriate persons if
9 the knowledge of such information is necessary to protect
10 the health or safety of the student or other persons;

11 (8) to any person, with the prior specific dated
12 written consent of the parent designating the person to
13 whom the records may be released, provided that at the
14 time any such consent is requested or obtained, the parent
15 shall be advised in writing that he has the right to
16 inspect and copy such records in accordance with Section
17 5, to challenge their contents in accordance with Section
18 7 and to limit any such consent to designated records or
19 designated portions of the information contained therein;

20 (9) to a governmental agency, or social service agency
21 contracted by a governmental agency, in furtherance of an
22 investigation of a student's school attendance pursuant to
23 the compulsory student attendance laws of this State,
24 provided that the records are released to the employee or
25 agent designated by the agency;

26 (10) to those SHOCAP committee members who fall within

1 the meaning of "state and local officials and
2 authorities", as those terms are used within the meaning
3 of the federal Family Educational Rights and Privacy Act,
4 for the purposes of identifying serious habitual juvenile
5 offenders and matching those offenders with community
6 resources pursuant to Section 5-145 of the Juvenile Court
7 Act of 1987, but only to the extent that the release,
8 transfer, disclosure, or dissemination is consistent with
9 the Family Educational Rights and Privacy Act;

10 (11) to the Department of Healthcare and Family
11 Services in furtherance of the requirements of Section
12 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
13 Section 10 of the School Breakfast and Lunch Program Act;

14 (12) to the State Board or another State government
15 agency or between or among State government agencies in
16 order to evaluate or audit federal and State programs or
17 perform research and planning, but only to the extent that
18 the release, transfer, disclosure, or dissemination is
19 consistent with the federal Family Educational Rights and
20 Privacy Act (20 U.S.C. 1232g); ~~or~~

21 (12.5) ~~(13)~~ if the student is in the legal custody of
22 the Department of Children and Family Services, to the
23 Department's Office of Education and Transition Services;
24 or-

25 (13) under ~~Under~~ an intergovernmental agreement if an
26 elementary school district and a high school district have

1 attendance boundaries that overlap and are parties to an
2 intergovernmental agreement that allows the sharing of
3 student records and information between the districts.
4 However, the sharing of student information is allowed
5 under an intergovernmental agreement only if the
6 intergovernmental agreement meets all of the following
7 requirements:

8 (A) The sharing of student information must be
9 voluntary and at the discretion of each school
10 district that is a party to the agreement.

11 (B) The sharing of student information applies
12 only to students who have been enrolled in both
13 districts or would be enrolled in both districts based
14 on district attendance boundaries, and the student's
15 parent or guardian has expressed in writing that the
16 student intends to enroll or has enrolled in the high
17 school district.

18 (C) The sharing of student information does not
19 exceed the scope of information that is shared among
20 schools in a unit school district. However, the terms
21 of an intergovernmental agreement may place further
22 limitations on the information that is allowed to be
23 shared.

24 (b) No information may be released pursuant to
25 subparagraph (3) or (6) of paragraph (a) of this Section 6
26 unless the parent receives prior written notice of the nature

1 and substance of the information proposed to be released, and
2 an opportunity to inspect and copy such records in accordance
3 with Section 5 and to challenge their contents in accordance
4 with Section 7. Provided, however, that such notice shall be
5 sufficient if published in a local newspaper of general
6 circulation or other publication directed generally to the
7 parents involved where the proposed release of information is
8 pursuant to subparagraph (6) of paragraph (a) of this Section
9 6 and relates to more than 25 students.

10 (c) A record of any release of information pursuant to
11 this Section must be made and kept as a part of the school
12 student record and subject to the access granted by Section 5.
13 Such record of release shall be maintained for the life of the
14 school student records and shall be available only to the
15 parent and the official records custodian. Each record of
16 release shall also include:

17 (1) the nature and substance of the information
18 released;

19 (2) the name and signature of the official records
20 custodian releasing such information;

21 (3) the name of the person requesting such
22 information, the capacity in which such a request has been
23 made, and the purpose of such request;

24 (4) the date of the release; and

25 (5) a copy of any consent to such release.

26 (d) Except for the student and his or her parents or, if

1 applicable, the Department's Office of Education and
2 Transition Services, no person to whom information is released
3 pursuant to this Section and no person specifically designated
4 as a representative by a parent may permit any other person to
5 have access to such information without a prior consent of the
6 parent obtained in accordance with the requirements of
7 subparagraph (8) of paragraph (a) of this Section.

8 (e) Nothing contained in this Act shall prohibit the
9 publication of student directories which list student names,
10 addresses and other identifying information and similar
11 publications which comply with regulations issued by the State
12 Board.

13 (Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21;
14 revised 10-14-21.)

15 Section 320. The Higher Education Veterans Service Act is
16 amended by changing Section 15 as follows:

17 (110 ILCS 49/15)

18 Sec. 15. Survey; coordinator; best practices report; best
19 efforts.

20 (a) All public colleges and universities shall, within 60
21 days after the effective date of this Act, conduct a survey of
22 the services and programs that are provided for veterans,
23 active duty military personnel, and their families, at each of
24 their respective campuses. This survey shall enumerate and

1 fully describe the service or program that is available, the
2 number of veterans or active duty personnel using the service
3 or program, an estimated range for potential use within a
4 5-year and 10-year period, information on the location of the
5 service or program, and how its administrators may be
6 contacted. The survey shall indicate the manner or manners in
7 which a student veteran may avail himself or herself of the
8 program's services. This survey must be made available to all
9 veterans matriculating at the college or university in the
10 form of an orientation-related guidebook.

11 Each public college and university shall make the survey
12 available on the homepage of all campus Internet links as soon
13 as practical after the completion of the survey. As soon as
14 possible after the completion of the survey, each public
15 college and university shall provide a copy of its survey to
16 the following:

- 17 (1) the Board of Higher Education;
- 18 (2) the Department of Veterans' Affairs;
- 19 (3) the President and Minority Leader of the Senate
20 and the Speaker and Minority Leader of the House of
21 Representatives; and
- 22 (4) the Governor.

23 (b) Each public college and university shall, at its
24 discretion, (i) appoint, within 6 months after August 7, 2009
25 (the effective date of this Act), an existing employee or (ii)
26 hire a new employee to serve as a Coordinator of Veterans and

1 Military Personnel Student Services on each campus of the
2 college or university that has an onsite, daily, full-time
3 student headcount above 1,000 students.

4 The Coordinator of Veterans and Military Personnel Student
5 Services shall be an ombudsperson serving the specific needs
6 of student veterans and military personnel and their families
7 and shall serve as an advocate before the administration of
8 the college or university for the needs of student veterans.
9 The college or university shall enable the Coordinator of
10 Veterans and Military Personnel Student Services to
11 communicate directly with the senior executive administration
12 of the college or university periodically. The college or
13 university shall retain unfettered discretion to determine the
14 organizational management structure of its institution.

15 In addition to any responsibilities the college or
16 university may assign, the Coordinator of Veterans and
17 Military Personnel Student Services shall make its best
18 efforts to create a centralized source for student veterans
19 and military personnel to learn how to receive all benefit
20 programs and services for which they are eligible.

21 Each college and university campus that is required to
22 have a Coordinator of Veterans and Military Personnel Student
23 Services shall regularly and conspicuously advertise the
24 office location and phone number of and Internet access to the
25 Coordinator of Veterans and Military Personnel Student
26 Services, along with a brief summary of the manner in which he

1 or she can assist student veterans. The advertisement shall
2 include, but is not necessarily limited to, the following:

3 (1) advertisements on each campus' Internet home page;

4 (2) any promotional mailings for student application;

5 and

6 (3) the website and any social media accounts of the
7 public college or university.

8 The Coordinator of Veterans and Military Personnel Student
9 Services shall facilitate other campus offices with the
10 promotion of programs and services that are available.

11 (c) Upon receipt of all of the surveys under subsection
12 (a) of this Section, the Board of Higher Education and the
13 Department of Veterans' Affairs shall conduct a joint review
14 of the surveys. The Department of Veterans' Affairs shall
15 post, on any Internet home page it may operate, a link to each
16 survey as posted on the Internet website for the college or
17 university. The Board of Higher Education shall post, on any
18 Internet home page it may operate, a link to each survey as
19 posted on the Internet website for the college or university
20 or an annual report or document containing survey information
21 for each college or university. Upon receipt of all of the
22 surveys, the Office of the Governor, through its military
23 affairs advisors, shall similarly conduct a review of the
24 surveys. Following its review of the surveys, the Office of
25 the Governor shall submit an evaluation report to each college
26 and university offering suggestions and insight on the conduct

1 of student veteran-related policies and programs.

2 (d) The Board of Higher Education and the Department of
3 Veterans' Affairs may issue a best practices report to
4 highlight those programs and services that are most beneficial
5 to veterans and active duty military personnel. The report
6 shall contain a fiscal needs assessment in conjunction with
7 any program recommendations.

8 (e) Each college and university campus that is required to
9 have a Coordinator of Veterans and Military Personnel Student
10 Services under subsection (b) of this Section shall make its
11 best efforts to create academic and social programs and
12 services for veterans and active duty military personnel that
13 will provide reasonable opportunities for academic performance
14 and success.

15 Each public college and university shall make its best
16 efforts to determine how its online educational curricula can
17 be expanded or altered to serve the needs of student veterans
18 and currently deployed ~~currently deployed~~ military, including
19 a determination of whether and to what extent the public
20 colleges and universities can share existing technologies to
21 improve the online curricula of peer institutions, provided
22 such efforts are both practically and economically feasible.

23 (Source: P.A. 102-278, eff. 8-6-21; 102-295, eff. 8-6-21;
24 102-558, eff. 8-20-21; revised 10-18-21.)

25 Section 325. The Mental Health Early Action on Campus Act

1 is amended by changing Section 25 as follows:

2 (110 ILCS 58/25)

3 (Text of Section before amendment by P.A. 102-373 and P.A.
4 102-416)

5 Sec. 25. Awareness. To raise mental health awareness on
6 college campuses, each public college or university must do
7 all of the following:

8 (1) Develop and implement an annual student
9 orientation session aimed at raising awareness about
10 mental health conditions.

11 (2) Assess courses and seminars available to students
12 through their regular academic experiences and implement
13 mental health awareness curricula if opportunities for
14 integration exist.

15 (3) Create and feature a page on its website or mobile
16 application with information dedicated solely to the
17 mental health resources available to students at the
18 public college or university and in the surrounding
19 community.

20 (4) Distribute messages related to mental health
21 resources that encourage help-seeking behavior through the
22 online learning platform of the public college or
23 university during high stress periods of the academic
24 year, including, but not limited to, midterm or final
25 examinations. These stigma-reducing strategies must be

1 based on documented best practices.

2 (5) Three years after the effective date of this Act,
3 implement an online screening tool to raise awareness and
4 establish a mechanism to link or refer students of the
5 public college or university to services. Screenings and
6 resources must be available year round for students and,
7 at a minimum, must (i) include validated screening tools
8 for depression, an anxiety disorder, an eating disorder,
9 substance use, alcohol-use disorder, post-traumatic stress
10 disorder, and bipolar disorder, (ii) provide resources for
11 immediate connection to services, if indicated, including
12 emergency resources, (iii) provide general information
13 about all mental health-related resources available to
14 students of the public college or university, and (iv)
15 function anonymously.

16 (6) At least once per term and at times of high
17 academic stress, including midterm or final examinations,
18 provide students information regarding online screenings
19 and resources.

20 (Source: P.A. 101-251, eff. 7-1-20.)

21 (Text of Section after amendment by P.A. 102-373 and P.A.
22 102-416)

23 Sec. 25. Awareness. To raise mental health awareness on
24 college campuses, each public college or university must do
25 all of the following:

1 (1) Develop and implement an annual student
2 orientation session aimed at raising awareness about
3 mental health conditions.

4 (2) Assess courses and seminars available to students
5 through their regular academic experiences and implement
6 mental health awareness curricula if opportunities for
7 integration exist.

8 (3) Create and feature a page on its website or mobile
9 application with information dedicated solely to the
10 mental health resources available to students at the
11 public college or university and in the surrounding
12 community.

13 (4) Distribute messages related to mental health
14 resources that encourage help-seeking behavior through the
15 online learning platform of the public college or
16 university during high stress periods of the academic
17 year, including, but not limited to, midterm or final
18 examinations. These stigma-reducing strategies must be
19 based on documented best practices.

20 (5) Three years after the effective date of this Act,
21 implement an online screening tool to raise awareness and
22 establish a mechanism to link or refer students of the
23 public college or university to services. Screenings and
24 resources must be available year round for students and,
25 at a minimum, must (i) include validated screening tools
26 for depression, an anxiety disorder, an eating disorder,

1 substance use, alcohol-use disorder, post-traumatic stress
2 disorder, and bipolar disorder, (ii) provide resources for
3 immediate connection to services, if indicated, including
4 emergency resources, (iii) provide general information
5 about all mental health-related resources available to
6 students of the public college or university, and (iv)
7 function anonymously.

8 (6) At least once per term and at times of high
9 academic stress, including midterm or final examinations,
10 provide students information regarding online screenings
11 and resources.

12 (7) Provide contact information for the National
13 Suicide Prevention Lifeline (988), ~~for~~ the Crisis Text
14 Line, ~~and~~ a local suicide prevention hotline, and ~~for~~ the
15 mental health counseling center or program of the public
16 college or university on the back of each student
17 identification card issued by the public college or
18 university after July 1, 2022 (the effective date of
19 Public Act 102-373) ~~this amendatory Act of the 102nd~~
20 ~~General Assembly~~ if the public college or university
21 issues student identification cards. If the public college
22 or university does not issue student identification cards
23 to its students, the public college or university must
24 publish the contact information on its website. The
25 contact information shall identify each helpline that may
26 be contacted through text messaging. The contact

1 information shall be included in the public college's or
2 university's student handbook and also the student planner
3 if a student planner is custom printed by the public
4 college or university for distribution to students.

5 (Source: P.A. 101-251, eff. 7-1-20; 102-373, eff. 7-1-22;
6 102-416, eff. 7-1-22; revised 9-21-21.)

7 Section 330. The University of Illinois Act is amended by
8 setting forth, renumbering, and changing multiple versions of
9 Section 120 as follows:

10 (110 ILCS 305/120)

11 Sec. 120. Modification of athletic or team uniform
12 permitted.

13 (a) The Board of Trustees must allow a student athlete to
14 modify his or her athletic or team uniform due to the
15 observance of modesty in clothing or attire in accordance with
16 the requirements of his or her religion or his or her cultural
17 values or modesty preferences. The modification of the
18 athletic or team uniform may include, but is not limited to,
19 the wearing of a hijab, an undershirt, or leggings. If a
20 student chooses to modify his or her athletic or team uniform,
21 the student is responsible for all costs associated with the
22 modification of the uniform and the student shall not be
23 required to receive prior approval from the Board of Trustees
24 for such modification. However, nothing in this Section

1 prohibits the University from providing the modification to
2 the student.

3 (b) At a minimum, any modification of the athletic or team
4 uniform must not interfere with the movement of the student or
5 pose a safety hazard to the student or to other athletes or
6 players. The modification of headgear is permitted if the
7 headgear:

8 (1) is black, white, the predominant ~~predominate~~ color
9 of the uniform, or the same color for all players on the
10 team;

11 (2) does not cover any part of the face;

12 (3) is not dangerous to the player or to the other
13 players;

14 (4) has no opening or closing elements around the face
15 and neck; and

16 (5) has no parts extruding from its surface.

17 (Source: P.A. 102-51, eff. 7-9-21; revised 10-18-21.)

18 (110 ILCS 305/122)

19 Sec. 122 ~~120~~. Academic major report. The Board of Trustees
20 shall provide to each enrolled student, at the time the
21 student declares or changes his or her academic major or
22 program of study, a report that contains relevant,
23 independent, and accurate data related to the student's major
24 or program of study and to the current occupational outlook
25 associated with that major or program of study. The report

1 shall provide the student with all of the following
2 information:

3 (1) The estimated cost of his or her education
4 associated with pursuing a degree in that major or program
5 of study.

6 (2) The average monthly student loan payment over a
7 period of 20 years based on the estimated cost of his or
8 her education under paragraph (1).

9 (3) The average job placement rate within 12 months
10 after graduation for a graduate who holds a degree in that
11 major or program of study.

12 (4) The average entry-level wage or salary for an
13 occupation related to that major or program of study.

14 (5) The average wage or salary 5 years after entry
15 into an occupation under paragraph (4).

16 (Source: P.A. 102-214, eff. 1-1-22; revised 10-18-21.)

17 (110 ILCS 305/130)

18 Sec. 130 ~~120~~. Availability of menstrual hygiene products.

19 (a) In this Section, "menstrual hygiene products" means
20 tampons and sanitary napkins for use in connection with the
21 menstrual cycle.

22 (b) The Board of Trustees shall make menstrual hygiene
23 products available, at no cost to students, in the bathrooms
24 of facilities or portions of facilities that (i) are owned or
25 leased by the Board or over which the Board has care, custody,

1 and control and (ii) are used for student instruction or
2 administrative purposes.

3 (Source: P.A. 102-250, eff. 8-5-21; revised 10-18-21.)

4 (110 ILCS 305/135)

5 Sec. 135 ~~120~~. Adjunct professor; status of class.

6 (a) At least 30 days before the beginning of a term and
7 again at 14 days before the beginning of the term, the Board of
8 Trustees must notify an adjunct professor about the status of
9 enrollment of the class the adjunct professor was hired to
10 teach.

11 (b) This Section does not apply if the Governor has
12 declared a disaster due to a public health emergency or a
13 natural disaster pursuant to Section 7 of the Illinois
14 Emergency Management Agency Act.

15 (c) Collective bargaining agreements that are in effect on
16 January 1, 2022 (the effective date of Public Act 102-260)
17 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
18 from the requirements of this Section.

19 (Source: P.A. 102-260, eff. 1-1-22; revised 10-18-21.)

20 (110 ILCS 305/140)

21 Sec. 140 ~~120~~. Family and medical leave coverage. A
22 University employee who has been employed by the University
23 for at least 12 months and who has worked at least 1,000 hours
24 in the previous 12-month period shall be eligible for family

1 and medical leave under the same terms and conditions as leave
2 provided to eligible employees under the federal Family and
3 Medical Leave Act of 1993.

4 (Source: P.A. 102-335, eff. 1-1-22; revised 10-21-21.)

5 (110 ILCS 305/145)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 145 ~~120~~. Carbon capture, utilization, and storage
8 report.

9 (a) Subject to appropriation, the Prairie Research
10 Institute at the University of Illinois at Urbana-Champaign,
11 in consultation with an intergovernmental advisory committee,
12 must file a report on the potential for carbon capture,
13 utilization, and storage as a climate mitigation technology
14 throughout Illinois with the Governor and the General Assembly
15 no later than December 31, 2022. The report shall provide an
16 assessment of Illinois subsurface storage resources, a
17 description of existing and selected subsurface storage
18 projects, and best practices for carbon storage. Additionally,
19 the report shall provide recommendations for policy and
20 regulatory needs at the State level based on its findings, and
21 shall, at a minimum, address all the following areas:

22 (1) carbon capture, utilization, and storage current
23 status and future storage resource potential in the
24 State; ~~Enhanced Oil Recovery shall remain outside the~~
25 scope of this study;

1 (2) procedures, standards, and safeguards for the
2 storage of carbon dioxide;

3 (3) permitting processes and the coordination with
4 applicable federal law or regulatory commissions,
5 including the Class VI injection well permitting process;

6 (4) economic impact, job creation, and job retention
7 from carbon capture, utilization, and storage that both
8 protects the environment and supports short-term and
9 long-term economic growth;

10 (5) development of knowledge capacity of appropriate
11 State agencies and stakeholders;

12 (6) environmental justice and stakeholder issues
13 related to carbon capture, utilization, and storage
14 throughout the State;

15 (7) leveraging federal policies and public-private
16 partnerships for research, design, and development to
17 benefit the State;

18 (8) liability for the storage and monitoring
19 maintenance of the carbon dioxide after the completion of
20 a carbon capture, utilization, and storage project;

21 (9) acquisition, ownership, and amalgamation of pore
22 space for carbon capture, utilization, and storage;

23 (10) methodologies to establish any necessary fees,
24 costs, or offsets; and

25 (11) any risks to health, safety, the environment, and
26 property uses or values.

1 (b) In developing the report under this Section, the
2 Prairie Research Institute shall form an advisory committee,
3 which shall be composed of all the following members:

4 (1) the Director of the Environmental Protection
5 Agency, or his or her designee;

6 (2) the Director of Natural Resources, or his or her
7 designee;

8 (3) the Director of Commerce and Economic Opportunity,
9 or his or her designee;

10 (4) the Director of the Illinois Emergency Management
11 Agency, or his or her designee;

12 (5) the Director of Agriculture, or his or her
13 designee;

14 (6) the Attorney General, or his or her designee;

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

17 (8) one member of the House of Representatives,
18 appointed by the Speaker of the House of Representatives;

19 (9) one member of the Senate, appointed by the
20 Minority Leader of the Senate; and

21 (10) one member of the House of Representatives,
22 appointed by the Minority Leader of the House of
23 Representatives.

24 (c) No later than 60 days after August 13, 2021 (the
25 effective date of Public Act 102-341) ~~this amendatory Act of~~
26 ~~the 102nd General Assembly~~, the advisory committee shall hold

1 its first meeting at the call of the Executive Director of the
2 Prairie Research Institute, at which meeting the members shall
3 select a chairperson from among themselves. After its first
4 meeting, the committee shall meet at the call of the
5 chairperson. Members of the committee shall serve without
6 compensation. The Prairie Research Committee shall provide
7 administrative support to the committee.

8 (d) The Prairie Research Institute shall also engage with
9 interested stakeholders throughout the State to gain insights
10 into socio-economic perspectives from environmental justice
11 organizations, environmental non-governmental organizations,
12 industry, landowners, farm bureaus, manufacturing, labor
13 unions, and others.

14 (e) This Section is repealed on January 1, 2023.

15 (Source: P.A. 102-341, eff. 8-13-21; revised 10-18-21.)

16 (110 ILCS 305/150)

17 Sec. 150 ~~120~~. Undocumented Student Liaison; Undocumented
18 Student Resource Center.

19 (a) Beginning with the 2022-2023 academic year, the Board
20 of Trustees shall designate an employee as an Undocumented
21 Student Resource Liaison to be available on campus to provide
22 assistance to undocumented students and mixed status students
23 within the United States in streamlining access to financial
24 aid and academic support to successfully matriculate to degree
25 completion. The Undocumented Student Liaison shall provide

1 assistance to vocational students, undergraduate students,
2 graduate students, and professional-track students. An
3 employee who is designated as an Undocumented Student Liaison
4 must be knowledgeable about current legislation and policy
5 changes through professional development with the Illinois
6 Dream Fund Commission to provide the wrap-around services to
7 such students. The Illinois Dream Fund Commission shall
8 conduct professional development under this Section. The
9 Illinois Dream Fund Commission's task force on immigration
10 issues and the Undocumented Student Liaison shall ensure that
11 undocumented immigrants and students from mixed status
12 households receive equitable and inclusive access to the
13 University's retention and matriculation programs.

14 The Board shall ensure that an Undocumented Student
15 Liaison is available at each campus of the University. The
16 Undocumented Student Liaison must be placed in a location that
17 provides direct access for students in collaboration with the
18 retention and matriculation programs of the University. The
19 Undocumented Student Liaison shall report directly to senior
20 leadership and shall assist leadership with the review of
21 policies and procedures that directly affect undocumented and
22 mixed status students.

23 An Undocumented Student Liaison may work on outreach
24 efforts to provide access to resources and support within the
25 grade P-20 education pipeline by supporting summer enrichment
26 programs and pipeline options for students in any of grades 9

1 through 12.

2 (b) The Board is encouraged to establish an Undocumented
3 Student Resource Center on each of its campuses. An ~~A~~
4 Undocumented Student Resource Center may offer support
5 services, including, but not limited to, State and private
6 financial assistance, academic and career counseling, and
7 retention and matriculation support services, as well as
8 mental health counseling options because the changing
9 immigration climate impacts a student's overall well-being and
10 success.

11 An Undocumented Student Resource Center may be housed
12 within an existing student service center or academic center,
13 and the new construction of an Undocumented Student Resource
14 Center is not required under this Section.

15 The Board may seek and accept any financial support
16 through institutional advancement, private gifts, or donations
17 to aid in the creation and operation of and the services
18 provided by an Undocumented Student Resource Center.

19 (Source: P.A. 102-475, eff. 8-20-21; revised 10-18-21.)

20 (110 ILCS 305/155)

21 Sec. 155 ~~120~~. Personal support worker's attendance in
22 class permitted. If a student of the University has a personal
23 support worker through the Home-Based Support Services Program
24 for Adults with Mental Disabilities under the Developmental
25 Disability and Mental Disability Services Act, the Board of

1 Trustees must permit the personal support worker to attend
2 class with the student but is not responsible for providing or
3 paying for the personal support worker. If the personal
4 support worker's attendance in class is solely to provide
5 personal support services to the student, the Board may not
6 charge the personal support worker tuition and fees for such
7 attendance.

8 (Source: P.A. 102-568, eff. 8-23-21; revised 10-18-21.)

9 Section 335. The University of Illinois Hospital Act is
10 amended by setting forth, renumbering, and changing multiple
11 versions of Section 8d as follows:

12 (110 ILCS 330/8d)

13 (Text of Section from P.A. 102-4 and 102-671)

14 Sec. 8d. N95 masks. Pursuant to and in accordance with
15 applicable local, State, and federal policies, guidance and
16 recommendations of public health and infection control
17 authorities, and taking into consideration the limitations on
18 access to N95 masks caused by disruptions in local, State,
19 national, and international supply chains, the University of
20 Illinois Hospital shall provide N95 masks to physicians
21 licensed under the Medical Practice Act of 1987, registered
22 nurses and advanced practice registered nurses licensed under
23 the Nurse Licensing Act, and any other employees or
24 contractual workers who provide direct patient care and who,

1 pursuant to such policies, guidance, and recommendations, are
2 recommended to have such a mask to safely provide such direct
3 patient care within a hospital setting. Nothing in this
4 Section shall be construed to impose any new duty or
5 obligation on the University of Illinois Hospital or employee
6 that is greater than that imposed under State and federal laws
7 in effect on the effective date of this amendatory Act of the
8 102nd General Assembly.

9 This Section is repealed on July 1, 2022.

10 (Source: P.A. 102-4, eff. 4-27-21; 102-671, eff. 11-30-21.)

11 (Text of Section from P.A. 102-4 and 102-674)

12 Sec. 8d. N95 masks. Pursuant to and in accordance with
13 applicable local, State, and federal policies, guidance and
14 recommendations of public health and infection control
15 authorities, and taking into consideration the limitations on
16 access to N95 masks caused by disruptions in local, State,
17 national, and international supply chains, the University of
18 Illinois Hospital shall provide N95 masks to physicians
19 licensed under the Medical Practice Act of 1987, registered
20 nurses and advanced practice registered nurses licensed under
21 the Nurse Licensing Act, and any other employees or
22 contractual workers who provide direct patient care and who,
23 pursuant to such policies, guidance, and recommendations, are
24 recommended to have such a mask to safely provide such direct
25 patient care within a hospital setting. Nothing in this

1 Section shall be construed to impose any new duty or
2 obligation on the University of Illinois Hospital or employee
3 that is greater than that imposed under State and federal laws
4 in effect on the effective date of this amendatory Act of the
5 102nd General Assembly.

6 This Section is repealed on December 31, 2022.

7 (Source: P.A. 102-4, eff. 4-27-21; 102-674, eff. 11-30-21.)

8 (110 ILCS 330/8e)

9 Sec. 8e ~~8d~~. Facility-provided medication upon discharge.

10 (a) The General Assembly finds that this Section is
11 necessary for the immediate preservation of the public peace,
12 health, and safety.

13 (b) In this Section, "facility-provided medication" has
14 the same meaning as provided under Section 15.10 of the
15 Pharmacy Practice Act.

16 (c) When a facility-provided medication is ordered at
17 least 24 hours in advance for surgical procedures and is
18 administered to a patient at the University of Illinois
19 Hospital, any unused portion of the facility-provided
20 medication must be offered to the patient upon discharge when
21 it is required for continuing treatment.

22 (d) A facility-provided medication shall be labeled
23 consistent with labeling requirements under Section 22 of the
24 Pharmacy Practice Act.

25 (e) If the facility-provided medication is used in an

1 operating room or emergency department setting, the prescriber
2 is responsible for counseling the patient on its proper use
3 and administration and the requirement of pharmacist
4 counseling is waived.

5 (Source: P.A. 102-155, eff. 7-23-21; revised 11-9-21.)

6 (110 ILCS 330/8f)

7 Sec. 8f ~~8d~~. Surgical smoke plume evacuation.

8 (a) In this Section:

9 "Department" means the Department of Public Health.

10 "Surgical smoke plume" means the by-product of the use of
11 energy-based devices on tissue during surgery and containing
12 hazardous materials, including, but not limited to,
13 bioaerosols ~~bio-aerosols~~, smoke, gases, tissue and cellular
14 fragments and particulates, and viruses.

15 "Surgical smoke plume evacuation system" means a dedicated
16 device that is designed to capture, transport, filter, and
17 neutralize surgical smoke plume at the site of origin and
18 before surgical smoke plume can make ocular contact, or
19 contact with the respiratory tract, of an employee.

20 (b) To protect patients and health care workers from the
21 hazards of surgical smoke plume, the University of Illinois
22 Hospital shall adopt policies to ensure the elimination of
23 surgical smoke plume by use of a surgical smoke plume
24 evacuation system for each procedure that generates surgical
25 smoke plume from the use of energy-based devices, including,

1 but not limited to, electrosurgery and lasers.

2 (c) The University of Illinois Hospital shall report to
3 the Department within 90 days after January 1, 2022 (the
4 effective date of Public Act 102-533) ~~this amendatory Act of~~
5 ~~the 102nd General Assembly~~ that policies under subsection (b)
6 of this Section have been adopted.

7 (Source: P.A. 102-533, eff. 1-1-22; revised 11-9-21.)

8 Section 340. The Southern Illinois University Management
9 Act is amended by changing Section 6.6 and by setting forth,
10 renumbering, and changing multiple versions of Section 100 as
11 follows:

12 (110 ILCS 520/6.6)

13 Sec. 6.6. The Illinois Ethanol Research Advisory Board.

14 (a) There is established the Illinois Ethanol Research
15 Advisory Board (the "Advisory Board").

16 (b) The Advisory Board shall be composed of 14 members
17 including: the President of Southern Illinois University who
18 shall be Chairman; the Director of Commerce and Economic
19 Opportunity; the Director of Agriculture; the President of the
20 Illinois Corn Growers Association; the President of the
21 National Corn Growers Association; the President of the
22 Renewable Fuels Association; the Dean of the College of
23 Agricultural, Consumer, and Environmental Science, University
24 of Illinois at Champaign-Urbana; the Dean of the College of

1 Agricultural, Life, and Physical Sciences, Southern Illinois
2 University at Carbondale;~~7~~ and 6 at-large members appointed by
3 the Governor representing the ethanol industry, growers,
4 suppliers, and universities.

5 (c) The 6 at-large members shall serve a term of 4 years.
6 The Advisory Board shall meet at least annually or at the call
7 of the Chairman. At any time a majority of the Advisory Board
8 may petition the Chairman for a meeting of the Board. Seven
9 members of the Advisory Board shall constitute a quorum.

10 (d) The Advisory Board shall:

11 (1) Review the annual operating plans and budget of
12 the National Corn-to-Ethanol Research Pilot Plant.

13 (2) Advise on research and development priorities and
14 projects to be carried out at the Corn-to-Ethanol Research
15 Pilot Plant.

16 (3) Advise on policies and procedures regarding the
17 management and operation of the ethanol research pilot
18 plant. This may include contracts, project selection, and
19 personnel issues.

20 (4) Develop bylaws.

21 (5) Submit a final report to the Governor and General
22 Assembly outlining the progress and accomplishments made
23 during the year along with a financial report for the
24 year.

25 (6) Establish and operate, subject to specific
26 appropriation for the purpose of providing facility

1 operating funds, the National Corn-to-Ethanol Research
2 Center at Southern Illinois University at Edwardsville as
3 a State Biorefining Center of Excellence with the
4 following purposes and goals:

5 (A) To utilize interdisciplinary,
6 interinstitutional, and industrial collaborations to
7 conduct research.

8 (B) To provide training and services to the
9 ethanol fuel industry to make projects and training to
10 advance the biofuels industry in the State more
11 affordable for the institutional and industrial
12 bodies, including, but not limited to, Illinois
13 farmer-owned ethanol cooperatives.

14 (C) To coordinate near-term industry research
15 needs and laboratory services by identifying needs and
16 pursuing federal and other funding sources.

17 (D) To develop and provide hands-on training to
18 prepare students for the biofuels workforce and train
19 workforce reentrants.

20 (E) To serve as an independent, third-party source
21 for review, testing, validation standardization, and
22 definition in areas of industry need.

23 (F) To provide seminars, tours, and informational
24 sessions advocating renewable energy.

25 (G) To provide consultation services and
26 information for those interested in renewable energy.

1 (H) To develop demonstration projects by pursuing
2 federal and other funding sources.

3 (e) The Advisory Board established by this Section is a
4 continuation, as changed by the Section, of the Board
5 established under Section 8a of the Energy Conservation and
6 Coal Development Act and repealed by Public Act 92-736 ~~this~~
7 ~~amendatory Act of the 92nd General Assembly.~~

8 (Source: P.A. 102-370, eff. 8-13-21; revised 10-6-21.)

9 (110 ILCS 520/100)

10 Sec. 100. Modification of athletic or team uniform
11 permitted.

12 (a) The Board must allow a student athlete to modify his or
13 her athletic or team uniform due to the observance of modesty
14 in clothing or attire in accordance with the requirements of
15 his or her religion or his or her cultural values or modesty
16 preferences. The modification of the athletic or team uniform
17 may include, but is not limited to, the wearing of a hijab, an
18 undershirt, or leggings. If a student chooses to modify his or
19 her athletic or team uniform, the student is responsible for
20 all costs associated with the modification of the uniform and
21 the student shall not be required to receive prior approval
22 from the Board for such modification. However, nothing in this
23 Section prohibits the University from providing the
24 modification to the student.

25 (b) At a minimum, any modification of the athletic or team

1 uniform must not interfere with the movement of the student or
2 pose a safety hazard to the student or to other athletes or
3 players. The modification of headgear is permitted if the
4 headgear:

5 (1) is black, white, the predominant ~~predominate~~ color
6 of the uniform, or the same color for all players on the
7 team;

8 (2) does not cover any part of the face;

9 (3) is not dangerous to the player or to the other
10 players;

11 (4) has no opening or closing elements around the face
12 and neck; and

13 (5) has no parts extruding from its surface.

14 (Source: P.A. 102-51, eff. 7-9-21; revised 10-21-21.)

15 (110 ILCS 520/102)

16 Sec. 102 ~~100~~. Academic major report. The Board shall
17 provide to each enrolled student, at the time the student
18 declares or changes his or her academic major or program of
19 study, a report that contains relevant, independent, and
20 accurate data related to the student's major or program of
21 study and to the current occupational outlook associated with
22 that major or program of study. The report shall provide the
23 student with all of the following information:

24 (1) The estimated cost of his or her education
25 associated with pursuing a degree in that major or program

1 of study.

2 (2) The average monthly student loan payment over a
3 period of 20 years based on the estimated cost of his or
4 her education under paragraph (1).

5 (3) The average job placement rate within 12 months
6 after graduation for a graduate who holds a degree in that
7 major or program of study.

8 (4) The average entry-level wage or salary for an
9 occupation related to that major or program of study.

10 (5) The average wage or salary 5 years after entry
11 into an occupation under paragraph (4).

12 (Source: P.A. 102-214, eff. 1-1-22; revised 10-21-21.)

13 (110 ILCS 520/110)

14 Sec. 110 ~~100~~. Availability of menstrual hygiene products.

15 (a) In this Section, "menstrual hygiene products" means
16 tampons and sanitary napkins for use in connection with the
17 menstrual cycle.

18 (b) The Board shall make menstrual hygiene products
19 available, at no cost to students, in the bathrooms of
20 facilities or portions of facilities that (i) are owned or
21 leased by the Board or over which the Board has care, custody,
22 and control and (ii) are used for student instruction or
23 administrative purposes.

24 (Source: P.A. 102-250, eff. 8-5-21; revised 10-21-21.)

1 (110 ILCS 520/115)

2 Sec. 115 ~~100~~. Adjunct professor; status of class.

3 (a) At least 30 days before the beginning of a term and
4 again at 14 days before the beginning of the term, the Board
5 must notify an adjunct professor about the status of
6 enrollment of the class the adjunct professor was hired to
7 teach.

8 (b) This Section does not apply if the Governor has
9 declared a disaster due to a public health emergency or a
10 natural disaster pursuant to Section 7 of the Illinois
11 Emergency Management Agency Act.

12 (c) Collective bargaining agreements that are in effect on
13 January 1, 2022 (the effective date of Public Act 102-260)
14 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
15 from the requirements of this Section.

16 (Source: P.A. 102-260, eff. 1-1-22; revised 10-21-21.)

17 (110 ILCS 520/120)

18 Sec. 120 ~~100~~. Family and medical leave coverage. A
19 University employee who has been employed by the University
20 for at least 12 months and who has worked at least 1,000 hours
21 in the previous 12-month period shall be eligible for family
22 and medical leave under the same terms and conditions as leave
23 provided to eligible employees under the federal Family and
24 Medical Leave Act of 1993.

25 (Source: P.A. 102-335, eff. 1-1-22; revised 10-21-21.)

1 (110 ILCS 520/125)

2 Sec. 125 ~~100~~. Undocumented Student Liaison; Undocumented
3 Student Resource Center.

4 (a) Beginning with the 2022-2023 academic year, the Board
5 shall designate an employee as an Undocumented Student
6 Resource Liaison to be available on campus to provide
7 assistance to undocumented students and mixed status students
8 within the United States in streamlining access to financial
9 aid and academic support to successfully matriculate to degree
10 completion. The Undocumented Student Liaison shall provide
11 assistance to vocational students, undergraduate students,
12 graduate students, and professional-track students. An
13 employee who is designated as an Undocumented Student Liaison
14 must be knowledgeable about current legislation and policy
15 changes through professional development with the Illinois
16 Dream Fund Commission to provide the wrap-around services to
17 such students. The Illinois Dream Fund Commission shall
18 conduct professional development under this Section. The
19 Illinois Dream Fund Commission's task force on immigration
20 issues and the Undocumented Student Liaison shall ensure that
21 undocumented immigrants and students from mixed status
22 households receive equitable and inclusive access to the
23 University's retention and matriculation programs.

24 The Board shall ensure that an Undocumented Student
25 Liaison is available at each campus of the University. The

1 Undocumented Student Liaison must be placed in a location that
2 provides direct access for students in collaboration with the
3 retention and matriculation programs of the University. The
4 Undocumented Student Liaison shall report directly to senior
5 leadership and shall assist leadership with the review of
6 policies and procedures that directly affect undocumented and
7 mixed status students.

8 An Undocumented Student Liaison may work on outreach
9 efforts to provide access to resources and support within the
10 grade P-20 education pipeline by supporting summer enrichment
11 programs and pipeline options for students in any of grades 9
12 through 12.

13 (b) The Board is encouraged to establish an Undocumented
14 Student Resource Center on each of its campuses. An ~~A~~
15 Undocumented Student Resource Center may offer support
16 services, including, but not limited to, State and private
17 financial assistance, academic and career counseling, and
18 retention and matriculation support services, as well as
19 mental health counseling options because the changing
20 immigration climate impacts a student's overall well-being and
21 success.

22 An Undocumented Student Resource Center may be housed
23 within an existing student service center or academic center,
24 and the new construction of an Undocumented Student Resource
25 Center is not required under this Section.

26 The Board may seek and accept any financial support

1 through institutional advancement, private gifts, or donations
2 to aid in the creation and operation of and the services
3 provided by an Undocumented Student Resource Center.

4 (Source: P.A. 102-475, eff. 8-20-21; revised 10-21-21.)

5 (110 ILCS 520/130)

6 Sec. 130 ~~100~~. Personal support worker's attendance in
7 class permitted. If a student of the University has a personal
8 support worker through the Home-Based Support Services Program
9 for Adults with Mental Disabilities under the Developmental
10 Disability and Mental Disability Services Act, the Board must
11 permit the personal support worker to attend class with the
12 student but is not responsible for providing or paying for the
13 personal support worker. If the personal support worker's
14 attendance in class is solely to provide personal support
15 services to the student, the Board may not charge the personal
16 support worker tuition and fees for such attendance.

17 (Source: P.A. 102-568, eff. 8-23-21; revised 10-21-21.)

18 Section 345. The Chicago State University Law is amended
19 by setting forth, renumbering, and changing multiple versions
20 of Section 5-210 as follows:

21 (110 ILCS 660/5-210)

22 Sec. 5-210. Modification of athletic or team uniform
23 permitted.

1 (a) The Board must allow a student athlete to modify his or
2 her athletic or team uniform due to the observance of modesty
3 in clothing or attire in accordance with the requirements of
4 his or her religion or his or her cultural values or modesty
5 preferences. The modification of the athletic or team uniform
6 may include, but is not limited to, the wearing of a hijab, an
7 undershirt, or leggings. If a student chooses to modify his or
8 her athletic or team uniform, the student is responsible for
9 all costs associated with the modification of the uniform and
10 the student shall not be required to receive prior approval
11 from the Board for such modification. However, nothing in this
12 Section prohibits the University from providing the
13 modification to the student.

14 (b) At a minimum, any modification of the athletic or team
15 uniform must not interfere with the movement of the student or
16 pose a safety hazard to the student or to other athletes or
17 players. The modification of headgear is permitted if the
18 headgear:

19 (1) is black, white, the predominant ~~predominate~~ color
20 of the uniform, or the same color for all players on the
21 team;

22 (2) does not cover any part of the face;

23 (3) is not dangerous to the player or to the other
24 players;

25 (4) has no opening or closing elements around the face
26 and neck; and

1 (5) has no parts extruding from its surface.

2 (Source: P.A. 102-51, eff. 7-9-21; revised 10-26-21.)

3 (110 ILCS 660/5-212)

4 Sec. 5-212 ~~5-210~~. Academic major report. The Board shall
5 provide to each enrolled student, at the time the student
6 declares or changes his or her academic major or program of
7 study, a report that contains relevant, independent, and
8 accurate data related to the student's major or program of
9 study and to the current occupational outlook associated with
10 that major or program of study. The report shall provide the
11 student with all of the following information:

12 (1) The estimated cost of his or her education
13 associated with pursuing a degree in that major or program
14 of study.

15 (2) The average monthly student loan payment over a
16 period of 20 years based on the estimated cost of his or
17 her education under paragraph (1).

18 (3) The average job placement rate within 12 months
19 after graduation for a graduate who holds a degree in that
20 major or program of study.

21 (4) The average entry-level wage or salary for an
22 occupation related to that major or program of study.

23 (5) The average wage or salary 5 years after entry
24 into an occupation under paragraph (4).

25 (Source: P.A. 102-214, eff. 1-1-22; revised 10-26-21.)

1 (110 ILCS 660/5-220)

2 Sec. 5-220 ~~5-210~~. Availability of menstrual hygiene
3 products.

4 (a) In this Section, "menstrual hygiene products" means
5 tampons and sanitary napkins for use in connection with the
6 menstrual cycle.

7 (b) The Board shall make menstrual hygiene products
8 available, at no cost to students, in the bathrooms of
9 facilities or portions of facilities that (i) are owned or
10 leased by the Board or over which the Board has care, custody,
11 and control and (ii) are used for student instruction or
12 administrative purposes.

13 (Source: P.A. 102-250, eff. 8-5-21; revised 10-26-21.)

14 (110 ILCS 660/5-225)

15 Sec. 5-225 ~~5-210~~. Adjunct professor; status of class.

16 (a) At least 30 days before the beginning of a term and
17 again at 14 days before the beginning of the term, the Board
18 must notify an adjunct professor about the status of
19 enrollment of the class the adjunct professor was hired to
20 teach.

21 (b) This Section does not apply if the Governor has
22 declared a disaster due to a public health emergency or a
23 natural disaster pursuant to Section 7 of the Illinois
24 Emergency Management Agency Act.

1 (c) Collective bargaining agreements that are in effect on
2 January 1, 2022 (the effective date of Public Act 102-260)
3 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
4 from the requirements of this Section.

5 (Source: P.A. 102-260, eff. 1-1-22; revised 10-26-21.)

6 (110 ILCS 660/5-230)

7 Sec. 5-230 ~~5-210~~. Family and medical leave coverage. A
8 University employee who has been employed by the University
9 for at least 12 months and who has worked at least 1,000 hours
10 in the previous 12-month period shall be eligible for family
11 and medical leave under the same terms and conditions as leave
12 provided to eligible employees under the federal Family and
13 Medical Leave Act of 1993.

14 (Source: P.A. 102-335, eff. 1-1-22; revised 10-26-21.)

15 (110 ILCS 660/5-235)

16 Sec. 5-235 ~~5-210~~. Undocumented Student Liaison;
17 Undocumented Student Resource Center.

18 (a) Beginning with the 2022-2023 academic year, the Board
19 shall designate an employee as an Undocumented Student
20 Resource Liaison to be available on campus to provide
21 assistance to undocumented students and mixed status students
22 within the United States in streamlining access to financial
23 aid and academic support to successfully matriculate to degree
24 completion. The Undocumented Student Liaison shall provide

1 assistance to vocational students, undergraduate students,
2 graduate students, and professional-track students. An
3 employee who is designated as an Undocumented Student Liaison
4 must be knowledgeable about current legislation and policy
5 changes through professional development with the Illinois
6 Dream Fund Commission to provide the wrap-around services to
7 such students. The Illinois Dream Fund Commission shall
8 conduct professional development under this Section. The
9 Illinois Dream Fund Commission's task force on immigration
10 issues and the Undocumented Student Liaison shall ensure that
11 undocumented immigrants and students from mixed status
12 households receive equitable and inclusive access to the
13 University's retention and matriculation programs.

14 The Board shall ensure that an Undocumented Student
15 Liaison is available at each campus of the University. The
16 Undocumented Student Liaison must be placed in a location that
17 provides direct access for students in collaboration with the
18 retention and matriculation programs of the University. The
19 Undocumented Student Liaison shall report directly to senior
20 leadership and shall assist leadership with the review of
21 policies and procedures that directly affect undocumented and
22 mixed status students.

23 An Undocumented Student Liaison may work on outreach
24 efforts to provide access to resources and support within the
25 grade P-20 education pipeline by supporting summer enrichment
26 programs and pipeline options for students in any of grades 9

1 through 12.

2 (b) The Board is encouraged to establish an Undocumented
3 Student Resource Center on each of its campuses. An ~~A~~
4 Undocumented Student Resource Center may offer support
5 services, including, but not limited to, State and private
6 financial assistance, academic and career counseling, and
7 retention and matriculation support services, as well as
8 mental health counseling options because the changing
9 immigration climate impacts a student's overall well-being and
10 success.

11 An Undocumented Student Resource Center may be housed
12 within an existing student service center or academic center,
13 and the new construction of an Undocumented Student Resource
14 Center is not required under this Section.

15 The Board may seek and accept any financial support
16 through institutional advancement, private gifts, or donations
17 to aid in the creation and operation of and the services
18 provided by an Undocumented Student Resource Center.

19 (Source: P.A. 102-475, eff. 8-20-21; revised 10-26-21.)

20 (110 ILCS 660/5-240)

21 Sec. 5-240 ~~5-210~~. Personal support worker's attendance in
22 class permitted. If a student of the University has a personal
23 support worker through the Home-Based Support Services Program
24 for Adults with Mental Disabilities under the Developmental
25 Disability and Mental Disability Services Act, the Board must

1 permit the personal support worker to attend class with the
2 student but is not responsible for providing or paying for the
3 personal support worker. If the personal support worker's
4 attendance in class is solely to provide personal support
5 services to the student, the Board may not charge the personal
6 support worker tuition and fees for such attendance.

7 (Source: P.A. 102-568, eff. 8-23-21; revised 10-26-21.)

8 Section 350. The Eastern Illinois University Law is
9 amended by setting forth, renumbering, and changing multiple
10 versions of Section 10-210 as follows:

11 (110 ILCS 665/10-210)

12 Sec. 10-210. Modification of athletic or team uniform
13 permitted.

14 (a) The Board must allow a student athlete to modify his or
15 her athletic or team uniform due to the observance of modesty
16 in clothing or attire in accordance with the requirements of
17 his or her religion or his or her cultural values or modesty
18 preferences. The modification of the athletic or team uniform
19 may include, but is not limited to, the wearing of a hijab, an
20 undershirt, or leggings. If a student chooses to modify his or
21 her athletic or team uniform, the student is responsible for
22 all costs associated with the modification of the uniform and
23 the student shall not be required to receive prior approval
24 from the Board for such modification. However, nothing in this

1 Section prohibits the University from providing the
2 modification to the student.

3 (b) At a minimum, any modification of the athletic or team
4 uniform must not interfere with the movement of the student or
5 pose a safety hazard to the student or to other athletes or
6 players. The modification of headgear is permitted if the
7 headgear:

8 (1) is black, white, the predominant ~~predominate~~ color
9 of the uniform, or the same color for all players on the
10 team;

11 (2) does not cover any part of the face;

12 (3) is not dangerous to the player or to the other
13 players;

14 (4) has no opening or closing elements around the face
15 and neck; and

16 (5) has no parts extruding from its surface.

17 (Source: P.A. 102-51, eff. 7-9-21; revised 10-27-21.)

18 (110 ILCS 665/10-212)

19 Sec. 10-212 ~~10-210~~. Academic major report. The Board shall
20 provide to each enrolled student, at the time the student
21 declares or changes his or her academic major or program of
22 study, a report that contains relevant, independent, and
23 accurate data related to the student's major or program of
24 study and to the current occupational outlook associated with
25 that major or program of study. The report shall provide the

1 student with all of the following information:

2 (1) The estimated cost of his or her education
3 associated with pursuing a degree in that major or program
4 of study.

5 (2) The average monthly student loan payment over a
6 period of 20 years based on the estimated cost of his or
7 her education under paragraph (1).

8 (3) The average job placement rate within 12 months
9 after graduation for a graduate who holds a degree in that
10 major or program of study.

11 (4) The average entry-level wage or salary for an
12 occupation related to that major or program of study.

13 (5) The average wage or salary 5 years after entry
14 into an occupation under paragraph (4).

15 (Source: P.A. 102-214, eff. 1-1-22; revised 11-16-21.)

16 (110 ILCS 665/10-220)

17 Sec. 10-220 ~~10-210~~. Availability of menstrual hygiene
18 products.

19 (a) In this Section, "menstrual hygiene products" means
20 tampons and sanitary napkins for use in connection with the
21 menstrual cycle.

22 (b) The Board shall make menstrual hygiene products
23 available, at no cost to students, in the bathrooms of
24 facilities or portions of facilities that (i) are owned or
25 leased by the Board or over which the Board has care, custody,

1 and control and (ii) are used for student instruction or
2 administrative purposes.

3 (Source: P.A. 102-250, eff. 8-5-21; revised 10-27-21.)

4 (110 ILCS 665/10-225)

5 Sec. 10-225 ~~10-210~~. Adjunct professor; status of class.

6 (a) At least 30 days before the beginning of a term and
7 again at 14 days before the beginning of the term, the Board
8 must notify an adjunct professor about the status of
9 enrollment of the class the adjunct professor was hired to
10 teach.

11 (b) This Section does not apply if the Governor has
12 declared a disaster due to a public health emergency or a
13 natural disaster pursuant to Section 7 of the Illinois
14 Emergency Management Agency Act.

15 (c) Collective bargaining agreements that are in effect on
16 January 1, 2022 (the effective date of Public Act 102-260)
17 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
18 from the requirements of this Section.

19 (Source: P.A. 102-260, eff. 1-1-22; revised 10-27-21.)

20 (110 ILCS 665/10-230)

21 Sec. 10-230 ~~10-210~~. Family and medical leave coverage. A
22 University employee who has been employed by the University
23 for at least 12 months and who has worked at least 1,000 hours
24 in the previous 12-month period shall be eligible for family

1 and medical leave under the same terms and conditions as leave
2 provided to eligible employees under the federal Family and
3 Medical Leave Act of 1993.

4 (Source: P.A. 102-335, eff. 1-1-22; revised 10-27-21.)

5 (110 ILCS 665/10-235)

6 Sec. 10-235 ~~10-210~~. Undocumented Student Liaison;
7 Undocumented Student Resource Center.

8 (a) Beginning with the 2022-2023 academic year, the Board
9 shall designate an employee as an Undocumented Student
10 Resource Liaison to be available on campus to provide
11 assistance to undocumented students and mixed status students
12 within the United States in streamlining access to financial
13 aid and academic support to successfully matriculate to degree
14 completion. The Undocumented Student Liaison shall provide
15 assistance to vocational students, undergraduate students,
16 graduate students, and professional-track students. An
17 employee who is designated as an Undocumented Student Liaison
18 must be knowledgeable about current legislation and policy
19 changes through professional development with the Illinois
20 Dream Fund Commission to provide the wrap-around services to
21 such students. The Illinois Dream Fund Commission shall
22 conduct professional development under this Section. The
23 Illinois Dream Fund Commission's task force on immigration
24 issues and the Undocumented Student Liaison shall ensure that
25 undocumented immigrants and students from mixed status

1 households receive equitable and inclusive access to the
2 University's retention and matriculation programs.

3 The Board shall ensure that an Undocumented Student
4 Liaison is available at each campus of the University. The
5 Undocumented Student Liaison must be placed in a location that
6 provides direct access for students in collaboration with the
7 retention and matriculation programs of the University. The
8 Undocumented Student Liaison shall report directly to senior
9 leadership and shall assist leadership with the review of
10 policies and procedures that directly affect undocumented and
11 mixed status students.

12 An Undocumented Student Liaison may work on outreach
13 efforts to provide access to resources and support within the
14 grade P-20 education pipeline by supporting summer enrichment
15 programs and pipeline options for students in any of grades 9
16 through 12.

17 (b) The Board is encouraged to establish an Undocumented
18 Student Resource Center on each of its campuses. An ~~A~~
19 Undocumented Student Resource Center may offer support
20 services, including, but not limited to, State and private
21 financial assistance, academic and career counseling, and
22 retention and matriculation support services, as well as
23 mental health counseling options because the changing
24 immigration climate impacts a student's overall well-being and
25 success.

26 An Undocumented Student Resource Center may be housed

1 within an existing student service center or academic center,
2 and the new construction of an Undocumented Student Resource
3 Center is not required under this Section.

4 The Board may seek and accept any financial support
5 through institutional advancement, private gifts, or donations
6 to aid in the creation and operation of and the services
7 provided by an Undocumented Student Resource Center.

8 (Source: P.A. 102-475, eff. 8-20-21; revised 10-27-21.)

9 (110 ILCS 665/10-240)

10 Sec. 10-240 ~~10-210~~. Personal support worker's attendance
11 in class permitted. If a student of the University has a
12 personal support worker through the Home-Based Support
13 Services Program for Adults with Mental Disabilities under the
14 Developmental Disability and Mental Disability Services Act,
15 the Board must permit the personal support worker to attend
16 class with the student but is not responsible for providing or
17 paying for the personal support worker. If the personal
18 support worker's attendance in class is solely to provide
19 personal support services to the student, the Board may not
20 charge the personal support worker tuition and fees for such
21 attendance.

22 (Source: P.A. 102-568, eff. 8-23-21; revised 10-27-21.)

23 Section 355. The Governors State University Law is amended
24 by setting forth, renumbering, and changing multiple versions

1 of Section 15-210 as follows:

2 (110 ILCS 670/15-210)

3 Sec. 15-210. Modification of athletic or team uniform
4 permitted.

5 (a) The Board must allow a student athlete to modify his or
6 her athletic or team uniform due to the observance of modesty
7 in clothing or attire in accordance with the requirements of
8 his or her religion or his or her cultural values or modesty
9 preferences. The modification of the athletic or team uniform
10 may include, but is not limited to, the wearing of a hijab, an
11 undershirt, or leggings. If a student chooses to modify his or
12 her athletic or team uniform, the student is responsible for
13 all costs associated with the modification of the uniform and
14 the student shall not be required to receive prior approval
15 from the Board for such modification. However, nothing in this
16 Section prohibits the University from providing the
17 modification to the student.

18 (b) At a minimum, any modification of the athletic or team
19 uniform must not interfere with the movement of the student or
20 pose a safety hazard to the student or to other athletes or
21 players. The modification of headgear is permitted if the
22 headgear:

23 (1) is black, white, the predominant ~~predominate~~ color
24 of the uniform, or the same color for all players on the
25 team;

- 1 (2) does not cover any part of the face;
- 2 (3) is not dangerous to the player or to the other
3 players;
- 4 (4) has no opening or closing elements around the face
5 and neck; and
- 6 (5) has no parts extruding from its surface.
- 7 (Source: P.A. 102-51, eff. 7-9-21; revised 10-29-21.)

8 (110 ILCS 670/15-212)

9 Sec. 15-212 ~~15-210~~. Academic major report. The Board shall
10 provide to each enrolled student, at the time the student
11 declares or changes his or her academic major or program of
12 study, a report that contains relevant, independent, and
13 accurate data related to the student's major or program of
14 study and to the current occupational outlook associated with
15 that major or program of study. The report shall provide the
16 student with all of the following information:

17 (1) The estimated cost of his or her education
18 associated with pursuing a degree in that major or program
19 of study.

20 (2) The average monthly student loan payment over a
21 period of 20 years based on the estimated cost of his or
22 her education under paragraph (1).

23 (3) The average job placement rate within 12 months
24 after graduation for a graduate who holds a degree in that
25 major or program of study.

1 (4) The average entry-level wage or salary for an
2 occupation related to that major or program of study.

3 (5) The average wage or salary 5 years after entry
4 into an occupation under paragraph (4).

5 (Source: P.A. 102-214, eff. 1-1-22; revised 10-29-21.)

6 (110 ILCS 670/15-220)

7 Sec. 15-220 ~~15-210~~. Availability of menstrual hygiene
8 products.

9 (a) In this Section, "menstrual hygiene products" means
10 tampons and sanitary napkins for use in connection with the
11 menstrual cycle.

12 (b) The Board shall make menstrual hygiene products
13 available, at no cost to students, in the bathrooms of
14 facilities or portions of facilities that (i) are owned or
15 leased by the Board or over which the Board has care, custody,
16 and control and (ii) are used for student instruction or
17 administrative purposes.

18 (Source: P.A. 102-250, eff. 8-5-21; revised 10-29-21.)

19 (110 ILCS 670/15-225)

20 Sec. 15-225 ~~15-210~~. Adjunct professor; status of class.

21 (a) At least 30 days before the beginning of a term and
22 again at 14 days before the beginning of the term, the Board
23 must notify an adjunct professor about the status of
24 enrollment of the class the adjunct professor was hired to

1 teach.

2 (b) This Section does not apply if the Governor has
3 declared a disaster due to a public health emergency or a
4 natural disaster pursuant to Section 7 of the Illinois
5 Emergency Management Agency Act.

6 (c) Collective bargaining agreements that are in effect on
7 January 1, 2022 (the effective date of Public Act 102-260)
8 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
9 from the requirements of this Section.

10 (Source: P.A. 102-260, eff. 1-1-22; revised 10-29-21.)

11 (110 ILCS 670/15-230)

12 Sec. 15-230 ~~15-210~~. Family and medical leave coverage. A
13 University employee who has been employed by the University
14 for at least 12 months and who has worked at least 1,000 hours
15 in the previous 12-month period shall be eligible for family
16 and medical leave under the same terms and conditions as leave
17 provided to eligible employees under the federal Family and
18 Medical Leave Act of 1993.

19 (Source: P.A. 102-335, eff. 1-1-22; revised 10-29-21.)

20 (110 ILCS 670/15-235)

21 Sec. 15-235 ~~15-210~~. Undocumented Student Liaison;
22 Undocumented Student Resource Center.

23 (a) Beginning with the 2022-2023 academic year, the Board
24 shall designate an employee as an Undocumented Student

1 Resource Liaison to be available on campus to provide
2 assistance to undocumented students and mixed status students
3 within the United States in streamlining access to financial
4 aid and academic support to successfully matriculate to degree
5 completion. The Undocumented Student Liaison shall provide
6 assistance to vocational students, undergraduate students,
7 graduate students, and professional-track students. An
8 employee who is designated as an Undocumented Student Liaison
9 must be knowledgeable about current legislation and policy
10 changes through professional development with the Illinois
11 Dream Fund Commission to provide the wrap-around services to
12 such students. The Illinois Dream Fund Commission shall
13 conduct professional development under this Section. The
14 Illinois Dream Fund Commission's task force on immigration
15 issues and the Undocumented Student Liaison shall ensure that
16 undocumented immigrants and students from mixed status
17 households receive equitable and inclusive access to the
18 University's retention and matriculation programs.

19 The Board shall ensure that an Undocumented Student
20 Liaison is available at each campus of the University. The
21 Undocumented Student Liaison must be placed in a location that
22 provides direct access for students in collaboration with the
23 retention and matriculation programs of the University. The
24 Undocumented Student Liaison shall report directly to senior
25 leadership and shall assist leadership with the review of
26 policies and procedures that directly affect undocumented and

1 mixed status students.

2 An Undocumented Student Liaison may work on outreach
3 efforts to provide access to resources and support within the
4 grade P-20 education pipeline by supporting summer enrichment
5 programs and pipeline options for students in any of grades 9
6 through 12.

7 (b) The Board is encouraged to establish an Undocumented
8 Student Resource Center on each of its campuses. An ~~A~~
9 Undocumented Student Resource Center may offer support
10 services, including, but not limited to, State and private
11 financial assistance, academic and career counseling, and
12 retention and matriculation support services, as well as
13 mental health counseling options because the changing
14 immigration climate impacts a student's overall well-being and
15 success.

16 An Undocumented Student Resource Center may be housed
17 within an existing student service center or academic center,
18 and the new construction of an Undocumented Student Resource
19 Center is not required under this Section.

20 The Board may seek and accept any financial support
21 through institutional advancement, private gifts, or donations
22 to aid in the creation and operation of and the services
23 provided by an Undocumented Student Resource Center.

24 (Source: P.A. 102-475, eff. 8-20-21; revised 10-29-21.)

25 (110 ILCS 670/15-240)

1 Sec. 15-240 ~~15-210~~. Personal support worker's attendance
2 in class permitted. If a student of the University has a
3 personal support worker through the Home-Based Support
4 Services Program for Adults with Mental Disabilities under the
5 Developmental Disability and Mental Disability Services Act,
6 the Board must permit the personal support worker to attend
7 class with the student but is not responsible for providing or
8 paying for the personal support worker. If the personal
9 support worker's attendance in class is solely to provide
10 personal support services to the student, the Board may not
11 charge the personal support worker tuition and fees for such
12 attendance.

13 (Source: P.A. 102-568, eff. 8-23-21; revised 10-29-21.)

14 Section 360. The Illinois State University Law is amended
15 by setting forth, renumbering, and changing multiple versions
16 of Section 20-215 as follows:

17 (110 ILCS 675/20-215)

18 Sec. 20-215. Modification of athletic or team uniform
19 permitted.

20 (a) The Board must allow a student athlete to modify his or
21 her athletic or team uniform due to the observance of modesty
22 in clothing or attire in accordance with the requirements of
23 his or her religion or his or her cultural values or modesty
24 preferences. The modification of the athletic or team uniform

1 may include, but is not limited to, the wearing of a hijab, an
2 undershirt, or leggings. If a student chooses to modify his or
3 her athletic or team uniform, the student is responsible for
4 all costs associated with the modification of the uniform and
5 the student shall not be required to receive prior approval
6 from the Board for such modification. However, nothing in this
7 Section prohibits the University from providing the
8 modification to the student.

9 (b) At a minimum, any modification of the athletic or team
10 uniform must not interfere with the movement of the student or
11 pose a safety hazard to the student or to other athletes or
12 players. The modification of headgear is permitted if the
13 headgear:

14 (1) is black, white, the predominant ~~predominate~~ color
15 of the uniform, or the same color for all players on the
16 team;

17 (2) does not cover any part of the face;

18 (3) is not dangerous to the player or to the other
19 players;

20 (4) has no opening or closing elements around the face
21 and neck; and

22 (5) has no parts extruding from its surface.

23 (Source: P.A. 102-51, eff. 7-9-21; revised 11-4-21.)

24 (110 ILCS 675/20-217)

25 Sec. 20-217 ~~20-215~~. Academic major report. The Board shall

1 provide to each enrolled student, at the time the student
2 declares or changes his or her academic major or program of
3 study, a report that contains relevant, independent, and
4 accurate data related to the student's major or program of
5 study and to the current occupational outlook associated with
6 that major or program of study. The report shall provide the
7 student with all of the following information:

8 (1) The estimated cost of his or her education
9 associated with pursuing a degree in that major or program
10 of study.

11 (2) The average monthly student loan payment over a
12 period of 20 years based on the estimated cost of his or
13 her education under paragraph (1).

14 (3) The average job placement rate within 12 months
15 after graduation for a graduate who holds a degree in that
16 major or program of study.

17 (4) The average entry-level wage or salary for an
18 occupation related to that major or program of study.

19 (5) The average wage or salary 5 years after entry
20 into an occupation under paragraph (4).

21 (Source: P.A. 102-214, eff. 1-1-22; revised 11-4-21.)

22 (110 ILCS 675/20-225)

23 Sec. 20-225 ~~20-215~~. Availability of menstrual hygiene
24 products.

25 (a) In this Section, "menstrual hygiene products" means

1 tampons and sanitary napkins for use in connection with the
2 menstrual cycle.

3 (b) The Board shall make menstrual hygiene products
4 available, at no cost to students, in the bathrooms of
5 facilities or portions of facilities that (i) are owned or
6 leased by the Board or over which the Board has care, custody,
7 and control and (ii) are used for student instruction or
8 administrative purposes.

9 (Source: P.A. 102-250, eff. 8-5-21; revised 11-4-21.)

10 (110 ILCS 675/20-230)

11 Sec. 20-230 ~~20-215~~. Adjunct professor; status of class.

12 (a) At least 30 days before the beginning of a term and
13 again at 14 days before the beginning of the term, the Board
14 must notify an adjunct professor about the status of
15 enrollment of the class the adjunct professor was hired to
16 teach.

17 (b) This Section does not apply if the Governor has
18 declared a disaster due to a public health emergency or a
19 natural disaster pursuant to Section 7 of the Illinois
20 Emergency Management Agency Act.

21 (c) Collective bargaining agreements that are in effect on
22 January 1, 2022 (the effective date of Public Act 102-260)
23 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
24 from the requirements of this Section.

25 (Source: P.A. 102-260, eff. 1-1-22; revised 11-4-21.)

1 (110 ILCS 675/20-235)

2 Sec. 20-235 ~~20-215~~. Family and medical leave coverage. A
3 University employee who has been employed by the University
4 for at least 12 months and who has worked at least 1,000 hours
5 in the previous 12-month period shall be eligible for family
6 and medical leave under the same terms and conditions as leave
7 provided to eligible employees under the federal Family and
8 Medical Leave Act of 1993.

9 (Source: P.A. 102-335, eff. 1-1-22; revised 11-4-21.)

10 (110 ILCS 675/20-240)

11 Sec. 20-240 ~~20-215~~. Undocumented Student Liaison;
12 Undocumented Student Resource Center.

13 (a) Beginning with the 2022-2023 academic year, the Board
14 shall designate an employee as an Undocumented Student
15 Resource Liaison to be available on campus to provide
16 assistance to undocumented students and mixed status students
17 within the United States in streamlining access to financial
18 aid and academic support to successfully matriculate to degree
19 completion. The Undocumented Student Liaison shall provide
20 assistance to vocational students, undergraduate students,
21 graduate students, and professional-track students. An
22 employee who is designated as an Undocumented Student Liaison
23 must be knowledgeable about current legislation and policy
24 changes through professional development with the Illinois

1 Dream Fund Commission to provide the wrap-around services to
2 such students. The Illinois Dream Fund Commission shall
3 conduct professional development under this Section. The
4 Illinois Dream Fund Commission's task force on immigration
5 issues and the Undocumented Student Liaison shall ensure that
6 undocumented immigrants and students from mixed status
7 households receive equitable and inclusive access to the
8 University's retention and matriculation programs.

9 The Board shall ensure that an Undocumented Student
10 Liaison is available at each campus of the University. The
11 Undocumented Student Liaison must be placed in a location that
12 provides direct access for students in collaboration with the
13 retention and matriculation programs of the University. The
14 Undocumented Student Liaison shall report directly to senior
15 leadership and shall assist leadership with the review of
16 policies and procedures that directly affect undocumented and
17 mixed status students.

18 An Undocumented Student Liaison may work on outreach
19 efforts to provide access to resources and support within the
20 grade P-20 education pipeline by supporting summer enrichment
21 programs and pipeline options for students in any of grades 9
22 through 12.

23 (b) The Board is encouraged to establish an Undocumented
24 Student Resource Center on each of its campuses. An ~~A~~
25 Undocumented Student Resource Center may offer support
26 services, including, but not limited to, State and private

1 financial assistance, academic and career counseling, and
2 retention and matriculation support services, as well as
3 mental health counseling options because the changing
4 immigration climate impacts a student's overall well-being and
5 success.

6 An Undocumented Student Resource Center may be housed
7 within an existing student service center or academic center,
8 and the new construction of an Undocumented Student Resource
9 Center is not required under this Section.

10 The Board may seek and accept any financial support
11 through institutional advancement, private gifts, or donations
12 to aid in the creation and operation of and the services
13 provided by an Undocumented Student Resource Center.

14 (Source: P.A. 102-475, eff. 8-20-21; revised 11-4-21.)

15 (110 ILCS 675/20-245)

16 Sec. 20-245 ~~20-215~~. Personal support worker's attendance
17 in class permitted. If a student of the University has a
18 personal support worker through the Home-Based Support
19 Services Program for Adults with Mental Disabilities under the
20 Developmental Disability and Mental Disability Services Act,
21 the Board must permit the personal support worker to attend
22 class with the student but is not responsible for providing or
23 paying for the personal support worker. If the personal
24 support worker's attendance in class is solely to provide
25 personal support services to the student, the Board may not

1 charge the personal support worker tuition and fees for such
2 attendance.

3 (Source: P.A. 102-568, eff. 8-23-21; revised 11-4-21.)

4 Section 365. The Northeastern Illinois University Law is
5 amended by setting forth, renumbering, and changing multiple
6 versions of Section 25-210 as follows:

7 (110 ILCS 680/25-210)

8 Sec. 25-210. Modification of athletic or team uniform
9 permitted.

10 (a) The Board must allow a student athlete to modify his or
11 her athletic or team uniform due to the observance of modesty
12 in clothing or attire in accordance with the requirements of
13 his or her religion or his or her cultural values or modesty
14 preferences. The modification of the athletic or team uniform
15 may include, but is not limited to, the wearing of a hijab, an
16 undershirt, or leggings. If a student chooses to modify his or
17 her athletic or team uniform, the student is responsible for
18 all costs associated with the modification of the uniform and
19 the student shall not be required to receive prior approval
20 from the Board for such modification. However, nothing in this
21 Section prohibits the University from providing the
22 modification to the student.

23 (b) At a minimum, any modification of the athletic or team
24 uniform must not interfere with the movement of the student or

1 pose a safety hazard to the student or to other athletes or
2 players. The modification of headgear is permitted if the
3 headgear:

4 (1) is black, white, the predominant ~~predominate~~ color
5 of the uniform, or the same color for all players on the
6 team;

7 (2) does not cover any part of the face;

8 (3) is not dangerous to the player or to the other
9 players;

10 (4) has no opening or closing elements around the face
11 and neck; and

12 (5) has no parts extruding from its surface.

13 (Source: P.A. 102-51, eff. 7-9-21; revised 11-4-21.)

14 (110 ILCS 680/25-212)

15 Sec. 25-212 ~~25-210~~. Academic major report. The Board shall
16 provide to each enrolled student, at the time the student
17 declares or changes his or her academic major or program of
18 study, a report that contains relevant, independent, and
19 accurate data related to the student's major or program of
20 study and to the current occupational outlook associated with
21 that major or program of study. The report shall provide the
22 student with all of the following information:

23 (1) The estimated cost of his or her education
24 associated with pursuing a degree in that major or program
25 of study.

1 (2) The average monthly student loan payment over a
2 period of 20 years based on the estimated cost of his or
3 her education under paragraph (1).

4 (3) The average job placement rate within 12 months
5 after graduation for a graduate who holds a degree in that
6 major or program of study.

7 (4) The average entry-level wage or salary for an
8 occupation related to that major or program of study.

9 (5) The average wage or salary 5 years after entry
10 into an occupation under paragraph (4).

11 (Source: P.A. 102-214, eff. 1-1-22; revised 11-4-21.)

12 (110 ILCS 680/25-220)

13 Sec. 25-220 ~~25-210~~. Availability of menstrual hygiene
14 products.

15 (a) In this Section, "menstrual hygiene products" means
16 tampons and sanitary napkins for use in connection with the
17 menstrual cycle.

18 (b) The Board shall make menstrual hygiene products
19 available, at no cost to students, in the bathrooms of
20 facilities or portions of facilities that (i) are owned or
21 leased by the Board or over which the Board has care, custody,
22 and control and (ii) are used for student instruction or
23 administrative purposes.

24 (Source: P.A. 102-250, eff. 8-5-21; revised 11-4-21.)

1 (110 ILCS 680/25-225)

2 Sec. 25-225 ~~25-210~~. Adjunct professor; status of class.

3 (a) At least 30 days before the beginning of a term and
4 again at 14 days before the beginning of the term, the Board
5 must notify an adjunct professor about the status of
6 enrollment of the class the adjunct professor was hired to
7 teach.

8 (b) This Section does not apply if the Governor has
9 declared a disaster due to a public health emergency or a
10 natural disaster pursuant to Section 7 of the Illinois
11 Emergency Management Agency Act.

12 (c) Collective bargaining agreements that are in effect on
13 January 1, 2022 (the effective date of Public Act 102-260)
14 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
15 from the requirements of this Section.

16 (Source: P.A. 102-260, eff. 1-1-22; revised 11-4-21.)

17 (110 ILCS 680/25-230)

18 Sec. 25-230 ~~25-210~~. Family and medical leave coverage. A
19 University employee who has been employed by the University
20 for at least 12 months and who has worked at least 1,000 hours
21 in the previous 12-month period shall be eligible for family
22 and medical leave under the same terms and conditions as leave
23 provided to eligible employees under the federal Family and
24 Medical Leave Act of 1993.

25 (Source: P.A. 102-335, eff. 1-1-22; revised 11-4-21.)

1 (110 ILCS 680/25-235)

2 Sec. 25-235 ~~25-210~~. Undocumented Student Liaison;
3 Undocumented Student Resource Center.

4 (a) Beginning with the 2022-2023 academic year, the Board
5 shall designate an employee as an Undocumented Student
6 Resource Liaison to be available on campus to provide
7 assistance to undocumented students and mixed status students
8 within the United States in streamlining access to financial
9 aid and academic support to successfully matriculate to degree
10 completion. The Undocumented Student Liaison shall provide
11 assistance to vocational students, undergraduate students,
12 graduate students, and professional-track students. An
13 employee who is designated as an Undocumented Student Liaison
14 must be knowledgeable about current legislation and policy
15 changes through professional development with the Illinois
16 Dream Fund Commission to provide the wrap-around services to
17 such students. The Illinois Dream Fund Commission shall
18 conduct professional development under this Section. The
19 Illinois Dream Fund Commission's task force on immigration
20 issues and the Undocumented Student Liaison shall ensure that
21 undocumented immigrants and students from mixed status
22 households receive equitable and inclusive access to the
23 University's retention and matriculation programs.

24 The Board shall ensure that an Undocumented Student
25 Liaison is available at each campus of the University. The

1 Undocumented Student Liaison must be placed in a location that
2 provides direct access for students in collaboration with the
3 retention and matriculation programs of the University. The
4 Undocumented Student Liaison shall report directly to senior
5 leadership and shall assist leadership with the review of
6 policies and procedures that directly affect undocumented and
7 mixed status students.

8 An Undocumented Student Liaison may work on outreach
9 efforts to provide access to resources and support within the
10 grade P-20 education pipeline by supporting summer enrichment
11 programs and pipeline options for students in any of grades 9
12 through 12.

13 (b) The Board is encouraged to establish an Undocumented
14 Student Resource Center on each of its campuses. An ~~A~~
15 Undocumented Student Resource Center may offer support
16 services, including, but not limited to, State and private
17 financial assistance, academic and career counseling, and
18 retention and matriculation support services, as well as
19 mental health counseling options because the changing
20 immigration climate impacts a student's overall well-being and
21 success.

22 An Undocumented Student Resource Center may be housed
23 within an existing student service center or academic center,
24 and the new construction of an Undocumented Student Resource
25 Center is not required under this Section.

26 The Board may seek and accept any financial support

1 through institutional advancement, private gifts, or donations
2 to aid in the creation and operation of and the services
3 provided by an Undocumented Student Resource Center.

4 (Source: P.A. 102-475, eff. 8-20-21; revised 11-4-21.)

5 (110 ILCS 680/25-240)

6 Sec. 25-240 ~~25-210~~. Personal support worker's attendance
7 in class permitted. If a student of the University has a
8 personal support worker through the Home-Based Support
9 Services Program for Adults with Mental Disabilities under the
10 Developmental Disability and Mental Disability Services Act,
11 the Board must permit the personal support worker to attend
12 class with the student but is not responsible for providing or
13 paying for the personal support worker. If the personal
14 support worker's attendance in class is solely to provide
15 personal support services to the student, the Board may not
16 charge the personal support worker tuition and fees for such
17 attendance.

18 (Source: P.A. 102-568, eff. 8-23-21; revised 11-4-21.)

19 Section 370. The Northern Illinois University Law is
20 amended by setting forth, renumbering, and changing multiple
21 versions of Section 30-220 as follows:

22 (110 ILCS 685/30-220)

23 Sec. 30-220. Modification of athletic or team uniform

1 permitted.

2 (a) The Board must allow a student athlete to modify his or
3 her athletic or team uniform due to the observance of modesty
4 in clothing or attire in accordance with the requirements of
5 his or her religion or his or her cultural values or modesty
6 preferences. The modification of the athletic or team uniform
7 may include, but is not limited to, the wearing of a hijab, an
8 undershirt, or leggings. If a student chooses to modify his or
9 her athletic or team uniform, the student is responsible for
10 all costs associated with the modification of the uniform and
11 the student shall not be required to receive prior approval
12 from the Board for such modification. However, nothing in this
13 Section prohibits the University from providing the
14 modification to the student.

15 (b) At a minimum, any modification of the athletic or team
16 uniform must not interfere with the movement of the student or
17 pose a safety hazard to the student or to other athletes or
18 players. The modification of headgear is permitted if the
19 headgear:

20 (1) is black, white, the predominant ~~predominate~~ color
21 of the uniform, or the same color for all players on the
22 team;

23 (2) does not cover any part of the face;

24 (3) is not dangerous to the player or to the other
25 players;

26 (4) has no opening or closing elements around the face

1 and neck; and

2 (5) has no parts extruding from its surface.

3 (Source: P.A. 102-51, eff. 7-9-21; revised 11-4-21.)

4 (110 ILCS 685/30-222)

5 Sec. 30-222 ~~30-220~~. Academic major report. The Board shall
6 provide to each enrolled student, at the time the student
7 declares or changes his or her academic major or program of
8 study, a report that contains relevant, independent, and
9 accurate data related to the student's major or program of
10 study and to the current occupational outlook associated with
11 that major or program of study. The report shall provide the
12 student with all of the following information:

13 (1) The estimated cost of his or her education
14 associated with pursuing a degree in that major or program
15 of study.

16 (2) The average monthly student loan payment over a
17 period of 20 years based on the estimated cost of his or
18 her education under paragraph (1).

19 (3) The average job placement rate within 12 months
20 after graduation for a graduate who holds a degree in that
21 major or program of study.

22 (4) The average entry-level wage or salary for an
23 occupation related to that major or program of study.

24 (5) The average wage or salary 5 years after entry
25 into an occupation under paragraph (4).

1 (Source: P.A. 102-214, eff. 1-1-22; revised 11-4-21.)

2 (110 ILCS 685/30-230)

3 Sec. 30-230 ~~30-220~~. Availability of menstrual hygiene
4 products.

5 (a) In this Section, "menstrual hygiene products" means
6 tampons and sanitary napkins for use in connection with the
7 menstrual cycle.

8 (b) The Board shall make menstrual hygiene products
9 available, at no cost to students, in the bathrooms of
10 facilities or portions of facilities that (i) are owned or
11 leased by the Board or over which the Board has care, custody,
12 and control and (ii) are used for student instruction or
13 administrative purposes.

14 (Source: P.A. 102-250, eff. 8-5-21; revised 11-4-21.)

15 (110 ILCS 685/30-235)

16 Sec. 30-235 ~~30-220~~. Adjunct professor; status of class.

17 (a) At least 30 days before the beginning of a term and
18 again at 14 days before the beginning of the term, the Board
19 must notify an adjunct professor about the status of
20 enrollment of the class the adjunct professor was hired to
21 teach.

22 (b) This Section does not apply if the Governor has
23 declared a disaster due to a public health emergency or a
24 natural disaster pursuant to Section 7 of the Illinois

1 Emergency Management Agency Act.

2 (c) Collective bargaining agreements that are in effect on
3 January 1, 2022 (the effective date of Public Act 102-260)
4 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
5 from the requirements of this Section.

6 (Source: P.A. 102-260, eff. 1-1-22; revised 11-4-21.)

7 (110 ILCS 685/30-240)

8 Sec. 30-240 ~~30-220~~. Family and medical leave coverage. A
9 University employee who has been employed by the University
10 for at least 12 months and who has worked at least 1,000 hours
11 in the previous 12-month period shall be eligible for family
12 and medical leave under the same terms and conditions as leave
13 provided to eligible employees under the federal Family and
14 Medical Leave Act of 1993.

15 (Source: P.A. 102-335, eff. 1-1-22; revised 11-4-21.)

16 (110 ILCS 685/30-245)

17 Sec. 30-245 ~~30-220~~. Undocumented Student Liaison;
18 Undocumented Student Resource Center.

19 (a) Beginning with the 2022-2023 academic year, the Board
20 shall designate an employee as an Undocumented Student
21 Resource Liaison to be available on campus to provide
22 assistance to undocumented students and mixed status students
23 within the United States in streamlining access to financial
24 aid and academic support to successfully matriculate to degree

1 completion. The Undocumented Student Liaison shall provide
2 assistance to vocational students, undergraduate students,
3 graduate students, and professional-track students. An
4 employee who is designated as an Undocumented Student Liaison
5 must be knowledgeable about current legislation and policy
6 changes through professional development with the Illinois
7 Dream Fund Commission to provide the wrap-around services to
8 such students. The Illinois Dream Fund Commission shall
9 conduct professional development under this Section. The
10 Illinois Dream Fund Commission's task force on immigration
11 issues and the Undocumented Student Liaison shall ensure that
12 undocumented immigrants and students from mixed status
13 households receive equitable and inclusive access to the
14 University's retention and matriculation programs.

15 The Board shall ensure that an Undocumented Student
16 Liaison is available at each campus of the University. The
17 Undocumented Student Liaison must be placed in a location that
18 provides direct access for students in collaboration with the
19 retention and matriculation programs of the University. The
20 Undocumented Student Liaison shall report directly to senior
21 leadership and shall assist leadership with the review of
22 policies and procedures that directly affect undocumented and
23 mixed status students.

24 An Undocumented Student Liaison may work on outreach
25 efforts to provide access to resources and support within the
26 grade P-20 education pipeline by supporting summer enrichment

1 programs and pipeline options for students in any of grades 9
2 through 12.

3 (b) The Board is encouraged to establish an Undocumented
4 Student Resource Center on each of its campuses. An ~~A~~
5 Undocumented Student Resource Center may offer support
6 services, including, but not limited to, State and private
7 financial assistance, academic and career counseling, and
8 retention and matriculation support services, as well as
9 mental health counseling options because the changing
10 immigration climate impacts a student's overall well-being and
11 success.

12 An Undocumented Student Resource Center may be housed
13 within an existing student service center or academic center,
14 and the new construction of an Undocumented Student Resource
15 Center is not required under this Section.

16 The Board may seek and accept any financial support
17 through institutional advancement, private gifts, or donations
18 to aid in the creation and operation of and the services
19 provided by an Undocumented Student Resource Center.

20 (Source: P.A. 102-475, eff. 8-20-21; revised 11-4-21.)

21 (110 ILCS 685/30-250)

22 Sec. 30-250 ~~30-220~~. Personal support worker's attendance
23 in class permitted. If a student of the University has a
24 personal support worker through the Home-Based Support
25 Services Program for Adults with Mental Disabilities under the

1 Developmental Disability and Mental Disability Services Act,
2 the Board must permit the personal support worker to attend
3 class with the student but is not responsible for providing or
4 paying for the personal support worker. If the personal
5 support worker's attendance in class is solely to provide
6 personal support services to the student, the Board may not
7 charge the personal support worker tuition and fees for such
8 attendance.

9 (Source: P.A. 102-568, eff. 8-23-21; revised 11-4-21.)

10 Section 375. The Western Illinois University Law is
11 amended by setting forth, renumbering, and changing multiple
12 versions of Section 35-215 as follows:

13 (110 ILCS 690/35-215)

14 Sec. 35-215. Modification of athletic or team uniform
15 permitted.

16 (a) The Board must allow a student athlete to modify his or
17 her athletic or team uniform due to the observance of modesty
18 in clothing or attire in accordance with the requirements of
19 his or her religion or his or her cultural values or modesty
20 preferences. The modification of the athletic or team uniform
21 may include, but is not limited to, the wearing of a hijab, an
22 undershirt, or leggings. If a student chooses to modify his or
23 her athletic or team uniform, the student is responsible for
24 all costs associated with the modification of the uniform and

1 the student shall not be required to receive prior approval
2 from the Board for such modification. However, nothing in this
3 Section prohibits the University from providing the
4 modification to the student.

5 (b) At a minimum, any modification of the athletic or team
6 uniform must not interfere with the movement of the student or
7 pose a safety hazard to the student or to other athletes or
8 players. The modification of headgear is permitted if the
9 headgear:

10 (1) is black, white, the predominant ~~predominate~~ color
11 of the uniform, or the same color for all players on the
12 team;

13 (2) does not cover any part of the face;

14 (3) is not dangerous to the player or to the other
15 players;

16 (4) has no opening or closing elements around the face
17 and neck; and

18 (5) has no parts extruding from its surface.

19 (Source: P.A. 102-51, eff. 7-9-21; revised 11-5-21.)

20 (110 ILCS 690/35-217)

21 Sec. 35-217 ~~35-215~~. Academic major report. The Board shall
22 provide to each enrolled student, at the time the student
23 declares or changes his or her academic major or program of
24 study, a report that contains relevant, independent, and
25 accurate data related to the student's major or program of

1 study and to the current occupational outlook associated with
2 that major or program of study. The report shall provide the
3 student with all of the following information:

4 (1) The estimated cost of his or her education
5 associated with pursuing a degree in that major or program
6 of study.

7 (2) The average monthly student loan payment over a
8 period of 20 years based on the estimated cost of his or
9 her education under paragraph (1).

10 (3) The average job placement rate within 12 months
11 after graduation for a graduate who holds a degree in that
12 major or program of study.

13 (4) The average entry-level wage or salary for an
14 occupation related to that major or program of study.

15 (5) The average wage or salary 5 years after entry
16 into an occupation under paragraph (4).

17 (Source: P.A. 102-214, eff. 1-1-22; revised 11-5-21.)

18 (110 ILCS 690/35-225)

19 Sec. 35-225 ~~35-215~~. Availability of menstrual hygiene
20 products.

21 (a) In this Section, "menstrual hygiene products" means
22 tampons and sanitary napkins for use in connection with the
23 menstrual cycle.

24 (b) The Board shall make menstrual hygiene products
25 available, at no cost to students, in the bathrooms of

1 facilities or portions of facilities that (i) are owned or
2 leased by the Board or over which the Board has care, custody,
3 and control and (ii) are used for student instruction or
4 administrative purposes.

5 (Source: P.A. 102-250, eff. 8-5-21; revised 11-5-21.)

6 (110 ILCS 690/35-230)

7 Sec. 35-230 ~~35-215~~. Adjunct professor; status of class.

8 (a) At least 30 days before the beginning of a term and
9 again at 14 days before the beginning of the term, the Board
10 must notify an adjunct professor about the status of
11 enrollment of the class the adjunct professor was hired to
12 teach.

13 (b) This Section does not apply if the Governor has
14 declared a disaster due to a public health emergency or a
15 natural disaster pursuant to Section 7 of the Illinois
16 Emergency Management Agency Act.

17 (c) Collective bargaining agreements that are in effect on
18 January 1, 2022 (the effective date of Public Act 102-260)
19 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
20 from the requirements of this Section.

21 (Source: P.A. 102-260, eff. 1-1-22; revised 11-5-21.)

22 (110 ILCS 690/35-235)

23 Sec. 35-235 ~~35-215~~. Family and medical leave coverage. A
24 University employee who has been employed by the University

1 for at least 12 months and who has worked at least 1,000 hours
2 in the previous 12-month period shall be eligible for family
3 and medical leave under the same terms and conditions as leave
4 provided to eligible employees under the federal Family and
5 Medical Leave Act of 1993.

6 (Source: P.A. 102-335, eff. 1-1-22; revised 11-5-21.)

7 (110 ILCS 690/35-240)

8 Sec. 35-240 ~~35-215~~. Undocumented Student Liaison;
9 Undocumented Student Resource Center.

10 (a) Beginning with the 2022-2023 academic year, the Board
11 shall designate an employee as an Undocumented Student
12 Resource Liaison to be available on campus to provide
13 assistance to undocumented students and mixed status students
14 within the United States in streamlining access to financial
15 aid and academic support to successfully matriculate to degree
16 completion. The Undocumented Student Liaison shall provide
17 assistance to vocational students, undergraduate students,
18 graduate students, and professional-track students. An
19 employee who is designated as an Undocumented Student Liaison
20 must be knowledgeable about current legislation and policy
21 changes through professional development with the Illinois
22 Dream Fund Commission to provide the wrap-around services to
23 such students. The Illinois Dream Fund Commission shall
24 conduct professional development under this Section. The
25 Illinois Dream Fund Commission's task force on immigration

1 issues and the Undocumented Student Liaison shall ensure that
2 undocumented immigrants and students from mixed status
3 households receive equitable and inclusive access to the
4 University's retention and matriculation programs.

5 The Board shall ensure that an Undocumented Student
6 Liaison is available at each campus of the University. The
7 Undocumented Student Liaison must be placed in a location that
8 provides direct access for students in collaboration with the
9 retention and matriculation programs of the University. The
10 Undocumented Student Liaison shall report directly to senior
11 leadership and shall assist leadership with the review of
12 policies and procedures that directly affect undocumented and
13 mixed status students.

14 An Undocumented Student Liaison may work on outreach
15 efforts to provide access to resources and support within the
16 grade P-20 education pipeline by supporting summer enrichment
17 programs and pipeline options for students in any of grades 9
18 through 12.

19 (b) The Board is encouraged to establish an Undocumented
20 Student Resource Center on each of its campuses. An ~~A~~
21 Undocumented Student Resource Center may offer support
22 services, including, but not limited to, State and private
23 financial assistance, academic and career counseling, and
24 retention and matriculation support services, as well as
25 mental health counseling options because the changing
26 immigration climate impacts a student's overall well-being and

1 success.

2 An Undocumented Student Resource Center may be housed
3 within an existing student service center or academic center,
4 and the new construction of an Undocumented Student Resource
5 Center is not required under this Section.

6 The Board may seek and accept any financial support
7 through institutional advancement, private gifts, or donations
8 to aid in the creation and operation of and the services
9 provided by an Undocumented Student Resource Center.

10 (Source: P.A. 102-475, eff. 8-20-21; revised 11-5-21.)

11 (110 ILCS 690/35-245)

12 Sec. 35-245 ~~35-215~~. Personal support worker's attendance
13 in class permitted. If a student of the University has a
14 personal support worker through the Home-Based Support
15 Services Program for Adults with Mental Disabilities under the
16 Developmental Disability and Mental Disability Services Act,
17 the Board must permit the personal support worker to attend
18 class with the student but is not responsible for providing or
19 paying for the personal support worker. If the personal
20 support worker's attendance in class is solely to provide
21 personal support services to the student, the Board may not
22 charge the personal support worker tuition and fees for such
23 attendance.

24 (Source: P.A. 102-568, eff. 8-23-21; revised 11-5-21.)

1 Section 380. The Public Community College Act is amended
2 by setting forth, renumbering, and changing multiple versions
3 of Section 3-29.14 as follows:

4 (110 ILCS 805/3-29.14)

5 Sec. 3-29.14. Modification of athletic or team uniform
6 permitted.

7 (a) A board must allow a student athlete to modify his or
8 her athletic or team uniform due to the observance of modesty
9 in clothing or attire in accordance with the requirements of
10 his or her religion or his or her cultural values or modesty
11 preferences. The modification of the athletic or team uniform
12 may include, but is not limited to, the wearing of a hijab, an
13 undershirt, or leggings. If a student chooses to modify his or
14 her athletic or team uniform, the student is responsible for
15 all costs associated with the modification of the uniform and
16 the student shall not be required to receive prior approval
17 from the board for such modification. However, nothing in this
18 Section prohibits the community college from providing the
19 modification to the student.

20 (b) At a minimum, any modification of the athletic or team
21 uniform must not interfere with the movement of the student or
22 pose a safety hazard to the student or to other athletes or
23 players. The modification of headgear is permitted if the
24 headgear:

25 (1) is black, white, the predominant ~~predominate~~ color

1 of the uniform, or the same color for all players on the
2 team;

3 (2) does not cover any part of the face;

4 (3) is not dangerous to the player or to the other
5 players;

6 (4) has no opening or closing elements around the face
7 and neck; and

8 (5) has no parts extruding from its surface.

9 (Source: P.A. 102-51, eff. 7-9-21; revised 11-5-21.)

10 (110 ILCS 805/3-29.14a)

11 Sec. 3-29.14a ~~3-29.14~~. Availability of menstrual hygiene
12 products.

13 (a) In this Section, "menstrual hygiene products" means
14 tampons and sanitary napkins for use in connection with the
15 menstrual cycle.

16 (b) Each board shall make menstrual hygiene products
17 available, at no cost to students, in the bathrooms of
18 facilities or portions of facilities that (i) are owned or
19 leased by the board or over which the board has care, custody,
20 and control and (ii) are used for student instruction or
21 administrative purposes.

22 (Source: P.A. 102-250, eff. 8-5-21; revised 11-5-21.)

23 (110 ILCS 805/3-29.16)

24 Sec. 3-29.16 ~~3-29.14~~. Adjunct professor; status of class.

1 (a) At least 30 days before the beginning of a semester or
2 term and again at 14 days before the beginning of the semester
3 or term, a community college must notify an adjunct professor
4 about the status of class enrollment of the class the adjunct
5 professor was assigned to teach.

6 (b) This Section does not apply if the Governor has
7 declared a disaster due to a public health emergency or a
8 natural disaster pursuant to Section 7 of the Illinois
9 Emergency Management Agency Act.

10 (c) Collective bargaining agreements that are in effect on
11 January 1, 2022 (the effective date of Public Act 102-260)
12 ~~this amendatory Act of the 102nd General Assembly~~ are exempt
13 from the requirements of this Section.

14 (Source: P.A. 102-260, eff. 1-1-22; revised 11-5-21.)

15 (110 ILCS 805/3-29.17)

16 Sec. 3-29.17 ~~3-29.14~~. Undocumented Student Liaison;
17 Undocumented Student Resource Center.

18 (a) Beginning with the 2022-2023 academic year, a board
19 shall designate an employee as an Undocumented Student
20 Resource Liaison to be available on campus to provide
21 assistance to undocumented students and mixed status students
22 within the United States in streamlining access to financial
23 aid and academic support to successfully matriculate to degree
24 completion. The Undocumented Student Liaison shall provide
25 assistance to vocational students, undergraduate students, and

1 professional-track students. An employee who is designated as
2 an Undocumented Student Liaison must be knowledgeable about
3 current legislation and policy changes through professional
4 development with the Illinois Dream Fund Commission to provide
5 the wrap-around services to such students. The Illinois Dream
6 Fund Commission shall conduct professional development under
7 this Section. The Illinois Dream Fund Commission's task force
8 on immigration issues and the Undocumented Student Liaison
9 shall ensure that undocumented immigrants and students from
10 mixed status households receive equitable and inclusive access
11 to the community college district's retention and
12 matriculation programs.

13 The board shall ensure that an Undocumented Student
14 Liaison is available at each campus of the community college
15 district. The Undocumented Student Liaison must be placed in a
16 location that provides direct access for students in
17 collaboration with the retention and matriculation programs of
18 the community college district. The Undocumented Student
19 Liaison shall report directly to senior leadership and shall
20 assist leadership with the review of policies and procedures
21 that directly affect undocumented and mixed status students.

22 An Undocumented Student Liaison may work on outreach
23 efforts to provide access to resources and support within the
24 grade P-20 education pipeline by supporting summer enrichment
25 programs and pipeline options for students in any of grades 9
26 through 12.

1 (b) A board is encouraged to establish an Undocumented
2 Student Resource Center on each campus of the community
3 college district. An ~~A~~ Undocumented Student Resource Center
4 may offer support services, including, but not limited to,
5 State and private financial assistance, academic and career
6 counseling, and retention and matriculation support services,
7 as well as mental health counseling options because the
8 changing immigration climate impacts a student's overall
9 well-being and success.

10 An Undocumented Student Resource Center may be housed
11 within an existing student service center or academic center,
12 and the new construction of an Undocumented Student Resource
13 Center is not required under this Section.

14 The board may seek and accept any financial support
15 through institutional advancement, private gifts, or donations
16 to aid in the creation and operation of and the services
17 provided by an Undocumented Student Resource Center.

18 (Source: P.A. 102-475, eff. 8-20-21; revised 11-5-21.)

19 (110 ILCS 805/3-29.18)

20 Sec. 3-29.18 ~~3-29.14~~. Students with disabilities.

21 (a) Each community college district shall provide access
22 to higher education for students with disabilities, including,
23 but not limited to, students with intellectual or
24 developmental disabilities. Each community college is
25 encouraged to offer for-credit and non-credit courses as

1 deemed appropriate for the individual student based on the
2 student's abilities, interests, and postsecondary transition
3 goals, with the appropriate individualized supplementary aids
4 and accommodations, including general education courses,
5 career and technical education, vocational training,
6 continuing education certificates, individualized learning
7 paths, and life skills courses for students with disabilities.

8 (b) Each community college is strongly encouraged to have
9 its disability services coordinator or the coordinator's
10 representative participate either in person or remotely in
11 meetings held by high schools within the community college
12 district to provide information to the student's
13 individualized education program team, including the student
14 and the student's parent or guardian, about the community
15 college and the availability of courses and programs at the
16 community college.

17 (Source: P.A. 102-516, eff. 8-20-21; revised 11-5-21.)

18 (110 ILCS 805/3-29.19)

19 Sec. 3-29.19 ~~3-29.14~~. Personal support worker's attendance
20 in class permitted. If a student of a community college
21 district has a personal support worker through the Home-Based
22 Support Services Program for Adults with Mental Disabilities
23 under the Developmental Disability and Mental Disability
24 Services Act, the board must permit the personal support
25 worker to attend class with the student but is not responsible

1 for providing or paying for the personal support worker. If
2 the personal support worker's attendance in class is solely to
3 provide personal support services to the student, the board
4 may not charge the personal support worker tuition and fees
5 for such attendance.

6 (Source: P.A. 102-568, eff. 8-23-21; revised 11-5-21.)

7 Section 385. The Higher Education Student Assistance Act
8 is amended by changing Section 50 and by setting forth and
9 renumbering multiple versions of Section 65.110 as follows:

10 (110 ILCS 947/50)

11 Sec. 50. Minority Teachers of Illinois scholarship
12 program.

13 (a) As used in this Section:

14 "Eligible applicant" means a minority student who has
15 graduated from high school or has received a high school
16 equivalency certificate and has maintained a cumulative
17 grade point average of no less than 2.5 on a 4.0 scale, and
18 who by reason thereof is entitled to apply for
19 scholarships to be awarded under this Section.

20 "Minority student" means a student who is any of the
21 following:

22 (1) American Indian or Alaska Native (a person
23 having origins in any of the original peoples of North
24 and South America, including Central America, and who

1 maintains tribal affiliation or community attachment).

2 (2) Asian (a person having origins in any of the
3 original peoples of the Far East, Southeast Asia, or
4 the Indian subcontinent, including, but not limited
5 to, Cambodia, China, India, Japan, Korea, Malaysia,
6 Pakistan, the Philippine Islands, Thailand, and
7 Vietnam).

8 (3) Black or African American (a person having
9 origins in any of the black racial groups of Africa).

10 (4) Hispanic or Latino (a person of Cuban,
11 Mexican, Puerto Rican, South or Central American, or
12 other Spanish culture or origin, regardless of race).

13 (5) Native Hawaiian or Other Pacific Islander (a
14 person having origins in any of the original peoples
15 of Hawaii, Guam, Samoa, or other Pacific Islands).

16 "Qualified bilingual minority applicant" means a
17 qualified student who demonstrates proficiency in a
18 language other than English by (i) receiving a State Seal
19 of Biliteracy from the State Board of Education or (ii)
20 receiving a passing score on an educator licensure target
21 language proficiency test.

22 "Qualified student" means a person (i) who is a
23 resident of this State and a citizen or permanent resident
24 of the United States; (ii) who is a minority student, as
25 defined in this Section; (iii) who, as an eligible
26 applicant, has made a timely application for a minority

1 teaching scholarship under this Section; (iv) who is
2 enrolled on at least a half-time basis at a qualified
3 Illinois institution of higher learning; (v) who is
4 enrolled in a course of study leading to teacher
5 licensure, including alternative teacher licensure, or, if
6 the student is already licensed to teach, in a course of
7 study leading to an additional teaching endorsement or a
8 master's degree in an academic field in which he or she is
9 teaching or plans to teach or who has received one or more
10 College and Career Pathway Endorsements pursuant to
11 Section 80 of the Postsecondary and Workforce Readiness
12 Act and commits to enrolling in a course of study leading
13 to teacher licensure, including alternative teacher
14 licensure; (vi) who maintains a grade point average of no
15 less than 2.5 on a 4.0 scale; and (vii) who continues to
16 advance satisfactorily toward the attainment of a degree.

17 (b) In order to encourage academically talented Illinois
18 minority students to pursue teaching careers at the preschool
19 or elementary or secondary school level and to address and
20 alleviate the teacher shortage crisis in this State described
21 under the provisions of the Transitions in Education Act, each
22 qualified student shall be awarded a minority teacher
23 scholarship to any qualified Illinois institution of higher
24 learning. However, preference may be given to qualified
25 applicants enrolled at or above the junior level.

26 (c) Each minority teacher scholarship awarded under this

1 Section shall be in an amount sufficient to pay the tuition and
2 fees and room and board costs of the qualified Illinois
3 institution of higher learning at which the recipient is
4 enrolled, up to an annual maximum of \$5,000; except that in the
5 case of a recipient who does not reside on-campus at the
6 institution at which he or she is enrolled, the amount of the
7 scholarship shall be sufficient to pay tuition and fee
8 expenses and a commuter allowance, up to an annual maximum of
9 \$5,000. However, if at least \$2,850,000 is appropriated in a
10 given fiscal year for the Minority Teachers of Illinois
11 scholarship program, then, in each fiscal year thereafter,
12 each scholarship awarded under this Section shall be in an
13 amount sufficient to pay the tuition and fees and room and
14 board costs of the qualified Illinois institution of higher
15 learning at which the recipient is enrolled, up to an annual
16 maximum of \$7,500; except that in the case of a recipient who
17 does not reside on-campus at the institution at which he or she
18 is enrolled, the amount of the scholarship shall be sufficient
19 to pay tuition and fee expenses and a commuter allowance, up to
20 an annual maximum of \$7,500.

21 (d) The total amount of minority teacher scholarship
22 assistance awarded by the Commission under this Section to an
23 individual in any given fiscal year, when added to other
24 financial assistance awarded to that individual for that year,
25 shall not exceed the cost of attendance at the institution at
26 which the student is enrolled. If the amount of minority

1 teacher scholarship to be awarded to a qualified student as
2 provided in subsection (c) of this Section exceeds the cost of
3 attendance at the institution at which the student is
4 enrolled, the minority teacher scholarship shall be reduced by
5 an amount equal to the amount by which the combined financial
6 assistance available to the student exceeds the cost of
7 attendance.

8 (e) The maximum number of academic terms for which a
9 qualified student can receive minority teacher scholarship
10 assistance shall be 8 semesters or 12 quarters.

11 (f) In any academic year for which an eligible applicant
12 under this Section accepts financial assistance through the
13 Paul Douglas Teacher Scholarship Program, as authorized by
14 Section 551 et seq. of the Higher Education Act of 1965, the
15 applicant shall not be eligible for scholarship assistance
16 awarded under this Section.

17 (g) All applications for minority teacher scholarships to
18 be awarded under this Section shall be made to the Commission
19 on forms which the Commission shall provide for eligible
20 applicants. The form of applications and the information
21 required to be set forth therein shall be determined by the
22 Commission, and the Commission shall require eligible
23 applicants to submit with their applications such supporting
24 documents or recommendations as the Commission deems
25 necessary.

26 (h) Subject to a separate appropriation for such purposes,

1 payment of any minority teacher scholarship awarded under this
2 Section shall be determined by the Commission. All scholarship
3 funds distributed in accordance with this subsection shall be
4 paid to the institution and used only for payment of the
5 tuition and fee and room and board expenses incurred by the
6 student in connection with his or her attendance at a
7 qualified Illinois institution of higher learning. Any
8 minority teacher scholarship awarded under this Section shall
9 be applicable to 2 semesters or 3 quarters of enrollment. If a
10 qualified student withdraws from enrollment prior to
11 completion of the first semester or quarter for which the
12 minority teacher scholarship is applicable, the school shall
13 refund to the Commission the full amount of the minority
14 teacher scholarship.

15 (i) The Commission shall administer the minority teacher
16 scholarship aid program established by this Section and shall
17 make all necessary and proper rules not inconsistent with this
18 Section for its effective implementation.

19 (j) When an appropriation to the Commission for a given
20 fiscal year is insufficient to provide scholarships to all
21 qualified students, the Commission shall allocate the
22 appropriation in accordance with this subsection. If funds are
23 insufficient to provide all qualified students with a
24 scholarship as authorized by this Section, the Commission
25 shall allocate the available scholarship funds for that fiscal
26 year to qualified students who submit a complete application

1 form on or before a date specified by the Commission based on
2 the following order of priority:

3 (1) To students who received a scholarship under this
4 Section in the prior academic year and who remain eligible
5 for a minority teacher scholarship under this Section.

6 (2) Except as otherwise provided in subsection (k), to
7 students who demonstrate financial need, as determined by
8 the Commission.

9 (k) Notwithstanding paragraph (2) of subsection (j), at
10 least 35% of the funds appropriated for scholarships awarded
11 under this Section in each fiscal year shall be reserved for
12 qualified male minority applicants, with priority being given
13 to qualified Black male applicants beginning with fiscal year
14 2023. If the Commission does not receive enough applications
15 from qualified male minorities on or before January 1 of each
16 fiscal year to award 35% of the funds appropriated for these
17 scholarships to qualified male minority applicants, then the
18 Commission may award a portion of the reserved funds to
19 qualified female minority applicants in accordance with
20 subsection (j).

21 Beginning with fiscal year 2023, if at least \$2,850,000
22 but less than \$4,200,000 is appropriated in a given fiscal
23 year for scholarships awarded under this Section, then at
24 least 10% of the funds appropriated shall be reserved for
25 qualified bilingual minority applicants, with priority being
26 given to qualified bilingual minority applicants who are

1 enrolled in an educator preparation program with a
2 concentration in bilingual, bicultural education. Beginning
3 with fiscal year 2023, if at least \$4,200,000 is appropriated
4 in a given fiscal year for the Minority Teachers of Illinois
5 scholarship program, then at least 30% of the funds
6 appropriated shall be reserved for qualified bilingual
7 minority applicants, with priority being given to qualified
8 bilingual minority applicants who are enrolled in an educator
9 preparation program with a concentration in bilingual,
10 bicultural education. Beginning with fiscal year 2023, if at
11 least \$2,850,000 is appropriated in a given fiscal year for
12 scholarships awarded under this Section but the Commission
13 does not receive enough applications from qualified bilingual
14 minority applicants on or before January 1 of that fiscal year
15 to award at least 10% of the funds appropriated to qualified
16 bilingual minority applicants, then the Commission may, in its
17 discretion, award a portion of the reserved funds to other
18 qualified students in accordance with subsection (j).

19 (1) Prior to receiving scholarship assistance for any
20 academic year, each recipient of a minority teacher
21 scholarship awarded under this Section shall be required by
22 the Commission to sign an agreement under which the recipient
23 pledges that, within the one-year period following the
24 termination of the program for which the recipient was awarded
25 a minority teacher scholarship, the recipient (i) shall begin
26 teaching for a period of not less than one year for each year

1 of scholarship assistance he or she was awarded under this
2 Section; (ii) shall fulfill this teaching obligation at a
3 nonprofit Illinois public, private, or parochial preschool,
4 elementary school, or secondary school at which no less than
5 30% of the enrolled students are minority students in the year
6 during which the recipient begins teaching at the school or
7 may instead, if the recipient received a scholarship as a
8 qualified bilingual minority applicant, fulfill this teaching
9 obligation in a program in transitional bilingual education
10 pursuant to Article 14C of the School Code or in a school in
11 which 20 or more English learner students in the same language
12 classification are enrolled; and (iii) shall, upon request by
13 the Commission, provide the Commission with evidence that he
14 or she is fulfilling or has fulfilled the terms of the teaching
15 agreement provided for in this subsection.

16 (m) If a recipient of a minority teacher scholarship
17 awarded under this Section fails to fulfill the teaching
18 obligation set forth in subsection (l) of this Section, the
19 Commission shall require the recipient to repay the amount of
20 the scholarships received, prorated according to the fraction
21 of the teaching obligation not completed, at a rate of
22 interest equal to 5%, and, if applicable, reasonable
23 collection fees. The Commission is authorized to establish
24 rules relating to its collection activities for repayment of
25 scholarships under this Section. All repayments collected
26 under this Section shall be forwarded to the State Comptroller

1 for deposit into the State's General Revenue Fund.

2 (n) A recipient of minority teacher scholarship shall not
3 be considered in violation of the agreement entered into
4 pursuant to subsection (l) if the recipient (i) enrolls on a
5 full time basis as a graduate student in a course of study
6 related to the field of teaching at a qualified Illinois
7 institution of higher learning; (ii) is serving, not in excess
8 of 3 years, as a member of the armed services of the United
9 States; (iii) is a person with a temporary total disability
10 for a period of time not to exceed 3 years as established by
11 sworn affidavit of a qualified physician; (iv) is seeking and
12 unable to find full time employment as a teacher at an Illinois
13 public, private, or parochial preschool or elementary or
14 secondary school that satisfies the criteria set forth in
15 subsection (l) of this Section and is able to provide evidence
16 of that fact; (v) becomes a person with a permanent total
17 disability as established by sworn affidavit of a qualified
18 physician; (vi) is taking additional courses, on at least a
19 half-time basis, needed to obtain licensure as a teacher in
20 Illinois; or (vii) is fulfilling teaching requirements
21 associated with other programs administered by the Commission
22 and cannot concurrently fulfill them under this Section in a
23 period of time equal to the length of the teaching obligation.

24 (o) Scholarship recipients under this Section who withdraw
25 from a program of teacher education but remain enrolled in
26 school to continue their postsecondary studies in another

1 academic discipline shall not be required to commence
2 repayment of their Minority Teachers of Illinois scholarship
3 so long as they remain enrolled in school on a full-time basis
4 or if they can document for the Commission special
5 circumstances that warrant extension of repayment.

6 (p) If the Minority Teachers of Illinois scholarship
7 program does not expend at least 90% of the amount
8 appropriated for the program in a given fiscal year for 3
9 consecutive fiscal years and the Commission does not receive
10 enough applications from the groups identified in subsection
11 (k) on or before January 1 in each of those fiscal years to
12 meet the percentage reserved for those groups under subsection
13 (k), then up to 3% of amount appropriated for the program for
14 each of next 3 fiscal years shall be allocated to increasing
15 awareness of the program and for the recruitment of Black male
16 applicants. The Commission shall make a recommendation to the
17 General Assembly by January 1 of the year immediately
18 following the end of that third fiscal year regarding whether
19 the amount allocated to increasing awareness and recruitment
20 should continue.

21 (q) Each qualified Illinois institution of higher learning
22 that receives funds from the Minority Teachers of Illinois
23 scholarship program shall host an annual information session
24 at the institution about the program for teacher candidates of
25 color in accordance with rules adopted by the Commission.
26 Additionally, the institution shall ensure that each

1 scholarship recipient enrolled at the institution meets with
2 an academic advisor at least once per academic year to
3 facilitate on-time completion of the recipient's educator
4 preparation program.

5 (r) The changes made to this Section by Public Act 101-654
6 ~~this amendatory Act of the 101st General Assembly~~ will first
7 take effect with awards made for the 2022-2023 academic year.

8 (Source: P.A. 101-654, eff. 3-8-21; 102-465, eff. 1-1-22;
9 revised 9-28-21.)

10 (110 ILCS 947/65.110)

11 Sec. 65.110. Post-Master of Social Work School Social Work
12 Professional Educator License scholarship.

13 (a) Subject to appropriation, beginning with awards for
14 the 2022-2023 academic year, the Commission shall award
15 annually up to 250 Post-Master of Social Work School Social
16 Work Professional Educator License scholarships to a person
17 who:

18 (1) holds a valid Illinois-licensed clinical social
19 work license or social work license;

20 (2) has obtained a master's degree in social work from
21 an approved program;

22 (3) is a United States citizen or eligible noncitizen;
23 and

24 (4) submits an application to the Commission for such
25 scholarship and agrees to take courses to obtain an

1 Illinois Professional Educator License with an endorsement
2 in School Social Work.

3 (b) If an appropriation for this Section for a given
4 fiscal year is insufficient to provide scholarships to all
5 qualified applicants, the Commission shall allocate the
6 appropriation in accordance with this subsection (b). If funds
7 are insufficient to provide all qualified applicants with a
8 scholarship as authorized by this Section, the Commission
9 shall allocate the available scholarship funds for that fiscal
10 year to qualified applicants who submit a complete application
11 on or before a date specified by the Commission, based on the
12 following order of priority:

13 (1) firstly, to students who received a scholarship
14 under this Section in the prior academic year and who
15 remain eligible for a scholarship under this Section;

16 (2) secondly, to new, qualified applicants who are
17 members of a racial minority, as defined in subsection
18 (c); and

19 (3) finally, to other new, qualified applicants in
20 accordance with this Section.

21 (c) Scholarships awarded under this Section shall be
22 issued pursuant to rules adopted by the Commission. In
23 awarding scholarships, the Commission shall give priority to
24 those applicants who are members of a racial minority. Racial
25 minorities are underrepresented as school social workers in
26 elementary and secondary schools in this State, and the

1 General Assembly finds that it is in the interest of this State
2 to provide them with priority consideration for programs that
3 encourage their participation in this field and thereby foster
4 a profession that is more reflective of the diversity of
5 Illinois students and the parents they will serve. A more
6 reflective workforce in school social work allows improved
7 outcomes for students and a better utilization of services.
8 Therefore, the Commission shall give priority to those
9 applicants who are members of a racial minority. In this
10 subsection (c), "racial minority" means a person who is a
11 citizen of the United States or a lawful permanent resident
12 alien of the United States and who is:

13 (1) Black (a person having origins in any of the black
14 racial groups in Africa);

15 (2) Hispanic (a person of Spanish or Portuguese
16 culture with origins in Mexico, South or Central America,
17 or the Caribbean Islands, regardless of race);

18 (3) Asian American (a person having origins in any of
19 the original peoples of the Far East, Southeast Asia, the
20 Indian Subcontinent, or the Pacific Islands); or

21 (4) American Indian or Alaskan Native (a person having
22 origins in any of the original peoples of North America).

23 (d) Each scholarship shall be applied to the payment of
24 tuition and mandatory fees at the University of Illinois,
25 Southern Illinois University, Chicago State University,
26 Eastern Illinois University, Governors State University,

1 Illinois State University, Northeastern Illinois University,
2 Northern Illinois University, and Western Illinois University.
3 Each scholarship may be applied to pay tuition and mandatory
4 fees required to obtain an Illinois Professional Educator
5 License with an endorsement in School Social Work.

6 (e) The Commission shall make tuition and fee payments
7 directly to the qualified institution of higher learning that
8 the applicant attends.

9 (f) Any person who has accepted a scholarship under this
10 Section must, within one year after graduation or termination
11 of enrollment in a Post-Master of Social Work Professional
12 Education License with an endorsement in School Social Work
13 program, begin working as a school social worker at a public or
14 nonpublic not-for-profit preschool, elementary school, or
15 secondary school located in this State for at least 2 of the 5
16 years immediately following that graduation or termination,
17 excluding, however, from the computation of that 5-year
18 period: (i) any time up to 3 years spent in the military
19 service, whether such service occurs before or after the
20 person graduates; (ii) the time that person is a person with a
21 temporary total disability for a period of time not to exceed 3
22 years, as established by the sworn affidavit of a qualified
23 physician; and (iii) the time that person is seeking and
24 unable to find full-time employment as a school social worker
25 at a State public or nonpublic not-for-profit preschool,
26 elementary school, or secondary school.

1 (g) If a recipient of a scholarship under this Section
2 fails to fulfill the work obligation set forth in subsection
3 (f), the Commission shall require the recipient to repay the
4 amount of the scholarships received, prorated according to the
5 fraction of the obligation not completed, at a rate of
6 interest equal to 5%, and, if applicable, reasonable
7 collection fees. The Commission is authorized to establish
8 rules relating to its collection activities for repayment of
9 scholarships under this Section. All repayments collected
10 under this Section shall be forwarded to the State Comptroller
11 for deposit into this State's General Revenue Fund.

12 A recipient of a scholarship under this Section is not
13 considered to be in violation of the failure to fulfill the
14 work obligation under subsection (f) if the recipient (i)
15 enrolls on a full-time basis as a graduate student in a course
16 of study related to the field of social work at a qualified
17 Illinois institution of higher learning; (ii) is serving, not
18 in excess of 3 years, as a member of the armed services of the
19 United States; (iii) is a person with a temporary total
20 disability for a period of time not to exceed 3 years, as
21 established by the sworn affidavit of a qualified physician;
22 (iv) is seeking and unable to find full-time employment as a
23 school social worker at an Illinois public or nonpublic
24 not-for-profit preschool, elementary school, or secondary
25 school that satisfies the criteria set forth in subsection (f)
26 and is able to provide evidence of that fact; or (v) becomes a

1 person with a permanent total disability, as established by
2 the sworn affidavit of a qualified physician.

3 (Source: P.A. 102-621, eff. 1-1-22.)

4 (110 ILCS 947/65.115)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 65.115 ~~65.110~~. School Social Work Shortage Loan
8 Repayment Program.

9 (a) To encourage Illinois students to work, and to
10 continue to work, as a school social worker in public school
11 districts in this State, the Commission shall, each year,
12 receive and consider applications for loan repayment
13 assistance under this Section. This program shall be known as
14 the School Social Work Shortage Loan Repayment Program. The
15 Commission shall administer the program and shall adopt all
16 necessary and proper rules to effectively implement the
17 program.

18 (b) Beginning July 1, 2022, subject to a separate
19 appropriation made for such purposes, the Commission shall
20 award a grant, up to a maximum of \$6,500, to each qualified
21 applicant. The Commission may encourage the recipient of a
22 grant under this Section to use the grant award for repayment
23 of the recipient's educational loan. If an appropriation for
24 this program for a given fiscal year is insufficient to
25 provide grants to all qualified applicants, the Commission

1 shall allocate the appropriation in accordance with this
2 subsection. If funds are insufficient to provide all qualified
3 applicants with a grant as authorized by this Section, the
4 Commission shall allocate the available grant funds for that
5 fiscal year to qualified applicants who submit a complete
6 application on or before a date specified by the Commission,
7 based on the following order of priority:

8 (1) first, to new, qualified applicants who are
9 members of a racial minority as defined in subsection (e);
10 and

11 (2) second, to other new, qualified applicants in
12 accordance with this Section.

13 (c) A person is a qualified applicant under this Section
14 if he or she meets all of the following qualifications:

15 (1) The person is a United States citizen or eligible
16 noncitizen.

17 (2) The person is a resident of this State.

18 (3) The person is a borrower with an outstanding
19 balance due on an educational loan related to obtaining a
20 degree in social work.

21 (4) The person has been employed as a school social
22 worker by a public elementary school or secondary school
23 in this State for at least 12 consecutive months.

24 (5) The person is currently employed as a school
25 social worker by a public elementary school or secondary
26 school in this State.

1 (d) An applicant shall submit an application, in a form
2 determined by the Commission, for grant assistance under this
3 Section to the Commission. An applicant is required to submit,
4 with the application, supporting documentation as the
5 Commission may deem necessary.

6 (e) Racial minorities are underrepresented as school
7 social workers in elementary and secondary schools in
8 Illinois, and the General Assembly finds that it is in the
9 interest of this State to provide them priority consideration
10 for programs that encourage their participation in this field
11 and thereby foster a profession that is more reflective of the
12 diversity of Illinois students and parents they will serve. A
13 more reflective workforce in school social work allows
14 improved outcomes for students and a better utilization of
15 services. Therefore, the Commission shall give priority to
16 those applicants who are members of a racial minority. In this
17 subsection (e), "racial minority" means a person who is a
18 citizen of the United States or a lawful permanent resident
19 alien of the United States and who is:

20 (1) Black (a person having origins in any of the black
21 racial groups in Africa);

22 (2) Hispanic (a person of Spanish or Portuguese
23 culture with origins in Mexico, South or Central America,
24 or the Caribbean Islands, regardless of race);

25 (3) Asian American (a person having origins in any of
26 the original peoples of the Far East, Southeast Asia, the

1 Indian Subcontinent, or the Pacific Islands); or

2 (4) American Indian or Alaskan Native (a person having
3 origins in any of the original peoples of North America).

4 (Source: P.A. 102-622, eff. 7-1-22; revised 11-10-21.)

5 Section 390. The Know Before You Owe Private Education
6 Loan Act is amended by changing Section 15 as follows:

7 (110 ILCS 983/15)

8 Sec. 15. Provision of information.

9 (a) Provision of loan statement to borrowers.

10 (1) Loan statement. A private educational lender that
11 disburses any funds with respect to a private education
12 loan described in this Section shall send loan statements⁷
13 to the borrowers of those funds not less than once every 3
14 months during the time that the borrower is enrolled at an
15 institution of higher education.

16 (2) Contents of statements for income share
17 agreements. Each statement described in subparagraph (1)
18 with respect to income share agreements, shall:

19 (A) report the consumer's total amounts financed
20 under each income share agreement;

21 (B) report the percentage of income payable under
22 each income share agreement;

23 (C) report the maximum number of monthly payments
24 required to be paid under each income share agreement;

1 (D) report the maximum amount payable under each
2 income share agreement;

3 (E) report the maximum duration of each income
4 share agreement;

5 (F) report the minimum annual income above which
6 payments are required under each income share
7 agreement; and

8 (G) report the annual percentage rate for each
9 income share agreement at the minimum annual income
10 above which payments are required and at \$10,000
11 income increments thereafter up to the annual income
12 where the maximum number of monthly payments results
13 in the maximum amount payable.

14 (3) Contents of all other loan statements. Each
15 statement described in subparagraph (1) that does not fall
16 under subparagraph (2) shall:

17 (A) report the borrower's total remaining debt to
18 the private educational lender, including accrued but
19 unpaid interest and capitalized interest;

20 (B) report any debt increases since the last
21 statement; and

22 (C) list the current annual percentage rate for
23 each loan.

24 (b) Certification of exhaustion of federal student loan
25 funds to private educational lender. Upon the request of a
26 private educational lender, acting in connection with an

1 application initiated by a borrower for a private education
2 loan in accordance with Section 5, the institution of higher
3 education shall within 15 days of receipt of the request
4 provide certification to such private educational lender:

5 (1) that the borrower who initiated the application
6 for the private education loan, or on whose behalf the
7 application was initiated, is enrolled or is scheduled to
8 enroll at the institution of higher education;

9 (2) of the borrower's cost of attendance at the
10 institution of higher education as determined under
11 paragraph (2) of subsection (a) of this Section;

12 (3) of the difference between:

13 (A) the cost of attendance at the institution of
14 higher education; and

15 (B) the borrower's estimated financial assistance
16 received under the federal Higher Education Act of
17 1965 and other assistance known to the institution of
18 higher education, as applicable;

19 (4) that the institution of higher education has
20 received the request for certification and will need
21 additional time to comply with the certification request;
22 and

23 (5) if applicable, that the institution of higher
24 education is refusing to certify the private education
25 loan.

26 (c) Certification of exhaustion of federal student loan

1 funds to borrower. With respect to a certification request
2 described under subsection (b), and prior to providing such
3 certification in paragraph (1) of subsection (b) or providing
4 notice of the refusal to provide certification under paragraph
5 (5) of subsection (b), the institution of higher education
6 shall:

7 (1) determine whether the borrower who initiated the
8 application for the private education loan, or on whose
9 behalf the application was initiated, has applied for and
10 exhausted the federal financial assistance available to
11 such borrower under the federal Higher Education Act of
12 1965 and inform the borrower accordingly;

13 (2) provide the borrower whose loan application has
14 prompted the certification request by a private
15 educational lender, as described in paragraph (1) of
16 subsection (b), with the following information and
17 disclosures:

18 (A) the amount of additional federal student
19 assistance for which the borrower is eligible and the
20 advantages of federal loans under the federal Higher
21 Education Act of 1965, including disclosure of income
22 driven repayment options, fixed interest rates,
23 deferments, flexible repayment options, loan
24 forgiveness programs, additional protections, and the
25 higher student loan limits for dependent borrowers
26 whose parents are not eligible for a Federal Direct

1 PLUS Loan;

2 (B) the borrower's ability to select a private
3 educational lender of the borrower's choice;

4 (C) the impact of a proposed private education
5 loan on the borrower's potential eligibility for other
6 financial assistance, including federal financial
7 assistance under the federal Higher Education Act; and

8 (D) the borrower's right to accept or reject a
9 private education loan within the 30-day period
10 following a private educational lender's approval of a
11 borrower's application and the borrower's 3-day right
12 to cancel period; and

13 (3) Any institution of higher education that is also
14 acting as a private educational lender shall provide the
15 certification of exhaustion of federal student loan funds
16 described in paragraphs (1) and (2) of this subsection (c)
17 to the borrower prior to disbursing funds to the borrower.
18 Any institution of higher education that is not eligible
19 for funding under Title IV of the federal Higher Education
20 Act of 1965 is not required to provide this certification
21 to the borrower.

22 (Source: P.A. 102-583, eff. 8-26-21; revised 11-29-21.)

23 Section 395. The Illinois Educational Labor Relations Act
24 is amended by changing Section 14 as follows:

1 (115 ILCS 5/14) (from Ch. 48, par. 1714)

2 Sec. 14. Unfair labor practices.

3 (a) Educational employers, their agents or representatives
4 are prohibited from:

5 (1) Interfering, restraining or coercing employees in
6 the exercise of the rights guaranteed under this Act.

7 (2) Dominating or interfering with the formation,
8 existence or administration of any employee organization.

9 (3) Discriminating in regard to hire or tenure of
10 employment or any term or condition of employment to
11 encourage or discourage membership in any employee
12 organization.

13 (4) Discharging or otherwise discriminating against an
14 employee because he or she has signed or filed an
15 affidavit, authorization card, petition or complaint or
16 given any information or testimony under this Act.

17 (5) Refusing to bargain collectively in good faith
18 with an employee representative which is the exclusive
19 representative of employees in an appropriate unit,
20 including, but not limited to, the discussing of
21 grievances with the exclusive representative; provided,
22 however, that if an alleged unfair labor practice involves
23 interpretation or application of the terms of a collective
24 bargaining agreement and said agreement contains a
25 grievance and arbitration procedure, the Board may defer
26 the resolution of such dispute to the grievance and

1 arbitration procedure contained in said agreement.

2 (6) Refusing to reduce a collective bargaining
3 agreement to writing and signing such agreement.

4 (7) Violating any of the rules and regulations
5 promulgated by the Board regulating the conduct of
6 representation elections.

7 (8) Refusing to comply with the provisions of a
8 binding arbitration award.

9 (9) Expending or causing the expenditure of public
10 funds to any external agent, individual, firm, agency,
11 partnership or association in any attempt to influence the
12 outcome of representational elections held pursuant to
13 paragraph (c) of Section 7 of this Act; provided, that
14 nothing in this subsection shall be construed to limit an
15 employer's right to be represented on any matter
16 pertaining to unit determinations, unfair labor practice
17 charges or pre-election conferences in any formal or
18 informal proceeding before the Board, or to seek or obtain
19 advice from legal counsel. Nothing in this paragraph shall
20 be construed to prohibit an employer from expending or
21 causing the expenditure of public funds on, or seeking or
22 obtaining services or advice from, any organization, group
23 or association established by, and including educational
24 or public employers, whether or not covered by this Act,
25 the Illinois Public Labor Relations Act or the public
26 employment labor relations law of any other state or the

1 federal government, provided that such services or advice
2 are generally available to the membership of the
3 organization, group, or association, and are not offered
4 solely in an attempt to influence the outcome of a
5 particular representational election.

6 (10) Interfering with, restraining, coercing,
7 deterring or discouraging educational employees or
8 applicants to be educational employees from: (1) becoming
9 members of an employee organization; (2) authorizing
10 representation by an employee organization; or (3)
11 authorizing dues or fee deductions to an employee
12 organization, nor shall the employer intentionally permit
13 outside third parties to use its email or other
14 communications systems to engage in that conduct. An
15 employer's good faith implementation of a policy to block
16 the use of its email or other communication systems for
17 such purposes shall be a defense to an unfair labor
18 practice.

19 (11) Disclosing to any person or entity information
20 set forth in subsection (d) of Section 3 of this Act that
21 the employer knows or should know will be used to
22 interfere with, restrain, coerce, deter, or discourage any
23 public employee from: (i) becoming or remaining members of
24 a labor organization, (ii) authorizing representation by a
25 labor organization, or (iii) authorizing dues or fee
26 deductions to a labor organization.

1 (12) Promising, threatening, or taking any action (i)
2 to permanently replace an employee who participates in a
3 lawful strike under Section 13 of this Act, (ii) to
4 discriminate against an employee who is working or has
5 unconditionally offered to return to work for the employer
6 because the employee supported or participated in such as
7 a lawful strike, or (iii) to lock out ~~lockout~~, suspend, or
8 otherwise withhold from employment employees in order to
9 influence the position of such employees or the
10 representative of such employees in collective bargaining
11 prior to a lawful strike.

12 (b) Employee organizations, their agents or
13 representatives or educational employees are prohibited from:

14 (1) Restraining or coercing employees in the exercise
15 of the rights guaranteed under this Act, provided that a
16 labor organization or its agents shall commit an unfair
17 labor practice under this paragraph in duty of fair
18 representation cases only by intentional misconduct in
19 representing employees under this Act.

20 (2) Restraining or coercing an educational employer in
21 the selection of his representative for the purposes of
22 collective bargaining or the adjustment of grievances.

23 (3) Refusing to bargain collectively in good faith
24 with an educational employer, if they have been designated
25 in accordance with the provisions of this Act as the
26 exclusive representative of employees in an appropriate

1 unit.

2 (4) Violating any of the rules and regulations
3 promulgated by the Board regulating the conduct of
4 representation elections.

5 (5) Refusing to reduce a collective bargaining
6 agreement to writing and signing such agreement.

7 (6) Refusing to comply with the provisions of a
8 binding arbitration award.

9 (c) The expressing of any views, argument, opinion or the
10 dissemination thereof, whether in written, printed, graphic or
11 visual form, shall not constitute or be evidence of an unfair
12 labor practice under any of the provisions of this Act, if such
13 expression contains no threat of reprisal or force or promise
14 of benefit.

15 (c-5) The employer shall not discourage public employees
16 or applicants to be public employees from becoming or
17 remaining union members or authorizing dues deductions, and
18 shall not otherwise interfere with the relationship between
19 employees and their exclusive bargaining representative. The
20 employer shall refer all inquiries about union membership to
21 the exclusive bargaining representative, except that the
22 employer may communicate with employees regarding payroll
23 processes and procedures. The employer will establish email
24 policies in an effort to prohibit the use of its email system
25 by outside sources.

26 (d) The actions of a Financial Oversight Panel created

1 pursuant to Section 1A-8 of the School Code due to a district
2 violating a financial plan shall not constitute or be evidence
3 of an unfair labor practice under any of the provisions of this
4 Act. Such actions include, but are not limited to, reviewing,
5 approving, or rejecting a school district budget or a
6 collective bargaining agreement.

7 (Source: P.A. 101-620, eff. 12-20-19; 102-588, eff. 8-20-21;
8 102-596, eff. 8-27-21; revised 11-29-21.)

9 Section 400. The Illinois Credit Union Act is amended by
10 changing Section 19 as follows:

11 (205 ILCS 305/19) (from Ch. 17, par. 4420)

12 Sec. 19. Meeting of members.

13 (1) (a) The annual meeting shall be held each year during
14 the months of January, February or March or such other month as
15 may be approved by the Department. The meeting shall be held at
16 the time, place and in the manner set forth in the bylaws. Any
17 special meetings of the members of the credit union shall be
18 held at the time, place and in the manner set forth in the
19 bylaws. Unless otherwise set forth in this Act, quorum
20 requirements for meetings of members shall be established by a
21 credit union in its bylaws. Notice of all meetings must be
22 given by the secretary of the credit union at least 7 days
23 before the date of such meeting, either by handing a written or
24 printed notice to each member of the credit union, by mailing

1 the notice to the member at his address as listed on the books
2 and records of the credit union, by posting a notice of the
3 meeting in three conspicuous places, including the office of
4 the credit union, by posting the notice of the meeting on the
5 credit union's website, or by disclosing the notice of the
6 meeting in membership newsletters or account statements.

7 (b) Unless expressly prohibited by the articles of
8 incorporation or bylaws and subject to applicable requirements
9 of this Act, the board of directors may provide by resolution
10 that members may attend, participate in, act in, and vote at
11 any annual meeting or special meeting through the use of a
12 conference telephone or interactive technology, including, but
13 not limited to, electronic transmission, internet usage, or
14 remote communication, by means of which all persons
15 participating in the meeting can communicate with each other.
16 Participation through the use of a conference telephone or
17 interactive technology shall constitute attendance, presence,
18 and representation in person at the annual meeting or special
19 meeting of the person or persons so participating and count
20 towards the quorum required to conduct business at the
21 meeting. The following conditions shall apply to any virtual
22 meeting of the members:

23 (i) the credit union must internally possess or retain
24 the technological capacity to facilitate virtual meeting
25 attendance, participation, communication, and voting; and

26 (ii) the members must receive notice of the use of a

1 virtual meeting format and appropriate instructions for
2 joining, participating, and voting during the virtual
3 meeting at least 7 days before the virtual meeting.

4 (2) On all questions and at all elections, except election
5 of directors, each member has one vote regardless of the
6 number of his shares. There shall be no voting by proxy except
7 on the election of directors, proposals for merger or
8 voluntary dissolution. Members may vote on questions,
9 including, without limitation, the approval of mergers and
10 voluntary dissolutions under this Act, and in elections by
11 secure electronic record if approved by the board of
12 directors. All voting on the election of directors shall be by
13 ballot, but when there is no contest, written or electronic
14 ballots need not be cast. The record date to be used for the
15 purpose of determining which members are entitled to notice of
16 or to vote at any meeting of members, may be fixed in advance
17 by the directors on a date not more than 90 days nor less than
18 10 days prior to the date of the meeting. If no record date is
19 fixed by the directors, the first day on which notice of the
20 meeting is given, mailed or posted is the record date.

21 (3) Regardless of the number of shares owned by a society,
22 association, club, partnership, other credit union or
23 corporation, having membership in the credit union, it shall
24 be entitled to only one vote and it may be represented and have
25 its vote cast by its designated agent acting on its behalf
26 pursuant to a resolution adopted by the organization's board

1 of directors or similar governing authority; provided that the
2 credit union shall obtain a certified copy of such resolution
3 before such vote may be cast.

4 (4) A member may revoke a proxy by delivery to the credit
5 union of a written statement to that effect, by execution of a
6 subsequently dated proxy, by execution of a secure electronic
7 record, or by attendance at a meeting and voting in person.

8 (5) As used in this Section, "electronic" and "electronic
9 record" have the meanings ascribed to those terms in the
10 Uniform Electronic Transactions Act. As used in this Section,
11 "secured electronic record" means an electronic record that
12 meets the criteria set forth in the Uniform Electronic
13 Transactions Act.

14 (Source: P.A. 102-38, eff. 6-25-21; 102-496, eff. 8-20-21;
15 revised 10-15-21.)

16 Section 405. The Ambulatory Surgical Treatment Center Act
17 is amended by changing Section 6.9 as follows:

18 (210 ILCS 5/6.9)

19 Sec. 6.9. Surgical smoke plume evacuation.

20 (a) In this Section:

21 "Surgical smoke plume" means the by-product of the use of
22 energy-based devices on tissue during surgery and containing
23 hazardous materials, including, but not limited to,
24 bioaerosols ~~bio-acersols~~, smoke, gases, tissue and cellular

1 fragments and particulates, and viruses.

2 "Surgical smoke plume evacuation system" means a dedicated
3 device that is designed to capture, transport, filter, and
4 neutralize surgical smoke plume at the site of origin and
5 before surgical smoke plume can make ocular contact, or
6 contact with the respiratory tract, of an employee.

7 (b) To protect patients and health care workers from the
8 hazards of surgical smoke plume, an ambulatory surgical
9 treatment center licensed under this Act shall adopt policies
10 to ensure the elimination of surgical smoke plume by use of a
11 surgical smoke plume evacuation system for each procedure that
12 generates surgical smoke plume from the use of energy-based
13 devices, including, but not limited to, electrosurgery and
14 lasers.

15 (c) An ambulatory surgical treatment center licensed under
16 this Act shall report to the Department within 90 days after
17 the effective date of this amendatory Act of the 102nd General
18 Assembly that policies under subsection (b) of this Section
19 have been adopted.

20 (Source: P.A. 102-533, eff. 1-1-22; revised 11-22-21.)

21 Section 410. The Emergency Medical Services (EMS) Systems
22 Act is amended by changing Section 3.10 as follows:

23 (210 ILCS 50/3.10)

24 Sec. 3.10. Scope of services.

1 (a) "Advanced Life Support (ALS) Services" means an
2 advanced level of pre-hospital and inter-hospital emergency
3 care and non-emergency medical services that includes basic
4 life support care, cardiac monitoring, cardiac defibrillation,
5 electrocardiography, intravenous therapy, administration of
6 medications, drugs and solutions, use of adjunctive medical
7 devices, trauma care, and other authorized techniques and
8 procedures, as outlined in the provisions of the National EMS
9 Education Standards relating to Advanced Life Support and any
10 modifications to that curriculum specified in rules adopted by
11 the Department pursuant to this Act.

12 That care shall be initiated as authorized by the EMS
13 Medical Director in a Department approved advanced life
14 support EMS System, under the written or verbal direction of a
15 physician licensed to practice medicine in all of its branches
16 or under the verbal direction of an Emergency Communications
17 Registered Nurse.

18 (b) "Intermediate Life Support (ILS) Services" means an
19 intermediate level of pre-hospital and inter-hospital
20 emergency care and non-emergency medical services that
21 includes basic life support care plus intravenous cannulation
22 and fluid therapy, invasive airway management, trauma care,
23 and other authorized techniques and procedures, as outlined in
24 the Intermediate Life Support national curriculum of the
25 United States Department of Transportation and any
26 modifications to that curriculum specified in rules adopted by

1 the Department pursuant to this Act.

2 That care shall be initiated as authorized by the EMS
3 Medical Director in a Department approved intermediate or
4 advanced life support EMS System, under the written or verbal
5 direction of a physician licensed to practice medicine in all
6 of its branches or under the verbal direction of an Emergency
7 Communications Registered Nurse.

8 (c) "Basic Life Support (BLS) Services" means a basic
9 level of pre-hospital and inter-hospital emergency care and
10 non-emergency medical services that includes medical
11 monitoring, clinical observation, airway management,
12 cardiopulmonary resuscitation (CPR), control of shock and
13 bleeding and splinting of fractures, as outlined in the
14 provisions of the National EMS Education Standards relating to
15 Basic Life Support and any modifications to that curriculum
16 specified in rules adopted by the Department pursuant to this
17 Act.

18 That care shall be initiated, where authorized by the EMS
19 Medical Director in a Department approved EMS System, under
20 the written or verbal direction of a physician licensed to
21 practice medicine in all of its branches or under the verbal
22 direction of an Emergency Communications Registered Nurse.

23 (d) "Emergency Medical Responder Services" means a
24 preliminary level of pre-hospital emergency care that includes
25 cardiopulmonary resuscitation (CPR), monitoring vital signs
26 and control of bleeding, as outlined in the Emergency Medical

1 Responder (EMR) curriculum of the National EMS Education
2 Standards and any modifications to that curriculum specified
3 in rules adopted by the Department pursuant to this Act.

4 (e) "Pre-hospital care" means those medical services
5 rendered to patients for analytic, resuscitative, stabilizing,
6 or preventive purposes, precedent to and during transportation
7 of such patients to health care facilities.

8 (f) "Inter-hospital care" means those medical services
9 rendered to patients for analytic, resuscitative, stabilizing,
10 or preventive purposes, during transportation of such patients
11 from one hospital to another hospital.

12 (f-5) "Critical care transport" means the pre-hospital or
13 inter-hospital transportation of a critically injured or ill
14 patient by a vehicle service provider, including the provision
15 of medically necessary supplies and services, at a level of
16 service beyond the scope of the Paramedic. When medically
17 indicated for a patient, as determined by a physician licensed
18 to practice medicine in all of its branches, an advanced
19 practice registered nurse, or a physician ~~physician's~~
20 assistant, in compliance with subsections (b) and (c) of
21 Section 3.155 of this Act, critical care transport may be
22 provided by:

23 (1) Department-approved critical care transport
24 providers, not owned or operated by a hospital, utilizing
25 Paramedics with additional training, nurses, or other
26 qualified health professionals; or

1 (2) Hospitals, when utilizing any vehicle service
2 provider or any hospital-owned or operated vehicle service
3 provider. Nothing in Public Act 96-1469 requires a
4 hospital to use, or to be, a Department-approved critical
5 care transport provider when transporting patients,
6 including those critically injured or ill. Nothing in this
7 Act shall restrict or prohibit a hospital from providing,
8 or arranging for, the medically appropriate transport of
9 any patient, as determined by a physician licensed to
10 practice in all of its branches, an advanced practice
11 registered nurse, or a physician ~~physician's~~ assistant.

12 (g) "Non-emergency medical services" means the provision
13 of, and all actions necessary before and after the provision
14 of, Basic Life Support (BLS) Services, Advanced Life Support
15 (ALS) Services, and critical care transport to patients whose
16 conditions do not meet this Act's definition of emergency,
17 before, after, or during transportation of such patients to or
18 from health care facilities visited for the purpose of
19 obtaining medical or health care services which are not
20 emergency in nature, using a vehicle regulated by this Act and
21 personnel licensed under this Act.

22 (g-5) The Department shall have the authority to
23 promulgate minimum standards for critical care transport
24 providers through rules adopted pursuant to this Act. All
25 critical care transport providers must function within a
26 Department-approved EMS System. Nothing in Department rules

1 shall restrict a hospital's ability to furnish personnel,
2 equipment, and medical supplies to any vehicle service
3 provider, including a critical care transport provider.
4 Minimum critical care transport provider standards shall
5 include, but are not limited to:

- 6 (1) Personnel staffing and licensure.
- 7 (2) Education, certification, and experience.
- 8 (3) Medical equipment and supplies.
- 9 (4) Vehicular standards.
- 10 (5) Treatment and transport protocols.
- 11 (6) Quality assurance and data collection.

12 (h) The provisions of this Act shall not apply to the use
13 of an ambulance or SEMSV, unless and until emergency or
14 non-emergency medical services are needed during the use of
15 the ambulance or SEMSV.

16 (Source: P.A. 102-623, eff. 8-27-21; revised 12-1-21.)

17 Section 415. The Hospital Licensing Act is amended by
18 setting forth, renumbering, and changing multiple versions of
19 Section 6.28 and by changing Sections 10.10 and 14.5 as
20 follows:

21 (210 ILCS 85/6.28)

22 (Section scheduled to be repealed on December 31, 2022)

23 Sec. 6.28. N95 masks. Pursuant to and in accordance with
24 applicable local, State, and federal policies, guidance and

1 recommendations of public health and infection control
2 authorities, and taking into consideration the limitations on
3 access to N95 masks caused by disruptions in local, State,
4 national, and international supply chains, a hospital licensed
5 under this Act shall provide N95 masks to physicians licensed
6 under the Medical Practice Act of 1987, registered nurses and
7 advanced practice registered nurses licensed under the Nurse
8 Practice Licensing Act, and any other employees or contractual
9 workers who provide direct patient care and who, pursuant to
10 such policies, guidance, and recommendations, are recommended
11 to have such a mask to safely provide such direct patient care
12 within a hospital setting. Nothing in this Section shall be
13 construed to impose any new duty or obligation on the hospital
14 or employee that is greater than that imposed under State and
15 federal laws in effect on April 27, 2021 (the effective date of
16 Public Act 102-4) ~~this amendatory Act of the 102nd General~~
17 ~~Assembly.~~

18 This Section is repealed on December 31, 2022.

19 (Source: P.A. 102-4, eff. 4-27-21; 102-674, eff. 11-30-21;
20 revised 12-14-21.)

21 (210 ILCS 85/6.30)

22 Sec. 6.30 ~~6.28~~. Facility-provided medication upon
23 discharge.

24 (a) The General Assembly finds that this Section is
25 necessary for the immediate preservation of the public peace,

1 health, and safety.

2 (b) In this Section, "facility-provided medication" has
3 the same meaning as provided under Section 15.10 of the
4 Pharmacy Practice Act.

5 (c) When a facility-provided medication is ordered at
6 least 24 hours in advance for surgical procedures and is
7 administered to a patient at a hospital licensed under this
8 Act, any unused portion of the facility-provided medication
9 must be offered to the patient upon discharge when it is
10 required for continuing treatment.

11 (d) A facility-provided medication shall be labeled
12 consistent with labeling requirements under Section 22 of the
13 Pharmacy Practice Act.

14 (e) If the facility-provided medication is used in an
15 operating room or emergency department setting, the prescriber
16 is responsible for counseling the patient on its proper use
17 and administration and the requirement of pharmacist
18 counseling is waived.

19 (Source: P.A. 102-155, eff. 7-23-21; revised 11-10-21.)

20 (210 ILCS 85/6.31)

21 Sec. 6.31 ~~6.28~~. Patient contact policy during pandemics or
22 other public health emergencies. During a pandemic or other
23 public health emergency, a hospital licensed under this Act
24 shall develop and implement a contact policy to encourage
25 patients' ability to engage with family members throughout the

1 duration of the pandemic or other public health emergency,
2 including through the use of phone calls, videos calls, or
3 other electronic mechanisms ~~mechanism~~.

4 (Source: P.A. 102-398, eff. 8-16-21; revised 11-10-21.)

5 (210 ILCS 85/6.32)

6 Sec. 6.32 ~~6.28~~. Surgical smoke plume evacuation.

7 (a) In this Section:

8 "Surgical smoke plume" means the by-product of the use of
9 energy-based devices on tissue during surgery and containing
10 hazardous materials, including, but not limited to,
11 bioaerosols ~~bio-aersols~~, smoke, gases, tissue and cellular
12 fragments and particulates, and viruses.

13 "Surgical smoke plume evacuation system" means a dedicated
14 device that is designed to capture, transport, filter, and
15 neutralize surgical smoke plume at the site of origin and
16 before surgical smoke plume can make ocular contact, or
17 contact with the respiratory tract, of an employee.

18 (b) To protect patients and health care workers from the
19 hazards of surgical smoke plume, a hospital licensed under
20 this Act shall adopt policies to ensure the elimination of
21 surgical smoke plume by use of a surgical smoke plume
22 evacuation system for each procedure that generates surgical
23 smoke plume from the use of energy-based devices, including,
24 but not limited to, electrosurgery and lasers.

25 (c) A hospital licensed under this Act shall report to the

1 Department within 90 days after January 1, 2022 (the effective
2 date of Public Act 102-533) ~~this amendatory Act of the 102nd~~
3 ~~General Assembly~~ that policies under subsection (b) of this
4 Section have been adopted.

5 (Source: P.A. 102-533, eff. 1-1-22; revised 11-10-21.)

6 (210 ILCS 85/10.10)

7 Sec. 10.10. Nurse Staffing by Patient Acuity.

8 (a) Findings. The Legislature finds and declares all of
9 the following:

10 (1) The State of Illinois has a substantial interest
11 in promoting quality care and improving the delivery of
12 health care services.

13 (2) Evidence-based studies have shown that the basic
14 principles of staffing in the acute care setting should be
15 based on the complexity of patients' care needs aligned
16 with available nursing skills to promote quality patient
17 care consistent with professional nursing standards.

18 (3) Compliance with this Section promotes an
19 organizational climate that values registered nurses'
20 input in meeting the health care needs of hospital
21 patients.

22 (b) Definitions. As used in this Section:

23 "Acuity model" means an assessment tool selected and
24 implemented by a hospital, as recommended by a nursing care
25 committee, that assesses the complexity of patient care needs

1 requiring professional nursing care and skills and aligns
2 patient care needs and nursing skills consistent with
3 professional nursing standards.

4 "Department" means the Department of Public Health.

5 "Direct patient care" means care provided by a registered
6 professional nurse with direct responsibility to oversee or
7 carry out medical regimens or nursing care for one or more
8 patients.

9 "Nursing care committee" means a hospital-wide committee
10 or committees of nurses whose functions, in part or in whole,
11 contribute to the development, recommendation, and review of
12 the hospital's nurse staffing plan established pursuant to
13 subsection (d).

14 "Registered professional nurse" means a person licensed as
15 a Registered Nurse under the Nurse Practice Act.

16 "Written staffing plan for nursing care services" means a
17 written plan for the assignment of patient care nursing staff
18 based on multiple nurse and patient considerations that yield
19 minimum staffing levels for inpatient care units and the
20 adopted acuity model aligning patient care needs with nursing
21 skills required for quality patient care consistent with
22 professional nursing standards.

23 (c) Written staffing plan.

24 (1) Every hospital shall implement a written
25 hospital-wide staffing plan, prepared by a nursing care
26 committee or committees, that provides for minimum direct

1 care professional registered nurse-to-patient staffing
2 needs for each inpatient care unit, including inpatient
3 emergency departments. If the staffing plan prepared by
4 the nursing care committee is not adopted by the hospital,
5 or if substantial changes are proposed to it, the chief
6 nursing officer shall either: (i) provide a written
7 explanation to the committee of the reasons the plan was
8 not adopted; or (ii) provide a written explanation of any
9 substantial changes made to the proposed plan prior to it
10 being adopted by the hospital. The written hospital-wide
11 staffing plan shall include, but need not be limited to,
12 the following considerations:

13 (A) The complexity of complete care, assessment on
14 patient admission, volume of patient admissions,
15 discharges and transfers, evaluation of the progress
16 of a patient's problems, ongoing physical assessments,
17 planning for a patient's discharge, assessment after a
18 change in patient condition, and assessment of the
19 need for patient referrals.

20 (B) The complexity of clinical professional
21 nursing judgment needed to design and implement a
22 patient's nursing care plan, the need for specialized
23 equipment and technology, the skill mix of other
24 personnel providing or supporting direct patient care,
25 and involvement in quality improvement activities,
26 professional preparation, and experience.

1 (C) Patient acuity and the number of patients for
2 whom care is being provided.

3 (D) The ongoing assessments of a unit's patient
4 acuity levels and nursing staff needed shall be
5 routinely made by the unit nurse manager or his or her
6 designee.

7 (E) The identification of additional registered
8 nurses available for direct patient care when
9 patients' unexpected needs exceed the planned workload
10 for direct care staff.

11 (2) In order to provide staffing flexibility to meet
12 patient needs, every hospital shall identify an acuity
13 model for adjusting the staffing plan for each inpatient
14 care unit.

15 (2.5) Each hospital shall implement the staffing plan
16 and assign nursing personnel to each inpatient care unit,
17 including inpatient emergency departments, in accordance
18 with the staffing plan.

19 (A) A registered nurse may report to the nursing
20 care committee any variations where the nurse
21 personnel assignment in an inpatient care unit is not
22 in accordance with the adopted staffing plan and may
23 make a written report to the nursing care committee
24 based on the variations.

25 (B) Shift-to-shift adjustments in staffing levels
26 required by the staffing plan may be made by the

1 appropriate hospital personnel overseeing inpatient
2 care operations. If a registered nurse in an inpatient
3 care unit objects to a shift-to-shift adjustment, the
4 registered nurse may submit a written report to the
5 nursing care committee.

6 (C) The nursing care committee shall develop a
7 process to examine and respond to written reports
8 submitted under subparagraphs (A) and (B) of this
9 paragraph (2.5), including the ability to determine if
10 a specific written report is resolved or should be
11 dismissed.

12 (3) The written staffing plan shall be posted, either
13 by physical or electronic means, in a conspicuous and
14 accessible location for both patients and direct care
15 staff, as required under the Hospital Report Card Act. A
16 copy of the written staffing plan shall be provided to any
17 member of the general public upon request.

18 (d) Nursing care committee.

19 (1) Every hospital shall have a nursing care committee
20 that meets at least 6 times per year. A hospital shall
21 appoint members of a committee whereby at least 55% of the
22 members are registered professional nurses providing
23 direct inpatient care, one of whom shall be selected
24 annually by the direct inpatient care nurses to serve as
25 co-chair of the committee.

26 (2) (Blank).

1 (2.5) A nursing care committee shall prepare and
2 recommend to hospital administration the hospital's
3 written hospital-wide staffing plan. If the staffing plan
4 is not adopted by the hospital, the chief nursing officer
5 shall provide a written statement to the committee prior
6 to a staffing plan being adopted by the hospital that: (A)
7 explains the reasons the committee's proposed staffing
8 plan was not adopted; and (B) describes the changes to the
9 committee's proposed staffing or any alternative to the
10 committee's proposed staffing plan.

11 (3) A nursing care committee's or committees' written
12 staffing plan for the hospital shall be based on the
13 principles from the staffing components set forth in
14 subsection (c). In particular, a committee or committees
15 shall provide input and feedback on the following:

16 (A) Selection, implementation, and evaluation of
17 minimum staffing levels for inpatient care units.

18 (B) Selection, implementation, and evaluation of
19 an acuity model to provide staffing flexibility that
20 aligns changing patient acuity with nursing skills
21 required.

22 (C) Selection, implementation, and evaluation of a
23 written staffing plan incorporating the items
24 described in subdivisions (c)(1) and (c)(2) of this
25 Section.

26 (D) Review the nurse staffing plans for all

1 inpatient areas~~r~~ and current acuity tools and measures
2 in use. The nursing care committee's review shall
3 consider:

4 (i) patient outcomes;

5 (ii) complaints regarding staffing, including
6 complaints about a delay in direct care nursing or
7 an absence of direct care nursing;

8 (iii) the number of hours of nursing care
9 provided through an inpatient hospital unit
10 compared with the number of inpatients served by
11 the hospital unit during a 24-hour period;

12 (iv) the aggregate hours of overtime worked by
13 the nursing staff;

14 (v) the extent to which actual nurse staffing
15 for each hospital inpatient unit differs from the
16 staffing specified by the staffing plan; and

17 (vi) any other matter or change to the
18 staffing plan determined by the committee to
19 ensure that the hospital is staffed to meet the
20 health care needs of patients.

21 (4) A nursing care committee must issue a written
22 report addressing the items described in subparagraphs (A)
23 through (D) of paragraph (3) semi-annually. A written copy
24 of this report shall be made available to direct inpatient
25 care nurses by making available a paper copy of the
26 report, distributing it electronically, or posting it on

1 the hospital's website.

2 (5) A nursing care committee must issue a written
3 report at least annually to the hospital governing board
4 that addresses items including, but not limited to: the
5 items described in paragraph (3); changes made based on
6 committee recommendations and the impact of such changes;
7 and recommendations for future changes related to nurse
8 staffing.

9 (e) Nothing in this Section 10.10 shall be construed to
10 limit, alter, or modify any of the terms, conditions, or
11 provisions of a collective bargaining agreement entered into
12 by the hospital.

13 (f) No hospital may discipline, discharge, or take any
14 other adverse employment action against an employee solely
15 because the employee expresses a concern or complaint
16 regarding an alleged violation of this Section or concerns
17 related to nurse staffing.

18 (g) Any employee of a hospital may file a complaint with
19 the Department regarding an alleged violation of this Section.
20 The Department must forward notification of the alleged
21 violation to the hospital in question within 10 business days
22 after the complaint is filed. Upon receiving a complaint of a
23 violation of this Section, the Department may take any action
24 authorized under Sections 7 or 9 of this Act.

25 (Source: P.A. 102-4, eff. 4-27-21; 102-641, eff. 8-27-21;
26 revised 10-6-21.)

1 (210 ILCS 85/14.5)

2 Sec. 14.5. Hospital Licensure Fund.

3 (a) There is created in the State treasury the Hospital
4 Licensure Fund. The Fund is created for the purpose of
5 providing funding for the administration of the licensure
6 program and patient safety and quality initiatives for
7 hospitals, including, without limitation, the implementation
8 of the Illinois Adverse Health Care Events Reporting Law of
9 2005.

10 (b) The Fund shall consist of the following:

11 (1) fees collected pursuant to Sections 5 and 7 of
12 this ~~the Hospital Licensing~~ Act;

13 (2) federal matching funds received by the State as a
14 result of expenditures made by the Department that are
15 attributable to moneys deposited in the Fund;

16 (3) interest earned on moneys deposited in the Fund;
17 and

18 (4) other moneys received for the Fund from any other
19 source, including interest earned thereon.

20 (c) Disbursements from the Fund shall be made only for:

21 (1) initially, the implementation of the Illinois
22 Adverse Health Care Events Reporting Law of 2005;

23 (2) subsequently, programs, information, or
24 assistance, including measures to address public
25 complaints, designed to measurably improve quality and

1 patient safety;

2 (2.5) from fines for violations of Section 10.10,
3 scholarships under the Nursing Education Scholarship Law;
4 and

5 (3) the reimbursement of moneys collected by the
6 Department through error or mistake.

7 (d) The uses described in paragraph (2) of subsection (c)
8 shall be developed in conjunction with a statewide
9 organization representing a majority of hospitals.

10 (Source: P.A. 102-641, eff. 8-27-21; revised 12-1-21.)

11 Section 420. The Birth Center Licensing Act is amended by
12 changing Section 30 as follows:

13 (210 ILCS 170/30)

14 Sec. 30. Minimum standards. ~~(a)~~ The Department's rules
15 adopted pursuant to Section 60 of this Act shall contain
16 minimum standards to protect the health and safety of a
17 patient of a birth center. In adopting rules for birth
18 centers, the Department shall consider:

19 (1) the Commission for the Accreditation of Birth
20 Centers' Standards for Freestanding Birth Centers;

21 (2) the American Academy of Pediatrics and American
22 College of Obstetricians and Gynecologists Guidelines for
23 Perinatal Care; and

24 (3) the Regionalized Perinatal Health Care Code.

1 (Source: P.A. 102-518, eff. 8-20-21; revised 12-1-21.)

2 Section 425. The Illinois Insurance Code is amended by
3 changing Sections 131.1, 131.14b, 131.22, 370c, and 370c.1 and
4 by setting forth, renumbering, and changing multiple versions
5 of Section 356z.43 as follows:

6 (215 ILCS 5/131.1)

7 (Text of Section before amendment by P.A. 102-578)

8 Sec. 131.1. Definitions. As used in this Article, the
9 following terms have the respective meanings set forth in this
10 Section unless the context requires otherwise:

11 (a) An "affiliate" of, or person "affiliated" with, a
12 specific person, is a person that directly, or indirectly
13 through one or more intermediaries, controls, or is controlled
14 by, or is under common control with, the person specified.

15 (a-5) "Acquiring party" means such person by whom or on
16 whose behalf the merger or other acquisition of control
17 referred to in Section 131.4 is to be affected and any person
18 that controls such person or persons.

19 (a-10) "Associated person" means, with respect to an
20 acquiring party, (1) any beneficial owner of shares of the
21 company to be acquired, owned, directly or indirectly, of
22 record or beneficially by the acquiring party, (2) any
23 affiliate of the acquiring party or beneficial owner, and (3)
24 any other person acting in concert, directly or indirectly,

1 pursuant to any agreement, arrangement, or understanding,
2 whether written or oral, with the acquiring party or
3 beneficial owner, or any of their respective affiliates, in
4 connection with the merger, consolidation, or other
5 acquisition of control referred to in Section 131.4 of this
6 Code.

7 (a-15) "Company" has the same meaning as "company" as
8 defined in Section 2 of this Code, except that it does not
9 include agencies, authorities, or instrumentalities of the
10 United States, its possessions and territories, the
11 Commonwealth of Puerto Rico, the District of Columbia, or a
12 state or political subdivision of a state.

13 (b) "Control" (including the terms "controlling",
14 "controlled by" and "under common control with") means the
15 possession, direct or indirect, of the power to direct or
16 cause the direction of the management and policies of a
17 person, whether through the ownership of voting securities,
18 the holding of shareholders' or policyholders' proxies by
19 contract other than a commercial contract for goods or
20 non-management services, or otherwise, unless the power is
21 solely the result of an official position with or corporate
22 office held by the person. Control is presumed to exist if any
23 person, directly or indirectly, owns, controls, holds with the
24 power to vote, or holds shareholders' proxies representing 10%
25 or more of the voting securities of any other person, or holds
26 or controls sufficient policyholders' proxies to elect the

1 majority of the board of directors of the domestic company.
2 This presumption may be rebutted by a showing made in the
3 manner as the Director may provide by rule. The Director may
4 determine, after furnishing all persons in interest notice and
5 opportunity to be heard and making specific findings of fact
6 to support such determination, that control exists in fact,
7 notwithstanding the absence of a presumption to that effect.

8 (b-5) "Enterprise risk" means any activity, circumstance,
9 event, or series of events involving one or more affiliates of
10 a company that, if not remedied promptly, is likely to have a
11 material adverse effect upon the financial condition or
12 liquidity of the company or its insurance holding company
13 system as a whole, including, but not limited to, anything
14 that would cause the company's risk-based capital to fall into
15 company action level as set forth in Article IIA of this Code
16 or would cause the company to be in hazardous financial
17 condition as set forth in Article XII 1/2 of this Code.

18 (b-10) "Exchange Act" means the Securities Exchange Act of
19 1934, as amended, together with the rules and regulations
20 promulgated thereunder.

21 (b-15) "Group-wide supervisor" means the regulatory
22 official authorized to engage in conducting and coordinating
23 group-wide supervision activities who is determined or
24 acknowledged by the Director under Section 131.20d of this
25 Code to have sufficient contacts with an internationally
26 active insurance group.

1 (c) "Insurance holding company system" means two or more
2 affiliated persons, one or more of which is an insurance
3 company as defined in paragraph (e) of Section 2 of this Code.

4 (c-5) "Internationally active insurance group" means an
5 insurance holding company system that:

6 (1) includes an insurer registered under Section 4 of
7 this Code; and

8 (2) meets the following criteria:

9 (A) premiums written in at least 3 countries;

10 (B) the percentage of gross premiums written
11 outside the United States is at least 10% of the
12 insurance holding company system's total gross written
13 premiums; and

14 (C) based on a 3-year rolling average, the total
15 assets of the insurance holding company system are at
16 least \$50,000,000,000 or the total gross written
17 premiums of the insurance holding company system are
18 at least \$10,000,000,000.

19 (d) (Blank).

20 (d-1) "NAIC" means the National Association of Insurance
21 Commissioners.

22 (d-5) "Non-operating holding company" is a general
23 business corporation functioning solely for the purpose of
24 forming, owning, acquiring, and managing subsidiary business
25 entities and having no other business operations not related
26 thereto.

1 (d-10) "Own", "owned," or "owning" means shares (1) with
2 respect to which a person has title or to which a person's
3 nominee, custodian, or other agent has title and which such
4 nominee, custodian, or other agent is holding on behalf of the
5 person or (2) with respect to which a person (A) has purchased
6 or has entered into an unconditional contract, binding on both
7 parties, to purchase the shares, but has not yet received the
8 shares, (B) owns a security convertible into or exchangeable
9 for the shares and has tendered the security for conversion or
10 exchange, (C) has an option to purchase or acquire, or rights
11 or warrants to subscribe to, the shares and has exercised such
12 option, rights, or warrants, or (D) holds a securities futures
13 contract to purchase the shares and has received notice that
14 the position will be physically settled and is irrevocably
15 bound to receive the underlying shares. To the extent that any
16 affiliates of the stockholder or beneficial owner are acting
17 in concert with the stockholder or beneficial owner, the
18 determination of shares owned may include the effect of
19 aggregating the shares owned by the affiliate or affiliates.
20 Whether shares constitute shares owned shall be decided by the
21 Director in his or her reasonable determination.

22 (e) "Person" means an individual, a corporation, a limited
23 liability company, a partnership, an association, a joint
24 stock company, a trust, an unincorporated organization, any
25 similar entity or any combination of the foregoing acting in
26 concert, but does not include any securities broker performing

1 no more than the usual and customary broker's function or
2 joint venture partnership exclusively engaged in owning,
3 managing, leasing or developing real or tangible personal
4 property other than capital stock.

5 (e-5) "Policyholders' proxies" are proxies that give the
6 holder the right to vote for the election of the directors and
7 other corporate actions not in the day to day operations of the
8 company.

9 (f) (Blank).

10 (f-5) "Securityholder" of a specified person is one who
11 owns any security of such person, including common stock,
12 preferred stock, debt obligations, and any other security
13 convertible into or evidencing the right to acquire any of the
14 foregoing.

15 (g) "Subsidiary" of a specified person is an affiliate
16 controlled by such person directly, or indirectly through one
17 or more intermediaries.

18 (h) "Voting Security" is a security which gives to the
19 holder thereof the right to vote for the election of directors
20 and includes any security convertible into or evidencing a
21 right to acquire a voting security.

22 ~~(i) (Blank).~~

23 ~~(j) (Blank).~~

24 ~~(k) (Blank).~~

25 (Source: P.A. 102-394, eff. 8-16-21; revised 9-22-21.)

1 (Text of Section after amendment by P.A. 102-578)

2 Sec. 131.1. Definitions. As used in this Article, the
3 following terms have the respective meanings set forth in this
4 Section unless the context requires otherwise:

5 (a) An "affiliate" of, or person "affiliated" with, a
6 specific person, is a person that directly, or indirectly
7 through one or more intermediaries, controls, or is controlled
8 by, or is under common control with, the person specified.

9 (a-5) "Acquiring party" means such person by whom or on
10 whose behalf the merger or other acquisition of control
11 referred to in Section 131.4 is to be affected and any person
12 that controls such person or persons.

13 (a-10) "Associated person" means, with respect to an
14 acquiring party, (1) any beneficial owner of shares of the
15 company to be acquired, owned, directly or indirectly, of
16 record or beneficially by the acquiring party, (2) any
17 affiliate of the acquiring party or beneficial owner, and (3)
18 any other person acting in concert, directly or indirectly,
19 pursuant to any agreement, arrangement, or understanding,
20 whether written or oral, with the acquiring party or
21 beneficial owner, or any of their respective affiliates, in
22 connection with the merger, consolidation, or other
23 acquisition of control referred to in Section 131.4 of this
24 Code.

25 (a-15) "Company" has the same meaning as "company" as
26 defined in Section 2 of this Code, except that it does not

1 include agencies, authorities, or instrumentalities of the
2 United States, its possessions and territories, the
3 Commonwealth of Puerto Rico, the District of Columbia, or a
4 state or political subdivision of a state.

5 (b) "Control" (including the terms "controlling",
6 "controlled by" and "under common control with") means the
7 possession, direct or indirect, of the power to direct or
8 cause the direction of the management and policies of a
9 person, whether through the ownership of voting securities,
10 the holding of shareholders' or policyholders' proxies by
11 contract other than a commercial contract for goods or
12 non-management services, or otherwise, unless the power is
13 solely the result of an official position with or corporate
14 office held by the person. Control is presumed to exist if any
15 person, directly or indirectly, owns, controls, holds with the
16 power to vote, or holds shareholders' proxies representing 10%
17 or more of the voting securities of any other person, or holds
18 or controls sufficient policyholders' proxies to elect the
19 majority of the board of directors of the domestic company.
20 This presumption may be rebutted by a showing made in the
21 manner as the Director may provide by rule. The Director may
22 determine, after furnishing all persons in interest notice and
23 opportunity to be heard and making specific findings of fact
24 to support such determination, that control exists in fact,
25 notwithstanding the absence of a presumption to that effect.

26 (b-5) "Enterprise risk" means any activity, circumstance,

1 event, or series of events involving one or more affiliates of
2 a company that, if not remedied promptly, is likely to have a
3 material adverse effect upon the financial condition or
4 liquidity of the company or its insurance holding company
5 system as a whole, including, but not limited to, anything
6 that would cause the company's risk-based capital to fall into
7 company action level as set forth in Article IIA of this Code
8 or would cause the company to be in hazardous financial
9 condition as set forth in Article XII 1/2 of this Code.

10 (b-10) "Exchange Act" means the Securities Exchange Act of
11 1934, as amended, together with the rules and regulations
12 promulgated thereunder.

13 (b-12) "Group capital calculation instructions" means the
14 group capital calculation instructions as adopted by the NAIC
15 and as amended by the NAIC from time to time in accordance with
16 the procedures adopted by the NAIC.

17 (b-15) "Group-wide supervisor" means the regulatory
18 official authorized to engage in conducting and coordinating
19 group-wide supervision activities who is determined or
20 acknowledged by the Director under Section 131.20d of this
21 Code to have sufficient contacts with an internationally
22 active insurance group.

23 (c) "Insurance holding company system" means two or more
24 affiliated persons, one or more of which is an insurance
25 company as defined in paragraph (e) of Section 2 of this Code.

26 (c-5) "Internationally active insurance group" means an

1 insurance holding company system that:

2 (1) includes an insurer registered under Section 4 of
3 this Code; and

4 (2) meets the following criteria:

5 (A) premiums written in at least 3 countries;

6 (B) the percentage of gross premiums written
7 outside the United States is at least 10% of the
8 insurance holding company system's total gross written
9 premiums; and

10 (C) based on a 3-year rolling average, the total
11 assets of the insurance holding company system are at
12 least \$50,000,000,000 or the total gross written
13 premiums of the insurance holding company system are
14 at least \$10,000,000,000.

15 (d) (Blank).

16 (d-1) "NAIC" means the National Association of Insurance
17 Commissioners.

18 (d-2) "NAIC Liquidity Stress Test Framework" is a separate
19 NAIC publication which includes a history of the NAIC's
20 development of regulatory liquidity stress testing, the scope
21 criteria applicable for a specific data year, and the
22 liquidity stress test instructions, and reporting templates
23 for a specific data year, such scope criteria, instructions,
24 and reporting template being as adopted by the NAIC and as
25 amended by the NAIC from time to time in accordance with the
26 procedures adopted by the NAIC.

1 (d-5) "Non-operating holding company" is a general
2 business corporation functioning solely for the purpose of
3 forming, owning, acquiring, and managing subsidiary business
4 entities and having no other business operations not related
5 thereto.

6 (d-10) "Own", "owned," or "owning" means shares (1) with
7 respect to which a person has title or to which a person's
8 nominee, custodian, or other agent has title and which such
9 nominee, custodian, or other agent is holding on behalf of the
10 person or (2) with respect to which a person (A) has purchased
11 or has entered into an unconditional contract, binding on both
12 parties, to purchase the shares, but has not yet received the
13 shares, (B) owns a security convertible into or exchangeable
14 for the shares and has tendered the security for conversion or
15 exchange, (C) has an option to purchase or acquire, or rights
16 or warrants to subscribe to, the shares and has exercised such
17 option, rights, or warrants, or (D) holds a securities futures
18 contract to purchase the shares and has received notice that
19 the position will be physically settled and is irrevocably
20 bound to receive the underlying shares. To the extent that any
21 affiliates of the stockholder or beneficial owner are acting
22 in concert with the stockholder or beneficial owner, the
23 determination of shares owned may include the effect of
24 aggregating the shares owned by the affiliate or affiliates.
25 Whether shares constitute shares owned shall be decided by the
26 Director in his or her reasonable determination.

1 (e) "Person" means an individual, a corporation, a limited
2 liability company, a partnership, an association, a joint
3 stock company, a trust, an unincorporated organization, any
4 similar entity or any combination of the foregoing acting in
5 concert, but does not include any securities broker performing
6 no more than the usual and customary broker's function or
7 joint venture partnership exclusively engaged in owning,
8 managing, leasing or developing real or tangible personal
9 property other than capital stock.

10 (e-5) "Policyholders' proxies" are proxies that give the
11 holder the right to vote for the election of the directors and
12 other corporate actions not in the day to day operations of the
13 company.

14 (f) (Blank).

15 (f-3) ~~(f-5)~~ "Scope criteria", as detailed in the NAIC
16 Liquidity Stress Test Framework, are the designated exposure
17 bases along with minimum magnitudes thereof for the specified
18 data year, used to establish a preliminary list of insurers
19 considered scoped into the NAIC Liquidity Stress Test
20 Framework for that data year.

21 (f-5) "Securityholder" of a specified person is one who
22 owns any security of such person, including common stock,
23 preferred stock, debt obligations, and any other security
24 convertible into or evidencing the right to acquire any of the
25 foregoing.

26 (g) "Subsidiary" of a specified person is an affiliate

1 controlled by such person directly, or indirectly through one
2 or more intermediaries.

3 (h) "Voting Security" is a security which gives to the
4 holder thereof the right to vote for the election of directors
5 and includes any security convertible into or evidencing a
6 right to acquire a voting security.

7 ~~(i) (Blank).~~

8 ~~(j) (Blank).~~

9 ~~(k) (Blank).~~

10 (Source: P.A. 102-394, eff. 8-16-21; 102-578, eff. 7-1-22 (See
11 Section 5 of P.A. 102-672 for effective date of P.A. 102-578);
12 revised 12-1-21.)

13 (215 ILCS 5/131.14b)

14 (Text of Section before amendment by P.A. 102-578)

15 Sec. 131.14b. Enterprise risk filing. The ultimate
16 controlling person of every company subject to registration
17 shall also file an annual enterprise risk report. The report
18 shall, to the best of the ultimate controlling person's
19 knowledge and belief, identify the material risks within the
20 insurance holding company system that could pose enterprise
21 risk to the company. The report shall be filed with the lead
22 state commissioner of the insurance holding company system as
23 determined by the procedures within the Financial Analysis
24 Handbook adopted by the National Association of Insurance
25 Commissioners.

1 (Source: P.A. 98-609, eff. 7-1-14.)

2 (Text of Section after amendment by P.A. 102-578)

3 Sec. 131.14b. Enterprise risk filings.

4 (a) Annual enterprise risk report. The ultimate
5 controlling person of every company subject to registration
6 shall also file an annual enterprise risk report. The report
7 shall, to the best of the ultimate controlling person's
8 knowledge and belief, identify the material risks within the
9 insurance holding company system that could pose enterprise
10 risk to the company. The report shall be filed with the lead
11 state commissioner of the insurance holding company system as
12 determined by the procedures within the Financial Analysis
13 Handbook adopted by the National Association of Insurance
14 Commissioners.

15 (b) Group capital calculation. Except as provided in this
16 subsection, the ultimate controlling person of every insurer
17 subject to registration shall concurrently file with the
18 registration an annual group capital calculation as directed
19 by the lead state commissioner. The report shall be completed
20 in accordance with the NAIC Group Capital Calculation
21 Instructions, which may permit the lead state commissioner to
22 allow a controlling person who is not the ultimate controlling
23 person to file the group capital calculation. The report shall
24 be filed with the lead state commissioner of the insurance
25 holding company system as determined by the commissioner in

1 accordance with the procedures within the Financial Analysis
2 Handbook adopted by the NAIC. Insurance holding company
3 systems described in the following are exempt from filing the
4 group capital calculation:

5 (1) an insurance holding company system that has only
6 one insurer within its holding company structure, that
7 only writes business and is only licensed in Illinois, and
8 that assumes no business from any other insurer;

9 (2) an insurance holding company system that is
10 required to perform a group capital calculation specified
11 by the United States Federal Reserve Board; the lead state
12 commissioner shall request the calculation from the
13 Federal Reserve Board under the terms of information
14 sharing agreements in effect; if the Federal Reserve Board
15 cannot share the calculation with the lead state
16 commissioner, the insurance holding company system is not
17 exempt from the group capital calculation filing;

18 (3) an insurance holding company system whose non-U.S.
19 group-wide supervisor is located within a reciprocal
20 jurisdiction as described in paragraph (C-10) of
21 subsection (1) of Section 173.1 that recognizes the U.S.
22 state regulatory approach to group supervision and group
23 capital; and

24 (4) an insurance holding company system:

25 (i) that provides information to the lead state
26 that meets the requirements for accreditation under

1 the NAIC financial standards and accreditation
2 program, either directly or indirectly through the
3 group-wide supervisor, who has determined such
4 information is satisfactory to allow the lead state to
5 comply with the NAIC group supervision approach, as
6 detailed in the NAIC Financial Analysis Handbook; and

7 (ii) whose non-U.S. group-wide supervisor that is
8 not in a reciprocal jurisdiction recognizes and
9 accepts, as specified by the commissioner in
10 regulation, the group capital calculation as the
11 world-wide group capital assessment for U.S. insurance
12 groups who operate in that jurisdiction.

13 ~~(5)~~ Notwithstanding the provisions of paragraphs (3) and
14 (4) of this subsection, a lead state commissioner shall
15 require the group capital calculation for U.S. operations of
16 any non-U.S. based insurance holding company system where,
17 after any necessary consultation with other supervisors or
18 officials, it is deemed appropriate by the lead state
19 commissioner for prudential oversight and solvency monitoring
20 purposes or for ensuring the competitiveness of the insurance
21 marketplace.

22 ~~(6)~~ Notwithstanding the exemptions from filing the group
23 capital calculation stated in paragraphs (1) through (4) of
24 this subsection, the lead state commissioner has the
25 discretion to exempt the ultimate controlling person from
26 filing the annual group capital calculation or to accept a

1 limited group capital filing or report in accordance with
2 criteria as specified by the Director in regulation.

3 (c) Liquidity stress test. The ultimate controlling person
4 of every insurer subject to registration and also scoped into
5 the NAIC Liquidity Stress Test Framework shall file the
6 results of a specific year's liquidity stress test. The filing
7 shall be made to the lead state insurance commissioner of the
8 insurance holding company system as determined by the
9 procedures within the Financial Analysis Handbook adopted by
10 the National Association of Insurance Commissioners:

11 (1) The NAIC Liquidity Stress Test Framework includes
12 scope criteria applicable to a specific data year. These
13 scope criteria are reviewed at least annually by the NAIC
14 Financial Stability Task Force or its successor. Any
15 change to the NAIC Liquidity Stress Test Framework or to
16 the data year for which the scope criteria are to be
17 measured shall be effective on January 1 of the year
18 following the calendar year when such changes are adopted.
19 Insurers meeting at least one threshold of the scope
20 criteria are considered scoped into the NAIC Liquidity
21 Stress Test Framework for the specified data year unless
22 the lead state insurance commissioner, in consultation
23 with the NAIC Financial Stability Task Force or its
24 successor, determines the insurer should not be scoped
25 into the Framework for that data year. Similarly, insurers
26 that do not trigger at least one threshold of the scope

1 criteria are considered scoped out of the NAIC Liquidity
2 Stress Test Framework for the specified data year, unless
3 the lead state insurance commissioner, in consultation
4 with the NAIC Financial Stability Task Force or its
5 successor, determines the insurer should be scoped into
6 the Framework for that data year.

7 The lead state insurance commissioner, in consultation
8 with the Financial Stability Task Force or its successor,
9 shall assess the regulator's wish to avoid having insurers
10 scoped in and out of the NAIC Liquidity Stress Test
11 Framework on a frequent basis as part of the determination
12 for an insurer.

13 (2) The performance of, and filing of the results
14 from, a specific year's liquidity stress test shall comply
15 with the NAIC Liquidity Stress Test Framework's
16 instructions and reporting templates for that year and any
17 lead state insurance commissioner determinations, in
18 conjunction with the NAIC Financial Stability Task Force
19 or its successor, provided within the Framework.

20 (Source: P.A. 102-578, eff. 7-1-22 (See Section 5 of P.A.
21 102-672 for effective date of P.A. 102-578); revised 12-2-21.)

22 (215 ILCS 5/131.22)

23 (Text of Section before amendment by P.A. 102-578)

24 Sec. 131.22. Confidential treatment.

25 (a) Documents, materials, or other information in the

1 possession or control of the Department that are obtained by
2 or disclosed to the Director or any other person in the course
3 of an examination or investigation made pursuant to this
4 Article and all information reported or provided to the
5 Department pursuant to paragraphs (12) and (13) of Section
6 131.5 and Sections 131.13 through 131.21 shall be confidential
7 by law and privileged, shall not be subject to the Illinois
8 Freedom of Information Act, shall not be subject to subpoena,
9 and shall not be subject to discovery or admissible in
10 evidence in any private civil action. However, the Director is
11 authorized to use the documents, materials, or other
12 information in the furtherance of any regulatory or legal
13 action brought as a part of the Director's official duties.
14 The Director shall not otherwise make the documents,
15 materials, or other information public without the prior
16 written consent of the company to which it pertains unless the
17 Director, after giving the company and its affiliates who
18 would be affected thereby prior written notice and an
19 opportunity to be heard, determines that the interest of
20 policyholders, shareholders, or the public shall be served by
21 the publication thereof, in which event the Director may
22 publish all or any part in such manner as may be deemed
23 appropriate.

24 (b) Neither the Director nor any person who received
25 documents, materials, or other information while acting under
26 the authority of the Director or with whom such documents,

1 materials, or other information are shared pursuant to this
2 Article shall be permitted or required to testify in any
3 private civil action concerning any confidential documents,
4 materials, or information subject to subsection (a) of this
5 Section.

6 (c) In order to assist in the performance of the
7 Director's duties, the Director:

8 (1) may share documents, materials, or other
9 information, including the confidential and privileged
10 documents, materials, or information subject to subsection
11 (a) of this Section, with other state, federal, and
12 international regulatory agencies, with the NAIC and its
13 affiliates and subsidiaries, and with third-party
14 consultants, and with state, federal, and international
15 law enforcement authorities and regulatory agencies,
16 including members of any supervisory college allowed by
17 this Article, provided that the recipient agrees in
18 writing to maintain the confidentiality and privileged
19 status of the document, material, or other information,
20 and has verified in writing the legal authority to
21 maintain confidentiality;

22 (1.5) notwithstanding paragraph (1) of this subsection
23 (c), may only share confidential and privileged documents,
24 material, or information reported pursuant to Section
25 131.14b with commissioners of states having statutes or
26 regulations substantially similar to subsection (a) of

1 this Section and who have agreed in writing not to
2 disclose such information; and

3 (2) may receive documents, materials, or information,
4 including otherwise confidential and privileged documents,
5 materials, or information from the NAIC and its affiliates
6 and subsidiaries and from regulatory and law enforcement
7 officials of other foreign or domestic jurisdictions, and
8 shall maintain as confidential or privileged any document,
9 material, or information received with notice or the
10 understanding that it is confidential or privileged under
11 the laws of the jurisdiction that is the source of the
12 document, material, or information; any such documents,
13 materials, or information, while in the Director's
14 possession, shall not be subject to the Illinois Freedom
15 of Information Act and shall not be subject to subpoena.

16 (c-5) Written agreements with the NAIC or third-party
17 consultants governing sharing and use of information provided
18 pursuant to this Article consistent with this subsection (c)
19 shall:

20 (1) specify procedures and protocols regarding the
21 confidentiality and security of information shared with
22 the NAIC and its affiliates and subsidiaries or
23 third-party consultants pursuant to this Article,
24 including procedures and protocols for sharing by the NAIC
25 with other state, federal, or international regulators;

26 (2) specify that ownership of information shared with

1 the NAIC and its affiliates and subsidiaries or
2 third-party consultants pursuant to this Article remains
3 with the Director and the NAIC's or third-party
4 consultant's use of the information is subject to the
5 direction of the Director;

6 (3) require prompt notice to be given to a company
7 whose confidential information in the possession of the
8 NAIC or third-party consultant pursuant to this Article is
9 subject to a request or subpoena for disclosure or
10 production; and

11 (4) require the NAIC and its affiliates and
12 subsidiaries or third-party consultants to consent to
13 intervention by a company in any judicial or
14 administrative action in which the NAIC and its affiliates
15 and subsidiaries or third-party consultants may be
16 required to disclose confidential information about the
17 company shared with the NAIC and its affiliates and
18 subsidiaries or third-party consultants pursuant to this
19 Article.

20 (d) The sharing of documents, materials, or information by
21 the Director pursuant to this Article shall not constitute a
22 delegation of regulatory authority or rulemaking, and the
23 Director is solely responsible for the administration,
24 execution, and enforcement of the provisions of this Article.

25 (e) No waiver of any applicable privilege or claim of
26 confidentiality in the documents, materials, or information

1 shall occur as a result of disclosure to the Director under
2 this Section or as a result of sharing as authorized in
3 subsection (c) of this Section.

4 (f) Documents, materials, or other information in the
5 possession or control of the NAIC or a third-party consultant
6 pursuant to this Article shall be confidential by law and
7 privileged, shall not be subject to the Illinois Freedom of
8 Information Act, shall not be subject to subpoena, and shall
9 not be subject to discovery or admissible in evidence in any
10 private civil action.

11 (Source: P.A. 102-394, eff. 8-16-21.)

12 (Text of Section after amendment by P.A. 102-578)

13 Sec. 131.22. Confidential treatment.

14 (a) Documents, materials, or other information in the
15 possession or control of the Department that are obtained by
16 or disclosed to the Director or any other person in the course
17 of an examination or investigation made pursuant to this
18 Article and all information reported or provided to the
19 Department pursuant to paragraphs (12) and (13) of Section
20 131.5 and Sections 131.13 through 131.21 are recognized by
21 this State as being proprietary and to contain trade secrets,
22 and shall be confidential by law and privileged, shall not be
23 subject to the Illinois Freedom of Information Act, shall not
24 be subject to subpoena, and shall not be subject to discovery
25 or admissible in evidence in any private civil action.

1 However, the Director is authorized to use the documents,
2 materials, or other information in the furtherance of any
3 regulatory or legal action brought as a part of the Director's
4 official duties. The Director shall not otherwise make the
5 documents, materials, or other information public without the
6 prior written consent of the company to which it pertains
7 unless the Director, after giving the company and its
8 affiliates who would be affected thereby prior written notice
9 and an opportunity to be heard, determines that the interest
10 of policyholders, shareholders, or the public shall be served
11 by the publication thereof, in which event the Director may
12 publish all or any part in such manner as may be deemed
13 appropriate.

14 (b) Neither the Director nor any person who received
15 documents, materials, or other information while acting under
16 the authority of the Director or with whom such documents,
17 materials, or other information are shared pursuant to this
18 Article shall be permitted or required to testify in any
19 private civil action concerning any confidential documents,
20 materials, or information subject to subsection (a) of this
21 Section.

22 (c) In order to assist in the performance of the
23 Director's duties, the Director:

24 (1) may share documents, materials, or other
25 information, including the confidential and privileged
26 documents, materials, or information subject to subsection

1 (a) of this Section, including proprietary and trade
2 secret documents and materials, with other state, federal,
3 and international regulatory agencies, with the NAIC and
4 its affiliates and subsidiaries, ~~and~~ with third-party
5 consultants, and with state, federal, and international
6 law enforcement authorities and regulatory agencies,
7 including members of any supervisory college allowed by
8 this Article, provided that the recipient agrees in
9 writing to maintain the confidentiality and privileged
10 status of the document, material, or other information,
11 and has verified in writing the legal authority to
12 maintain confidentiality;

13 (1.5) notwithstanding paragraph (1) of this subsection
14 (c), may only share confidential and privileged documents,
15 material, or information reported pursuant to subsection
16 (a) of Section 131.14b with commissioners of states having
17 statutes or regulations substantially similar to
18 subsection (a) of this Section and who have agreed in
19 writing not to disclose such information; and

20 (2) may receive documents, materials, or information,
21 including otherwise confidential and privileged documents,
22 materials, or information, including proprietary and trade
23 secret information, from the NAIC and its affiliates and
24 subsidiaries and from regulatory and law enforcement
25 officials of other foreign or domestic jurisdictions, and
26 shall maintain as confidential or privileged any document,

1 material, or information received with notice or the
2 understanding that it is confidential or privileged under
3 the laws of the jurisdiction that is the source of the
4 document, material, or information; any such documents,
5 materials, or information, while in the Director's
6 possession, shall not be subject to the Illinois Freedom
7 of Information Act and shall not be subject to subpoena.

8 ~~(b)blank).~~

9 (c-5) Written agreements with the NAIC or third-party
10 consultants governing sharing and use of information provided
11 pursuant to this Article consistent with subsection (c) shall:

12 (1) specify procedures and protocols regarding the
13 confidentiality and security of information shared with
14 the NAIC and its affiliates and subsidiaries or
15 third-party consultants pursuant to this Article,
16 including procedures and protocols for sharing by the NAIC
17 with other state, federal, or international regulators;
18 the agreement shall provide that the recipient agrees in
19 writing to maintain the confidentiality and privileged
20 status of the documents, materials, or other information
21 and has verified in writing the legal authority to
22 maintain such confidentiality;

23 (2) specify that ownership of information shared with
24 the NAIC and its affiliates and subsidiaries or
25 third-party consultants pursuant to this Article remains
26 with the Director and the NAIC's or third-party

1 consultant's use of the information is subject to the
2 direction of the Director;

3 (3) require prompt notice to be given to a company
4 whose confidential information in the possession of the
5 NAIC or third-party consultant pursuant to this Article is
6 subject to a request or subpoena for disclosure or
7 production;

8 (4) require the NAIC and its affiliates and
9 subsidiaries or third-party consultants to consent to
10 intervention by a company in any judicial or
11 administrative action in which the NAIC and its affiliates
12 and subsidiaries or third-party consultants may be
13 required to disclose confidential information about the
14 company shared with the NAIC and its affiliates and
15 subsidiaries or third-party consultants pursuant to this
16 Article; and

17 (5) excluding documents, material, or information
18 reported pursuant to subsection (c) of Section 131.14b,
19 prohibit the NAIC or third-party consultant from storing
20 the information shared pursuant to this Code in a
21 permanent database after the underlying analysis is
22 completed.

23 (d) The sharing of documents, materials, or information by
24 the Director pursuant to this Article shall not constitute a
25 delegation of regulatory authority or rulemaking, and the
26 Director is solely responsible for the administration,

1 execution, and enforcement of the provisions of this Article.

2 (e) No waiver of any applicable privilege or claim of
3 confidentiality in the documents, materials, or information
4 shall occur as a result of disclosure to the Director under
5 this Section or as a result of sharing as authorized in
6 subsection (c) of this Section.

7 (f) Documents, materials, or other information in the
8 possession or control of the NAIC or third-party consultant
9 pursuant to this Article shall be confidential by law and
10 privileged, shall not be subject to the Illinois Freedom of
11 Information Act, shall not be subject to subpoena, and shall
12 not be subject to discovery or admissible in evidence in any
13 private civil action.

14 (Source: P.A. 102-394, eff. 8-16-21; 102-578, eff. 7-1-22 (See
15 Section 5 of P.A. 102-672 for effective date of P.A. 102-578);
16 revised 12-1-21.)

17 (215 ILCS 5/356z.43)

18 Sec. 356z.43. (Repealed).

19 (Source: P.A. 102-34, eff. 6-25-21. Repealed internally, eff.
20 1-1-22.)

21 (215 ILCS 5/356z.45)

22 Sec. 356z.45 ~~356z.43~~. Coverage for patient care services
23 provided by a pharmacist. A group or individual policy of
24 accident and health insurance or a managed care plan that is

1 amended, delivered, issued, or renewed on or after January 1,
2 2023 shall provide coverage for health care or patient care
3 services provided by a pharmacist if:

4 (1) the pharmacist meets the requirements and scope of
5 practice as set forth in Section 43 of the Pharmacy
6 Practice Act;

7 (2) the health plan provides coverage for the same
8 service provided by a licensed physician, an advanced
9 practice registered nurse, or a physician assistant;

10 (3) the pharmacist is included in the health benefit
11 plan's network of participating providers; and

12 (4) a reimbursement has been successfully negotiated
13 in good faith between the pharmacist and the health plan.

14 (Source: P.A. 102-103, eff. 1-1-23; revised 10-26-21.)

15 (215 ILCS 5/356z.46)

16 Sec. 356z.46 ~~356z.43~~. Biomarker testing.

17 (a) As used in this Section:

18 "Biomarker" means a characteristic that is objectively
19 measured and evaluated as an indicator of normal biological
20 processes, pathogenic processes, or pharmacologic responses to
21 a specific therapeutic intervention. "Biomarker" includes, but
22 is not limited to, gene mutations or protein expression.

23 "Biomarker testing" means the analysis of a patient's
24 tissue, blood, or fluid biospecimen for the presence of a
25 biomarker. "Biomarker testing" includes, but is not limited

1 to, single-analyte tests, multi-plex panel tests, and partial
2 or whole genome sequencing.

3 (b) A group or individual policy of accident and health
4 insurance or managed care plan amended, delivered, issued, or
5 renewed on or after January 1, 2022 shall include coverage for
6 biomarker testing as defined in this Section pursuant to
7 criteria established under subsection (d).

8 (c) Biomarker testing shall be covered and conducted in an
9 efficient manner to provide the most complete range of results
10 to the patient's health care provider without requiring
11 multiple biopsies, biospecimen samples, or other delays or
12 disruptions in patient care.

13 (d) Biomarker testing must be covered for the purposes of
14 diagnosis, treatment, appropriate management, or ongoing
15 monitoring of an enrollee's disease or condition when the test
16 is supported by medical and scientific evidence, including,
17 but not limited to:

18 (1) labeled indications for an FDA-approved test or
19 indicated tests for an FDA-approved drug;

20 (2) federal Centers for Medicare and Medicaid Services
21 National Coverage Determinations;

22 (3) nationally recognized clinical practice
23 guidelines;

24 (4) consensus statements;

25 (5) professional society recommendations;

26 (6) peer-reviewed literature, biomedical compendia,

1 and other medical literature that meet the criteria of the
2 National Institutes of Health's National Library of
3 Medicine for indexing in Index Medicus, Excerpta Medicus,
4 Medline, and MEDLARS database of Health Services
5 Technology Assessment Research; and

6 (7) peer-reviewed scientific studies published in or
7 accepted for publication by medical journals that meet
8 nationally recognized requirements for scientific
9 manuscripts and that submit most of their published
10 articles for review by experts who are not part of the
11 editorial staff.

12 (e) When coverage of biomarker testing for the purpose of
13 diagnosis, treatment, or ongoing monitoring of any medical
14 condition is restricted for use by a group or individual
15 policy of accident and health insurance or managed care plan,
16 the patient and prescribing practitioner shall have access to
17 a clear, readily accessible, and convenient processes to
18 request an exception. The process shall be made readily
19 accessible on the insurer's website.

20 (Source: P.A. 102-203, eff. 1-1-22; revised 10-26-21.)

21 (215 ILCS 5/356z.47)

22 Sec. 356z.47 ~~356z.43~~. Coverage for pancreatic cancer
23 screening. A group or individual policy of accident and health
24 insurance or a managed care plan that is amended, delivered,
25 issued, or renewed on or after January 1, 2022 shall provide

1 coverage for medically necessary pancreatic cancer screening.
2 (Source: P.A. 102-306, eff. 1-1-22; revised 10-26-21.)

3 (215 ILCS 5/356z.48)

4 Sec. 356z.48 ~~356z.43~~. Colonoscopy coverage.

5 (a) A group policy of accident and health insurance that
6 is amended, delivered, issued, or renewed on or after January
7 1, 2022 shall provide coverage for a colonoscopy that is a
8 follow-up exam based on an initial screen where the
9 colonoscopy was determined to be medically necessary by a
10 physician licensed to practice medicine in all its branches,
11 an advanced practice registered nurse, or a physician
12 assistant.

13 (b) A policy subject to this Section shall not impose a
14 deductible, coinsurance, copayment, or any other cost-sharing
15 requirement on the coverage provided; except that this
16 subsection does not apply to coverage of colonoscopies to the
17 extent such coverage would disqualify a high-deductible health
18 plan from eligibility for a health savings account pursuant to
19 Section 223 of the Internal Revenue Code.

20 (Source: P.A. 102-443, eff. 1-1-22; revised 10-26-21.)

21 (215 ILCS 5/356z.49)

22 Sec. 356z.49 ~~356z.43~~. A1C testing.

23 (a) As used in this Section, "A1C testing" means blood
24 sugar level testing used to diagnose prediabetes, type 1

1 diabetes, and type 2 diabetes and to monitor management of
2 blood sugar levels.

3 (b) A group or individual policy of accident and health
4 insurance or managed care plan amended, delivered, issued, or
5 renewed on or after January 1, 2022 (the effective date of
6 Public Act 102-530) ~~this amendatory Act of the 102nd General~~
7 ~~Assembly~~ shall provide coverage for A1C testing recommended by
8 a health care provider for prediabetes, type 1 diabetes, and
9 type 2 diabetes in accordance with prediabetes and diabetes
10 risk factors identified by the United States Centers for
11 Disease Control and Prevention.

12 (1) Risk factors for prediabetes may include, but are
13 not limited to, being overweight or obese, being aged 35
14 or older, having an immediate family member with type 2
15 diabetes, previous diagnosis of gestational diabetes and
16 being African American, Hispanic or Latino American,
17 American Indian, or Alaska Native.

18 (2) Risk factors for type 1 diabetes may include, but
19 are not limited to, family history of diabetes.

20 (3) Risk factors for type 2 diabetes may include, but
21 are not limited to, having prediabetes, being overweight
22 or obese, being aged 35 or older, having an immediate
23 family member with type 1 or type 2 diabetes, previous
24 diagnosis of gestational diabetes and being African
25 American, Hispanic or Latino American, American Indian, or
26 Alaska Native.

1 (Source: P.A. 102-530, eff. 1-1-22; revised 10-26-21.)

2 (215 ILCS 5/356z.50)

3 Sec. 356z.50 ~~356z.43~~. Comprehensive cancer testing.

4 (a) As used in this Section:

5 "Comprehensive cancer testing" includes, but is not
6 limited to, the following forms of testing:

7 (1) Targeted cancer gene panels.

8 (2) Whole-exome genome testing.

9 (3) Whole-genome sequencing.

10 (4) RNA sequencing.

11 (5) Tumor mutation burden.

12 "Testing of blood or constitutional tissue for cancer
13 predisposition testing" includes, but is not limited to, the
14 following forms of testing:

15 (1) Targeted cancer gene panels.

16 (2) Whole-exome genome testing.

17 (3) Whole-genome sequencing.

18 (b) An individual or group policy of accident and health
19 insurance or managed care plan that is amended, delivered,
20 issued, or renewed on or after January 1, 2022 (the effective
21 date of Public Act 102-589) ~~this amendatory Act of the 102nd~~
22 ~~General Assembly~~ shall provide coverage for medically
23 necessary comprehensive cancer testing and testing of blood or
24 constitutional tissue for cancer predisposition testing as
25 determined by a physician licensed to practice medicine in all

1 of its branches.

2 (Source: P.A. 102-589, eff. 1-1-22; revised 10-26-21.)

3 (215 ILCS 5/356z.51)

4 Sec. 356z.51 ~~356z.43~~. Coverage for port-wine stain
5 treatment.

6 (a) A group or individual policy of accident and health
7 insurance or managed care plan amended, delivered, issued, or
8 renewed on or after January 1, 2022 shall provide coverage for
9 treatment to eliminate or provide maximum feasible treatment
10 of nevus flammeus, also known as port-wine stains, including,
11 but not limited to, port-wine stains caused by Sturge-Weber
12 syndrome. For purposes of this Section, treatment or maximum
13 feasible treatment shall include early intervention treatment,
14 including topical, intralesional, or systemic medical therapy
15 and surgery, and laser treatments approved by the U.S. Food
16 and Drug Administration in children aged 18 years and younger
17 that are intended to prevent functional impairment related to
18 vision function, oral function, inflammation, bleeding,
19 infection, and other medical complications associated with
20 port-wine stains.

21 (b) Coverage for treatment required under this Section
22 shall not include treatment solely for cosmetic purposes.

23 (Source: P.A. 102-642, eff. 1-1-22; revised 10-26-21.)

24 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

1 Sec. 370c. Mental and emotional disorders.

2 (a) (1) On and after January 1, 2022 (the effective date of
3 Public Act 102-579) ~~this amendatory Act of the 102nd General~~
4 ~~Assembly August 16, 2019 Public Act 101-386~~, every insurer
5 that amends, delivers, issues, or renews group accident and
6 health policies providing coverage for hospital or medical
7 treatment or services for illness on an expense-incurred basis
8 shall provide coverage for the medically necessary treatment
9 of mental, emotional, nervous, or substance use disorders or
10 conditions consistent with the parity requirements of Section
11 370c.1 of this Code.

12 (2) Each insured that is covered for mental, emotional,
13 nervous, or substance use disorders or conditions shall be
14 free to select the physician licensed to practice medicine in
15 all its branches, licensed clinical psychologist, licensed
16 clinical social worker, licensed clinical professional
17 counselor, licensed marriage and family therapist, licensed
18 speech-language pathologist, or other licensed or certified
19 professional at a program licensed pursuant to the Substance
20 Use Disorder Act of his or her choice to treat such disorders,
21 and the insurer shall pay the covered charges of such
22 physician licensed to practice medicine in all its branches,
23 licensed clinical psychologist, licensed clinical social
24 worker, licensed clinical professional counselor, licensed
25 marriage and family therapist, licensed speech-language
26 pathologist, or other licensed or certified professional at a

1 program licensed pursuant to the Substance Use Disorder Act up
2 to the limits of coverage, provided (i) the disorder or
3 condition treated is covered by the policy, and (ii) the
4 physician, licensed psychologist, licensed clinical social
5 worker, licensed clinical professional counselor, licensed
6 marriage and family therapist, licensed speech-language
7 pathologist, or other licensed or certified professional at a
8 program licensed pursuant to the Substance Use Disorder Act is
9 authorized to provide said services under the statutes of this
10 State and in accordance with accepted principles of his or her
11 profession.

12 (3) Insofar as this Section applies solely to licensed
13 clinical social workers, licensed clinical professional
14 counselors, licensed marriage and family therapists, licensed
15 speech-language pathologists, and other licensed or certified
16 professionals at programs licensed pursuant to the Substance
17 Use Disorder Act, those persons who may provide services to
18 individuals shall do so after the licensed clinical social
19 worker, licensed clinical professional counselor, licensed
20 marriage and family therapist, licensed speech-language
21 pathologist, or other licensed or certified professional at a
22 program licensed pursuant to the Substance Use Disorder Act
23 has informed the patient of the desirability of the patient
24 conferring with the patient's primary care physician.

25 (4) "Mental, emotional, nervous, or substance use disorder
26 or condition" means a condition or disorder that involves a

1 mental health condition or substance use disorder that falls
2 under any of the diagnostic categories listed in the mental
3 and behavioral disorders chapter of the current edition of the
4 World Health Organization's International Classification of
5 Disease or that is listed in the most recent version of the
6 American Psychiatric Association's Diagnostic and Statistical
7 Manual of Mental Disorders. "Mental, emotional, nervous, or
8 substance use disorder or condition" includes any mental
9 health condition that occurs during pregnancy or during the
10 postpartum period and includes, but is not limited to,
11 postpartum depression.

12 (5) Medically necessary treatment and medical necessity
13 determinations shall be interpreted and made in a manner that
14 is consistent with and pursuant to subsections (h) through
15 (t).

16 (b) (1) (Blank).

17 (2) (Blank).

18 (2.5) (Blank).

19 (3) Unless otherwise prohibited by federal law and
20 consistent with the parity requirements of Section 370c.1 of
21 this Code, the reimbursing insurer that amends, delivers,
22 issues, or renews a group or individual policy of accident and
23 health insurance, a qualified health plan offered through the
24 health insurance marketplace, or a provider of treatment of
25 mental, emotional, nervous, or substance use disorders or
26 conditions shall furnish medical records or other necessary

1 data that substantiate that initial or continued treatment is
2 at all times medically necessary. An insurer shall provide a
3 mechanism for the timely review by a provider holding the same
4 license and practicing in the same specialty as the patient's
5 provider, who is unaffiliated with the insurer, jointly
6 selected by the patient (or the patient's next of kin or legal
7 representative if the patient is unable to act for himself or
8 herself), the patient's provider, and the insurer in the event
9 of a dispute between the insurer and patient's provider
10 regarding the medical necessity of a treatment proposed by a
11 patient's provider. If the reviewing provider determines the
12 treatment to be medically necessary, the insurer shall provide
13 reimbursement for the treatment. Future contractual or
14 employment actions by the insurer regarding the patient's
15 provider may not be based on the provider's participation in
16 this procedure. Nothing prevents the insured from agreeing in
17 writing to continue treatment at his or her expense. When
18 making a determination of the medical necessity for a
19 treatment modality for mental, emotional, nervous, or
20 substance use disorders or conditions, an insurer must make
21 the determination in a manner that is consistent with the
22 manner used to make that determination with respect to other
23 diseases or illnesses covered under the policy, including an
24 appeals process. Medical necessity determinations for
25 substance use disorders shall be made in accordance with
26 appropriate patient placement criteria established by the

1 American Society of Addiction Medicine. No additional criteria
2 may be used to make medical necessity determinations for
3 substance use disorders.

4 (4) A group health benefit plan amended, delivered,
5 issued, or renewed on or after January 1, 2019 (the effective
6 date of Public Act 100-1024) or an individual policy of
7 accident and health insurance or a qualified health plan
8 offered through the health insurance marketplace amended,
9 delivered, issued, or renewed on or after January 1, 2019 (the
10 effective date of Public Act 100-1024):

11 (A) shall provide coverage based upon medical
12 necessity for the treatment of a mental, emotional,
13 nervous, or substance use disorder or condition consistent
14 with the parity requirements of Section 370c.1 of this
15 Code; provided, however, that in each calendar year
16 coverage shall not be less than the following:

17 (i) 45 days of inpatient treatment; and

18 (ii) beginning on June 26, 2006 (the effective
19 date of Public Act 94-921), 60 visits for outpatient
20 treatment including group and individual outpatient
21 treatment; and

22 (iii) for plans or policies delivered, issued for
23 delivery, renewed, or modified after January 1, 2007
24 (the effective date of Public Act 94-906), 20
25 additional outpatient visits for speech therapy for
26 treatment of pervasive developmental disorders that

1 will be in addition to speech therapy provided
2 pursuant to item (ii) of this subparagraph (A); and

3 (B) may not include a lifetime limit on the number of
4 days of inpatient treatment or the number of outpatient
5 visits covered under the plan.

6 (C) (Blank).

7 (5) An issuer of a group health benefit plan or an
8 individual policy of accident and health insurance or a
9 qualified health plan offered through the health insurance
10 marketplace may not count toward the number of outpatient
11 visits required to be covered under this Section an outpatient
12 visit for the purpose of medication management and shall cover
13 the outpatient visits under the same terms and conditions as
14 it covers outpatient visits for the treatment of physical
15 illness.

16 (5.5) An individual or group health benefit plan amended,
17 delivered, issued, or renewed on or after September 9, 2015
18 (the effective date of Public Act 99-480) shall offer coverage
19 for medically necessary acute treatment services and medically
20 necessary clinical stabilization services. The treating
21 provider shall base all treatment recommendations and the
22 health benefit plan shall base all medical necessity
23 determinations for substance use disorders in accordance with
24 the most current edition of the Treatment Criteria for
25 Addictive, Substance-Related, and Co-Occurring Conditions
26 established by the American Society of Addiction Medicine. The

1 treating provider shall base all treatment recommendations and
2 the health benefit plan shall base all medical necessity
3 determinations for medication-assisted treatment in accordance
4 with the most current Treatment Criteria for Addictive,
5 Substance-Related, and Co-Occurring Conditions established by
6 the American Society of Addiction Medicine.

7 As used in this subsection:

8 "Acute treatment services" means 24-hour medically
9 supervised addiction treatment that provides evaluation and
10 withdrawal management and may include biopsychosocial
11 assessment, individual and group counseling, psychoeducational
12 groups, and discharge planning.

13 "Clinical stabilization services" means 24-hour treatment,
14 usually following acute treatment services for substance
15 abuse, which may include intensive education and counseling
16 regarding the nature of addiction and its consequences,
17 relapse prevention, outreach to families and significant
18 others, and aftercare planning for individuals beginning to
19 engage in recovery from addiction.

20 (6) An issuer of a group health benefit plan may provide or
21 offer coverage required under this Section through a managed
22 care plan.

23 (6.5) An individual or group health benefit plan amended,
24 delivered, issued, or renewed on or after January 1, 2019 (the
25 effective date of Public Act 100-1024):

26 (A) shall not impose prior authorization requirements,

1 other than those established under the Treatment Criteria
2 for Addictive, Substance-Related, and Co-Occurring
3 Conditions established by the American Society of
4 Addiction Medicine, on a prescription medication approved
5 by the United States Food and Drug Administration that is
6 prescribed or administered for the treatment of substance
7 use disorders;

8 (B) shall not impose any step therapy requirements,
9 other than those established under the Treatment Criteria
10 for Addictive, Substance-Related, and Co-Occurring
11 Conditions established by the American Society of
12 Addiction Medicine, before authorizing coverage for a
13 prescription medication approved by the United States Food
14 and Drug Administration that is prescribed or administered
15 for the treatment of substance use disorders;

16 (C) shall place all prescription medications approved
17 by the United States Food and Drug Administration
18 prescribed or administered for the treatment of substance
19 use disorders on, for brand medications, the lowest tier
20 of the drug formulary developed and maintained by the
21 individual or group health benefit plan that covers brand
22 medications and, for generic medications, the lowest tier
23 of the drug formulary developed and maintained by the
24 individual or group health benefit plan that covers
25 generic medications; and

26 (D) shall not exclude coverage for a prescription

1 medication approved by the United States Food and Drug
2 Administration for the treatment of substance use
3 disorders and any associated counseling or wraparound
4 services on the grounds that such medications and services
5 were court ordered.

6 (7) (Blank).

7 (8) (Blank).

8 (9) With respect to all mental, emotional, nervous, or
9 substance use disorders or conditions, coverage for inpatient
10 treatment shall include coverage for treatment in a
11 residential treatment center certified or licensed by the
12 Department of Public Health or the Department of Human
13 Services.

14 (c) This Section shall not be interpreted to require
15 coverage for speech therapy or other habilitative services for
16 those individuals covered under Section 356z.15 of this Code.

17 (d) With respect to a group or individual policy of
18 accident and health insurance or a qualified health plan
19 offered through the health insurance marketplace, the
20 Department and, with respect to medical assistance, the
21 Department of Healthcare and Family Services shall each
22 enforce the requirements of this Section and Sections 356z.23
23 and 370c.1 of this Code, the Paul Wellstone and Pete Domenici
24 Mental Health Parity and Addiction Equity Act of 2008, 42
25 U.S.C. 18031(j), and any amendments to, and federal guidance
26 or regulations issued under, those Acts, including, but not

1 limited to, final regulations issued under the Paul Wellstone
2 and Pete Domenici Mental Health Parity and Addiction Equity
3 Act of 2008 and final regulations applying the Paul Wellstone
4 and Pete Domenici Mental Health Parity and Addiction Equity
5 Act of 2008 to Medicaid managed care organizations, the
6 Children's Health Insurance Program, and alternative benefit
7 plans. Specifically, the Department and the Department of
8 Healthcare and Family Services shall take action:

9 (1) proactively ensuring compliance by individual and
10 group policies, including by requiring that insurers
11 submit comparative analyses, as set forth in paragraph (6)
12 of subsection (k) of Section 370c.1, demonstrating how
13 they design and apply nonquantitative treatment
14 limitations, both as written and in operation, for mental,
15 emotional, nervous, or substance use disorder or condition
16 benefits as compared to how they design and apply
17 nonquantitative treatment limitations, as written and in
18 operation, for medical and surgical benefits;

19 (2) evaluating all consumer or provider complaints
20 regarding mental, emotional, nervous, or substance use
21 disorder or condition coverage for possible parity
22 violations;

23 (3) performing parity compliance market conduct
24 examinations or, in the case of the Department of
25 Healthcare and Family Services, parity compliance audits
26 of individual and group plans and policies, including, but

1 not limited to, reviews of:

2 (A) nonquantitative treatment limitations,
3 including, but not limited to, prior authorization
4 requirements, concurrent review, retrospective review,
5 step therapy, network admission standards,
6 reimbursement rates, and geographic restrictions;

7 (B) denials of authorization, payment, and
8 coverage; and

9 (C) other specific criteria as may be determined
10 by the Department.

11 The findings and the conclusions of the parity compliance
12 market conduct examinations and audits shall be made public.

13 The Director may adopt rules to effectuate any provisions
14 of the Paul Wellstone and Pete Domenici Mental Health Parity
15 and Addiction Equity Act of 2008 that relate to the business of
16 insurance.

17 (e) Availability of plan information.

18 (1) The criteria for medical necessity determinations
19 made under a group health plan, an individual policy of
20 accident and health insurance, or a qualified health plan
21 offered through the health insurance marketplace with
22 respect to mental health or substance use disorder
23 benefits (or health insurance coverage offered in
24 connection with the plan with respect to such benefits)
25 must be made available by the plan administrator (or the
26 health insurance issuer offering such coverage) to any

1 current or potential participant, beneficiary, or
2 contracting provider upon request.

3 (2) The reason for any denial under a group health
4 benefit plan, an individual policy of accident and health
5 insurance, or a qualified health plan offered through the
6 health insurance marketplace (or health insurance coverage
7 offered in connection with such plan or policy) of
8 reimbursement or payment for services with respect to
9 mental, emotional, nervous, or substance use disorders or
10 conditions benefits in the case of any participant or
11 beneficiary must be made available within a reasonable
12 time and in a reasonable manner and in readily
13 understandable language by the plan administrator (or the
14 health insurance issuer offering such coverage) to the
15 participant or beneficiary upon request.

16 (f) As used in this Section, "group policy of accident and
17 health insurance" and "group health benefit plan" includes (1)
18 State-regulated employer-sponsored group health insurance
19 plans written in Illinois or which purport to provide coverage
20 for a resident of this State; and (2) State employee health
21 plans.

22 (g) (1) As used in this subsection:

23 "Benefits", with respect to insurers, means the benefits
24 provided for treatment services for inpatient and outpatient
25 treatment of substance use disorders or conditions at American
26 Society of Addiction Medicine levels of treatment 2.1

1 (Intensive Outpatient), 2.5 (Partial Hospitalization), 3.1
2 (Clinically Managed Low-Intensity Residential), 3.3
3 (Clinically Managed Population-Specific High-Intensity
4 Residential), 3.5 (Clinically Managed High-Intensity
5 Residential), and 3.7 (Medically Monitored Intensive
6 Inpatient) and OMT (Opioid Maintenance Therapy) services.

7 "Benefits", with respect to managed care organizations,
8 means the benefits provided for treatment services for
9 inpatient and outpatient treatment of substance use disorders
10 or conditions at American Society of Addiction Medicine levels
11 of treatment 2.1 (Intensive Outpatient), 2.5 (Partial
12 Hospitalization), 3.5 (Clinically Managed High-Intensity
13 Residential), and 3.7 (Medically Monitored Intensive
14 Inpatient) and OMT (Opioid Maintenance Therapy) services.

15 "Substance use disorder treatment provider or facility"
16 means a licensed physician, licensed psychologist, licensed
17 psychiatrist, licensed advanced practice registered nurse, or
18 licensed, certified, or otherwise State-approved facility or
19 provider of substance use disorder treatment.

20 (2) A group health insurance policy, an individual health
21 benefit plan, or qualified health plan that is offered through
22 the health insurance marketplace, small employer group health
23 plan, and large employer group health plan that is amended,
24 delivered, issued, executed, or renewed in this State, or
25 approved for issuance or renewal in this State, on or after
26 January 1, 2019 (the effective date of Public Act 100-1023)

1 shall comply with the requirements of this Section and Section
2 370c.1. The services for the treatment and the ongoing
3 assessment of the patient's progress in treatment shall follow
4 the requirements of 77 Ill. Adm. Code 2060.

5 (3) Prior authorization shall not be utilized for the
6 benefits under this subsection. The substance use disorder
7 treatment provider or facility shall notify the insurer of the
8 initiation of treatment. For an insurer that is not a managed
9 care organization, the substance use disorder treatment
10 provider or facility notification shall occur for the
11 initiation of treatment of the covered person within 2
12 business days. For managed care organizations, the substance
13 use disorder treatment provider or facility notification shall
14 occur in accordance with the protocol set forth in the
15 provider agreement for initiation of treatment within 24
16 hours. If the managed care organization is not capable of
17 accepting the notification in accordance with the contractual
18 protocol during the 24-hour period following admission, the
19 substance use disorder treatment provider or facility shall
20 have one additional business day to provide the notification
21 to the appropriate managed care organization. Treatment plans
22 shall be developed in accordance with the requirements and
23 timeframes established in 77 Ill. Adm. Code 2060. If the
24 substance use disorder treatment provider or facility fails to
25 notify the insurer of the initiation of treatment in
26 accordance with these provisions, the insurer may follow its

1 normal prior authorization processes.

2 (4) For an insurer that is not a managed care
3 organization, if an insurer determines that benefits are no
4 longer medically necessary, the insurer shall notify the
5 covered person, the covered person's authorized
6 representative, if any, and the covered person's health care
7 provider in writing of the covered person's right to request
8 an external review pursuant to the Health Carrier External
9 Review Act. The notification shall occur within 24 hours
10 following the adverse determination.

11 Pursuant to the requirements of the Health Carrier
12 External Review Act, the covered person or the covered
13 person's authorized representative may request an expedited
14 external review. An expedited external review may not occur if
15 the substance use disorder treatment provider or facility
16 determines that continued treatment is no longer medically
17 necessary. Under this subsection, a request for expedited
18 external review must be initiated within 24 hours following
19 the adverse determination notification by the insurer. Failure
20 to request an expedited external review within 24 hours shall
21 preclude a covered person or a covered person's authorized
22 representative from requesting an expedited external review.

23 If an expedited external review request meets the criteria
24 of the Health Carrier External Review Act, an independent
25 review organization shall make a final determination of
26 medical necessity within 72 hours. If an independent review

1 organization upholds an adverse determination, an insurer
2 shall remain responsible to provide coverage of benefits
3 through the day following the determination of the independent
4 review organization. A decision to reverse an adverse
5 determination shall comply with the Health Carrier External
6 Review Act.

7 (5) The substance use disorder treatment provider or
8 facility shall provide the insurer with 7 business days'
9 advance notice of the planned discharge of the patient from
10 the substance use disorder treatment provider or facility and
11 notice on the day that the patient is discharged from the
12 substance use disorder treatment provider or facility.

13 (6) The benefits required by this subsection shall be
14 provided to all covered persons with a diagnosis of substance
15 use disorder or conditions. The presence of additional related
16 or unrelated diagnoses shall not be a basis to reduce or deny
17 the benefits required by this subsection.

18 (7) Nothing in this subsection shall be construed to
19 require an insurer to provide coverage for any of the benefits
20 in this subsection.

21 (h) As used in this Section:

22 "Generally accepted standards of mental, emotional,
23 nervous, or substance use disorder or condition care" means
24 standards of care and clinical practice that are generally
25 recognized by health care providers practicing in relevant
26 clinical specialties such as psychiatry, psychology, clinical

1 sociology, social work, addiction medicine and counseling, and
2 behavioral health treatment. Valid, evidence-based sources
3 reflecting generally accepted standards of mental, emotional,
4 nervous, or substance use disorder or condition care include
5 peer-reviewed scientific studies and medical literature,
6 recommendations of nonprofit health care provider professional
7 associations and specialty societies, including, but not
8 limited to, patient placement criteria and clinical practice
9 guidelines, recommendations of federal government agencies,
10 and drug labeling approved by the United States Food and Drug
11 Administration.

12 "Medically necessary treatment of mental, emotional,
13 nervous, or substance use disorders or conditions" means a
14 service or product addressing the specific needs of that
15 patient, for the purpose of screening, preventing, diagnosing,
16 managing, or treating an illness, injury, or condition or its
17 symptoms and comorbidities, including minimizing the
18 progression of an illness, injury, or condition or its
19 symptoms and comorbidities in a manner that is all of the
20 following:

21 (1) in accordance with the generally accepted
22 standards of mental, emotional, nervous, or substance use
23 disorder or condition care;

24 (2) clinically appropriate in terms of type,
25 frequency, extent, site, and duration; and

26 (3) not primarily for the economic benefit of the

1 insurer, purchaser, or for the convenience of the patient,
2 treating physician, or other health care provider.

3 "Utilization review" means either of the following:

4 (1) prospectively, retrospectively, or concurrently
5 reviewing and approving, modifying, delaying, or denying,
6 based in whole or in part on medical necessity, requests
7 by health care providers, insureds, or their authorized
8 representatives for coverage of health care services
9 before, retrospectively, or concurrently with the
10 provision of health care services to insureds.

11 (2) evaluating the medical necessity, appropriateness,
12 level of care, service intensity, efficacy, or efficiency
13 of health care services, benefits, procedures, or
14 settings, under any circumstances, to determine whether a
15 health care service or benefit subject to a medical
16 necessity coverage requirement in an insurance policy is
17 covered as medically necessary for an insured.

18 "Utilization review criteria" means patient placement
19 criteria or any criteria, standards, protocols, or guidelines
20 used by an insurer to conduct utilization review.

21 (i)(1) Every insurer that amends, delivers, issues, or
22 renews a group or individual policy of accident and health
23 insurance or a qualified health plan offered through the
24 health insurance marketplace in this State and Medicaid
25 managed care organizations providing coverage for hospital or
26 medical treatment on or after January 1, 2023 shall, pursuant

1 to subsections (h) through (s), provide coverage for medically
2 necessary treatment of mental, emotional, nervous, or
3 substance use disorders or conditions.

4 (2) An insurer shall not set a specific limit on the
5 duration of benefits or coverage of medically necessary
6 treatment of mental, emotional, nervous, or substance use
7 disorders or conditions or limit coverage only to alleviation
8 of the insured's current symptoms.

9 (3) All medical necessity determinations made by the
10 insurer concerning service intensity, level of care placement,
11 continued stay, and transfer or discharge of insureds
12 diagnosed with mental, emotional, nervous, or substance use
13 disorders or conditions shall be conducted in accordance with
14 the requirements of subsections (k) through (u).

15 (4) An insurer that authorizes a specific type of
16 treatment by a provider pursuant to this Section shall not
17 rescind or modify the authorization after that provider
18 renders the health care service in good faith and pursuant to
19 this authorization for any reason, including, but not limited
20 to, the insurer's subsequent cancellation or modification of
21 the insured's or policyholder's contract, or the insured's or
22 policyholder's eligibility. Nothing in this Section shall
23 require the insurer to cover a treatment when the
24 authorization was granted based on a material
25 misrepresentation by the insured, the policyholder, or the
26 provider. Nothing in this Section shall require Medicaid

1 managed care organizations to pay for services if the
2 individual was not eligible for Medicaid at the time the
3 service was rendered. Nothing in this Section shall require an
4 insurer to pay for services if the individual was not the
5 insurer's enrollee at the time services were rendered. As used
6 in this paragraph, "material" means a fact or situation that
7 is not merely technical in nature and results in or could
8 result in a substantial change in the situation.

9 (j) An insurer shall not limit benefits or coverage for
10 medically necessary services on the basis that those services
11 should be or could be covered by a public entitlement program,
12 including, but not limited to, special education or an
13 individualized education program, Medicaid, Medicare,
14 Supplemental Security Income, or Social Security Disability
15 Insurance, and shall not include or enforce a contract term
16 that excludes otherwise covered benefits on the basis that
17 those services should be or could be covered by a public
18 entitlement program. Nothing in this subsection shall be
19 construed to require an insurer to cover benefits that have
20 been authorized and provided for a covered person by a public
21 entitlement program. Medicaid managed care organizations are
22 not subject to this subsection.

23 (k) An insurer shall base any medical necessity
24 determination or the utilization review criteria that the
25 insurer, and any entity acting on the insurer's behalf,
26 applies to determine the medical necessity of health care

1 services and benefits for the diagnosis, prevention, and
2 treatment of mental, emotional, nervous, or substance use
3 disorders or conditions on current generally accepted
4 standards of mental, emotional, nervous, or substance use
5 disorder or condition care. All denials and appeals shall be
6 reviewed by a professional with experience or expertise
7 comparable to the provider requesting the authorization.

8 (l) For medical necessity determinations relating to level
9 of care placement, continued stay, and transfer or discharge
10 of insureds diagnosed with mental, emotional, and nervous
11 disorders or conditions, an insurer shall apply the patient
12 placement criteria set forth in the most recent version of the
13 treatment criteria developed by an unaffiliated nonprofit
14 professional association for the relevant clinical specialty
15 or, for Medicaid managed care organizations, patient placement
16 criteria determined by the Department of Healthcare and Family
17 Services that are consistent with generally accepted standards
18 of mental, emotional, nervous or substance use disorder or
19 condition care. Pursuant to subsection (b), in conducting
20 utilization review of all covered services and benefits for
21 the diagnosis, prevention, and treatment of substance use
22 disorders an insurer shall use the most recent edition of the
23 patient placement criteria established by the American Society
24 of Addiction Medicine.

25 (m) For medical necessity determinations relating to level
26 of care placement, continued stay, and transfer or discharge

1 that are within the scope of the sources specified in
2 subsection (l), an insurer shall not apply different,
3 additional, conflicting, or more restrictive utilization
4 review criteria than the criteria set forth in those sources.
5 For all level of care placement decisions, the insurer shall
6 authorize placement at the level of care consistent with the
7 assessment of the insured using the relevant patient placement
8 criteria as specified in subsection (l). If that level of
9 placement is not available, the insurer shall authorize the
10 next higher level of care. In the event of disagreement, the
11 insurer shall provide full detail of its assessment using the
12 relevant criteria as specified in subsection (l) to the
13 provider of the service and the patient.

14 Nothing in this subsection or subsection (l) prohibits an
15 insurer from applying utilization review criteria that were
16 developed in accordance with subsection (k) to health care
17 services and benefits for mental, emotional, and nervous
18 disorders or conditions that are not related to medical
19 necessity determinations for level of care placement,
20 continued stay, and transfer or discharge. If an insurer
21 purchases or licenses utilization review criteria pursuant to
22 this subsection, the insurer shall verify and document before
23 use that the criteria were developed in accordance with
24 subsection (k).

25 (n) In conducting utilization review that is outside the
26 scope of the criteria as specified in subsection (l) or

1 relates to the advancements in technology or in the types or
2 levels of care that are not addressed in the most recent
3 versions of the sources specified in subsection (l), an
4 insurer shall conduct utilization review in accordance with
5 subsection (k).

6 (o) This Section does not in any way limit the rights of a
7 patient under the Medical Patient Rights Act.

8 (p) This Section does not in any way limit early and
9 periodic screening, diagnostic, and treatment benefits as
10 defined under 42 U.S.C. 1396d(r).

11 (q) To ensure the proper use of the criteria described in
12 subsection (l), every insurer shall do all of the following:

13 (1) Educate the insurer's staff, including any third
14 parties contracted with the insurer to review claims,
15 conduct utilization reviews, or make medical necessity
16 determinations about the utilization review criteria.

17 (2) Make the educational program available to other
18 stakeholders, including the insurer's participating or
19 contracted providers and potential participants,
20 beneficiaries, or covered lives. The education program
21 must be provided at least once a year, in-person or
22 digitally, or recordings of the education program must be
23 made available to the aforementioned stakeholders.

24 (3) Provide, at no cost, the utilization review
25 criteria and any training material or resources to
26 providers and insured patients upon request. For

1 utilization review criteria not concerning level of care
2 placement, continued stay, and transfer or discharge used
3 by the insurer pursuant to subsection (m), the insurer may
4 place the criteria on a secure, password-protected website
5 so long as the access requirements of the website do not
6 unreasonably restrict access to insureds or their
7 providers. No restrictions shall be placed upon the
8 insured's or treating provider's access right to
9 utilization review criteria obtained under this paragraph
10 at any point in time, including before an initial request
11 for authorization.

12 (4) Track, identify, and analyze how the utilization
13 review criteria are used to certify care, deny care, and
14 support the appeals process.

15 (5) Conduct interrater reliability testing to ensure
16 consistency in utilization review decision making that
17 covers how medical necessity decisions are made; this
18 assessment shall cover all aspects of utilization review
19 as defined in subsection (h).

20 (6) Run interrater reliability reports about how the
21 clinical guidelines are used in conjunction with the
22 utilization review process and parity compliance
23 activities.

24 (7) Achieve interrater reliability pass rates of at
25 least 90% and, if this threshold is not met, immediately
26 provide for the remediation of poor interrater reliability

1 and interrater reliability testing for all new staff
2 before they can conduct utilization review without
3 supervision.

4 (8) Maintain documentation of interrater reliability
5 testing and the remediation actions taken for those with
6 pass rates lower than 90% and submit to the Department of
7 Insurance or, in the case of Medicaid managed care
8 organizations, the Department of Healthcare and Family
9 Services the testing results and a summary of remedial
10 actions as part of parity compliance reporting set forth
11 in subsection (k) of Section 370c.1.

12 (r) This Section applies to all health care services and
13 benefits for the diagnosis, prevention, and treatment of
14 mental, emotional, nervous, or substance use disorders or
15 conditions covered by an insurance policy, including
16 prescription drugs.

17 (s) This Section applies to an insurer that amends,
18 delivers, issues, or renews a group or individual policy of
19 accident and health insurance or a qualified health plan
20 offered through the health insurance marketplace in this State
21 providing coverage for hospital or medical treatment and
22 conducts utilization review as defined in this Section,
23 including Medicaid managed care organizations, and any entity
24 or contracting provider that performs utilization review or
25 utilization management functions on an insurer's behalf.

26 (t) If the Director determines that an insurer has

1 violated this Section, the Director may, after appropriate
2 notice and opportunity for hearing, by order, assess a civil
3 penalty between \$1,000 and \$5,000 for each violation. Moneys
4 collected from penalties shall be deposited into the Parity
5 Advancement Fund established in subsection (i) of Section
6 370c.1.

7 (u) An insurer shall not adopt, impose, or enforce terms
8 in its policies or provider agreements, in writing or in
9 operation, that undermine, alter, or conflict with the
10 requirements of this Section.

11 (v) The provisions of this Section are severable. If any
12 provision of this Section or its application is held invalid,
13 that invalidity shall not affect other provisions or
14 applications that can be given effect without the invalid
15 provision or application.

16 (Source: P.A. 101-81, eff. 7-12-19; 101-386, eff. 8-16-19;
17 102-558, eff. 8-20-21; 102-579, eff. 1-1-22; revised
18 10-15-21.)

19 (215 ILCS 5/370c.1)

20 Sec. 370c.1. Mental, emotional, nervous, or substance use
21 disorder or condition parity.

22 (a) On and after July 23, 2021 (the effective date of
23 Public Act 102-135) ~~this amendatory Act of the 102nd General~~
24 ~~Assembly~~, every insurer that amends, delivers, issues, or
25 renews a group or individual policy of accident and health

1 insurance or a qualified health plan offered through the
2 Health Insurance Marketplace in this State providing coverage
3 for hospital or medical treatment and for the treatment of
4 mental, emotional, nervous, or substance use disorders or
5 conditions shall ensure prior to policy issuance that:

6 (1) the financial requirements applicable to such
7 mental, emotional, nervous, or substance use disorder or
8 condition benefits are no more restrictive than the
9 predominant financial requirements applied to
10 substantially all hospital and medical benefits covered by
11 the policy and that there are no separate cost-sharing
12 requirements that are applicable only with respect to
13 mental, emotional, nervous, or substance use disorder or
14 condition benefits; and

15 (2) the treatment limitations applicable to such
16 mental, emotional, nervous, or substance use disorder or
17 condition benefits are no more restrictive than the
18 predominant treatment limitations applied to substantially
19 all hospital and medical benefits covered by the policy
20 and that there are no separate treatment limitations that
21 are applicable only with respect to mental, emotional,
22 nervous, or substance use disorder or condition benefits.

23 (b) The following provisions shall apply concerning
24 aggregate lifetime limits:

25 (1) In the case of a group or individual policy of
26 accident and health insurance or a qualified health plan

1 offered through the Health Insurance Marketplace amended,
2 delivered, issued, or renewed in this State on or after
3 September 9, 2015 (the effective date of Public Act
4 99-480) ~~this amendatory Act of the 99th General Assembly~~
5 that provides coverage for hospital or medical treatment
6 and for the treatment of mental, emotional, nervous, or
7 substance use disorders or conditions the following
8 provisions shall apply:

9 (A) if the policy does not include an aggregate
10 lifetime limit on substantially all hospital and
11 medical benefits, then the policy may not impose any
12 aggregate lifetime limit on mental, emotional,
13 nervous, or substance use disorder or condition
14 benefits; or

15 (B) if the policy includes an aggregate lifetime
16 limit on substantially all hospital and medical
17 benefits (in this subsection referred to as the
18 "applicable lifetime limit"), then the policy shall
19 either:

20 (i) apply the applicable lifetime limit both
21 to the hospital and medical benefits to which it
22 otherwise would apply and to mental, emotional,
23 nervous, or substance use disorder or condition
24 benefits and not distinguish in the application of
25 the limit between the hospital and medical
26 benefits and mental, emotional, nervous, or

1 substance use disorder or condition benefits; or

2 (ii) not include any aggregate lifetime limit
3 on mental, emotional, nervous, or substance use
4 disorder or condition benefits that is less than
5 the applicable lifetime limit.

6 (2) In the case of a policy that is not described in
7 paragraph (1) of subsection (b) of this Section and that
8 includes no or different aggregate lifetime limits on
9 different categories of hospital and medical benefits, the
10 Director shall establish rules under which subparagraph
11 (B) of paragraph (1) of subsection (b) of this Section is
12 applied to such policy with respect to mental, emotional,
13 nervous, or substance use disorder or condition benefits
14 by substituting for the applicable lifetime limit an
15 average aggregate lifetime limit that is computed taking
16 into account the weighted average of the aggregate
17 lifetime limits applicable to such categories.

18 (c) The following provisions shall apply concerning annual
19 limits:

20 (1) In the case of a group or individual policy of
21 accident and health insurance or a qualified health plan
22 offered through the Health Insurance Marketplace amended,
23 delivered, issued, or renewed in this State on or after
24 September 9, 2015 (the effective date of Public Act
25 99-480) ~~this amendatory Act of the 99th General Assembly~~
26 that provides coverage for hospital or medical treatment

1 and for the treatment of mental, emotional, nervous, or
2 substance use disorders or conditions the following
3 provisions shall apply:

4 (A) if the policy does not include an annual limit
5 on substantially all hospital and medical benefits,
6 then the policy may not impose any annual limits on
7 mental, emotional, nervous, or substance use disorder
8 or condition benefits; or

9 (B) if the policy includes an annual limit on
10 substantially all hospital and medical benefits (in
11 this subsection referred to as the "applicable annual
12 limit"), then the policy shall either:

13 (i) apply the applicable annual limit both to
14 the hospital and medical benefits to which it
15 otherwise would apply and to mental, emotional,
16 nervous, or substance use disorder or condition
17 benefits and not distinguish in the application of
18 the limit between the hospital and medical
19 benefits and mental, emotional, nervous, or
20 substance use disorder or condition benefits; or

21 (ii) not include any annual limit on mental,
22 emotional, nervous, or substance use disorder or
23 condition benefits that is less than the
24 applicable annual limit.

25 (2) In the case of a policy that is not described in
26 paragraph (1) of subsection (c) of this Section and that

1 includes no or different annual limits on different
2 categories of hospital and medical benefits, the Director
3 shall establish rules under which subparagraph (B) of
4 paragraph (1) of subsection (c) of this Section is applied
5 to such policy with respect to mental, emotional, nervous,
6 or substance use disorder or condition benefits by
7 substituting for the applicable annual limit an average
8 annual limit that is computed taking into account the
9 weighted average of the annual limits applicable to such
10 categories.

11 (d) With respect to mental, emotional, nervous, or
12 substance use disorders or conditions, an insurer shall use
13 policies and procedures for the election and placement of
14 mental, emotional, nervous, or substance use disorder or
15 condition treatment drugs on their formulary that are no less
16 favorable to the insured as those policies and procedures the
17 insurer uses for the selection and placement of drugs for
18 medical or surgical conditions and shall follow the expedited
19 coverage determination requirements for substance abuse
20 treatment drugs set forth in Section 45.2 of the Managed Care
21 Reform and Patient Rights Act.

22 (e) This Section shall be interpreted in a manner
23 consistent with all applicable federal parity regulations
24 including, but not limited to, the Paul Wellstone and Pete
25 Domenici Mental Health Parity and Addiction Equity Act of
26 2008, final regulations issued under the Paul Wellstone and

1 Pete Domenici Mental Health Parity and Addiction Equity Act of
2 2008 and final regulations applying the Paul Wellstone and
3 Pete Domenici Mental Health Parity and Addiction Equity Act of
4 2008 to Medicaid managed care organizations, the Children's
5 Health Insurance Program, and alternative benefit plans.

6 (f) The provisions of subsections (b) and (c) of this
7 Section shall not be interpreted to allow the use of lifetime
8 or annual limits otherwise prohibited by State or federal law.

9 (g) As used in this Section:

10 "Financial requirement" includes deductibles, copayments,
11 coinsurance, and out-of-pocket maximums, but does not include
12 an aggregate lifetime limit or an annual limit subject to
13 subsections (b) and (c).

14 "Mental, emotional, nervous, or substance use disorder or
15 condition" means a condition or disorder that involves a
16 mental health condition or substance use disorder that falls
17 under any of the diagnostic categories listed in the mental
18 and behavioral disorders chapter of the current edition of the
19 International Classification of Disease or that is listed in
20 the most recent version of the Diagnostic and Statistical
21 Manual of Mental Disorders.

22 "Treatment limitation" includes limits on benefits based
23 on the frequency of treatment, number of visits, days of
24 coverage, days in a waiting period, or other similar limits on
25 the scope or duration of treatment. "Treatment limitation"
26 includes both quantitative treatment limitations, which are

1 expressed numerically (such as 50 outpatient visits per year),
2 and nonquantitative treatment limitations, which otherwise
3 limit the scope or duration of treatment. A permanent
4 exclusion of all benefits for a particular condition or
5 disorder shall not be considered a treatment limitation.
6 "Nonquantitative treatment" means those limitations as
7 described under federal regulations (26 CFR 54.9812-1).
8 "Nonquantitative treatment limitations" include, but are not
9 limited to, those limitations described under federal
10 regulations 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR
11 146.136.

12 (h) The Department of Insurance shall implement the
13 following education initiatives:

14 (1) By January 1, 2016, the Department shall develop a
15 plan for a Consumer Education Campaign on parity. The
16 Consumer Education Campaign shall focus its efforts
17 throughout the State and include trainings in the
18 northern, southern, and central regions of the State, as
19 defined by the Department, as well as each of the 5 managed
20 care regions of the State as identified by the Department
21 of Healthcare and Family Services. Under this Consumer
22 Education Campaign, the Department shall: (1) by January
23 1, 2017, provide at least one live training in each region
24 on parity for consumers and providers and one webinar
25 training to be posted on the Department website and (2)
26 establish a consumer hotline to assist consumers in

1 navigating the parity process by March 1, 2017. By January
2 1, 2018 the Department shall issue a report to the General
3 Assembly on the success of the Consumer Education
4 Campaign, which shall indicate whether additional training
5 is necessary or would be recommended.

6 (2) The Department, in coordination with the
7 Department of Human Services and the Department of
8 Healthcare and Family Services, shall convene a working
9 group of health care insurance carriers, mental health
10 advocacy groups, substance abuse patient advocacy groups,
11 and mental health physician groups for the purpose of
12 discussing issues related to the treatment and coverage of
13 mental, emotional, nervous, or substance use disorders or
14 conditions and compliance with parity obligations under
15 State and federal law. Compliance shall be measured,
16 tracked, and shared during the meetings of the working
17 group. The working group shall meet once before January 1,
18 2016 and shall meet semiannually thereafter. The
19 Department shall issue an annual report to the General
20 Assembly that includes a list of the health care insurance
21 carriers, mental health advocacy groups, substance abuse
22 patient advocacy groups, and mental health physician
23 groups that participated in the working group meetings,
24 details on the issues and topics covered, and any
25 legislative recommendations developed by the working
26 group.

1 (3) Not later than January 1 of each year, the
2 Department, in conjunction with the Department of
3 Healthcare and Family Services, shall issue a joint report
4 to the General Assembly and provide an educational
5 presentation to the General Assembly. The report and
6 presentation shall:

7 (A) Cover the methodology the Departments use to
8 check for compliance with the federal Paul Wellstone
9 and Pete Domenici Mental Health Parity and Addiction
10 Equity Act of 2008, 42 U.S.C. 18031(j), and any
11 federal regulations or guidance relating to the
12 compliance and oversight of the federal Paul Wellstone
13 and Pete Domenici Mental Health Parity and Addiction
14 Equity Act of 2008 and 42 U.S.C. 18031(j).

15 (B) Cover the methodology the Departments use to
16 check for compliance with this Section and Sections
17 356z.23 and 370c of this Code.

18 (C) Identify market conduct examinations or, in
19 the case of the Department of Healthcare and Family
20 Services, audits conducted or completed during the
21 preceding 12-month period regarding compliance with
22 parity in mental, emotional, nervous, and substance
23 use disorder or condition benefits under State and
24 federal laws and summarize the results of such market
25 conduct examinations and audits. This shall include:

26 (i) the number of market conduct examinations

1 and audits initiated and completed;

2 (ii) the benefit classifications examined by
3 each market conduct examination and audit;

4 (iii) the subject matter of each market
5 conduct examination and audit, including
6 quantitative and nonquantitative treatment
7 limitations; and

8 (iv) a summary of the basis for the final
9 decision rendered in each market conduct
10 examination and audit.

11 Individually identifiable information shall be
12 excluded from the reports consistent with federal
13 privacy protections.

14 (D) Detail any educational or corrective actions
15 the Departments have taken to ensure compliance with
16 the federal Paul Wellstone and Pete Domenici Mental
17 Health Parity and Addiction Equity Act of 2008, 42
18 U.S.C. 18031(j), this Section, and Sections 356z.23
19 and 370c of this Code.

20 (E) The report must be written in non-technical,
21 readily understandable language and shall be made
22 available to the public by, among such other means as
23 the Departments find appropriate, posting the report
24 on the Departments' websites.

25 (i) The Parity Advancement Fund is created as a special
26 fund in the State treasury. Moneys from fines and penalties

1 collected from insurers for violations of this Section shall
2 be deposited into the Fund. Moneys deposited into the Fund for
3 appropriation by the General Assembly to the Department shall
4 be used for the purpose of providing financial support of the
5 Consumer Education Campaign, parity compliance advocacy, and
6 other initiatives that support parity implementation and
7 enforcement on behalf of consumers.

8 (j) The Department of Insurance and the Department of
9 Healthcare and Family Services shall convene and provide
10 technical support to a workgroup of 11 members that shall be
11 comprised of 3 mental health parity experts recommended by an
12 organization advocating on behalf of mental health parity
13 appointed by the President of the Senate; 3 behavioral health
14 providers recommended by an organization that represents
15 behavioral health providers appointed by the Speaker of the
16 House of Representatives; 2 representing Medicaid managed care
17 organizations recommended by an organization that represents
18 Medicaid managed care plans appointed by the Minority Leader
19 of the House of Representatives; 2 representing commercial
20 insurers recommended by an organization that represents
21 insurers appointed by the Minority Leader of the Senate; and a
22 representative of an organization that represents Medicaid
23 managed care plans appointed by the Governor.

24 The workgroup shall provide recommendations to the General
25 Assembly on health plan data reporting requirements that
26 separately break out data on mental, emotional, nervous, or

1 substance use disorder or condition benefits and data on other
2 medical benefits, including physical health and related health
3 services no later than December 31, 2019. The recommendations
4 to the General Assembly shall be filed with the Clerk of the
5 House of Representatives and the Secretary of the Senate in
6 electronic form only, in the manner that the Clerk and the
7 Secretary shall direct. This workgroup shall take into account
8 federal requirements and recommendations on mental health
9 parity reporting for the Medicaid program. This workgroup
10 shall also develop the format and provide any needed
11 definitions for reporting requirements in subsection (k). The
12 research and evaluation of the working group shall include,
13 but not be limited to:

14 (1) claims denials due to benefit limits, if
15 applicable;

16 (2) administrative denials for no prior authorization;

17 (3) denials due to not meeting medical necessity;

18 (4) denials that went to external review and whether
19 they were upheld or overturned for medical necessity;

20 (5) out-of-network claims;

21 (6) emergency care claims;

22 (7) network directory providers in the outpatient
23 benefits classification who filed no claims in the last 6
24 months, if applicable;

25 (8) the impact of existing and pertinent limitations
26 and restrictions related to approved services, licensed

1 providers, reimbursement levels, and reimbursement
2 methodologies within the Division of Mental Health, the
3 Division of Substance Use Prevention and Recovery
4 programs, the Department of Healthcare and Family
5 Services, and, to the extent possible, federal regulations
6 and law; and

7 (9) when reporting and publishing should begin.

8 Representatives from the Department of Healthcare and
9 Family Services, representatives from the Division of Mental
10 Health, and representatives from the Division of Substance Use
11 Prevention and Recovery shall provide technical advice to the
12 workgroup.

13 (k) An insurer that amends, delivers, issues, or renews a
14 group or individual policy of accident and health insurance or
15 a qualified health plan offered through the health insurance
16 marketplace in this State providing coverage for hospital or
17 medical treatment and for the treatment of mental, emotional,
18 nervous, or substance use disorders or conditions shall submit
19 an annual report, the format and definitions for which will be
20 developed by the workgroup in subsection (j), to the
21 Department, or, with respect to medical assistance, the
22 Department of Healthcare and Family Services starting on or
23 before July 1, 2020 that contains the following information
24 separately for inpatient in-network benefits, inpatient
25 out-of-network benefits, outpatient in-network benefits,
26 outpatient out-of-network benefits, emergency care benefits,

1 and prescription drug benefits in the case of accident and
2 health insurance or qualified health plans, or inpatient,
3 outpatient, emergency care, and prescription drug benefits in
4 the case of medical assistance:

5 (1) A summary of the plan's pharmacy management
6 processes for mental, emotional, nervous, or substance use
7 disorder or condition benefits compared to those for other
8 medical benefits.

9 (2) A summary of the internal processes of review for
10 experimental benefits and unproven technology for mental,
11 emotional, nervous, or substance use disorder or condition
12 benefits and those for other medical benefits.

13 (3) A summary of how the plan's policies and
14 procedures for utilization management for mental,
15 emotional, nervous, or substance use disorder or condition
16 benefits compare to those for other medical benefits.

17 (4) A description of the process used to develop or
18 select the medical necessity criteria for mental,
19 emotional, nervous, or substance use disorder or condition
20 benefits and the process used to develop or select the
21 medical necessity criteria for medical and surgical
22 benefits.

23 (5) Identification of all nonquantitative treatment
24 limitations that are applied to both mental, emotional,
25 nervous, or substance use disorder or condition benefits
26 and medical and surgical benefits within each

1 classification of benefits.

2 (6) The results of an analysis that demonstrates that
3 for the medical necessity criteria described in
4 subparagraph (A) and for each nonquantitative treatment
5 limitation identified in subparagraph (B), as written and
6 in operation, the processes, strategies, evidentiary
7 standards, or other factors used in applying the medical
8 necessity criteria and each nonquantitative treatment
9 limitation to mental, emotional, nervous, or substance use
10 disorder or condition benefits within each classification
11 of benefits are comparable to, and are applied no more
12 stringently than, the processes, strategies, evidentiary
13 standards, or other factors used in applying the medical
14 necessity criteria and each nonquantitative treatment
15 limitation to medical and surgical benefits within the
16 corresponding classification of benefits; at a minimum,
17 the results of the analysis shall:

18 (A) identify the factors used to determine that a
19 nonquantitative treatment limitation applies to a
20 benefit, including factors that were considered but
21 rejected;

22 (B) identify and define the specific evidentiary
23 standards used to define the factors and any other
24 evidence relied upon in designing each nonquantitative
25 treatment limitation;

26 (C) provide the comparative analyses, including

1 the results of the analyses, performed to determine
2 that the processes and strategies used to design each
3 nonquantitative treatment limitation, as written, for
4 mental, emotional, nervous, or substance use disorder
5 or condition benefits are comparable to, and are
6 applied no more stringently than, the processes and
7 strategies used to design each nonquantitative
8 treatment limitation, as written, for medical and
9 surgical benefits;

10 (D) provide the comparative analyses, including
11 the results of the analyses, performed to determine
12 that the processes and strategies used to apply each
13 nonquantitative treatment limitation, in operation,
14 for mental, emotional, nervous, or substance use
15 disorder or condition benefits are comparable to, and
16 applied no more stringently than, the processes or
17 strategies used to apply each nonquantitative
18 treatment limitation, in operation, for medical and
19 surgical benefits; and

20 (E) disclose the specific findings and conclusions
21 reached by the insurer that the results of the
22 analyses described in subparagraphs (C) and (D)
23 indicate that the insurer is in compliance with this
24 Section and the Mental Health Parity and Addiction
25 Equity Act of 2008 and its implementing regulations,
26 which includes 42 CFR Parts 438, 440, and 457 and 45

1 CFR 146.136 and any other related federal regulations
2 found in the Code of Federal Regulations.

3 (7) Any other information necessary to clarify data
4 provided in accordance with this Section requested by the
5 Director, including information that may be proprietary or
6 have commercial value, under the requirements of Section
7 30 of the Viatical Settlements Act of 2009.

8 (1) An insurer that amends, delivers, issues, or renews a
9 group or individual policy of accident and health insurance or
10 a qualified health plan offered through the health insurance
11 marketplace in this State providing coverage for hospital or
12 medical treatment and for the treatment of mental, emotional,
13 nervous, or substance use disorders or conditions on or after
14 January 1, 2019 (the effective date of Public Act 100-1024)
15 ~~this amendatory Act of the 100th General Assembly~~ shall, in
16 advance of the plan year, make available to the Department or,
17 with respect to medical assistance, the Department of
18 Healthcare and Family Services and to all plan participants
19 and beneficiaries the information required in subparagraphs
20 (C) through (E) of paragraph (6) of subsection (k). For plan
21 participants and medical assistance beneficiaries, the
22 information required in subparagraphs (C) through (E) of
23 paragraph (6) of subsection (k) shall be made available on a
24 publicly-available website whose web address is prominently
25 displayed in plan and managed care organization informational
26 and marketing materials.

1 (m) In conjunction with its compliance examination program
2 conducted in accordance with the Illinois State Auditing Act,
3 the Auditor General shall undertake a review of compliance by
4 the Department and the Department of Healthcare and Family
5 Services with Section 370c and this Section. Any findings
6 resulting from the review conducted under this Section shall
7 be included in the applicable State agency's compliance
8 examination report. Each compliance examination report shall
9 be issued in accordance with Section 3-14 of the Illinois
10 State Auditing Act. A copy of each report shall also be
11 delivered to the head of the applicable State agency and
12 posted on the Auditor General's website.

13 (Source: P.A. 102-135, eff. 7-23-21; 102-579, eff. 8-25-21;
14 revised 10-15-21.)

15 Section 430. The Network Adequacy and Transparency Act is
16 amended by changing Section 5 as follows:

17 (215 ILCS 124/5)

18 Sec. 5. Definitions. In this Act:

19 "Authorized representative" means a person to whom a
20 beneficiary has given express written consent to represent the
21 beneficiary; a person authorized by law to provide substituted
22 consent for a beneficiary; or the beneficiary's treating
23 provider only when the beneficiary or his or her family member
24 is unable to provide consent.

1 "Beneficiary" means an individual, an enrollee, an
2 insured, a participant, or any other person entitled to
3 reimbursement for covered expenses of or the discounting of
4 provider fees for health care services under a program in
5 which the beneficiary has an incentive to utilize the services
6 of a provider that has entered into an agreement or
7 arrangement with an insurer.

8 "Department" means the Department of Insurance.

9 "Director" means the Director of Insurance.

10 "Family caregiver" means a relative, partner, friend, or
11 neighbor who has a significant relationship with the patient
12 and administers or assists the patient ~~them~~ with activities of
13 daily living, instrumental activities of daily living, or
14 other medical or nursing tasks for the quality and welfare of
15 that patient.

16 "Insurer" means any entity that offers individual or group
17 accident and health insurance, including, but not limited to,
18 health maintenance organizations, preferred provider
19 organizations, exclusive provider organizations, and other
20 plan structures requiring network participation, excluding the
21 medical assistance program under the Illinois Public Aid Code,
22 the State employees group health insurance program, workers
23 compensation insurance, and pharmacy benefit managers.

24 "Material change" means a significant reduction in the
25 number of providers available in a network plan, including,
26 but not limited to, a reduction of 10% or more in a specific

1 type of providers, the removal of a major health system that
2 causes a network to be significantly different from the
3 network when the beneficiary purchased the network plan, or
4 any change that would cause the network to no longer satisfy
5 the requirements of this Act or the Department's rules for
6 network adequacy and transparency.

7 "Network" means the group or groups of preferred providers
8 providing services to a network plan.

9 "Network plan" means an individual or group policy of
10 accident and health insurance that either requires a covered
11 person to use or creates incentives, including financial
12 incentives, for a covered person to use providers managed,
13 owned, under contract with, or employed by the insurer.

14 "Ongoing course of treatment" means (1) treatment for a
15 life-threatening condition, which is a disease or condition
16 for which likelihood of death is probable unless the course of
17 the disease or condition is interrupted; (2) treatment for a
18 serious acute condition, defined as a disease or condition
19 requiring complex ongoing care that the covered person is
20 currently receiving, such as chemotherapy, radiation therapy,
21 or post-operative visits; (3) a course of treatment for a
22 health condition that a treating provider attests that
23 discontinuing care by that provider would worsen the condition
24 or interfere with anticipated outcomes; or (4) the third
25 trimester of pregnancy through the post-partum period.

26 "Preferred provider" means any provider who has entered,

1 either directly or indirectly, into an agreement with an
2 employer or risk-bearing entity relating to health care
3 services that may be rendered to beneficiaries under a network
4 plan.

5 "Providers" means physicians licensed to practice medicine
6 in all its branches, other health care professionals,
7 hospitals, or other health care institutions that provide
8 health care services.

9 "Telehealth" has the meaning given to that term in Section
10 356z.22 of the Illinois Insurance Code.

11 "Telemedicine" has the meaning given to that term in
12 Section 49.5 of the Medical Practice Act of 1987.

13 "Tiered network" means a network that identifies and
14 groups some or all types of provider and facilities into
15 specific groups to which different provider reimbursement,
16 covered person cost-sharing or provider access requirements,
17 or any combination thereof, apply for the same services.

18 "Woman's principal health care provider" means a physician
19 licensed to practice medicine in all of its branches
20 specializing in obstetrics, gynecology, or family practice.

21 (Source: P.A. 102-92, eff. 7-9-21; revised 10-5-21.)

22 Section 435. The Health Maintenance Organization Act is
23 amended by changing Section 5-3 as follows:

24 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

1 Sec. 5-3. Insurance Code provisions.

2 (a) Health Maintenance Organizations shall be subject to
3 the provisions of Sections 133, 134, 136, 137, 139, 140,
4 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153,
5 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2,
6 355.3, 355b, 356g.5-1, 356m, 356q, 356v, 356w, 356x, 356y,
7 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,
8 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,
9 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29,
10 356z.30, 356z.30a, 356z.32, 356z.33, 356z.35, 356z.36,
11 356z.40, 356z.41, 356z.43, 356z.46, 356z.47, 356z.48, 356z.50,
12 356z.51, 364, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c,
13 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408,
14 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection
15 (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2,
16 XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois
17 Insurance Code.

18 (b) For purposes of the Illinois Insurance Code, except
19 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
20 Health Maintenance Organizations in the following categories
21 are deemed to be "domestic companies":

22 (1) a corporation authorized under the Dental Service
23 Plan Act or the Voluntary Health Services Plans Act;

24 (2) a corporation organized under the laws of this
25 State; or

26 (3) a corporation organized under the laws of another

1 state, 30% or more of the enrollees of which are residents
2 of this State, except a corporation subject to
3 substantially the same requirements in its state of
4 organization as is a "domestic company" under Article VIII
5 1/2 of the Illinois Insurance Code.

6 (c) In considering the merger, consolidation, or other
7 acquisition of control of a Health Maintenance Organization
8 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

9 (1) the Director shall give primary consideration to
10 the continuation of benefits to enrollees and the
11 financial conditions of the acquired Health Maintenance
12 Organization after the merger, consolidation, or other
13 acquisition of control takes effect;

14 (2) (i) the criteria specified in subsection (1) (b) of
15 Section 131.8 of the Illinois Insurance Code shall not
16 apply and (ii) the Director, in making his determination
17 with respect to the merger, consolidation, or other
18 acquisition of control, need not take into account the
19 effect on competition of the merger, consolidation, or
20 other acquisition of control;

21 (3) the Director shall have the power to require the
22 following information:

23 (A) certification by an independent actuary of the
24 adequacy of the reserves of the Health Maintenance
25 Organization sought to be acquired;

26 (B) pro forma financial statements reflecting the

1 combined balance sheets of the acquiring company and
2 the Health Maintenance Organization sought to be
3 acquired as of the end of the preceding year and as of
4 a date 90 days prior to the acquisition, as well as pro
5 forma financial statements reflecting projected
6 combined operation for a period of 2 years;

7 (C) a pro forma business plan detailing an
8 acquiring party's plans with respect to the operation
9 of the Health Maintenance Organization sought to be
10 acquired for a period of not less than 3 years; and

11 (D) such other information as the Director shall
12 require.

13 (d) The provisions of Article VIII 1/2 of the Illinois
14 Insurance Code and this Section 5-3 shall apply to the sale by
15 any health maintenance organization of greater than 10% of its
16 enrollee population (including without limitation the health
17 maintenance organization's right, title, and interest in and
18 to its health care certificates).

19 (e) In considering any management contract or service
20 agreement subject to Section 141.1 of the Illinois Insurance
21 Code, the Director (i) shall, in addition to the criteria
22 specified in Section 141.2 of the Illinois Insurance Code,
23 take into account the effect of the management contract or
24 service agreement on the continuation of benefits to enrollees
25 and the financial condition of the health maintenance
26 organization to be managed or serviced, and (ii) need not take

1 into account the effect of the management contract or service
2 agreement on competition.

3 (f) Except for small employer groups as defined in the
4 Small Employer Rating, Renewability and Portability Health
5 Insurance Act and except for medicare supplement policies as
6 defined in Section 363 of the Illinois Insurance Code, a
7 Health Maintenance Organization may by contract agree with a
8 group or other enrollment unit to effect refunds or charge
9 additional premiums under the following terms and conditions:

10 (i) the amount of, and other terms and conditions with
11 respect to, the refund or additional premium are set forth
12 in the group or enrollment unit contract agreed in advance
13 of the period for which a refund is to be paid or
14 additional premium is to be charged (which period shall
15 not be less than one year); and

16 (ii) the amount of the refund or additional premium
17 shall not exceed 20% of the Health Maintenance
18 Organization's profitable or unprofitable experience with
19 respect to the group or other enrollment unit for the
20 period (and, for purposes of a refund or additional
21 premium, the profitable or unprofitable experience shall
22 be calculated taking into account a pro rata share of the
23 Health Maintenance Organization's administrative and
24 marketing expenses, but shall not include any refund to be
25 made or additional premium to be paid pursuant to this
26 subsection (f)). The Health Maintenance Organization and

1 the group or enrollment unit may agree that the profitable
2 or unprofitable experience may be calculated taking into
3 account the refund period and the immediately preceding 2
4 plan years.

5 The Health Maintenance Organization shall include a
6 statement in the evidence of coverage issued to each enrollee
7 describing the possibility of a refund or additional premium,
8 and upon request of any group or enrollment unit, provide to
9 the group or enrollment unit a description of the method used
10 to calculate (1) the Health Maintenance Organization's
11 profitable experience with respect to the group or enrollment
12 unit and the resulting refund to the group or enrollment unit
13 or (2) the Health Maintenance Organization's unprofitable
14 experience with respect to the group or enrollment unit and
15 the resulting additional premium to be paid by the group or
16 enrollment unit.

17 In no event shall the Illinois Health Maintenance
18 Organization Guaranty Association be liable to pay any
19 contractual obligation of an insolvent organization to pay any
20 refund authorized under this Section.

21 (g) Rulemaking authority to implement Public Act 95-1045,
22 if any, is conditioned on the rules being adopted in
23 accordance with all provisions of the Illinois Administrative
24 Procedure Act and all rules and procedures of the Joint
25 Committee on Administrative Rules; any purported rule not so
26 adopted, for whatever reason, is unauthorized.

1 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
2 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-393, eff.
3 1-1-20; 101-452, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625,
4 eff. 1-1-21; 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;
5 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.
6 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,
7 eff. 10-8-21; revised 10-27-21.)

8 Section 440. The Limited Health Service Organization Act
9 is amended by changing Section 4003 as follows:

10 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

11 Sec. 4003. Illinois Insurance Code provisions. Limited
12 health service organizations shall be subject to the
13 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,
14 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,
15 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 355.3,
16 355b, 356q, 356v, 356z.10, 356z.21, 356z.22, 356z.25, 356z.26,
17 356z.29, 356z.30a, 356z.32, 356z.33, 356z.41, 356z.46,
18 356z.47, 356z.51, ~~356z.43,~~ 368a, 401, 401.1, 402, 403, 403A,
19 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII
20 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the
21 Illinois Insurance Code. For purposes of the Illinois
22 Insurance Code, except for Sections 444 and 444.1 and Articles
23 XIII and XIII 1/2, limited health service organizations in the
24 following categories are deemed to be domestic companies:

- 1 (1) a corporation under the laws of this State; or
2 (2) a corporation organized under the laws of another
3 state, 30% or more of the enrollees of which are residents
4 of this State, except a corporation subject to
5 substantially the same requirements in its state of
6 organization as is a domestic company under Article VIII
7 1/2 of the Illinois Insurance Code.

8 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
9 101-393, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff.
10 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642,
11 eff. 1-1-22; revised 10-27-21.)

12 Section 445. The Voluntary Health Services Plans Act is
13 amended by changing Section 10 as follows:

14 (215 ILCS 165/10) (from Ch. 32, par. 604)

15 Sec. 10. Application of Insurance Code provisions. Health
16 services plan corporations and all persons interested therein
17 or dealing therewith shall be subject to the provisions of
18 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,
19 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b,
20 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356v, 356w,
21 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6,
22 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,
23 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26,
24 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33, 356z.40,

1 356z.41, 356z.46, 356z.47, 356z.51, ~~356z.43,~~ 364.01, 367.2,
2 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and
3 paragraphs (7) and (15) of Section 367 of the Illinois
4 Insurance Code.

5 Rulemaking authority to implement Public Act 95-1045, if
6 any, is conditioned on the rules being adopted in accordance
7 with all provisions of the Illinois Administrative Procedure
8 Act and all rules and procedures of the Joint Committee on
9 Administrative Rules; any purported rule not so adopted, for
10 whatever reason, is unauthorized.

11 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
12 101-281, eff. 1-1-20; 101-393, eff. 1-1-20; 101-625, eff.
13 1-1-21; 102-30, eff. 1-1-22; 102-203, eff. 1-1-22; 102-306,
14 eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21;
15 revised 10-27-21.)

16 Section 450. The Public Utilities Act is amended by
17 changing Section 8-406 as follows:

18 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

19 Sec. 8-406. Certificate of public convenience and
20 necessity.

21 (a) No public utility not owning any city or village
22 franchise nor engaged in performing any public service or in
23 furnishing any product or commodity within this State as of
24 July 1, 1921 and not possessing a certificate of public

1 convenience and necessity from the Illinois Commerce
2 Commission, the State Public Utilities Commission, or the
3 Public Utilities Commission, at the time Public Act 84-617
4 ~~this amendatory Act of 1985~~ goes into effect (January 1,
5 1986), shall transact any business in this State until it
6 shall have obtained a certificate from the Commission that
7 public convenience and necessity require the transaction of
8 such business. A certificate of public convenience and
9 necessity requiring the transaction of public utility business
10 in any area of this State shall include authorization to the
11 public utility receiving the certificate of public convenience
12 and necessity to construct such plant, equipment, property, or
13 facility as is provided for under the terms and conditions of
14 its tariff and as is necessary to provide utility service and
15 carry out the transaction of public utility business by the
16 public utility in the designated area.

17 (b) No public utility shall begin the construction of any
18 new plant, equipment, property, or facility which is not in
19 substitution of any existing plant, equipment, property, or
20 facility, or any extension or alteration thereof or in
21 addition thereto, unless and until it shall have obtained from
22 the Commission a certificate that public convenience and
23 necessity require such construction. Whenever after a hearing
24 the Commission determines that any new construction or the
25 transaction of any business by a public utility will promote
26 the public convenience and is necessary thereto, it shall have

1 the power to issue certificates of public convenience and
2 necessity. The Commission shall determine that proposed
3 construction will promote the public convenience and necessity
4 only if the utility demonstrates: (1) that the proposed
5 construction is necessary to provide adequate, reliable, and
6 efficient service to its customers and is the least-cost means
7 of satisfying the service needs of its customers or that the
8 proposed construction will promote the development of an
9 effectively competitive electricity market that operates
10 efficiently, is equitable to all customers, and is the least
11 cost means of satisfying those objectives; (2) that the
12 utility is capable of efficiently managing and supervising the
13 construction process and has taken sufficient action to ensure
14 adequate and efficient construction and supervision thereof;
15 and (3) that the utility is capable of financing the proposed
16 construction without significant adverse financial
17 consequences for the utility or its customers.

18 (b-5) As used in this subsection (b-5):

19 "Qualifying direct current applicant" means an entity that
20 seeks to provide direct current bulk transmission service for
21 the purpose of transporting electric energy in interstate
22 commerce.

23 "Qualifying direct current project" means a high voltage
24 direct current electric service line that crosses at least one
25 Illinois border, the Illinois portion of which is physically
26 located within the region of the Midcontinent Independent

1 System Operator, Inc., or its successor organization, and runs
2 through the counties of Pike, Scott, Greene, Macoupin,
3 Montgomery, Christian, Shelby, Cumberland, and Clark, is
4 capable of transmitting electricity at voltages of 345
5 kilovolts ~~345kv~~ or above, and may also include associated
6 interconnected alternating current interconnection facilities
7 in this State that are part of the proposed project and
8 reasonably necessary to connect the project with other
9 portions of the grid.

10 Notwithstanding any other provision of this Act, a
11 qualifying direct current applicant that does not own,
12 control, operate, or manage, within this State, any plant,
13 equipment, or property used or to be used for the transmission
14 of electricity at the time of its application or of the
15 Commission's order may file an application on or before
16 December 31, 2023 with the Commission pursuant to this Section
17 or Section 8-406.1 for, and the Commission may grant, a
18 certificate of public convenience and necessity to construct,
19 operate, and maintain a qualifying direct current project. The
20 qualifying direct current applicant may also include in the
21 application requests for authority under Section 8-503. The
22 Commission shall grant the application for a certificate of
23 public convenience and necessity and requests for authority
24 under Section 8-503 if it finds that the qualifying direct
25 current applicant and the proposed qualifying direct current
26 project satisfy the requirements of this subsection and

1 otherwise satisfy the criteria of this Section or Section
2 8-406.1 and the criteria of Section 8-503, as applicable to
3 the application and to the extent such criteria are not
4 superseded by the provisions of this subsection. The
5 Commission's order on the application for the certificate of
6 public convenience and necessity shall also include the
7 Commission's findings and determinations on the request or
8 requests for authority pursuant to Section 8-503. Prior to
9 filing its application under either this Section or Section
10 8-406.1, the qualifying direct current applicant shall conduct
11 3 public meetings in accordance with subsection (h) of this
12 Section. If the qualifying direct current applicant
13 demonstrates in its application that the proposed qualifying
14 direct current project is designed to deliver electricity to a
15 point or points on the electric transmission grid in either or
16 both the PJM Interconnection, LLC or the Midcontinent
17 Independent System Operator, Inc., or their respective
18 successor organizations, the proposed qualifying direct
19 current project shall be deemed to be, and the Commission
20 shall find it to be, for public use. If the qualifying direct
21 current applicant further demonstrates in its application that
22 the proposed transmission project has a capacity of 1,000
23 megawatts or larger and a voltage level of 345 kilovolts or
24 greater, the proposed transmission project shall be deemed to
25 satisfy, and the Commission shall find that it satisfies, the
26 criteria stated in item (1) of subsection (b) of this Section

1 or in paragraph (1) of subsection (f) of Section 8-406.1, as
2 applicable to the application, without the taking of
3 additional evidence on these criteria. Prior to the transfer
4 of functional control of any transmission assets to a regional
5 transmission organization, a qualifying direct current
6 applicant shall request Commission approval to join a regional
7 transmission organization in an application filed pursuant to
8 this subsection (b-5) or separately pursuant to Section 7-102
9 of this Act. The Commission may grant permission to a
10 qualifying direct current applicant to join a regional
11 transmission organization if it finds that the membership, and
12 associated transfer of functional control of transmission
13 assets, benefits Illinois customers in light of the attendant
14 costs and is otherwise in the public interest. Nothing in this
15 subsection (b-5) requires a qualifying direct current
16 applicant to join a regional transmission organization.
17 Nothing in this subsection (b-5) requires the owner or
18 operator of a high voltage direct current transmission line
19 that is not a qualifying direct current project to obtain a
20 certificate of public convenience and necessity to the extent
21 it is not otherwise required by this Section 8-406 or any other
22 provision of this Act.

23 (c) After September 11, 1987 (the effective date of Public
24 Act 85-377) ~~this amendatory Act of 1987~~, no construction shall
25 commence on any new nuclear power plant to be located within
26 this State, and no certificate of public convenience and

1 necessity or other authorization shall be issued therefor by
2 the Commission, until the Director of the Illinois
3 Environmental Protection Agency finds that the United States
4 Government, through its authorized agency, has identified and
5 approved a demonstrable technology or means for the disposal
6 of high level nuclear waste, or until such construction has
7 been specifically approved by a statute enacted by the General
8 Assembly.

9 As used in this Section, "high level nuclear waste" means
10 those aqueous wastes resulting from the operation of the first
11 cycle of the solvent extraction system or equivalent and the
12 concentrated wastes of the subsequent extraction cycles or
13 equivalent in a facility for reprocessing irradiated reactor
14 fuel and shall include spent fuel assemblies prior to fuel
15 reprocessing.

16 (d) In making its determination under subsection (b) of
17 this Section, the Commission shall attach primary weight to
18 the cost or cost savings to the customers of the utility. The
19 Commission may consider any or all factors which will or may
20 affect such cost or cost savings, including the public
21 utility's engineering judgment regarding the materials used
22 for construction.

23 (e) The Commission may issue a temporary certificate which
24 shall remain in force not to exceed one year in cases of
25 emergency, to assure maintenance of adequate service or to
26 serve particular customers, without notice or hearing, pending

1 the determination of an application for a certificate, and may
2 by regulation exempt from the requirements of this Section
3 temporary acts or operations for which the issuance of a
4 certificate will not be required in the public interest.

5 A public utility shall not be required to obtain but may
6 apply for and obtain a certificate of public convenience and
7 necessity pursuant to this Section with respect to any matter
8 as to which it has received the authorization or order of the
9 Commission under the Electric Supplier Act, and any such
10 authorization or order granted a public utility by the
11 Commission under that Act shall as between public utilities be
12 deemed to be, and shall have except as provided in that Act the
13 same force and effect as, a certificate of public convenience
14 and necessity issued pursuant to this Section.

15 No electric cooperative shall be made or shall become a
16 party to or shall be entitled to be heard or to otherwise
17 appear or participate in any proceeding initiated under this
18 Section for authorization of power plant construction and as
19 to matters as to which a remedy is available under the Electric
20 Supplier Act.

21 (f) Such certificates may be altered or modified by the
22 Commission, upon its own motion or upon application by the
23 person or corporation affected. Unless exercised within a
24 period of 2 years from the grant thereof, authority conferred
25 by a certificate of convenience and necessity issued by the
26 Commission shall be null and void.

1 No certificate of public convenience and necessity shall
2 be construed as granting a monopoly or an exclusive privilege,
3 immunity or franchise.

4 (g) A public utility that undertakes any of the actions
5 described in items (1) through (3) of this subsection (g) or
6 that has obtained approval pursuant to Section 8-406.1 of this
7 Act shall not be required to comply with the requirements of
8 this Section to the extent such requirements otherwise would
9 apply. For purposes of this Section and Section 8-406.1 of
10 this Act, "high voltage electric service line" means an
11 electric line having a design voltage of 100,000 or more. For
12 purposes of this subsection (g), a public utility may do any of
13 the following:

14 (1) replace or upgrade any existing high voltage
15 electric service line and related facilities,
16 notwithstanding its length;

17 (2) relocate any existing high voltage electric
18 service line and related facilities, notwithstanding its
19 length, to accommodate construction or expansion of a
20 roadway or other transportation infrastructure; or

21 (3) construct a high voltage electric service line and
22 related facilities that is constructed solely to serve a
23 single customer's premises or to provide a generator
24 interconnection to the public utility's transmission
25 system and that will pass under or over the premises owned
26 by the customer or generator to be served or under or over

1 premises for which the customer or generator has secured
2 the necessary right of way.

3 (h) A public utility seeking to construct a high-voltage
4 electric service line and related facilities (Project) must
5 show that the utility has held a minimum of 2 pre-filing public
6 meetings to receive public comment concerning the Project in
7 each county where the Project is to be located, no earlier than
8 6 months prior to filing an application for a certificate of
9 public convenience and necessity from the Commission. Notice
10 of the public meeting shall be published in a newspaper of
11 general circulation within the affected county once a week for
12 3 consecutive weeks, beginning no earlier than one month prior
13 to the first public meeting. If the Project traverses 2
14 contiguous counties and where in one county the transmission
15 line mileage and number of landowners over whose property the
16 proposed route traverses is one-fifth or less of the
17 transmission line mileage and number of such landowners of the
18 other county, then the utility may combine the 2 pre-filing
19 meetings in the county with the greater transmission line
20 mileage and affected landowners. All other requirements
21 regarding pre-filing meetings shall apply in both counties.
22 Notice of the public meeting, including a description of the
23 Project, must be provided in writing to the clerk of each
24 county where the Project is to be located. A representative of
25 the Commission shall be invited to each pre-filing public
26 meeting.

1 (i) For applications filed after August 18, 2015 (the
2 effective date of Public Act 99-399) ~~this amendatory Act of~~
3 ~~the 99th General Assembly~~, the Commission shall by registered
4 mail notify each owner of record of land, as identified in the
5 records of the relevant county tax assessor, included in the
6 right-of-way over which the utility seeks in its application
7 to construct a high-voltage electric line of the time and
8 place scheduled for the initial hearing on the public
9 utility's application. The utility shall reimburse the
10 Commission for the cost of the postage and supplies incurred
11 for mailing the notice.

12 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;
13 revised 10-21-21.)

14 Section 455. The Health Care Worker Background Check Act
15 is amended by changing Section 15 as follows:

16 (225 ILCS 46/15)

17 Sec. 15. Definitions. In this Act:

18 "Applicant" means an individual enrolling in a training
19 program, seeking employment, whether paid or on a volunteer
20 basis, with a health care employer who has received a bona fide
21 conditional offer of employment.

22 "Conditional offer of employment" means a bona fide offer
23 of employment by a health care employer to an applicant, which
24 is contingent upon the receipt of a report from the Department

1 of Public Health indicating that the applicant does not have a
2 record of conviction of any of the criminal offenses
3 enumerated in Section 25.

4 "Department" means the Department of Public Health.

5 "Direct care" means the provision of nursing care or
6 assistance with feeding, dressing, movement, bathing,
7 toileting, or other personal needs, including home services as
8 defined in the Home Health, Home Services, and Home Nursing
9 Agency Licensing Act. The entity responsible for inspecting
10 and licensing, certifying, or registering the health care
11 employer may, by administrative rule, prescribe guidelines for
12 interpreting this definition with regard to the health care
13 employers that it licenses.

14 "Director" means the Director of Public Health.

15 "Disqualifying offenses" means those offenses set forth in
16 Section 25 of this Act.

17 "Employee" means any individual hired, employed, or
18 retained, whether paid or on a volunteer basis, to which this
19 Act applies.

20 "Finding" means the Department's determination of whether
21 an allegation is verified and substantiated.

22 "Fingerprint-based criminal history records check" means a
23 livescan fingerprint-based criminal history records check
24 submitted as a fee applicant inquiry in the form and manner
25 prescribed by the Illinois State Police.

26 "Health care employer" means:

- 1 (1) the owner or licensee of any of the following:
- 2 (i) a community living facility, as defined in the
- 3 Community Living Facilities Licensing Act;
- 4 (ii) a life care facility, as defined in the Life
- 5 Care Facilities Act;
- 6 (iii) a long-term care facility;
- 7 (iv) a home health agency, home services agency,
- 8 or home nursing agency as defined in the Home Health,
- 9 Home Services, and Home Nursing Agency Licensing Act;
- 10 (v) a hospice care program or volunteer hospice
- 11 program, as defined in the Hospice Program Licensing
- 12 Act;
- 13 (vi) a hospital, as defined in the Hospital
- 14 Licensing Act;
- 15 (vii) (blank);
- 16 (viii) a nurse agency, as defined in the Nurse
- 17 Agency Licensing Act;
- 18 (ix) a respite care provider, as defined in the
- 19 Respite Program Act;
- 20 (ix-a) an establishment licensed under the
- 21 Assisted Living and Shared Housing Act;
- 22 (x) a supportive living program, as defined in the
- 23 Illinois Public Aid Code;
- 24 (xi) early childhood intervention programs as
- 25 described in 59 Ill. Adm. Code 121;
- 26 (xii) the University of Illinois Hospital,

1 Chicago;

2 (xiii) programs funded by the Department on Aging
3 through the Community Care Program;

4 (xiv) programs certified to participate in the
5 Supportive Living Program authorized pursuant to
6 Section 5-5.01a of the Illinois Public Aid Code;

7 (xv) programs listed by the Emergency Medical
8 Services (EMS) Systems Act as Freestanding Emergency
9 Centers;

10 (xvi) locations licensed under the Alternative
11 Health Care Delivery Act;

12 (2) a day training program certified by the Department
13 of Human Services;

14 (3) a community integrated living arrangement operated
15 by a community mental health and developmental service
16 agency, as defined in the Community-Integrated Living
17 Arrangements Licensure ~~Licensing~~ and Certification Act;

18 (4) the State Long Term Care Ombudsman Program,
19 including any regional long term care ombudsman programs
20 under Section 4.04 of the Illinois Act on the Aging, only
21 for the purpose of securing background checks; or

22 (5) the Department of Corrections or a third-party
23 vendor employing certified nursing assistants working with
24 the Department of Corrections.

25 "Initiate" means obtaining from a student, applicant, or
26 employee his or her social security number, demographics, a

1 disclosure statement, and an authorization for the Department
2 of Public Health or its designee to request a
3 fingerprint-based criminal history records check; transmitting
4 this information electronically to the Department of Public
5 Health; conducting Internet searches on certain web sites,
6 including without limitation the Illinois Sex Offender
7 Registry, the Department of Corrections' Sex Offender Search
8 Engine, the Department of Corrections' Inmate Search Engine,
9 the Department of Corrections Wanted Fugitives Search Engine,
10 the National Sex Offender Public Registry, and the List of
11 Excluded Individuals and Entities database on the website of
12 the Health and Human Services Office of Inspector General to
13 determine if the applicant has been adjudicated a sex
14 offender, has been a prison inmate, or has committed Medicare
15 or Medicaid fraud, or conducting similar searches as defined
16 by rule; and having the student, applicant, or employee's
17 fingerprints collected and transmitted electronically to the
18 Illinois State Police.

19 "Livescan vendor" means an entity whose equipment has been
20 certified by the Illinois State Police to collect an
21 individual's demographics and inkless fingerprints and, in a
22 manner prescribed by the Illinois State Police and the
23 Department of Public Health, electronically transmit the
24 fingerprints and required data to the Illinois State Police
25 and a daily file of required data to the Department of Public
26 Health. The Department of Public Health shall negotiate a

1 contract with one or more vendors that effectively demonstrate
2 that the vendor has 2 or more years of experience transmitting
3 fingerprints electronically to the Illinois State Police and
4 that the vendor can successfully transmit the required data in
5 a manner prescribed by the Department of Public Health. Vendor
6 authorization may be further defined by administrative rule.

7 "Long-term care facility" means a facility licensed by the
8 State or certified under federal law as a long-term care
9 facility, including without limitation facilities licensed
10 under the Nursing Home Care Act, the Specialized Mental Health
11 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
12 the MC/DD Act, a supportive living facility, an assisted
13 living establishment, or a shared housing establishment or
14 registered as a board and care home.

15 "Resident" means a person, individual, or patient under
16 the direct care of a health care employer or who has been
17 provided goods or services by a health care employer.

18 (Source: P.A. 101-176, eff. 7-31-19; 102-226, eff. 7-30-21;
19 102-503, eff. 8-20-21; 102-538, eff. 8-20-21; revised
20 10-5-21.)

21 Section 460. The Massage Licensing Act is amended by
22 changing Section 15 as follows:

23 (225 ILCS 57/15)

24 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 15. Licensure requirements.

2 (a) Persons engaged in massage for compensation must be
3 licensed by the Department. The Department shall issue a
4 license to an individual who meets all of the following
5 requirements:

6 (1) The applicant has applied in writing on the
7 prescribed forms and has paid the required fees.

8 (2) The applicant is at least 18 years of age and of
9 good moral character. In determining good moral character,
10 the Department may take into consideration conviction of
11 any crime under the laws of the United States or any state
12 or territory thereof that is a felony or a misdemeanor or
13 any crime that is directly related to the practice of the
14 profession. Such a conviction shall not operate
15 automatically as a complete bar to a license, except in
16 the case of any conviction for prostitution, rape, or
17 sexual misconduct, or where the applicant is a registered
18 sex offender.

19 (3) The applicant has successfully completed a massage
20 therapy program approved by the Department that requires a
21 minimum of 500 hours, except applicants applying on or
22 after January 1, 2014 shall meet a minimum requirement of
23 600 hours, and has passed a competency examination
24 approved by the Department.

25 (b) Each applicant for licensure as a massage therapist
26 shall have his or her fingerprints submitted to the Illinois

1 State Police in an electronic format that complies with the
2 form and manner for requesting and furnishing criminal history
3 record information as prescribed by the Illinois State Police.
4 These fingerprints shall be checked against the Illinois State
5 Police and Federal Bureau of Investigation criminal history
6 record databases now and hereafter filed. The Illinois State
7 Police shall charge applicants a fee for conducting the
8 criminal history records check, which shall be deposited into
9 the State Police Services Fund and shall not exceed the actual
10 cost of the records check. The Illinois State Police shall
11 furnish, pursuant to positive identification, records of
12 Illinois convictions to the Department. The Department may
13 require applicants to pay a separate fingerprinting fee,
14 either to the Department or to a vendor. The Department, in its
15 discretion, may allow an applicant who does not have
16 reasonable access to a designated vendor to provide his or her
17 fingerprints in an alternative manner. The Department may
18 adopt any rules necessary to implement this Section.

19 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
20 revised 10-5-21.)

21 Section 465. The Medical Practice Act of 1987 is amended
22 by changing Sections 7 and 22 as follows:

23 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 7. Medical Disciplinary Board.

2 (A) There is hereby created the Illinois State Medical
3 Disciplinary Board. The Disciplinary Board shall consist of 11
4 members, to be appointed by the Governor by and with the advice
5 and consent of the Senate. All members shall be residents of
6 the State, not more than 6 of whom shall be members of the same
7 political party. All members shall be voting members. Five
8 members shall be physicians licensed to practice medicine in
9 all of its branches in Illinois possessing the degree of
10 doctor of medicine. One member shall be a physician licensed
11 to practice medicine in all its branches in Illinois
12 possessing the degree of doctor of osteopathy or osteopathic
13 medicine. One member shall be a chiropractic physician
14 licensed to practice in Illinois and possessing the degree of
15 doctor of chiropractic. Four members shall be members of the
16 public, who shall not be engaged in any way, directly or
17 indirectly, as providers of health care.

18 (B) Members of the Disciplinary Board shall be appointed
19 for terms of 4 years. Upon the expiration of the term of any
20 member, his or her successor shall be appointed for a term of 4
21 years by the Governor by and with the advice and consent of the
22 Senate. The Governor shall fill any vacancy for the remainder
23 of the unexpired term with the advice and consent of the
24 Senate. Upon recommendation of the Board, any member of the
25 Disciplinary Board may be removed by the Governor for
26 misfeasance, malfeasance, or willful neglect of duty, after

1 notice, and a public hearing, unless such notice and hearing
2 shall be expressly waived in writing. Each member shall serve
3 on the Disciplinary Board until their successor is appointed
4 and qualified. No member of the Disciplinary Board shall serve
5 more than 2 consecutive 4 year terms.

6 In making appointments the Governor shall attempt to
7 insure that the various social and geographic regions of the
8 State of Illinois are properly represented.

9 In making the designation of persons to act for the
10 several professions represented on the Disciplinary Board, the
11 Governor shall give due consideration to recommendations by
12 members of the respective professions and by organizations
13 therein.

14 (C) The Disciplinary Board shall annually elect one of its
15 voting members as chairperson and one as vice chairperson. No
16 officer shall be elected more than twice in succession to the
17 same office. Each officer shall serve until their successor
18 has been elected and qualified.

19 (D) (Blank).

20 (E) Six voting members of the Disciplinary Board, at least
21 4 of whom are physicians, shall constitute a quorum. A vacancy
22 in the membership of the Disciplinary Board shall not impair
23 the right of a quorum to exercise all the rights and perform
24 all the duties of the Disciplinary Board. Any action taken by
25 the Disciplinary Board under this Act may be authorized by
26 resolution at any regular or special meeting and each such

1 resolution shall take effect immediately. The Disciplinary
2 Board shall meet at least quarterly.

3 (F) Each member, and member-officer, of the Disciplinary
4 Board shall receive a per diem stipend as the Secretary shall
5 determine. Each member shall be paid their necessary expenses
6 while engaged in the performance of their duties.

7 (G) The Secretary shall select a Chief Medical Coordinator
8 and not less than 2 Deputy Medical Coordinators who shall not
9 be members of the Disciplinary Board. Each medical coordinator
10 shall be a physician licensed to practice medicine in all of
11 its branches, and the Secretary shall set their rates of
12 compensation. The Secretary shall assign at least one medical
13 coordinator to a region composed of Cook County and such other
14 counties as the Secretary may deem appropriate, and such
15 medical coordinator or coordinators shall locate their office
16 in Chicago. The Secretary shall assign at least one medical
17 coordinator to a region composed of the balance of counties in
18 the State, and such medical coordinator or coordinators shall
19 locate their office in Springfield. The Chief Medical
20 Coordinator shall be the chief enforcement officer of this
21 Act. None of the functions, powers, or duties of the
22 Department with respect to policies regarding enforcement or
23 discipline under this Act, including the adoption of such
24 rules as may be necessary for the administration of this Act,
25 shall be exercised by the Department except upon review of the
26 Disciplinary Board.

1 The Secretary shall employ, in conformity with the
2 Personnel Code, investigators who are college graduates with
3 at least 2 years of investigative experience or one year of
4 advanced medical education. Upon the written request of the
5 Disciplinary Board, the Secretary shall employ, in conformity
6 with the Personnel Code, such other professional, technical,
7 investigative, and clerical help, either on a full or
8 part-time basis as the Disciplinary Board deems necessary for
9 the proper performance of its duties.

10 (H) Upon the specific request of the Disciplinary Board,
11 signed by either the chairperson, vice chairperson, or a
12 medical coordinator of the Disciplinary Board, the Department
13 of Human Services, the Department of Healthcare and Family
14 Services, the Illinois State Police, or any other law
15 enforcement agency located in this State shall make available
16 any and all information that they have in their possession
17 regarding a particular case then under investigation by the
18 Disciplinary Board.

19 (I) Members of the Disciplinary Board shall be immune from
20 suit in any action based upon any disciplinary proceedings or
21 other acts performed in good faith as members of the
22 Disciplinary Board.

23 (J) The Disciplinary Board may compile and establish a
24 statewide roster of physicians and other medical
25 professionals, including the several medical specialties, of
26 such physicians and medical professionals, who have agreed to

1 serve from time to time as advisors to the medical
2 coordinators. Such advisors shall assist the medical
3 coordinators or the Disciplinary Board in their investigations
4 and participation in complaints against physicians. Such
5 advisors shall serve under contract and shall be reimbursed at
6 a reasonable rate for the services provided, plus reasonable
7 expenses incurred. While serving in this capacity, the
8 advisor, for any act undertaken in good faith and in the
9 conduct of his or her duties under this Section, shall be
10 immune from civil suit.

11 (K) This Section is inoperative when a majority of the
12 Medical Board is appointed. This Section is repealed January
13 1, 2023 (one year after the effective date of Public Act
14 102-20) ~~this amendatory Act of the 102nd General Assembly.~~

15 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
16 revised 10-20-21.)

17 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 22. Disciplinary action.

20 (A) The Department may revoke, suspend, place on
21 probation, reprimand, refuse to issue or renew, or take any
22 other disciplinary or non-disciplinary action as the
23 Department may deem proper with regard to the license or
24 permit of any person issued under this Act, including imposing
25 fines not to exceed \$10,000 for each violation, upon any of the

1 following grounds:

2 (1) (Blank).

3 (2) (Blank).

4 (3) A plea of guilty or nolo contendere, finding of
5 guilt, jury verdict, or entry of judgment or sentencing,
6 including, but not limited to, convictions, preceding
7 sentences of supervision, conditional discharge, or first
8 offender probation, under the laws of any jurisdiction of
9 the United States of any crime that is a felony.

10 (4) Gross negligence in practice under this Act.

11 (5) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public.

14 (6) Obtaining any fee by fraud, deceit, or
15 misrepresentation.

16 (7) Habitual or excessive use or abuse of drugs
17 defined in law as controlled substances, of alcohol, or of
18 any other substances which results in the inability to
19 practice with reasonable judgment, skill, or safety.

20 (8) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (9) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (10) Making a false or misleading statement regarding
26 their skill or the efficacy or value of the medicine,

1 treatment, or remedy prescribed by them at their direction
2 in the treatment of any disease or other condition of the
3 body or mind.

4 (11) Allowing another person or organization to use
5 their license, procured under this Act, to practice.

6 (12) Adverse action taken by another state or
7 jurisdiction against a license or other authorization to
8 practice as a medical doctor, doctor of osteopathy, doctor
9 of osteopathic medicine or doctor of chiropractic, a
10 certified copy of the record of the action taken by the
11 other state or jurisdiction being prima facie evidence
12 thereof. This includes any adverse action taken by a State
13 or federal agency that prohibits a medical doctor, doctor
14 of osteopathy, doctor of osteopathic medicine, or doctor
15 of chiropractic from providing services to the agency's
16 participants.

17 (13) Violation of any provision of this Act or of the
18 Medical Practice Act prior to the repeal of that Act, or
19 violation of the rules, or a final administrative action
20 of the Secretary, after consideration of the
21 recommendation of the Medical Board.

22 (14) Violation of the prohibition against fee
23 splitting in Section 22.2 of this Act.

24 (15) A finding by the Medical Board that the
25 registrant after having his or her license placed on
26 probationary status or subjected to conditions or

1 restrictions violated the terms of the probation or failed
2 to comply with such terms or conditions.

3 (16) Abandonment of a patient.

4 (17) Prescribing, selling, administering,
5 distributing, giving, or self-administering any drug
6 classified as a controlled substance (designated product)
7 or narcotic for other than medically accepted therapeutic
8 purposes.

9 (18) Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in such manner
11 as to exploit the patient for financial gain of the
12 physician.

13 (19) Offering, undertaking, or agreeing to cure or
14 treat disease by a secret method, procedure, treatment, or
15 medicine, or the treating, operating, or prescribing for
16 any human condition by a method, means, or procedure which
17 the licensee refuses to divulge upon demand of the
18 Department.

19 (20) Immoral conduct in the commission of any act
20 including, but not limited to, commission of an act of
21 sexual misconduct related to the licensee's practice.

22 (21) Willfully making or filing false records or
23 reports in his or her practice as a physician, including,
24 but not limited to, false records to support claims
25 against the medical assistance program of the Department
26 of Healthcare and Family Services (formerly Department of

1 Public Aid) under the Illinois Public Aid Code.

2 (22) Willful omission to file or record, or willfully
3 impeding the filing or recording, or inducing another
4 person to omit to file or record, medical reports as
5 required by law, or willfully failing to report an
6 instance of suspected abuse or neglect as required by law.

7 (23) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act, and
10 upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (24) Solicitation of professional patronage by any
15 corporation, agents or persons, or profiting from those
16 representing themselves to be agents of the licensee.

17 (25) Gross and willful and continued overcharging for
18 professional services, including filing false statements
19 for collection of fees for which services are not
20 rendered, including, but not limited to, filing such false
21 statements for collection of monies for services not
22 rendered from the medical assistance program of the
23 Department of Healthcare and Family Services (formerly
24 Department of Public Aid) under the Illinois Public Aid
25 Code.

26 (26) A pattern of practice or other behavior which

1 demonstrates incapacity or incompetence to practice under
2 this Act.

3 (27) Mental illness or disability which results in the
4 inability to practice under this Act with reasonable
5 judgment, skill, or safety.

6 (28) Physical illness, including, but not limited to,
7 deterioration through the aging process, or loss of motor
8 skill which results in a physician's inability to practice
9 under this Act with reasonable judgment, skill, or safety.

10 (29) Cheating on or attempting ~~attempt~~ to subvert the
11 licensing examinations administered under this Act.

12 (30) Willfully or negligently violating the
13 confidentiality between physician and patient except as
14 required by law.

15 (31) The use of any false, fraudulent, or deceptive
16 statement in any document connected with practice under
17 this Act.

18 (32) Aiding and abetting an individual not licensed
19 under this Act in the practice of a profession licensed
20 under this Act.

21 (33) Violating state or federal laws or regulations
22 relating to controlled substances, legend drugs, or
23 ephedra as defined in the Ephedra Prohibition Act.

24 (34) Failure to report to the Department any adverse
25 final action taken against them by another licensing
26 jurisdiction (any other state or any territory of the

1 United States or any foreign state or country), by any
2 peer review body, by any health care institution, by any
3 professional society or association related to practice
4 under this Act, by any governmental agency, by any law
5 enforcement agency, or by any court for acts or conduct
6 similar to acts or conduct which would constitute grounds
7 for action as defined in this Section.

8 (35) Failure to report to the Department surrender of
9 a license or authorization to practice as a medical
10 doctor, a doctor of osteopathy, a doctor of osteopathic
11 medicine, or doctor of chiropractic in another state or
12 jurisdiction, or surrender of membership on any medical
13 staff or in any medical or professional association or
14 society, while under disciplinary investigation by any of
15 those authorities or bodies, for acts or conduct similar
16 to acts or conduct which would constitute grounds for
17 action as defined in this Section.

18 (36) Failure to report to the Department any adverse
19 judgment, settlement, or award arising from a liability
20 claim related to acts or conduct similar to acts or
21 conduct which would constitute grounds for action as
22 defined in this Section.

23 (37) Failure to provide copies of medical records as
24 required by law.

25 (38) Failure to furnish the Department, its
26 investigators or representatives, relevant information,

1 legally requested by the Department after consultation
2 with the Chief Medical Coordinator or the Deputy Medical
3 Coordinator.

4 (39) Violating the Health Care Worker Self-Referral
5 Act.

6 (40) Willful failure to provide notice when notice is
7 required under the Parental Notice of Abortion Act of
8 1995.

9 (41) Failure to establish and maintain records of
10 patient care and treatment as required by this law.

11 (42) Entering into an excessive number of written
12 collaborative agreements with licensed advanced practice
13 registered nurses resulting in an inability to adequately
14 collaborate.

15 (43) Repeated failure to adequately collaborate with a
16 licensed advanced practice registered nurse.

17 (44) Violating the Compassionate Use of Medical
18 Cannabis Program Act.

19 (45) Entering into an excessive number of written
20 collaborative agreements with licensed prescribing
21 psychologists resulting in an inability to adequately
22 collaborate.

23 (46) Repeated failure to adequately collaborate with a
24 licensed prescribing psychologist.

25 (47) Willfully failing to report an instance of
26 suspected abuse, neglect, financial exploitation, or

1 self-neglect of an eligible adult as defined in and
2 required by the Adult Protective Services Act.

3 (48) Being named as an abuser in a verified report by
4 the Department on Aging under the Adult Protective
5 Services Act, and upon proof by clear and convincing
6 evidence that the licensee abused, neglected, or
7 financially exploited an eligible adult as defined in the
8 Adult Protective Services Act.

9 (49) Entering into an excessive number of written
10 collaborative agreements with licensed physician
11 assistants resulting in an inability to adequately
12 collaborate.

13 (50) Repeated failure to adequately collaborate with a
14 physician assistant.

15 Except for actions involving the ground numbered (26), all
16 proceedings to suspend, revoke, place on probationary status,
17 or take any other disciplinary action as the Department may
18 deem proper, with regard to a license on any of the foregoing
19 grounds, must be commenced within 5 years next after receipt
20 by the Department of a complaint alleging the commission of or
21 notice of the conviction order for any of the acts described
22 herein. Except for the grounds numbered (8), (9), (26), and
23 (29), no action shall be commenced more than 10 years after the
24 date of the incident or act alleged to have violated this
25 Section. For actions involving the ground numbered (26), a
26 pattern of practice or other behavior includes all incidents

1 alleged to be part of the pattern of practice or other behavior
2 that occurred, or a report pursuant to Section 23 of this Act
3 received, within the 10-year period preceding the filing of
4 the complaint. In the event of the settlement of any claim or
5 cause of action in favor of the claimant or the reduction to
6 final judgment of any civil action in favor of the plaintiff,
7 such claim, cause of action, or civil action being grounded on
8 the allegation that a person licensed under this Act was
9 negligent in providing care, the Department shall have an
10 additional period of 2 years from the date of notification to
11 the Department under Section 23 of this Act of such settlement
12 or final judgment in which to investigate and commence formal
13 disciplinary proceedings under Section 36 of this Act, except
14 as otherwise provided by law. The time during which the holder
15 of the license was outside the State of Illinois shall not be
16 included within any period of time limiting the commencement
17 of disciplinary action by the Department.

18 The entry of an order or judgment by any circuit court
19 establishing that any person holding a license under this Act
20 is a person in need of mental treatment operates as a
21 suspension of that license. That person may resume his or her
22 practice only upon the entry of a Departmental order based
23 upon a finding by the Medical Board that the person has been
24 determined to be recovered from mental illness by the court
25 and upon the Medical Board's recommendation that the person be
26 permitted to resume his or her practice.

1 The Department may refuse to issue or take disciplinary
2 action concerning the license of any person who fails to file a
3 return, or to pay the tax, penalty, or interest shown in a
4 filed return, or to pay any final assessment of tax, penalty,
5 or interest, as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied as determined
8 by the Illinois Department of Revenue.

9 The Department, upon the recommendation of the Medical
10 Board, shall adopt rules which set forth standards to be used
11 in determining:

12 (a) when a person will be deemed sufficiently
13 rehabilitated to warrant the public trust;

14 (b) what constitutes dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public;

17 (c) what constitutes immoral conduct in the commission
18 of any act, including, but not limited to, commission of
19 an act of sexual misconduct related to the licensee's
20 practice; and

21 (d) what constitutes gross negligence in the practice
22 of medicine.

23 However, no such rule shall be admissible into evidence in
24 any civil action except for review of a licensing or other
25 disciplinary action under this Act.

26 In enforcing this Section, the Medical Board, upon a

1 showing of a possible violation, may compel any individual who
2 is licensed to practice under this Act or holds a permit to
3 practice under this Act, or any individual who has applied for
4 licensure or a permit pursuant to this Act, to submit to a
5 mental or physical examination and evaluation, or both, which
6 may include a substance abuse or sexual offender evaluation,
7 as required by the Medical Board and at the expense of the
8 Department. The Medical Board shall specifically designate the
9 examining physician licensed to practice medicine in all of
10 its branches or, if applicable, the multidisciplinary team
11 involved in providing the mental or physical examination and
12 evaluation, or both. The multidisciplinary team shall be led
13 by a physician licensed to practice medicine in all of its
14 branches and may consist of one or more or a combination of
15 physicians licensed to practice medicine in all of its
16 branches, licensed chiropractic physicians, licensed clinical
17 psychologists, licensed clinical social workers, licensed
18 clinical professional counselors, and other professional and
19 administrative staff. Any examining physician or member of the
20 multidisciplinary team may require any person ordered to
21 submit to an examination and evaluation pursuant to this
22 Section to submit to any additional supplemental testing
23 deemed necessary to complete any examination or evaluation
24 process, including, but not limited to, blood testing,
25 urinalysis, psychological testing, or neuropsychological
26 testing. The Medical Board or the Department may order the

1 examining physician or any member of the multidisciplinary
2 team to provide to the Department or the Medical Board any and
3 all records, including business records, that relate to the
4 examination and evaluation, including any supplemental testing
5 performed. The Medical Board or the Department may order the
6 examining physician or any member of the multidisciplinary
7 team to present testimony concerning this examination and
8 evaluation of the licensee, permit holder, or applicant,
9 including testimony concerning any supplemental testing or
10 documents relating to the examination and evaluation. No
11 information, report, record, or other documents in any way
12 related to the examination and evaluation shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communication between the licensee, permit holder, or
15 applicant and the examining physician or any member of the
16 multidisciplinary team. No authorization is necessary from the
17 licensee, permit holder, or applicant ordered to undergo an
18 evaluation and examination for the examining physician or any
19 member of the multidisciplinary team to provide information,
20 reports, records, or other documents or to provide any
21 testimony regarding the examination and evaluation. The
22 individual to be examined may have, at his or her own expense,
23 another physician of his or her choice present during all
24 aspects of the examination. Failure of any individual to
25 submit to mental or physical examination and evaluation, or
26 both, when directed, shall result in an automatic suspension,

1 without hearing, until such time as the individual submits to
2 the examination. If the Medical Board finds a physician unable
3 to practice following an examination and evaluation because of
4 the reasons set forth in this Section, the Medical Board shall
5 require such physician to submit to care, counseling, or
6 treatment by physicians, or other health care professionals,
7 approved or designated by the Medical Board, as a condition
8 for issued, continued, reinstated, or renewed licensure to
9 practice. Any physician, whose license was granted pursuant to
10 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
11 renewed, disciplined or supervised, subject to such terms,
12 conditions, or restrictions who shall fail to comply with such
13 terms, conditions, or restrictions, or to complete a required
14 program of care, counseling, or treatment, as determined by
15 the Chief Medical Coordinator or Deputy Medical Coordinators,
16 shall be referred to the Secretary for a determination as to
17 whether the licensee shall have his or her license suspended
18 immediately, pending a hearing by the Medical Board. In
19 instances in which the Secretary immediately suspends a
20 license under this Section, a hearing upon such person's
21 license must be convened by the Medical Board within 15 days
22 after such suspension and completed without appreciable delay.
23 The Medical Board shall have the authority to review the
24 subject physician's record of treatment and counseling
25 regarding the impairment, to the extent permitted by
26 applicable federal statutes and regulations safeguarding the

1 confidentiality of medical records.

2 An individual licensed under this Act, affected under this
3 Section, shall be afforded an opportunity to demonstrate to
4 the Medical Board that he or she can resume practice in
5 compliance with acceptable and prevailing standards under the
6 provisions of his or her license.

7 The Department may promulgate rules for the imposition of
8 fines in disciplinary cases, not to exceed \$10,000 for each
9 violation of this Act. Fines may be imposed in conjunction
10 with other forms of disciplinary action, but shall not be the
11 exclusive disposition of any disciplinary action arising out
12 of conduct resulting in death or injury to a patient. Any funds
13 collected from such fines shall be deposited in the Illinois
14 State Medical Disciplinary Fund.

15 All fines imposed under this Section shall be paid within
16 60 days after the effective date of the order imposing the fine
17 or in accordance with the terms set forth in the order imposing
18 the fine.

19 (B) The Department shall revoke the license or permit
20 issued under this Act to practice medicine or a chiropractic
21 physician who has been convicted a second time of committing
22 any felony under the Illinois Controlled Substances Act or the
23 Methamphetamine Control and Community Protection Act, or who
24 has been convicted a second time of committing a Class 1 felony
25 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
26 person whose license or permit is revoked under this

1 subsection B shall be prohibited from practicing medicine or
2 treating human ailments without the use of drugs and without
3 operative surgery.

4 (C) The Department shall not revoke, suspend, place on
5 probation, reprimand, refuse to issue or renew, or take any
6 other disciplinary or non-disciplinary action against the
7 license or permit issued under this Act to practice medicine
8 to a physician:

9 (1) based solely upon the recommendation of the
10 physician to an eligible patient regarding, or
11 prescription for, or treatment with, an investigational
12 drug, biological product, or device; or

13 (2) for experimental treatment for Lyme disease or
14 other tick-borne diseases, including, but not limited to,
15 the prescription of or treatment with long-term
16 antibiotics.

17 (D) The Medical Board shall recommend to the Department
18 civil penalties and any other appropriate discipline in
19 disciplinary cases when the Medical Board finds that a
20 physician willfully performed an abortion with actual
21 knowledge that the person upon whom the abortion has been
22 performed is a minor or an incompetent person without notice
23 as required under the Parental Notice of Abortion Act of 1995.
24 Upon the Medical Board's recommendation, the Department shall
25 impose, for the first violation, a civil penalty of \$1,000 and
26 for a second or subsequent violation, a civil penalty of

1 \$5,000.

2 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
3 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
4 8-20-21; revised 12-2-21.)

5 Section 470. The Pharmacy Practice Act is amended by
6 changing Sections 3 and 4 and by setting forth and renumbering
7 multiple versions of Section 43 as follows:

8 (225 ILCS 85/3)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 3. Definitions. For the purpose of this Act, except
11 where otherwise limited therein:

12 (a) "Pharmacy" or "drugstore" means and includes every
13 store, shop, pharmacy department, or other place where
14 pharmacist care is provided by a pharmacist (1) where drugs,
15 medicines, or poisons are dispensed, sold or offered for sale
16 at retail, or displayed for sale at retail; or (2) where
17 prescriptions of physicians, dentists, advanced practice
18 registered nurses, physician assistants, veterinarians,
19 podiatric physicians, or optometrists, within the limits of
20 their licenses, are compounded, filled, or dispensed; or (3)
21 which has upon it or displayed within it, or affixed to or used
22 in connection with it, a sign bearing the word or words
23 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
24 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",

1 "Drugs", "Dispensary", "Medicines", or any word or words of
2 similar or like import, either in the English language or any
3 other language; or (4) where the characteristic prescription
4 sign (Rx) or similar design is exhibited; or (5) any store, or
5 shop, or other place with respect to which any of the above
6 words, objects, signs or designs are used in any
7 advertisement.

8 (b) "Drugs" means and includes (1) articles recognized in
9 the official United States Pharmacopoeia/National Formulary
10 (USP/NF), or any supplement thereto and being intended for and
11 having for their main use the diagnosis, cure, mitigation,
12 treatment or prevention of disease in man or other animals, as
13 approved by the United States Food and Drug Administration,
14 but does not include devices or their components, parts, or
15 accessories; and (2) all other articles intended for and
16 having for their main use the diagnosis, cure, mitigation,
17 treatment or prevention of disease in man or other animals, as
18 approved by the United States Food and Drug Administration,
19 but does not include devices or their components, parts, or
20 accessories; and (3) articles (other than food) having for
21 their main use and intended to affect the structure or any
22 function of the body of man or other animals; and (4) articles
23 having for their main use and intended for use as a component
24 or any articles specified in clause (1), (2) or (3); but does
25 not include devices or their components, parts or accessories.

26 (c) "Medicines" means and includes all drugs intended for

1 human or veterinary use approved by the United States Food and
2 Drug Administration.

3 (d) "Practice of pharmacy" means:

4 (1) the interpretation and the provision of assistance
5 in the monitoring, evaluation, and implementation of
6 prescription drug orders;

7 (2) the dispensing of prescription drug orders;

8 (3) participation in drug and device selection;

9 (4) drug administration limited to the administration
10 of oral, topical, injectable, and inhalation as follows:

11 (A) in the context of patient education on the
12 proper use or delivery of medications;

13 (B) vaccination of patients 7 years of age and
14 older pursuant to a valid prescription or standing
15 order, by a physician licensed to practice medicine in
16 all its branches, upon completion of appropriate
17 training, including how to address contraindications
18 and adverse reactions set forth by rule, with
19 notification to the patient's physician and
20 appropriate record retention, or pursuant to hospital
21 pharmacy and therapeutics committee policies and
22 procedures. Eligible vaccines are those listed on the
23 U.S. Centers for Disease Control and Prevention (CDC)
24 Recommended Immunization Schedule, the CDC's Health
25 Information for International Travel, or the U.S. Food
26 and Drug Administration's Vaccines Licensed and

1 Authorized for Use in the United States. As applicable
2 to the State's Medicaid program and other payers,
3 vaccines ordered and administered in accordance with
4 this subsection shall be covered and reimbursed at no
5 less than the rate that the vaccine is reimbursed when
6 ordered and administered by a physician;

7 (B-5) following the initial administration of
8 long-acting or extended-release form opioid
9 antagonists by a physician licensed to practice
10 medicine in all its branches, administration of
11 injections of long-acting or extended-release form
12 opioid antagonists for the treatment of substance use
13 disorder, pursuant to a valid prescription by a
14 physician licensed to practice medicine in all its
15 branches, upon completion of appropriate training,
16 including how to address contraindications and adverse
17 reactions, including, but not limited to, respiratory
18 depression and the performance of cardiopulmonary
19 resuscitation, set forth by rule, with notification to
20 the patient's physician and appropriate record
21 retention, or pursuant to hospital pharmacy and
22 therapeutics committee policies and procedures;

23 (C) administration of injections of
24 alpha-hydroxyprogesterone caproate, pursuant to a
25 valid prescription, by a physician licensed to
26 practice medicine in all its branches, upon completion

1 of appropriate training, including how to address
2 contraindications and adverse reactions set forth by
3 rule, with notification to the patient's physician and
4 appropriate record retention, or pursuant to hospital
5 pharmacy and therapeutics committee policies and
6 procedures; and

7 (D) administration of injections of long-term
8 antipsychotic medications pursuant to a valid
9 prescription by a physician licensed to practice
10 medicine in all its branches, upon completion of
11 appropriate training conducted by an Accreditation
12 Council of Pharmaceutical Education accredited
13 provider, including how to address contraindications
14 and adverse reactions set forth by rule, with
15 notification to the patient's physician and
16 appropriate record retention, or pursuant to hospital
17 pharmacy and therapeutics committee policies and
18 procedures.

19 (5) (blank);

20 (6) drug regimen review;

21 (7) drug or drug-related research;

22 (8) the provision of patient counseling;

23 (9) the practice of telepharmacy;

24 (10) the provision of those acts or services necessary
25 to provide pharmacist care;

26 (11) medication therapy management;

1 (12) the responsibility for compounding and labeling
2 of drugs and devices (except labeling by a manufacturer,
3 repackager, or distributor of non-prescription drugs and
4 commercially packaged legend drugs and devices), proper
5 and safe storage of drugs and devices, and maintenance of
6 required records; and

7 (13) the assessment and consultation of patients and
8 dispensing of hormonal contraceptives.

9 A pharmacist who performs any of the acts defined as the
10 practice of pharmacy in this State must be actively licensed
11 as a pharmacist under this Act.

12 (e) "Prescription" means and includes any written, oral,
13 facsimile, or electronically transmitted order for drugs or
14 medical devices, issued by a physician licensed to practice
15 medicine in all its branches, dentist, veterinarian, podiatric
16 physician, or optometrist, within the limits of his or her
17 license, by a physician assistant in accordance with
18 subsection (f) of Section 4, or by an advanced practice
19 registered nurse in accordance with subsection (g) of Section
20 4, containing the following: (1) name of the patient; (2) date
21 when prescription was issued; (3) name and strength of drug or
22 description of the medical device prescribed; and (4)
23 quantity; (5) directions for use; (6) prescriber's name,
24 address, and signature; and (7) DEA registration number where
25 required, for controlled substances. The prescription may, but
26 is not required to, list the illness, disease, or condition

1 for which the drug or device is being prescribed. DEA
2 registration numbers shall not be required on inpatient drug
3 orders. A prescription for medication other than controlled
4 substances shall be valid for up to 15 months from the date
5 issued for the purpose of refills, unless the prescription
6 states otherwise.

7 (f) "Person" means and includes a natural person,
8 partnership, association, corporation, government entity, or
9 any other legal entity.

10 (g) "Department" means the Department of Financial and
11 Professional Regulation.

12 (h) "Board of Pharmacy" or "Board" means the State Board
13 of Pharmacy of the Department of Financial and Professional
14 Regulation.

15 (i) "Secretary" means the Secretary of Financial and
16 Professional Regulation.

17 (j) "Drug product selection" means the interchange for a
18 prescribed pharmaceutical product in accordance with Section
19 25 of this Act and Section 3.14 of the Illinois Food, Drug and
20 Cosmetic Act.

21 (k) "Inpatient drug order" means an order issued by an
22 authorized prescriber for a resident or patient of a facility
23 licensed under the Nursing Home Care Act, the ID/DD Community
24 Care Act, the MC/DD Act, the Specialized Mental Health
25 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
26 University of Illinois Hospital Act, or a facility which is

1 operated by the Department of Human Services (as successor to
2 the Department of Mental Health and Developmental
3 Disabilities) or the Department of Corrections.

4 (k-5) "Pharmacist" means an individual health care
5 professional and provider currently licensed by this State to
6 engage in the practice of pharmacy.

7 (l) "Pharmacist in charge" means the licensed pharmacist
8 whose name appears on a pharmacy license and who is
9 responsible for all aspects of the operation related to the
10 practice of pharmacy.

11 (m) "Dispense" or "dispensing" means the interpretation,
12 evaluation, and implementation of a prescription drug order,
13 including the preparation and delivery of a drug or device to a
14 patient or patient's agent in a suitable container
15 appropriately labeled for subsequent administration to or use
16 by a patient in accordance with applicable State and federal
17 laws and regulations. "Dispense" or "dispensing" does not mean
18 the physical delivery to a patient or a patient's
19 representative in a home or institution by a designee of a
20 pharmacist or by common carrier. "Dispense" or "dispensing"
21 also does not mean the physical delivery of a drug or medical
22 device to a patient or patient's representative by a
23 pharmacist's designee within a pharmacy or drugstore while the
24 pharmacist is on duty and the pharmacy is open.

25 (n) "Nonresident pharmacy" means a pharmacy that is
26 located in a state, commonwealth, or territory of the United

1 States, other than Illinois, that delivers, dispenses, or
2 distributes, through the United States Postal Service,
3 commercially acceptable parcel delivery service, or other
4 common carrier, to Illinois residents, any substance which
5 requires a prescription.

6 (o) "Compounding" means the preparation and mixing of
7 components, excluding flavorings, (1) as the result of a
8 prescriber's prescription drug order or initiative based on
9 the prescriber-patient-pharmacist relationship in the course
10 of professional practice or (2) for the purpose of, or
11 incident to, research, teaching, or chemical analysis and not
12 for sale or dispensing. "Compounding" includes the preparation
13 of drugs or devices in anticipation of receiving prescription
14 drug orders based on routine, regularly observed dispensing
15 patterns. Commercially available products may be compounded
16 for dispensing to individual patients only if all of the
17 following conditions are met: (i) the commercial product is
18 not reasonably available from normal distribution channels in
19 a timely manner to meet the patient's needs and (ii) the
20 prescribing practitioner has requested that the drug be
21 compounded.

22 (p) (Blank).

23 (q) (Blank).

24 (r) "Patient counseling" means the communication between a
25 pharmacist or a student pharmacist under the supervision of a
26 pharmacist and a patient or the patient's representative about

1 the patient's medication or device for the purpose of
2 optimizing proper use of prescription medications or devices.
3 "Patient counseling" may include without limitation (1)
4 obtaining a medication history; (2) acquiring a patient's
5 allergies and health conditions; (3) facilitation of the
6 patient's understanding of the intended use of the medication;
7 (4) proper directions for use; (5) significant potential
8 adverse events; (6) potential food-drug interactions; and (7)
9 the need to be compliant with the medication therapy. A
10 pharmacy technician may only participate in the following
11 aspects of patient counseling under the supervision of a
12 pharmacist: (1) obtaining medication history; (2) providing
13 the offer for counseling by a pharmacist or student
14 pharmacist; and (3) acquiring a patient's allergies and health
15 conditions.

16 (s) "Patient profiles" or "patient drug therapy record"
17 means the obtaining, recording, and maintenance of patient
18 prescription information, including prescriptions for
19 controlled substances, and personal information.

20 (t) (Blank).

21 (u) "Medical device" or "device" means an instrument,
22 apparatus, implement, machine, contrivance, implant, in vitro
23 reagent, or other similar or related article, including any
24 component part or accessory, required under federal law to
25 bear the label "Caution: Federal law requires dispensing by or
26 on the order of a physician". A seller of goods and services

1 who, only for the purpose of retail sales, compounds, sells,
2 rents, or leases medical devices shall not, by reasons
3 thereof, be required to be a licensed pharmacy.

4 (v) "Unique identifier" means an electronic signature,
5 handwritten signature or initials, thumb print, or other
6 acceptable biometric or electronic identification process as
7 approved by the Department.

8 (w) "Current usual and customary retail price" means the
9 price that a pharmacy charges to a non-third-party payor.

10 (x) "Automated pharmacy system" means a mechanical system
11 located within the confines of the pharmacy or remote location
12 that performs operations or activities, other than compounding
13 or administration, relative to storage, packaging, dispensing,
14 or distribution of medication, and which collects, controls,
15 and maintains all transaction information.

16 (y) "Drug regimen review" means and includes the
17 evaluation of prescription drug orders and patient records for
18 (1) known allergies; (2) drug or potential therapy
19 contraindications; (3) reasonable dose, duration of use, and
20 route of administration, taking into consideration factors
21 such as age, gender, and contraindications; (4) reasonable
22 directions for use; (5) potential or actual adverse drug
23 reactions; (6) drug-drug interactions; (7) drug-food
24 interactions; (8) drug-disease contraindications; (9)
25 therapeutic duplication; (10) patient laboratory values when
26 authorized and available; (11) proper utilization (including

1 over or under utilization) and optimum therapeutic outcomes;
2 and (12) abuse and misuse.

3 (z) "Electronically transmitted prescription" means a
4 prescription that is created, recorded, or stored by
5 electronic means; issued and validated with an electronic
6 signature; and transmitted by electronic means directly from
7 the prescriber to a pharmacy. An electronic prescription is
8 not an image of a physical prescription that is transferred by
9 electronic means from computer to computer, facsimile to
10 facsimile, or facsimile to computer.

11 (aa) "Medication therapy management services" means a
12 distinct service or group of services offered by licensed
13 pharmacists, physicians licensed to practice medicine in all
14 its branches, advanced practice registered nurses authorized
15 in a written agreement with a physician licensed to practice
16 medicine in all its branches, or physician assistants
17 authorized in guidelines by a supervising physician that
18 optimize therapeutic outcomes for individual patients through
19 improved medication use. In a retail or other non-hospital
20 pharmacy, medication therapy management services shall consist
21 of the evaluation of prescription drug orders and patient
22 medication records to resolve conflicts with the following:

- 23 (1) known allergies;
24 (2) drug or potential therapy contraindications;
25 (3) reasonable dose, duration of use, and route of
26 administration, taking into consideration factors such as

- 1 age, gender, and contraindications;
- 2 (4) reasonable directions for use;
- 3 (5) potential or actual adverse drug reactions;
- 4 (6) drug-drug interactions;
- 5 (7) drug-food interactions;
- 6 (8) drug-disease contraindications;
- 7 (9) identification of therapeutic duplication;
- 8 (10) patient laboratory values when authorized and
- 9 available;
- 10 (11) proper utilization (including over or under
- 11 utilization) and optimum therapeutic outcomes; and
- 12 (12) drug abuse and misuse.

13 "Medication therapy management services" includes the
14 following:

- 15 (1) documenting the services delivered and
- 16 communicating the information provided to patients'
- 17 prescribers within an appropriate time frame, not to
- 18 exceed 48 hours;
- 19 (2) providing patient counseling designed to enhance a
- 20 patient's understanding and the appropriate use of his or
- 21 her medications; and
- 22 (3) providing information, support services, and
- 23 resources designed to enhance a patient's adherence with
- 24 his or her prescribed therapeutic regimens.

25 "Medication therapy management services" may also include
26 patient care functions authorized by a physician licensed to

1 practice medicine in all its branches for his or her
2 identified patient or groups of patients under specified
3 conditions or limitations in a standing order from the
4 physician.

5 "Medication therapy management services" in a licensed
6 hospital may also include the following:

7 (1) reviewing assessments of the patient's health
8 status; and

9 (2) following protocols of a hospital pharmacy and
10 therapeutics committee with respect to the fulfillment of
11 medication orders.

12 (bb) "Pharmacist care" means the provision by a pharmacist
13 of medication therapy management services, with or without the
14 dispensing of drugs or devices, intended to achieve outcomes
15 that improve patient health, quality of life, and comfort and
16 enhance patient safety.

17 (cc) "Protected health information" means individually
18 identifiable health information that, except as otherwise
19 provided, is:

20 (1) transmitted by electronic media;

21 (2) maintained in any medium set forth in the
22 definition of "electronic media" in the federal Health
23 Insurance Portability and Accountability Act; or

24 (3) transmitted or maintained in any other form or
25 medium.

26 "Protected health information" does not include

1 individually identifiable health information found in:

2 (1) education records covered by the federal Family
3 Educational Right and Privacy Act; or

4 (2) employment records held by a licensee in its role
5 as an employer.

6 (dd) "Standing order" means a specific order for a patient
7 or group of patients issued by a physician licensed to
8 practice medicine in all its branches in Illinois.

9 (ee) "Address of record" means the designated address
10 recorded by the Department in the applicant's application file
11 or licensee's license file maintained by the Department's
12 licensure maintenance unit.

13 (ff) "Home pharmacy" means the location of a pharmacy's
14 primary operations.

15 (gg) "Email address of record" means the designated email
16 address recorded by the Department in the applicant's
17 application file or the licensee's license file, as maintained
18 by the Department's licensure maintenance unit.

19 (Source: P.A. 101-349, eff. 1-1-20; 102-16, eff. 6-17-21;
20 102-103, eff. 1-1-22; 102-558, eff. 8-20-21; revised
21 10-26-21.)

22 (225 ILCS 85/4) (from Ch. 111, par. 4124)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 4. Exemptions. Nothing contained in any Section of
25 this Act shall apply to, or in any manner interfere with:

1 (a) the lawful practice of any physician licensed to
2 practice medicine in all of its branches, dentist,
3 podiatric physician, veterinarian, or therapeutically or
4 diagnostically certified optometrist within the limits of
5 his or her license, or prevent him or her from supplying to
6 his or her bona fide patients such drugs, medicines, or
7 poisons as may seem to him appropriate;

8 (b) the sale of compressed gases;

9 (c) the sale of patent or proprietary medicines and
10 household remedies when sold in original and unbroken
11 packages only, if such patent or proprietary medicines and
12 household remedies be properly and adequately labeled as
13 to content and usage and generally considered and accepted
14 as harmless and nonpoisonous when used according to the
15 directions on the label, and also do not contain opium or
16 coca leaves, or any compound, salt or derivative thereof,
17 or any drug which, according to the latest editions of the
18 following authoritative pharmaceutical treatises and
19 standards, namely, The United States
20 Pharmacopoeia/National Formulary (USP/NF), the United
21 States Dispensatory, and the Accepted Dental Remedies of
22 the Council of Dental Therapeutics of the American Dental
23 Association or any or either of them, in use on the
24 effective date of this Act, or according to the existing
25 provisions of the Federal Food, Drug, and Cosmetic Act and
26 Regulations of the Department of Health and Human

1 Services, Food and Drug Administration, promulgated
2 thereunder now in effect, is designated, described or
3 considered as a narcotic, hypnotic, habit forming,
4 dangerous, or poisonous drug;

5 (d) the sale of poultry and livestock remedies in
6 original and unbroken packages only, labeled for poultry
7 and livestock medication;

8 (e) the sale of poisonous substances or mixture of
9 poisonous substances, in unbroken packages, for
10 nonmedicinal use in the arts or industries or for
11 insecticide purposes; provided, they are properly and
12 adequately labeled as to content and such nonmedicinal
13 usage, in conformity with the provisions of all applicable
14 federal, state and local laws and regulations promulgated
15 thereunder now in effect relating thereto and governing
16 the same, and those which are required under such
17 applicable laws and regulations to be labeled with the
18 word "Poison", are also labeled with the word "Poison"
19 printed thereon in prominent type and the name of a
20 readily obtainable antidote with directions for its
21 administration;

22 (f) the delegation of limited prescriptive authority
23 by a physician licensed to practice medicine in all its
24 branches to a physician assistant under Section 7.5 of the
25 Physician Assistant Practice Act of 1987. This delegated
26 authority under Section 7.5 of the Physician Assistant

1 Practice Act of 1987 may, but is not required to, include
2 prescription of controlled substances, as defined in
3 Article II of the Illinois Controlled Substances Act, in
4 accordance with a written supervision agreement;

5 (g) the delegation of prescriptive authority by a
6 physician licensed to practice medicine in all its
7 branches or a licensed podiatric physician to an advanced
8 practice registered nurse in accordance with a written
9 collaborative agreement under Sections 65-35 and 65-40 of
10 the Nurse Practice Act;

11 (g-5) the donation or acceptance, or the packaging,
12 repackaging, or labeling, of drugs to the extent permitted
13 under the Illinois Drug Reuse Opportunity Program Act; and

14 (h) the sale or distribution of dialysate or devices
15 necessary to perform home peritoneal renal dialysis for
16 patients with end-stage renal disease, provided that all
17 of the following conditions are met:

18 (1) the dialysate, comprised of dextrose or
19 icodextrin, or devices are approved or cleared by the
20 federal Food and Drug Administration, as required by
21 federal law;

22 (2) the dialysate or devices are lawfully held by
23 a manufacturer or the manufacturer's agent, which is
24 properly registered with the Board as a manufacturer,
25 third-party logistics provider, or wholesaler;

26 (3) the dialysate or devices are held and

1 delivered to the manufacturer or the manufacturer's
2 agent in the original, sealed packaging from the
3 manufacturing facility;

4 (4) the dialysate or devices are delivered only
5 upon receipt of a physician's prescription by a
6 licensed pharmacy in which the prescription is
7 processed in accordance with provisions set forth in
8 this Act, and the transmittal of an order from the
9 licensed pharmacy to the manufacturer or the
10 manufacturer's agent; and

11 (5) the manufacturer or the manufacturer's agent
12 delivers the dialysate or devices directly to: (i) a
13 patient with end-stage renal disease, or his or her
14 designee, for the patient's self-administration of the
15 dialysis therapy or (ii) a health care provider or
16 institution for administration or delivery of the
17 dialysis therapy to a patient with end-stage renal
18 disease.

19 This paragraph (h) does not include any other drugs
20 for peritoneal dialysis, except dialysate, as described in
21 item (1) of this paragraph (h). All records of sales and
22 distribution of dialysate to patients made pursuant to
23 this paragraph (h) must be retained in accordance with
24 Section 18 of this Act. A student pharmacist or licensed
25 pharmacy technician engaged in remote prescription
26 processing under Section 25.10 of this Act at a licensed

1 pharmacy described in item (4) of this paragraph (h) shall
2 be permitted to access an employer pharmacy's database
3 from his or her home or other remote location while under
4 the supervision of a pharmacist for the purpose of
5 performing certain prescription processing functions,
6 provided that the pharmacy establishes controls to protect
7 the privacy and security of confidential records.

8 (Source: P.A. 101-420, eff. 8-16-19; 102-84, eff. 7-9-21;
9 102-389, eff. 1-1-22; revised 10-8-21.)

10 (225 ILCS 85/43)

11 (Section scheduled to be repealed on January 1, 2023)

12 Sec. 43. Dispensation of hormonal contraceptives.

13 (a) The dispensing of hormonal contraceptives to a patient
14 shall be pursuant to a valid prescription or standing order by
15 a physician licensed to practice medicine in all its branches
16 or the medical director of a local health department, pursuant
17 to the following:

18 (1) a pharmacist may dispense no more than a 12-month
19 supply of hormonal contraceptives to a patient;

20 (2) a pharmacist must complete an educational training
21 program accredited by the Accreditation Council for
22 Pharmacy Education and approved by the Department that is
23 related to the patient self-screening risk assessment,
24 patient assessment contraceptive counseling and education,
25 and dispensation of hormonal contraceptives;

1 (3) a pharmacist shall have the patient complete the
2 self-screening risk assessment tool; the self-screening
3 risk assessment tool is to be based on the most current
4 version of the United States Medical Eligibility Criteria
5 for Contraceptive Use published by the federal Centers for
6 Disease Control and Prevention;

7 (4) based upon the results of the self-screening risk
8 assessment and the patient assessment, the pharmacist
9 shall use his or her professional and clinical judgment as
10 to when a patient should be referred to the patient's
11 physician or another health care provider;

12 (5) a pharmacist shall provide, during the patient
13 assessment and consultation, counseling and education
14 about all methods of contraception, including methods not
15 covered under the standing order, and their proper use and
16 effectiveness;

17 (6) the patient consultation shall take place in a
18 private manner; and

19 (7) a pharmacist and pharmacy must maintain
20 appropriate records.

21 (b) The Department may adopt rules to implement this
22 Section.

23 (c) Nothing in this Section shall be interpreted to
24 require a pharmacist to dispense hormonal contraception under
25 a standing order issued by a physician licensed to practice
26 medicine in all its branches or the medical director of a local

1 health department.

2 (Source: P.A. 102-103, eff. 1-1-22.)

3 (225 ILCS 85/44)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 44 ~~43~~. Disclosure of pharmacy retail price.

6 (a) For the purpose of this Section:

7 "Pharmacy retail price" means the price an individual
8 without prescription drug coverage or not using any other
9 prescription medication benefit or discount would pay at a
10 retail pharmacy, not including a pharmacist dispensing fee.

11 "Cost-sharing amount" means the amount owed by a
12 policyholder under the terms of his or her health insurance
13 policy or as required by a pharmacy benefit manager as defined
14 in subsection (a) of Section 513b1 of the Illinois Insurance
15 Code.

16 (b) A pharmacist or his or her authorized employee must
17 disclose to the consumer at the point of sale the current
18 pharmacy retail price for each prescription medication the
19 consumer intends to purchase. If the consumer's cost-sharing
20 amount for a prescription exceeds the current pharmacy retail
21 price, the pharmacist or his or her authorized employee must
22 disclose to the consumer that the pharmacy retail price is
23 less than the patient's cost-sharing amount.

24 (Source: P.A. 102-400, eff. 1-1-22; revised 11-4-21.)

1 Section 475. The Landscape Architecture Registration Act
2 is amended by changing Section 125 as follows:

3 (225 ILCS 316/125)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 125. Restoration of suspended or revoked
6 registration.

7 (a) At any time after the successful completion of a term
8 of probation, suspension, or revocation of a registration
9 under this Act, the Department may restore it to the
10 registrant unless after an investigation and hearing the
11 Department determines that restoration is not in the public
12 interest.

13 (b) Where circumstances of suspension or revocation so
14 indicate, the Department may require an examination of the
15 registrant prior to restoring his or her registration.

16 (c) No person whose registration has been revoked as
17 authorized in this Act may apply for restoration of that
18 registration until such time as provided for in the Civil
19 Administrative Code of Illinois.

20 (d) A registration that has been suspended or revoked
21 shall be considered nonrenewed for purposes of restoration and
22 a person ~~registration~~ restoring a ~~their~~ registration from
23 suspension or revocation must comply with the requirements for
24 restoration as set forth in Section 50 of this Act and any
25 rules adopted pursuant to this Act.

1 (Source: P.A. 102-284, eff. 8-6-21; revised 1-9-22.)

2 Section 480. The Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
4 amended by changing Section 5-10 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 State Police for processing fingerprint based
26 criminal history record information inquiries.

1 "Fingerprint vendor agency" means a person, firm,
2 corporation, or other legal entity that engages in the
3 fingerprint vendor business and employs, in addition to the
4 fingerprint vendor licensee-in-charge, at least one other
5 person in conducting that business.

6 "Fingerprint vendor licensee-in-charge" means a person who
7 has been designated by a fingerprint vendor agency to be the
8 licensee-in-charge of an agency who is a full-time management
9 employee or owner who assumes sole responsibility for
10 maintaining all records required by this Act and who assumes
11 sole responsibility for assuring the licensed agency's
12 compliance with its responsibilities as stated in this Act.
13 The Department shall adopt rules mandating licensee-in-charge
14 participation in agency affairs.

15 "Fire alarm system" means any system that is activated by
16 an automatic or manual device in the detection of smoke, heat,
17 or fire that activates an audible, visible, or remote signal
18 requiring a response.

19 "Firearm control card" means a card issued by the
20 Department that authorizes the holder, who has complied with
21 the training and other requirements of this Act, to carry a
22 weapon during the performance of his or her duties as
23 specified in this Act.

24 "Firm" means an unincorporated business entity, including
25 but not limited to proprietorships and partnerships.

26 "Licensee" means a person or business licensed under this

1 Act. Anyone who holds himself or herself out as a licensee or
2 who is accused of unlicensed practice is considered a licensee
3 for purposes of enforcement, investigation, hearings, and the
4 Illinois Administrative Procedure Act.

5 "Locksmith" means a person who engages in a business or
6 holds himself out to the public as providing a service that
7 includes, but is not limited to, the servicing, installing,
8 originating first keys, re-coding, repairing, maintaining,
9 manipulating, or bypassing of a mechanical or electronic
10 locking device, access control or video surveillance system at
11 premises, vehicles, safes, vaults, safe deposit boxes, or
12 automatic teller machines.

13 "Locksmith agency" means a person, firm, corporation, or
14 other legal entity that engages in the locksmith business and
15 employs, in addition to the locksmith licensee-in-charge, at
16 least one other person in conducting such business.

17 "Locksmith licensee-in-charge" means a person who has been
18 designated by agency to be the licensee-in-charge of an
19 agency, who is a full-time management employee or owner who
20 assumes sole responsibility for maintaining all records
21 required by this Act, and who assumes sole responsibility for
22 assuring the licensed agency's compliance with its
23 responsibilities as stated in this Act. The Department shall
24 adopt rules mandating licensee-in-charge participation in
25 agency affairs.

26 "Mass notification system" means any system that is used

1 to provide information and instructions to people in a
2 building or other space using voice communications, including
3 visible signals, text, graphics, tactile, or other
4 communication methods.

5 "Peace officer" or "police officer" means a person who, by
6 virtue of office or public employment, is vested by law with a
7 duty to maintain public order or to make arrests for offenses,
8 whether that duty extends to all offenses or is limited to
9 specific offenses. Officers, agents, or employees of the
10 federal government commissioned by federal statute to make
11 arrests for violations of federal laws are considered peace
12 officers.

13 "Permanent employee registration card" means a card issued
14 by the Department to an individual who has applied to the
15 Department and meets the requirements for employment by a
16 licensed agency under this Act.

17 "Person" means a natural person.

18 "Private alarm contractor" means a person who engages in a
19 business that individually or through others undertakes,
20 offers to undertake, purports to have the capacity to
21 undertake, or submits a bid to sell, install, design, monitor,
22 maintain, test, inspect, alter, repair, replace, or service
23 alarm and other security-related systems or parts thereof,
24 including fire alarm systems, at protected premises or
25 premises to be protected or responds to alarm systems at a
26 protected premises on an emergency basis and not as a

1 full-time security officer. "Private alarm contractor" does
2 not include a person, firm, or corporation that manufactures
3 or sells alarm systems only from its place of business and does
4 not sell, install, monitor, maintain, alter, repair, replace,
5 service, or respond to alarm systems at protected premises or
6 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. 102-152, eff. 1-1-22; 102-538, eff. 8-20-21;
6 revised 10-26-21.)

7 Section 485. The Real Estate Appraiser Licensing Act of
8 2002 is amended by changing Section 5-22 as follows:

9 (225 ILCS 458/5-22)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 5-22. Criminal history records check.

12 (a) An application for licensure by examination or
13 restoration shall include the applicant's fingerprints
14 submitted to the Illinois State Police in an electronic format
15 that complies with the form and manner for requesting and
16 furnishing criminal history record information as prescribed
17 by the Illinois State Police. These fingerprints shall be
18 checked against the Illinois State Police and Federal Bureau
19 of Investigation criminal history record databases now and
20 hereafter filed. The Illinois State Police shall charge
21 applicants a fee for conducting the criminal history records
22 check, which shall be deposited into the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The Illinois State Police shall furnish, pursuant to positive

1 identification, records of Illinois convictions to the
2 Department. The Department may require applicants 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 (b) The Secretary may designate a multi-state licensing
7 system to perform the functions described in subsection (a).
8 The Department may require applicants to pay a separate
9 fingerprinting fee, either to the Department or to the
10 multi-state licensing system. The Department may adopt any
11 rules necessary to implement this subsection.

12 (c) The Department shall not consider the following
13 criminal history records in connection with an application for
14 licensure:

15 (1) juvenile adjudications of delinquent minors as
16 defined in Section 5-105 of the Juvenile Court Act of 1987
17 subject to the restrictions set forth in Section 5-130 of
18 that Act;

19 (2) law enforcement records, court records, and
20 conviction records of an individual who was 17 years old
21 at the time of the offense and before January 1, 2014,
22 unless the nature of the offense required the individual
23 to be tried as an adult;

24 (3) records of arrest not followed by a charge or
25 conviction;

26 (4) records of arrest in which the charges were

1 dismissed unless related to the practice of the
2 profession; however, applicants shall not be asked to
3 report any arrests, and an arrest not followed by a
4 conviction shall not be the basis of a denial and may be
5 used only to assess an applicant's rehabilitation;

6 (5) convictions overturned by a higher court; or

7 (6) convictions or arrests that have been sealed or
8 expunged.

9 (d) If an applicant makes a false statement of material
10 fact on the application, the false statement may in itself be
11 sufficient grounds to revoke or refuse to issue a license.

12 (e) An applicant or licensee shall report to the
13 Department, in a manner prescribed by the Department, upon
14 application and within 30 days after the occurrence, if during
15 the term of licensure, (i) any conviction of or plea of guilty
16 or nolo contendere to forgery, embezzlement, obtaining money
17 under false pretenses, larceny, extortion, conspiracy to
18 defraud, or any similar offense or offenses or any conviction
19 of a felony involving moral turpitude, (ii) the entry of an
20 administrative sanction by a government agency in this State
21 or any other jurisdiction that has as an essential element
22 dishonesty or fraud or involves larceny, embezzlement, or
23 obtaining money, property, or credit by false pretenses, or
24 (iii) a crime that subjects the licensee to compliance with
25 the requirements of the Sex Offender Registration Act.

26 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;

1 revised 1-4-22.)

2 Section 490. The Illinois Horse Racing Act of 1975 is
3 amended by changing Sections 26 and 28 as follows:

4 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

5 Sec. 26. Wagering.

6 (a) Any licensee may conduct and supervise the pari-mutuel
7 system of wagering, as defined in Section 3.12 of this Act, on
8 horse races conducted by an Illinois organization licensee or
9 conducted at a racetrack located in another state or country
10 in accordance with subsection (g) of Section 26 of this Act.
11 Subject to the prior consent of the Board, licensees may
12 supplement any pari-mutuel pool in order to guarantee a
13 minimum distribution. Such pari-mutuel method of wagering
14 shall not, under any circumstances if conducted under the
15 provisions of this Act, be held or construed to be unlawful,
16 other statutes of this State to the contrary notwithstanding.
17 Subject to rules for advance wagering promulgated by the
18 Board, any licensee may accept wagers in advance of the day ~~of~~
19 the race wagered upon occurs.

20 (b) Except for those gaming activities for which a license
21 is obtained and authorized under the Illinois Lottery Law, the
22 Charitable Games Act, the Raffles and Poker Runs Act, or the
23 Illinois Gambling Act, no other method of betting, pool
24 making, wagering or gambling shall be used or permitted by the

1 licensee. Each licensee may retain, subject to the payment of
2 all applicable taxes and purses, an amount not to exceed 17% of
3 all money wagered under subsection (a) of this Section, except
4 as may otherwise be permitted under this Act.

5 (b-5) An individual may place a wager under the
6 pari-mutuel system from any licensed location authorized under
7 this Act provided that wager is electronically recorded in the
8 manner described in Section 3.12 of this Act. Any wager made
9 electronically by an individual while physically on the
10 premises of a licensee shall be deemed to have been made at the
11 premises of that licensee.

12 (c) (Blank).

13 (c-5) The sum held by any licensee for payment of
14 outstanding pari-mutuel tickets, if unclaimed prior to
15 December 31 of the next year, shall be retained by the licensee
16 for payment of such tickets until that date. Within 10 days
17 thereafter, the balance of such sum remaining unclaimed, less
18 any uncashed supplements contributed by such licensee for the
19 purpose of guaranteeing minimum distributions of any
20 pari-mutuel pool, shall be evenly distributed to the purse
21 account of the organization licensee and the organization
22 licensee, except that the balance of the sum of all
23 outstanding pari-mutuel tickets generated from simulcast
24 wagering and inter-track wagering by an organization licensee
25 located in a county with a population in excess of 230,000 and
26 borders the Mississippi River or any licensee that derives its

1 license from that organization licensee shall be evenly
2 distributed to the purse account of the organization licensee
3 and the organization licensee.

4 (d) A pari-mutuel ticket shall be honored until December
5 31 of the next calendar year, and the licensee shall pay the
6 same and may charge the amount thereof against unpaid money
7 similarly accumulated on account of pari-mutuel tickets not
8 presented for payment.

9 (e) No licensee shall knowingly permit any minor, other
10 than an employee of such licensee or an owner, trainer,
11 jockey, driver, or employee thereof, to be admitted during a
12 racing program unless accompanied by a parent or guardian, or
13 any minor to be a patron of the pari-mutuel system of wagering
14 conducted or supervised by it. The admission of any
15 unaccompanied minor, other than an employee of the licensee or
16 an owner, trainer, jockey, driver, or employee thereof at a
17 race track is a Class C misdemeanor.

18 (f) Notwithstanding the other provisions of this Act, an
19 organization licensee may contract with an entity in another
20 state or country to permit any legal wagering entity in
21 another state or country to accept wagers solely within such
22 other state or country on races conducted by the organization
23 licensee in this State. Beginning January 1, 2000, these
24 wagers shall not be subject to State taxation. Until January
25 1, 2000, when the out-of-State entity conducts a pari-mutuel
26 pool separate from the organization licensee, a privilege tax

1 equal to 7 1/2% of all monies received by the organization
2 licensee from entities in other states or countries pursuant
3 to such contracts is imposed on the organization licensee, and
4 such privilege tax shall be remitted to the Department of
5 Revenue within 48 hours of receipt of the moneys from the
6 simulcast. When the out-of-State entity conducts a combined
7 pari-mutuel pool with the organization licensee, the tax shall
8 be 10% of all monies received by the organization licensee
9 with 25% of the receipts from this 10% tax to be distributed to
10 the county in which the race was conducted.

11 An organization licensee may permit one or more of its
12 races to be utilized for pari-mutuel wagering at one or more
13 locations in other states and may transmit audio and visual
14 signals of races the organization licensee conducts to one or
15 more locations outside the State or country and may also
16 permit pari-mutuel pools in other states or countries to be
17 combined with its gross or net wagering pools or with wagering
18 pools established by other states.

19 (g) A host track may accept interstate simulcast wagers on
20 horse races conducted in other states or countries and shall
21 control the number of signals and types of breeds of racing in
22 its simulcast program, subject to the disapproval of the
23 Board. The Board may prohibit a simulcast program only if it
24 finds that the simulcast program is clearly adverse to the
25 integrity of racing. The host track simulcast program shall
26 include the signal of live racing of all organization

1 licensees. All non-host licensees and advance deposit wagering
2 licensees shall carry the signal of and accept wagers on live
3 racing of all organization licensees. Advance deposit wagering
4 licensees shall not be permitted to accept out-of-state wagers
5 on any Illinois signal provided pursuant to this Section
6 without the approval and consent of the organization licensee
7 providing the signal. For one year after August 15, 2014 (the
8 effective date of Public Act 98-968), non-host licensees may
9 carry the host track simulcast program and shall accept wagers
10 on all races included as part of the simulcast program of horse
11 races conducted at race tracks located within North America
12 upon which wagering is permitted. For a period of one year
13 after August 15, 2014 (the effective date of Public Act
14 98-968), on horse races conducted at race tracks located
15 outside of North America, non-host licensees may accept wagers
16 on all races included as part of the simulcast program upon
17 which wagering is permitted. Beginning August 15, 2015 (one
18 year after the effective date of Public Act 98-968), non-host
19 licensees may carry the host track simulcast program and shall
20 accept wagers on all races included as part of the simulcast
21 program upon which wagering is permitted. All organization
22 licensees shall provide their live signal to all advance
23 deposit wagering licensees for a simulcast commission fee not
24 to exceed 6% of the advance deposit wagering licensee's
25 Illinois handle on the organization licensee's signal without
26 prior approval by the Board. The Board may adopt rules under

1 which it may permit simulcast commission fees in excess of 6%.
2 The Board shall adopt rules limiting the interstate commission
3 fees charged to an advance deposit wagering licensee. The
4 Board shall adopt rules regarding advance deposit wagering on
5 interstate simulcast races that shall reflect, among other
6 things, the General Assembly's desire to maximize revenues to
7 the State, horsemen purses, and organization licensees.
8 However, organization licensees providing live signals
9 pursuant to the requirements of this subsection (g) may
10 petition the Board to withhold their live signals from an
11 advance deposit wagering licensee if the organization licensee
12 discovers and the Board finds reputable or credible
13 information that the advance deposit wagering licensee is
14 under investigation by another state or federal governmental
15 agency, the advance deposit wagering licensee's license has
16 been suspended in another state, or the advance deposit
17 wagering licensee's license is in revocation proceedings in
18 another state. The organization licensee's provision of their
19 live signal to an advance deposit wagering licensee under this
20 subsection (g) pertains to wagers placed from within Illinois.
21 Advance deposit wagering licensees may place advance deposit
22 wagering terminals at wagering facilities as a convenience to
23 customers. The advance deposit wagering licensee shall not
24 charge or collect any fee from purses for the placement of the
25 advance deposit wagering terminals. The costs and expenses of
26 the host track and non-host licensees associated with

1 interstate simulcast wagering, other than the interstate
2 commission fee, shall be borne by the host track and all
3 non-host licensees incurring these costs. The interstate
4 commission fee shall not exceed 5% of Illinois handle on the
5 interstate simulcast race or races without prior approval of
6 the Board. The Board shall promulgate rules under which it may
7 permit interstate commission fees in excess of 5%. The
8 interstate commission fee and other fees charged by the
9 sending racetrack, including, but not limited to, satellite
10 decoder fees, shall be uniformly applied to the host track and
11 all non-host licensees.

12 Notwithstanding any other provision of this Act, an
13 organization licensee, with the consent of the horsemen
14 association representing the largest number of owners,
15 trainers, jockeys, or standardbred drivers who race horses at
16 that organization licensee's racing meeting, may maintain a
17 system whereby advance deposit wagering may take place or an
18 organization licensee, with the consent of the horsemen
19 association representing the largest number of owners,
20 trainers, jockeys, or standardbred drivers who race horses at
21 that organization licensee's racing meeting, may contract with
22 another person to carry out a system of advance deposit
23 wagering. Such consent may not be unreasonably withheld. Only
24 with respect to an appeal to the Board that consent for an
25 organization licensee that maintains its own advance deposit
26 wagering system is being unreasonably withheld, the Board

1 shall issue a final order within 30 days after initiation of
2 the appeal, and the organization licensee's advance deposit
3 wagering system may remain operational during that 30-day
4 period. The actions of any organization licensee who conducts
5 advance deposit wagering or any person who has a contract with
6 an organization licensee to conduct advance deposit wagering
7 who conducts advance deposit wagering on or after January 1,
8 2013 and prior to June 7, 2013 (the effective date of Public
9 Act 98-18) taken in reliance on the changes made to this
10 subsection (g) by Public Act 98-18 are hereby validated,
11 provided payment of all applicable pari-mutuel taxes are
12 remitted to the Board. All advance deposit wagers placed from
13 within Illinois must be placed through a Board-approved
14 advance deposit wagering licensee; no other entity may accept
15 an advance deposit wager from a person within Illinois. All
16 advance deposit wagering is subject to any rules adopted by
17 the Board. The Board may adopt rules necessary to regulate
18 advance deposit wagering through the use of emergency
19 rulemaking in accordance with Section 5-45 of the Illinois
20 Administrative Procedure Act. The General Assembly finds that
21 the adoption of rules to regulate advance deposit wagering is
22 deemed an emergency and necessary for the public interest,
23 safety, and welfare. An advance deposit wagering licensee may
24 retain all moneys as agreed to by contract with an
25 organization licensee. Any moneys retained by the organization
26 licensee from advance deposit wagering, not including moneys

1 retained by the advance deposit wagering licensee, shall be
2 paid 50% to the organization licensee's purse account and 50%
3 to the organization licensee. With the exception of any
4 organization licensee that is owned by a publicly traded
5 company that is incorporated in a state other than Illinois
6 and advance deposit wagering licensees under contract with
7 such organization licensees, organization licensees that
8 maintain advance deposit wagering systems and advance deposit
9 wagering licensees that contract with organization licensees
10 shall provide sufficiently detailed monthly accountings to the
11 horsemen association representing the largest number of
12 owners, trainers, jockeys, or standardbred drivers who race
13 horses at that organization licensee's racing meeting so that
14 the horsemen association, as an interested party, can confirm
15 the accuracy of the amounts paid to the purse account at the
16 horsemen association's affiliated organization licensee from
17 advance deposit wagering. If more than one breed races at the
18 same race track facility, then the 50% of the moneys to be paid
19 to an organization licensee's purse account shall be allocated
20 among all organization licensees' purse accounts operating at
21 that race track facility proportionately based on the actual
22 number of host days that the Board grants to that breed at that
23 race track facility in the current calendar year. To the
24 extent any fees from advance deposit wagering conducted in
25 Illinois for wagers in Illinois or other states have been
26 placed in escrow or otherwise withheld from wagers pending a

1 determination of the legality of advance deposit wagering, no
2 action shall be brought to declare such wagers or the
3 disbursement of any fees previously escrowed illegal.

4 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
5 inter-track wagering licensee other than the host track
6 may supplement the host track simulcast program with
7 additional simulcast races or race programs, provided that
8 between January 1 and the third Friday in February of any
9 year, inclusive, if no live thoroughbred racing is
10 occurring in Illinois during this period, only
11 thoroughbred races may be used for supplemental interstate
12 simulcast purposes. The Board shall withhold approval for
13 a supplemental interstate simulcast only if it finds that
14 the simulcast is clearly adverse to the integrity of
15 racing. A supplemental interstate simulcast may be
16 transmitted from an inter-track wagering licensee to its
17 affiliated non-host licensees. The interstate commission
18 fee for a supplemental interstate simulcast shall be paid
19 by the non-host licensee and its affiliated non-host
20 licensees receiving the simulcast.

21 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
22 inter-track wagering licensee other than the host track
23 may receive supplemental interstate simulcasts only with
24 the consent of the host track, except when the Board finds
25 that the simulcast is clearly adverse to the integrity of
26 racing. Consent granted under this paragraph (2) to any

1 inter-track wagering licensee shall be deemed consent to
2 all non-host licensees. The interstate commission fee for
3 the supplemental interstate simulcast shall be paid by all
4 participating non-host licensees.

5 (3) Each licensee conducting interstate simulcast
6 wagering may retain, subject to the payment of all
7 applicable taxes and the purses, an amount not to exceed
8 17% of all money wagered. If any licensee conducts the
9 pari-mutuel system wagering on races conducted at
10 racetracks in another state or country, each such race or
11 race program shall be considered a separate racing day for
12 the purpose of determining the daily handle and computing
13 the privilege tax of that daily handle as provided in
14 subsection (a) of Section 27. Until January 1, 2000, from
15 the sums permitted to be retained pursuant to this
16 subsection, each inter-track wagering location licensee
17 shall pay 1% of the pari-mutuel handle wagered on
18 simulcast wagering to the Horse Racing Tax Allocation
19 Fund, subject to the provisions of subparagraph (B) of
20 paragraph (11) of subsection (h) of Section 26 of this
21 Act.

22 (4) A licensee who receives an interstate simulcast
23 may combine its gross or net pools with pools at the
24 sending racetracks pursuant to rules established by the
25 Board. All licensees combining their gross pools at a
26 sending racetrack shall adopt the takeout percentages of

1 the sending racetrack. A licensee may also establish a
2 separate pool and takeout structure for wagering purposes
3 on races conducted at race tracks outside of the State of
4 Illinois. The licensee may permit pari-mutuel wagers
5 placed in other states or countries to be combined with
6 its gross or net wagering pools or other wagering pools.

7 (5) After the payment of the interstate commission fee
8 (except for the interstate commission fee on a
9 supplemental interstate simulcast, which shall be paid by
10 the host track and by each non-host licensee through the
11 host track) and all applicable State and local taxes,
12 except as provided in subsection (g) of Section 27 of this
13 Act, the remainder of moneys retained from simulcast
14 wagering pursuant to this subsection (g), and Section 26.2
15 shall be divided as follows:

16 (A) For interstate simulcast wagers made at a host
17 track, 50% to the host track and 50% to purses at the
18 host track.

19 (B) For wagers placed on interstate simulcast
20 races, supplemental simulcasts as defined in
21 subparagraphs (1) and (2), and separately pooled races
22 conducted outside of the State of Illinois made at a
23 non-host licensee, 25% to the host track, 25% to the
24 non-host licensee, and 50% to the purses at the host
25 track.

26 (6) Notwithstanding any provision in this Act to the

1 contrary, non-host licensees who derive their licenses
2 from a track located in a county with a population in
3 excess of 230,000 and that borders the Mississippi River
4 may receive supplemental interstate simulcast races at all
5 times subject to Board approval, which shall be withheld
6 only upon a finding that a supplemental interstate
7 simulcast is clearly adverse to the integrity of racing.

8 (7) Effective January 1, 2017, notwithstanding any
9 provision of this Act to the contrary, after payment of
10 all applicable State and local taxes and interstate
11 commission fees, non-host licensees who derive their
12 licenses from a track located in a county with a
13 population in excess of 230,000 and that borders the
14 Mississippi River shall retain 50% of the retention from
15 interstate simulcast wagers and shall pay 50% to purses at
16 the track from which the non-host licensee derives its
17 license.

18 (7.1) Notwithstanding any other provision of this Act
19 to the contrary, if no standardbred racing is conducted at
20 a racetrack located in Madison County during any calendar
21 year beginning on or after January 1, 2002, all moneys
22 derived by that racetrack from simulcast wagering and
23 inter-track wagering that (1) are to be used for purses
24 and (2) are generated between the hours of 6:30 p.m. and
25 6:30 a.m. during that calendar year shall be paid as
26 follows:

1 (A) If the licensee that conducts horse racing at
2 that racetrack requests from the Board at least as
3 many racing dates as were conducted in calendar year
4 2000, 80% shall be paid to its thoroughbred purse
5 account; and

6 (B) Twenty percent shall be deposited into the
7 Illinois Colt Stakes Purse Distribution Fund and shall
8 be paid to purses for standardbred races for Illinois
9 conceived and foaled horses conducted at any county
10 fairgrounds. The moneys deposited into the Fund
11 pursuant to this subparagraph (B) shall be deposited
12 within 2 weeks after the day they were generated,
13 shall be in addition to and not in lieu of any other
14 moneys paid to standardbred purses under this Act, and
15 shall not be commingled with other moneys paid into
16 that Fund. The moneys deposited pursuant to this
17 subparagraph (B) shall be allocated as provided by the
18 Department of Agriculture, with the advice and
19 assistance of the Illinois Standardbred Breeders Fund
20 Advisory Board.

21 (7.2) Notwithstanding any other provision of this Act
22 to the contrary, if no thoroughbred racing is conducted at
23 a racetrack located in Madison County during any calendar
24 year beginning on or after January 1, 2002, all moneys
25 derived by that racetrack from simulcast wagering and
26 inter-track wagering that (1) are to be used for purses

1 and (2) are generated between the hours of 6:30 a.m. and
2 6:30 p.m. during that calendar year shall be deposited as
3 follows:

4 (A) If the licensee that conducts horse racing at
5 that racetrack requests from the Board at least as
6 many racing dates as were conducted in calendar year
7 2000, 80% shall be deposited into its standardbred
8 purse account; and

9 (B) Twenty percent shall be deposited into the
10 Illinois Colt Stakes Purse Distribution Fund. Moneys
11 deposited into the Illinois Colt Stakes Purse
12 Distribution Fund pursuant to this subparagraph (B)
13 shall be paid to Illinois conceived and foaled
14 thoroughbred breeders' programs and to thoroughbred
15 purses for races conducted at any county fairgrounds
16 for Illinois conceived and foaled horses at the
17 discretion of the Department of Agriculture, with the
18 advice and assistance of the Illinois Thoroughbred
19 Breeders Fund Advisory Board. The moneys deposited
20 into the Illinois Colt Stakes Purse Distribution Fund
21 pursuant to this subparagraph (B) shall be deposited
22 within 2 weeks after the day they were generated,
23 shall be in addition to and not in lieu of any other
24 moneys paid to thoroughbred purses under this Act, and
25 shall not be commingled with other moneys deposited
26 into that Fund.

1 (8) Notwithstanding any provision in this Act to the
2 contrary, an organization licensee from a track located in
3 a county with a population in excess of 230,000 and that
4 borders the Mississippi River and its affiliated non-host
5 licensees shall not be entitled to share in any retention
6 generated on racing, inter-track wagering, or simulcast
7 wagering at any other Illinois wagering facility.

8 (8.1) Notwithstanding any provisions in this Act to
9 the contrary, if 2 organization licensees are conducting
10 standardbred race meetings concurrently between the hours
11 of 6:30 p.m. and 6:30 a.m., after payment of all
12 applicable State and local taxes and interstate commission
13 fees, the remainder of the amount retained from simulcast
14 wagering otherwise attributable to the host track and to
15 host track purses shall be split daily between the 2
16 organization licensees and the purses at the tracks of the
17 2 organization licensees, respectively, based on each
18 organization licensee's share of the total live handle for
19 that day, provided that this provision shall not apply to
20 any non-host licensee that derives its license from a
21 track located in a county with a population in excess of
22 230,000 and that borders the Mississippi River.

23 (9) (Blank).

24 (10) (Blank).

25 (11) (Blank).

26 (12) The Board shall have authority to compel all host

1 tracks to receive the simulcast of any or all races
2 conducted at the Springfield or DuQuoin State fairgrounds
3 and include all such races as part of their simulcast
4 programs.

5 (13) Notwithstanding any other provision of this Act,
6 in the event that the total Illinois pari-mutuel handle on
7 Illinois horse races at all wagering facilities in any
8 calendar year is less than 75% of the total Illinois
9 pari-mutuel handle on Illinois horse races at all such
10 wagering facilities for calendar year 1994, then each
11 wagering facility that has an annual total Illinois
12 pari-mutuel handle on Illinois horse races that is less
13 than 75% of the total Illinois pari-mutuel handle on
14 Illinois horse races at such wagering facility for
15 calendar year 1994, shall be permitted to receive, from
16 any amount otherwise payable to the purse account at the
17 race track with which the wagering facility is affiliated
18 in the succeeding calendar year, an amount equal to 2% of
19 the differential in total Illinois pari-mutuel handle on
20 Illinois horse races at the wagering facility between that
21 calendar year in question and 1994 provided, however, that
22 a wagering facility shall not be entitled to any such
23 payment until the Board certifies in writing to the
24 wagering facility the amount to which the wagering
25 facility is entitled and a schedule for payment of the
26 amount to the wagering facility, based on: (i) the racing

1 dates awarded to the race track affiliated with the
2 wagering facility during the succeeding year; (ii) the
3 sums available or anticipated to be available in the purse
4 account of the race track affiliated with the wagering
5 facility for purses during the succeeding year; and (iii)
6 the need to ensure reasonable purse levels during the
7 payment period. The Board's certification shall be
8 provided no later than January 31 of the succeeding year.
9 In the event a wagering facility entitled to a payment
10 under this paragraph (13) is affiliated with a race track
11 that maintains purse accounts for both standardbred and
12 thoroughbred racing, the amount to be paid to the wagering
13 facility shall be divided between each purse account pro
14 rata, based on the amount of Illinois handle on Illinois
15 standardbred and thoroughbred racing respectively at the
16 wagering facility during the previous calendar year.
17 Annually, the General Assembly shall appropriate
18 sufficient funds from the General Revenue Fund to the
19 Department of Agriculture for payment into the
20 thoroughbred and standardbred horse racing purse accounts
21 at Illinois pari-mutuel tracks. The amount paid to each
22 purse account shall be the amount certified by the
23 Illinois Racing Board in January to be transferred from
24 each account to each eligible racing facility in
25 accordance with the provisions of this Section. Beginning
26 in the calendar year in which an organization licensee

1 that is eligible to receive payment under this paragraph
2 (13) begins to receive funds from gaming pursuant to an
3 organization gaming license issued under the Illinois
4 Gambling Act, the amount of the payment due to all
5 wagering facilities licensed under that organization
6 licensee under this paragraph (13) shall be the amount
7 certified by the Board in January of that year. An
8 organization licensee and its related wagering facilities
9 shall no longer be able to receive payments under this
10 paragraph (13) beginning in the year subsequent to the
11 first year in which the organization licensee begins to
12 receive funds from gaming pursuant to an organization
13 gaming license issued under the Illinois Gambling Act.

14 (h) The Board may approve and license the conduct of
15 inter-track wagering and simulcast wagering by inter-track
16 wagering licensees and inter-track wagering location licensees
17 subject to the following terms and conditions:

18 (1) Any person licensed to conduct a race meeting (i)
19 at a track where 60 or more days of racing were conducted
20 during the immediately preceding calendar year or where
21 over the 5 immediately preceding calendar years an average
22 of 30 or more days of racing were conducted annually may be
23 issued an inter-track wagering license; (ii) at a track
24 located in a county that is bounded by the Mississippi
25 River, which has a population of less than 150,000
26 according to the 1990 decennial census, and an average of

1 at least 60 days of racing per year between 1985 and 1993
2 may be issued an inter-track wagering license; (iii) at a
3 track awarded standardbred racing dates; or (iv) at a
4 track located in Madison County that conducted at least
5 100 days of live racing during the immediately preceding
6 calendar year may be issued an inter-track wagering
7 license, unless a lesser schedule of live racing is the
8 result of (A) weather, unsafe track conditions, or other
9 acts of God; (B) an agreement between the organization
10 licensee and the associations representing the largest
11 number of owners, trainers, jockeys, or standardbred
12 drivers who race horses at that organization licensee's
13 racing meeting; or (C) a finding by the Board of
14 extraordinary circumstances and that it was in the best
15 interest of the public and the sport to conduct fewer than
16 100 days of live racing. Any such person having operating
17 control of the racing facility may receive inter-track
18 wagering location licenses. An eligible race track located
19 in a county that has a population of more than 230,000 and
20 that is bounded by the Mississippi River may establish up
21 to 9 inter-track wagering locations, an eligible race
22 track located in Stickney Township in Cook County may
23 establish up to 16 inter-track wagering locations, and an
24 eligible race track located in Palatine Township in Cook
25 County may establish up to 18 inter-track wagering
26 locations. An eligible racetrack conducting standardbred

1 racing may have up to 16 inter-track wagering locations.
2 An application for said license shall be filed with the
3 Board prior to such dates as may be fixed by the Board.
4 With an application for an inter-track wagering location
5 license there shall be delivered to the Board a certified
6 check or bank draft payable to the order of the Board for
7 an amount equal to \$500. The application shall be on forms
8 prescribed and furnished by the Board. The application
9 shall comply with all other rules, regulations and
10 conditions imposed by the Board in connection therewith.

11 (2) The Board shall examine the applications with
12 respect to their conformity with this Act and the rules
13 and regulations imposed by the Board. If found to be in
14 compliance with the Act and rules and regulations of the
15 Board, the Board may then issue a license to conduct
16 inter-track wagering and simulcast wagering to such
17 applicant. All such applications shall be acted upon by
18 the Board at a meeting to be held on such date as may be
19 fixed by the Board.

20 (3) In granting licenses to conduct inter-track
21 wagering and simulcast wagering, the Board shall give due
22 consideration to the best interests of the public, of
23 horse racing, and of maximizing revenue to the State.

24 (4) Prior to the issuance of a license to conduct
25 inter-track wagering and simulcast wagering, the applicant
26 shall file with the Board a bond payable to the State of

1 Illinois in the sum of \$50,000, executed by the applicant
2 and a surety company or companies authorized to do
3 business in this State, and conditioned upon (i) the
4 payment by the licensee of all taxes due under Section 27
5 or 27.1 and any other monies due and payable under this
6 Act, and (ii) distribution by the licensee, upon
7 presentation of the winning ticket or tickets, of all sums
8 payable to the patrons of pari-mutuel pools.

9 (5) Each license to conduct inter-track wagering and
10 simulcast wagering shall specify the person to whom it is
11 issued, the dates on which such wagering is permitted, and
12 the track or location where the wagering is to be
13 conducted.

14 (6) All wagering under such license is subject to this
15 Act and to the rules and regulations from time to time
16 prescribed by the Board, and every such license issued by
17 the Board shall contain a recital to that effect.

18 (7) An inter-track wagering licensee or inter-track
19 wagering location licensee may accept wagers at the track
20 or location where it is licensed, or as otherwise provided
21 under this Act.

22 (8) Inter-track wagering or simulcast wagering shall
23 not be conducted at any track less than 4 miles from a
24 track at which a racing meeting is in progress.

25 (8.1) Inter-track wagering location licensees who
26 derive their licenses from a particular organization

1 licensee shall conduct inter-track wagering and simulcast
2 wagering only at locations that are within 160 miles of
3 that race track where the particular organization licensee
4 is licensed to conduct racing. However, inter-track
5 wagering and simulcast wagering shall not be conducted by
6 those licensees at any location within 5 miles of any race
7 track at which a horse race meeting has been licensed in
8 the current year, unless the person having operating
9 control of such race track has given its written consent
10 to such inter-track wagering location licensees, which
11 consent must be filed with the Board at or prior to the
12 time application is made. In the case of any inter-track
13 wagering location licensee initially licensed after
14 December 31, 2013, inter-track wagering and simulcast
15 wagering shall not be conducted by those inter-track
16 wagering location licensees that are located outside the
17 City of Chicago at any location within 8 miles of any race
18 track at which a horse race meeting has been licensed in
19 the current year, unless the person having operating
20 control of such race track has given its written consent
21 to such inter-track wagering location licensees, which
22 consent must be filed with the Board at or prior to the
23 time application is made.

24 (8.2) Inter-track wagering or simulcast wagering shall
25 not be conducted by an inter-track wagering location
26 licensee at any location within 100 feet of an existing

1 church, an existing elementary or secondary public school,
2 or an existing elementary or secondary private school
3 registered with or recognized by the State Board of
4 Education. The distance of 100 feet shall be measured to
5 the nearest part of any building used for worship
6 services, education programs, or conducting inter-track
7 wagering by an inter-track wagering location licensee, and
8 not to property boundaries. However, inter-track wagering
9 or simulcast wagering may be conducted at a site within
10 100 feet of a church or school if such church or school has
11 been erected or established after the Board issues the
12 original inter-track wagering location license at the site
13 in question. Inter-track wagering location licensees may
14 conduct inter-track wagering and simulcast wagering only
15 in areas that are zoned for commercial or manufacturing
16 purposes or in areas for which a special use has been
17 approved by the local zoning authority. However, no
18 license to conduct inter-track wagering and simulcast
19 wagering shall be granted by the Board with respect to any
20 inter-track wagering location within the jurisdiction of
21 any local zoning authority which has, by ordinance or by
22 resolution, prohibited the establishment of an inter-track
23 wagering location within its jurisdiction. However,
24 inter-track wagering and simulcast wagering may be
25 conducted at a site if such ordinance or resolution is
26 enacted after the Board licenses the original inter-track

1 wagering location licensee for the site in question.

2 (9) (Blank).

3 (10) An inter-track wagering licensee or an
4 inter-track wagering location licensee may retain, subject
5 to the payment of the privilege taxes and the purses, an
6 amount not to exceed 17% of all money wagered. Each
7 program of racing conducted by each inter-track wagering
8 licensee or inter-track wagering location licensee shall
9 be considered a separate racing day for the purpose of
10 determining the daily handle and computing the privilege
11 tax or pari-mutuel tax on such daily handle as provided in
12 Section 27.

13 (10.1) Except as provided in subsection (g) of Section
14 27 of this Act, inter-track wagering location licensees
15 shall pay 1% of the pari-mutuel handle at each location to
16 the municipality in which such location is situated and 1%
17 of the pari-mutuel handle at each location to the county
18 in which such location is situated. In the event that an
19 inter-track wagering location licensee is situated in an
20 unincorporated area of a county, such licensee shall pay
21 2% of the pari-mutuel handle from such location to such
22 county. Inter-track wagering location licensees must pay
23 the handle percentage required under this paragraph to the
24 municipality and county no later than the 20th of the
25 month following the month such handle was generated.

26 (10.2) Notwithstanding any other provision of this

1 Act, with respect to inter-track wagering at a race track
2 located in a county that has a population of more than
3 230,000 and that is bounded by the Mississippi River ("the
4 first race track"), or at a facility operated by an
5 inter-track wagering licensee or inter-track wagering
6 location licensee that derives its license from the
7 organization licensee that operates the first race track,
8 on races conducted at the first race track or on races
9 conducted at another Illinois race track and
10 simultaneously televised to the first race track or to a
11 facility operated by an inter-track wagering licensee or
12 inter-track wagering location licensee that derives its
13 license from the organization licensee that operates the
14 first race track, those moneys shall be allocated as
15 follows:

16 (A) That portion of all moneys wagered on
17 standardbred racing that is required under this Act to
18 be paid to purses shall be paid to purses for
19 standardbred races.

20 (B) That portion of all moneys wagered on
21 thoroughbred racing that is required under this Act to
22 be paid to purses shall be paid to purses for
23 thoroughbred races.

24 (11) (A) After payment of the privilege or pari-mutuel
25 tax, any other applicable taxes, and the costs and
26 expenses in connection with the gathering, transmission,

1 and dissemination of all data necessary to the conduct of
2 inter-track wagering, the remainder of the monies retained
3 under either Section 26 or Section 26.2 of this Act by the
4 inter-track wagering licensee on inter-track wagering
5 shall be allocated with 50% to be split between the 2
6 participating licensees and 50% to purses, except that an
7 inter-track wagering licensee that derives its license
8 from a track located in a county with a population in
9 excess of 230,000 and that borders the Mississippi River
10 shall not divide any remaining retention with the Illinois
11 organization licensee that provides the race or races, and
12 an inter-track wagering licensee that accepts wagers on
13 races conducted by an organization licensee that conducts
14 a race meet in a county with a population in excess of
15 230,000 and that borders the Mississippi River shall not
16 divide any remaining retention with that organization
17 licensee.

18 (B) From the sums permitted to be retained pursuant to
19 this Act each inter-track wagering location licensee shall
20 pay (i) the privilege or pari-mutuel tax to the State;
21 (ii) 4.75% of the pari-mutuel handle on inter-track
22 wagering at such location on races as purses, except that
23 an inter-track wagering location licensee that derives its
24 license from a track located in a county with a population
25 in excess of 230,000 and that borders the Mississippi
26 River shall retain all purse moneys for its own purse

1 account consistent with distribution set forth in this
2 subsection (h), and inter-track wagering location
3 licensees that accept wagers on races conducted by an
4 organization licensee located in a county with a
5 population in excess of 230,000 and that borders the
6 Mississippi River shall distribute all purse moneys to
7 purses at the operating host track; (iii) until January 1,
8 2000, except as provided in subsection (g) of Section 27
9 of this Act, 1% of the pari-mutuel handle wagered on
10 inter-track wagering and simulcast wagering at each
11 inter-track wagering location licensee facility to the
12 Horse Racing Tax Allocation Fund, provided that, to the
13 extent the total amount collected and distributed to the
14 Horse Racing Tax Allocation Fund under this subsection (h)
15 during any calendar year exceeds the amount collected and
16 distributed to the Horse Racing Tax Allocation Fund during
17 calendar year 1994, that excess amount shall be
18 redistributed (I) to all inter-track wagering location
19 licensees, based on each licensee's pro rata share of the
20 total handle from inter-track wagering and simulcast
21 wagering for all inter-track wagering location licensees
22 during the calendar year in which this provision is
23 applicable; then (II) the amounts redistributed to each
24 inter-track wagering location licensee as described in
25 subpart (I) shall be further redistributed as provided in
26 subparagraph (B) of paragraph (5) of subsection (g) of

1 this Section 26 provided first, that the shares of those
2 amounts, which are to be redistributed to the host track
3 or to purses at the host track under subparagraph (B) of
4 paragraph (5) of subsection (g) of this Section 26 shall
5 be redistributed based on each host track's pro rata share
6 of the total inter-track wagering and simulcast wagering
7 handle at all host tracks during the calendar year in
8 question, and second, that any amounts redistributed as
9 described in part (I) to an inter-track wagering location
10 licensee that accepts wagers on races conducted by an
11 organization licensee that conducts a race meet in a
12 county with a population in excess of 230,000 and that
13 borders the Mississippi River shall be further
14 redistributed, effective January 1, 2017, as provided in
15 paragraph (7) of subsection (g) of this Section 26, with
16 the portion of that further redistribution allocated to
17 purses at that organization licensee to be divided between
18 standardbred purses and thoroughbred purses based on the
19 amounts otherwise allocated to purses at that organization
20 licensee during the calendar year in question; and (iv) 8%
21 of the pari-mutuel handle on inter-track wagering wagered
22 at such location to satisfy all costs and expenses of
23 conducting its wagering. The remainder of the monies
24 retained by the inter-track wagering location licensee
25 shall be allocated 40% to the location licensee and 60% to
26 the organization licensee which provides the Illinois

1 races to the location, except that an inter-track wagering
2 location licensee that derives its license from a track
3 located in a county with a population in excess of 230,000
4 and that borders the Mississippi River shall not divide
5 any remaining retention with the organization licensee
6 that provides the race or races and an inter-track
7 wagering location licensee that accepts wagers on races
8 conducted by an organization licensee that conducts a race
9 meet in a county with a population in excess of 230,000 and
10 that borders the Mississippi River shall not divide any
11 remaining retention with the organization licensee.
12 Notwithstanding the provisions of clauses (ii) and (iv) of
13 this paragraph, in the case of the additional inter-track
14 wagering location licenses authorized under paragraph (1)
15 of this subsection (h) by Public Act 87-110, those
16 licensees shall pay the following amounts as purses:
17 during the first 12 months the licensee is in operation,
18 5.25% of the pari-mutuel handle wagered at the location on
19 races; during the second 12 months, 5.25%; during the
20 third 12 months, 5.75%; during the fourth 12 months,
21 6.25%; and during the fifth 12 months and thereafter,
22 6.75%. The following amounts shall be retained by the
23 licensee to satisfy all costs and expenses of conducting
24 its wagering: during the first 12 months the licensee is
25 in operation, 8.25% of the pari-mutuel handle wagered at
26 the location; during the second 12 months, 8.25%; during

1 the third 12 months, 7.75%; during the fourth 12 months,
2 7.25%; and during the fifth 12 months and thereafter,
3 6.75%. For additional inter-track wagering location
4 licensees authorized under Public Act 89-16, purses for
5 the first 12 months the licensee is in operation shall be
6 5.75% of the pari-mutuel wagered at the location, purses
7 for the second 12 months the licensee is in operation
8 shall be 6.25%, and purses thereafter shall be 6.75%. For
9 additional inter-track location licensees authorized under
10 Public Act 89-16, the licensee shall be allowed to retain
11 to satisfy all costs and expenses: 7.75% of the
12 pari-mutuel handle wagered at the location during its
13 first 12 months of operation, 7.25% during its second 12
14 months of operation, and 6.75% thereafter.

15 (C) There is hereby created the Horse Racing Tax
16 Allocation Fund which shall remain in existence until
17 December 31, 1999. Moneys remaining in the Fund after
18 December 31, 1999 shall be paid into the General Revenue
19 Fund. Until January 1, 2000, all monies paid into the
20 Horse Racing Tax Allocation Fund pursuant to this
21 paragraph (11) by inter-track wagering location licensees
22 located in park districts of 500,000 population or less,
23 or in a municipality that is not included within any park
24 district but is included within a conservation district
25 and is the county seat of a county that (i) is contiguous
26 to the state of Indiana and (ii) has a 1990 population of

1 88,257 according to the United States Bureau of the
2 Census, and operating on May 1, 1994 shall be allocated by
3 appropriation as follows:

4 Two-sevenths to the Department of Agriculture.
5 Fifty percent of this two-sevenths shall be used to
6 promote the Illinois horse racing and breeding
7 industry, and shall be distributed by the Department
8 of Agriculture upon the advice of a 9-member committee
9 appointed by the Governor consisting of the following
10 members: the Director of Agriculture, who shall serve
11 as chairman; 2 representatives of organization
12 licensees conducting thoroughbred race meetings in
13 this State, recommended by those licensees; 2
14 representatives of organization licensees conducting
15 standardbred race meetings in this State, recommended
16 by those licensees; a representative of the Illinois
17 Thoroughbred Breeders and Owners Foundation,
18 recommended by that Foundation; a representative of
19 the Illinois Standardbred Owners and Breeders
20 Association, recommended by that Association; a
21 representative of the Horsemen's Benevolent and
22 Protective Association or any successor organization
23 thereto established in Illinois comprised of the
24 largest number of owners and trainers, recommended by
25 that Association or that successor organization; and a
26 representative of the Illinois Harness Horsemen's

1 Association, recommended by that Association.
2 Committee members shall serve for terms of 2 years,
3 commencing January 1 of each even-numbered year. If a
4 representative of any of the above-named entities has
5 not been recommended by January 1 of any even-numbered
6 year, the Governor shall appoint a committee member to
7 fill that position. Committee members shall receive no
8 compensation for their services as members but shall
9 be reimbursed for all actual and necessary expenses
10 and disbursements incurred in the performance of their
11 official duties. The remaining 50% of this
12 two-sevenths shall be distributed to county fairs for
13 premiums and rehabilitation as set forth in the
14 Agricultural Fair Act;

15 Four-sevenths to park districts or municipalities
16 that do not have a park district of 500,000 population
17 or less for museum purposes (if an inter-track
18 wagering location licensee is located in such a park
19 district) or to conservation districts for museum
20 purposes (if an inter-track wagering location licensee
21 is located in a municipality that is not included
22 within any park district but is included within a
23 conservation district and is the county seat of a
24 county that (i) is contiguous to the state of Indiana
25 and (ii) has a 1990 population of 88,257 according to
26 the United States Bureau of the Census, except that if

1 the conservation district does not maintain a museum,
2 the monies shall be allocated equally between the
3 county and the municipality in which the inter-track
4 wagering location licensee is located for general
5 purposes) or to a municipal recreation board for park
6 purposes (if an inter-track wagering location licensee
7 is located in a municipality that is not included
8 within any park district and park maintenance is the
9 function of the municipal recreation board and the
10 municipality has a 1990 population of 9,302 according
11 to the United States Bureau of the Census); provided
12 that the monies are distributed to each park district
13 or conservation district or municipality that does not
14 have a park district in an amount equal to
15 four-sevenths of the amount collected by each
16 inter-track wagering location licensee within the park
17 district or conservation district or municipality for
18 the Fund. Monies that were paid into the Horse Racing
19 Tax Allocation Fund before August 9, 1991 (the
20 effective date of Public Act 87-110) by an inter-track
21 wagering location licensee located in a municipality
22 that is not included within any park district but is
23 included within a conservation district as provided in
24 this paragraph shall, as soon as practicable after
25 August 9, 1991 (the effective date of Public Act
26 87-110), be allocated and paid to that conservation

1 district as provided in this paragraph. Any park
2 district or municipality not maintaining a museum may
3 deposit the monies in the corporate fund of the park
4 district or municipality where the inter-track
5 wagering location is located, to be used for general
6 purposes; and

7 One-seventh to the Agricultural Premium Fund to be
8 used for distribution to agricultural home economics
9 extension councils in accordance with "An Act in
10 relation to additional support and finances for the
11 Agricultural and Home Economic Extension Councils in
12 the several counties of this State and making an
13 appropriation therefor", approved July 24, 1967.

14 Until January 1, 2000, all other monies paid into the
15 Horse Racing Tax Allocation Fund pursuant to this
16 paragraph (11) shall be allocated by appropriation as
17 follows:

18 Two-sevenths to the Department of Agriculture.
19 Fifty percent of this two-sevenths shall be used to
20 promote the Illinois horse racing and breeding
21 industry, and shall be distributed by the Department
22 of Agriculture upon the advice of a 9-member committee
23 appointed by the Governor consisting of the following
24 members: the Director of Agriculture, who shall serve
25 as chairman; 2 representatives of organization
26 licensees conducting thoroughbred race meetings in

1 this State, recommended by those licensees; 2
2 representatives of organization licensees conducting
3 standardbred race meetings in this State, recommended
4 by those licensees; a representative of the Illinois
5 Thoroughbred Breeders and Owners Foundation,
6 recommended by that Foundation; a representative of
7 the Illinois Standardbred Owners and Breeders
8 Association, recommended by that Association; a
9 representative of the Horsemen's Benevolent and
10 Protective Association or any successor organization
11 thereto established in Illinois comprised of the
12 largest number of owners and trainers, recommended by
13 that Association or that successor organization; and a
14 representative of the Illinois Harness Horsemen's
15 Association, recommended by that Association.
16 Committee members shall serve for terms of 2 years,
17 commencing January 1 of each even-numbered year. If a
18 representative of any of the above-named entities has
19 not been recommended by January 1 of any even-numbered
20 year, the Governor shall appoint a committee member to
21 fill that position. Committee members shall receive no
22 compensation for their services as members but shall
23 be reimbursed for all actual and necessary expenses
24 and disbursements incurred in the performance of their
25 official duties. The remaining 50% of this
26 two-sevenths shall be distributed to county fairs for

1 premiums and rehabilitation as set forth in the
2 Agricultural Fair Act;

3 Four-sevenths to museums and aquariums located in
4 park districts of over 500,000 population; provided
5 that the monies are distributed in accordance with the
6 previous year's distribution of the maintenance tax
7 for such museums and aquariums as provided in Section
8 2 of the Park District Aquarium and Museum Act; and

9 One-seventh to the Agricultural Premium Fund to be
10 used for distribution to agricultural home economics
11 extension councils in accordance with "An Act in
12 relation to additional support and finances for the
13 Agricultural and Home Economic Extension Councils in
14 the several counties of this State and making an
15 appropriation therefor", approved July 24, 1967. This
16 subparagraph (C) shall be inoperative and of no force
17 and effect on and after January 1, 2000.

18 (D) Except as provided in paragraph (11) of this
19 subsection (h), with respect to purse allocation from
20 inter-track wagering, the monies so retained shall be
21 divided as follows:

22 (i) If the inter-track wagering licensee,
23 except an inter-track wagering licensee that
24 derives its license from an organization licensee
25 located in a county with a population in excess of
26 230,000 and bounded by the Mississippi River, is

1 not conducting its own race meeting during the
2 same dates, then the entire purse allocation shall
3 be to purses at the track where the races wagered
4 on are being conducted.

5 (ii) If the inter-track wagering licensee,
6 except an inter-track wagering licensee that
7 derives its license from an organization licensee
8 located in a county with a population in excess of
9 230,000 and bounded by the Mississippi River, is
10 also conducting its own race meeting during the
11 same dates, then the purse allocation shall be as
12 follows: 50% to purses at the track where the
13 races wagered on are being conducted; 50% to
14 purses at the track where the inter-track wagering
15 licensee is accepting such wagers.

16 (iii) If the inter-track wagering is being
17 conducted by an inter-track wagering location
18 licensee, except an inter-track wagering location
19 licensee that derives its license from an
20 organization licensee located in a county with a
21 population in excess of 230,000 and bounded by the
22 Mississippi River, the entire purse allocation for
23 Illinois races shall be to purses at the track
24 where the race meeting being wagered on is being
25 held.

26 (12) The Board shall have all powers necessary and

1 proper to fully supervise and control the conduct of
2 inter-track wagering and simulcast wagering by inter-track
3 wagering licensees and inter-track wagering location
4 licensees, including, but not limited to, the following:

5 (A) The Board is vested with power to promulgate
6 reasonable rules and regulations for the purpose of
7 administering the conduct of this wagering and to
8 prescribe reasonable rules, regulations and conditions
9 under which such wagering shall be held and conducted.
10 Such rules and regulations are to provide for the
11 prevention of practices detrimental to the public
12 interest and for the best interests of said wagering
13 and to impose penalties for violations thereof.

14 (B) The Board, and any person or persons to whom it
15 delegates this power, is vested with the power to
16 enter the facilities of any licensee to determine
17 whether there has been compliance with the provisions
18 of this Act and the rules and regulations relating to
19 the conduct of such wagering.

20 (C) The Board, and any person or persons to whom it
21 delegates this power, may eject or exclude from any
22 licensee's facilities, any person whose conduct or
23 reputation is such that his presence on such premises
24 may, in the opinion of the Board, call into the
25 question the honesty and integrity of, or interfere
26 with the orderly conduct of such wagering; provided,

1 however, that no person shall be excluded or ejected
2 from such premises solely on the grounds of race,
3 color, creed, national origin, ancestry, or sex.

4 (D) (Blank).

5 (E) The Board is vested with the power to appoint
6 delegates to execute any of the powers granted to it
7 under this Section for the purpose of administering
8 this wagering and any rules and regulations
9 promulgated in accordance with this Act.

10 (F) The Board shall name and appoint a State
11 director of this wagering who shall be a
12 representative of the Board and whose duty it shall be
13 to supervise the conduct of inter-track wagering as
14 may be provided for by the rules and regulations of the
15 Board; such rules and regulation shall specify the
16 method of appointment and the Director's powers,
17 authority and duties.

18 (G) The Board is vested with the power to impose
19 civil penalties of up to \$5,000 against individuals
20 and up to \$10,000 against licensees for each violation
21 of any provision of this Act relating to the conduct of
22 this wagering, any rules adopted by the Board, any
23 order of the Board or any other action which in the
24 Board's discretion, is a detriment or impediment to
25 such wagering.

26 (13) The Department of Agriculture may enter into

1 agreements with licensees authorizing such licensees to
2 conduct inter-track wagering on races to be held at the
3 licensed race meetings conducted by the Department of
4 Agriculture. Such agreement shall specify the races of the
5 Department of Agriculture's licensed race meeting upon
6 which the licensees will conduct wagering. In the event
7 that a licensee conducts inter-track pari-mutuel wagering
8 on races from the Illinois State Fair or DuQuoin State
9 Fair which are in addition to the licensee's previously
10 approved racing program, those races shall be considered a
11 separate racing day for the purpose of determining the
12 daily handle and computing the privilege or pari-mutuel
13 tax on that daily handle as provided in Sections 27 and
14 27.1. Such agreements shall be approved by the Board
15 before such wagering may be conducted. In determining
16 whether to grant approval, the Board shall give due
17 consideration to the best interests of the public and of
18 horse racing. The provisions of paragraphs (1), (8),
19 (8.1), and (8.2) of subsection (h) of this Section which
20 are not specified in this paragraph (13) shall not apply
21 to licensed race meetings conducted by the Department of
22 Agriculture at the Illinois State Fair in Sangamon County
23 or the DuQuoin State Fair in Perry County, or to any
24 wagering conducted on those race meetings.

25 (14) An inter-track wagering location license
26 authorized by the Board in 2016 that is owned and operated

1 by a race track in Rock Island County shall be transferred
2 to a commonly owned race track in Cook County on August 12,
3 2016 (the effective date of Public Act 99-757). The
4 licensee shall retain its status in relation to purse
5 distribution under paragraph (11) of this subsection (h)
6 following the transfer to the new entity. The pari-mutuel
7 tax credit under Section 32.1 shall not be applied toward
8 any pari-mutuel tax obligation of the inter-track wagering
9 location licensee of the license that is transferred under
10 this paragraph (14).

11 (i) Notwithstanding the other provisions of this Act, the
12 conduct of wagering at wagering facilities is authorized on
13 all days, except as limited by subsection (b) of Section 19 of
14 this Act.

15 (Source: P.A. 101-31, eff. 6-28-19; 101-52, eff. 7-12-19;
16 101-81, eff. 7-12-19; 101-109, eff. 7-19-19; 102-558, eff.
17 8-20-21; revised 12-2-21.)

18 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

19 Sec. 28. Except as provided in subsection (g) of Section
20 27 of this Act, moneys collected shall be distributed
21 according to the provisions of this Section 28.

22 (a) Thirty per cent of the total of all monies received by
23 the State as privilege taxes shall be paid into the
24 Metropolitan Exposition, Auditorium and Office Building Fund
25 in the State treasury ~~Treasury~~ until such Fund is repealed,

1 and thereafter shall be paid into the General Revenue Fund in
2 the State treasury ~~Treasury~~.

3 (b) In addition, 4.5% of the total of all monies received
4 by the State as privilege taxes shall be paid into the State
5 treasury into the Metropolitan Exposition, Auditorium and
6 Office Building Fund until such Fund is repealed, and
7 thereafter shall be paid into the General Revenue Fund in the
8 State treasury ~~Treasury~~.

9 (c) Fifty per cent of the total of all monies received by
10 the State as privilege taxes under the provisions of this Act
11 shall be paid into the Agricultural Premium Fund.

12 (d) Seven per cent of the total of all monies received by
13 the State as privilege taxes shall be paid into the Fair and
14 Exposition Fund in the State treasury; provided, however, that
15 when all bonds issued prior to July 1, 1984 by the Metropolitan
16 Fair and Exposition Authority shall have been paid or payment
17 shall have been provided for upon a refunding of those bonds,
18 thereafter 1/12 of \$1,665,662 of such monies shall be paid
19 each month into the Build Illinois Fund, and the remainder
20 into the Fair and Exposition Fund. All excess monies shall be
21 allocated to the Department of Agriculture for distribution to
22 county fairs for premiums and rehabilitation as set forth in
23 the Agricultural Fair Act.

24 (e) The monies provided for in Section 30 shall be paid
25 into the Illinois Thoroughbred Breeders Fund.

26 (f) The monies provided for in Section 31 shall be paid

1 into the Illinois Standardbred Breeders Fund.

2 (g) Until January 1, 2000, that part representing 1/2 of
3 the total breakage in Thoroughbred, Harness, Appaloosa,
4 Arabian, and Quarter Horse racing in the State shall be paid
5 into the Illinois Race Track Improvement Fund as established
6 in Section 32.

7 (h) All other monies received by the Board under this Act
8 shall be paid into the Horse Racing Fund.

9 (i) The salaries of the Board members, secretary,
10 stewards, directors of mutuels, veterinarians,
11 representatives, accountants, clerks, stenographers,
12 inspectors and other employees of the Board, and all expenses
13 of the Board incident to the administration of this Act,
14 including, but not limited to, all expenses and salaries
15 incident to the taking of saliva and urine samples in
16 accordance with the rules and regulations of the Board shall
17 be paid out of the Agricultural Premium Fund.

18 (j) The Agricultural Premium Fund shall also be used:

19 (1) for the expenses of operating the Illinois State
20 Fair and the DuQuoin State Fair, including the payment of
21 prize money or premiums;

22 (2) for the distribution to county fairs, vocational
23 agriculture section fairs, agricultural societies, and
24 agricultural extension clubs in accordance with the
25 Agricultural Fair Act, as amended;

26 (3) for payment of prize monies and premiums awarded

1 and for expenses incurred in connection with the
2 International Livestock Exposition and the Mid-Continent
3 Livestock Exposition held in Illinois, which premiums, and
4 awards must be approved, and paid by the Illinois
5 Department of Agriculture;

6 (4) for personal service of county agricultural
7 advisors and county home advisors;

8 (5) for distribution to agricultural home economic
9 extension councils in accordance with "An Act in relation
10 to additional support and finance for the Agricultural and
11 Home Economic Extension Councils in the several counties
12 in this State and making an appropriation therefor",
13 approved July 24, 1967, as amended;

14 (6) for research on equine disease, including a
15 development center therefor;

16 (7) for training scholarships for study on equine
17 diseases to students at the University of Illinois College
18 of Veterinary Medicine;

19 (8) for the rehabilitation, repair and maintenance of
20 the Illinois and DuQuoin State Fair Grounds and the
21 structures and facilities thereon and the construction of
22 permanent improvements on such Fair Grounds, including
23 such structures, facilities and property located on such
24 State Fair Grounds which are under the custody and control
25 of the Department of Agriculture;

26 (9) (blank);

1 (10) for the expenses of the Department of Commerce
2 and Economic Opportunity under Sections 605-620, 605-625,
3 and 605-630 of the Department of Commerce and Economic
4 Opportunity Law;

5 (11) for remodeling, expanding, and reconstructing
6 facilities destroyed by fire of any Fair and Exposition
7 Authority in counties with a population of 1,000,000 or
8 more inhabitants;

9 (12) for the purpose of assisting in the care and
10 general rehabilitation of veterans with disabilities of
11 any war and their surviving spouses and orphans;

12 (13) for expenses of the Illinois State Police for
13 duties performed under this Act;

14 (14) for the Department of Agriculture for soil
15 surveys and soil and water conservation purposes;

16 (15) for the Department of Agriculture for grants to
17 the City of Chicago for conducting the Chicagofest;

18 (16) for the State Comptroller for grants and
19 operating expenses authorized by the Illinois Global
20 Partnership Act.

21 (k) To the extent that monies paid by the Board to the
22 Agricultural Premium Fund are in the opinion of the Governor
23 in excess of the amount necessary for the purposes herein
24 stated, the Governor shall notify the Comptroller and the
25 State Treasurer of such fact, who, upon receipt of such
26 notification, shall transfer such excess monies from the

1 Agricultural Premium Fund to the General Revenue Fund.
2 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
3 revised 10-14-21.)

4 Section 495. The Illinois Gambling Act is amended by
5 changing Sections 6 and 18 as follows:

6 (230 ILCS 10/6) (from Ch. 120, par. 2406)

7 Sec. 6. Application for owners license.

8 (a) A qualified person may apply to the Board for an owners
9 license to conduct a gambling operation as provided in this
10 Act. The application shall be made on forms provided by the
11 Board and shall contain such information as the Board
12 prescribes, including, but not limited to, the identity of the
13 riverboat on which such gambling operation is to be conducted,
14 if applicable, and the exact location where such riverboat or
15 casino will be located, a certification that the riverboat
16 will be registered under this Act at all times during which
17 gambling operations are conducted on board, detailed
18 information regarding the ownership and management of the
19 applicant, and detailed personal information regarding the
20 applicant. Any application for an owners license to be
21 re-issued on or after June 1, 2003 shall also include the
22 applicant's license bid in a form prescribed by the Board.
23 Information provided on the application shall be used as a
24 basis for a thorough background investigation which the Board

1 shall conduct with respect to each applicant. An incomplete
2 application shall be cause for denial of a license by the
3 Board.

4 (a-5) In addition to any other information required under
5 this Section, each application for an owners license must
6 include the following information:

7 (1) The history and success of the applicant and each
8 person and entity disclosed under subsection (c) of this
9 Section in developing tourism facilities ancillary to
10 gaming, if applicable.

11 (2) The likelihood that granting a license to the
12 applicant will lead to the creation of quality, living
13 wage jobs and permanent, full-time jobs for residents of
14 the State and residents of the unit of local government
15 that is designated as the home dock of the proposed
16 facility where gambling is to be conducted by the
17 applicant.

18 (3) The projected number of jobs that would be created
19 if the license is granted and the projected number of new
20 employees at the proposed facility where gambling is to be
21 conducted by the applicant.

22 (4) The record, if any, of the applicant and its
23 developer in meeting commitments to local agencies,
24 community-based organizations, and employees at other
25 locations where the applicant or its developer has
26 performed similar functions as they would perform if the

1 applicant were granted a license.

2 (5) Identification of adverse effects that might be
3 caused by the proposed facility where gambling is to be
4 conducted by the applicant, including the costs of meeting
5 increased demand for public health care, child care,
6 public transportation, affordable housing, and social
7 services, and a plan to mitigate those adverse effects.

8 (6) The record, if any, of the applicant and its
9 developer regarding compliance with:

10 (A) federal, state, and local discrimination, wage
11 and hour, disability, and occupational and
12 environmental health and safety laws; and

13 (B) state and local labor relations and employment
14 laws.

15 (7) The applicant's record, if any, in dealing with
16 its employees and their representatives at other
17 locations.

18 (8) A plan concerning the utilization of
19 minority-owned and women-owned businesses and concerning
20 the hiring of minorities and women.

21 (9) Evidence the applicant used its best efforts to
22 reach a goal of 25% ownership representation by minority
23 persons and 5% ownership representation by women.

24 (10) Evidence the applicant has entered into a fully
25 executed project labor agreement with the applicable local
26 building trades council. For any pending application

1 before the Board on June 10, 2021 (the effective date of
2 Public Act 102-13) ~~this amendatory Act of the 102nd~~
3 ~~General Assembly~~, the applicant shall submit evidence
4 complying with this paragraph within 30 days after June
5 10, 2021 (the effective date of Public Act 102-13) ~~this~~
6 ~~amendatory Act of the 102nd General Assembly~~. The Board
7 shall not award any pending applications until the
8 applicant has submitted this information.

9 (b) Applicants shall submit with their application all
10 documents, resolutions, and letters of support from the
11 governing body that represents the municipality or county
12 wherein the licensee will be located.

13 (c) Each applicant shall disclose the identity of every
14 person or entity having a greater than 1% direct or indirect
15 pecuniary interest in the gambling operation with respect to
16 which the license is sought. If the disclosed entity is a
17 trust, the application shall disclose the names and addresses
18 of all beneficiaries; if a corporation, the names and
19 addresses of all stockholders and directors; if a partnership,
20 the names and addresses of all partners, both general and
21 limited.

22 (d) An application shall be filed and considered in
23 accordance with the rules of the Board. Each application shall
24 be accompanied by a nonrefundable application fee of \$250,000.
25 In addition, a nonrefundable fee of \$50,000 shall be paid at
26 the time of filing to defray the costs associated with the

1 background investigation conducted by the Board. If the costs
2 of the investigation exceed \$50,000, the applicant shall pay
3 the additional amount to the Board within 7 days after
4 requested by the Board. If the costs of the investigation are
5 less than \$50,000, the applicant shall receive a refund of the
6 remaining amount. All information, records, interviews,
7 reports, statements, memoranda, or other data supplied to or
8 used by the Board in the course of its review or investigation
9 of an application for a license or a renewal under this Act
10 shall be privileged ~~and~~ strictly confidential and shall be
11 used only for the purpose of evaluating an applicant for a
12 license or a renewal. Such information, records, interviews,
13 reports, statements, memoranda, or other data shall not be
14 admissible as evidence, nor discoverable in any action of any
15 kind in any court or before any tribunal, board, agency or
16 person, except for any action deemed necessary by the Board.
17 The application fee shall be deposited into the State Gaming
18 Fund.

19 (e) The Board shall charge each applicant a fee set by the
20 Illinois State Police to defray the costs associated with the
21 search and classification of fingerprints obtained by the
22 Board with respect to the applicant's application. These fees
23 shall be paid into the State Police Services Fund. In order to
24 expedite the application process, the Board may establish
25 rules allowing applicants to acquire criminal background
26 checks and financial integrity reviews as part of the initial

1 application process from a list of vendors approved by the
2 Board.

3 (f) The licensed owner shall be the person primarily
4 responsible for the boat or casino itself. Only one gambling
5 operation may be authorized by the Board on any riverboat or in
6 any casino. The applicant must identify the riverboat or
7 premises it intends to use and certify that the riverboat or
8 premises: (1) has the authorized capacity required in this
9 Act; (2) is accessible to persons with disabilities; and (3)
10 is fully registered and licensed in accordance with any
11 applicable laws.

12 (g) A person who knowingly makes a false statement on an
13 application is guilty of a Class A misdemeanor.

14 (Source: P.A. 101-31, eff. 6-28-19; 102-13, eff. 6-10-21;
15 102-538, eff. 8-20-21; revised 10-14-21.)

16 (230 ILCS 10/18) (from Ch. 120, par. 2418)

17 Sec. 18. Prohibited activities; penalty ~~Activities~~
18 ~~Penalty.~~

19 (a) A person is guilty of a Class A misdemeanor for doing
20 any of the following:

21 (1) Conducting gambling where wagering is used or to
22 be used without a license issued by the Board.

23 (2) Conducting gambling where wagering is permitted
24 other than in the manner specified by Section 11.

25 (b) A person is guilty of a Class B misdemeanor for doing

1 any of the following:

2 (1) permitting a person under 21 years to make a
3 wager; or

4 (2) violating paragraph (12) of subsection (a) of
5 Section 11 of this Act.

6 (c) A person wagering or accepting a wager at any location
7 outside the riverboat, casino, or organization gaming facility
8 in violation of paragraph (1) or (2) of subsection (a) of
9 Section 28-1 of the Criminal Code of 2012 is subject to the
10 penalties provided in that Section.

11 (d) A person commits a Class 4 felony and, in addition,
12 shall be barred for life from gambling operations under the
13 jurisdiction of the Board, if the person does any of the
14 following:

15 (1) Offers, promises, or gives anything of value or
16 benefit to a person who is connected with a riverboat or
17 casino owner or organization gaming licensee, including,
18 but not limited to, an officer or employee of a licensed
19 owner, organization gaming licensee, or holder of an
20 occupational license pursuant to an agreement or
21 arrangement or with the intent that the promise or thing
22 of value or benefit will influence the actions of the
23 person to whom the offer, promise, or gift was made in
24 order to affect or attempt to affect the outcome of a
25 gambling game, or to influence official action of a member
26 of the Board.

1 (2) Solicits or knowingly accepts or receives a
2 promise of anything of value or benefit while the person
3 is connected with a riverboat, casino, or organization
4 gaming facility, including, but not limited to, an officer
5 or employee of a licensed owner or organization gaming
6 licensee, or the holder of an occupational license,
7 pursuant to an understanding or arrangement or with the
8 intent that the promise or thing of value or benefit will
9 influence the actions of the person to affect or attempt
10 to affect the outcome of a gambling game, or to influence
11 official action of a member of the Board.

12 (3) Uses or possesses with the intent to use a device
13 to assist:

14 (i) In projecting the outcome of the game.

15 (ii) In keeping track of the cards played.

16 (iii) In analyzing the probability of the
17 occurrence of an event relating to the gambling game.

18 (iv) In analyzing the strategy for playing or
19 betting to be used in the game except as permitted by
20 the Board.

21 (4) Cheats at a gambling game.

22 (5) Manufactures, sells, or distributes any cards,
23 chips, dice, game or device which is intended to be used to
24 violate any provision of this Act.

25 (6) Alters or misrepresents the outcome of a gambling
26 game on which wagers have been made after the outcome is

1 made sure but before it is revealed to the players.

2 (7) Places a bet after acquiring knowledge, not
3 available to all players, of the outcome of the gambling
4 game which is the subject of the bet or to aid a person in
5 acquiring the knowledge for the purpose of placing a bet
6 contingent on that outcome.

7 (8) Claims, collects, or takes, or attempts to claim,
8 collect, or take, money or anything of value in or from the
9 gambling games, with intent to defraud, without having
10 made a wager contingent on winning a gambling game, or
11 claims, collects, or takes an amount of money or thing of
12 value of greater value than the amount won.

13 (9) Uses counterfeit chips or tokens in a gambling
14 game.

15 (10) Possesses any key or device designed for the
16 purpose of opening, entering, or affecting the operation
17 of a gambling game, drop box, or an electronic or
18 mechanical device connected with the gambling game or for
19 removing coins, tokens, chips or other contents of a
20 gambling game. This paragraph (10) does not apply to a
21 gambling licensee or employee of a gambling licensee
22 acting in furtherance of the employee's employment.

23 (e) The possession of more than one of the devices
24 described in ~~subsection (d)~~, paragraphs (3), (5), and ~~or~~ (10)
25 of subsection (d) permits a rebuttable presumption that the
26 possessor intended to use the devices for cheating.

1 (f) A person under the age of 21 who, except as authorized
2 under paragraph (10) of Section 11, enters upon a riverboat or
3 in a casino or organization gaming facility commits a petty
4 offense and is subject to a fine of not less than \$100 or more
5 than \$250 for a first offense and of not less than \$200 or more
6 than \$500 for a second or subsequent offense.

7 An action to prosecute any crime occurring on a riverboat
8 shall be tried in the county of the dock at which the riverboat
9 is based. An action to prosecute any crime occurring in a
10 casino or organization gaming facility shall be tried in the
11 county in which the casino or organization gaming facility is
12 located.

13 (Source: P.A. 101-31, eff. 6-28-19; revised 12-2-21.)

14 Section 500. The Liquor Control Act of 1934 is amended by
15 changing Sections 3-12 and 6-5 and by setting forth and
16 renumbering multiple versions of Section 6-37 as follows:

17 (235 ILCS 5/3-12)

18 Sec. 3-12. Powers and duties of State Commission.

19 (a) The State Commission shall have the following powers,
20 functions, and duties:

21 (1) To receive applications and to issue licenses to
22 manufacturers, foreign importers, importing distributors,
23 distributors, non-resident dealers, on premise consumption
24 retailers, off premise sale retailers, special event

1 retailer licensees, special use permit licenses, auction
2 liquor licenses, brew pubs, caterer retailers,
3 non-beverage users, railroads, including owners and
4 lessees of sleeping, dining and cafe cars, airplanes,
5 boats, brokers, and wine maker's premises licensees in
6 accordance with the provisions of this Act, and to suspend
7 or revoke such licenses upon the State Commission's
8 determination, upon notice after hearing, that a licensee
9 has violated any provision of this Act or any rule or
10 regulation issued pursuant thereto and in effect for 30
11 days prior to such violation. Except in the case of an
12 action taken pursuant to a violation of Section 6-3, 6-5,
13 or 6-9, any action by the State Commission to suspend or
14 revoke a licensee's license may be limited to the license
15 for the specific premises where the violation occurred. An
16 action for a violation of this Act shall be commenced by
17 the State Commission within 2 years after the date the
18 State Commission becomes aware of the violation.

19 In lieu of suspending or revoking a license, the
20 commission may impose a fine, upon the State Commission's
21 determination and notice after hearing, that a licensee
22 has violated any provision of this Act or any rule or
23 regulation issued pursuant thereto and in effect for 30
24 days prior to such violation.

25 For the purpose of this paragraph (1), when
26 determining multiple violations for the sale of alcohol to

1 a person under the age of 21, a second or subsequent
2 violation for the sale of alcohol to a person under the age
3 of 21 shall only be considered if it was committed within 5
4 years after the date when a prior violation for the sale of
5 alcohol to a person under the age of 21 was committed.

6 The fine imposed under this paragraph may not exceed
7 \$500 for each violation. Each day that the activity, which
8 gave rise to the original fine, continues is a separate
9 violation. The maximum fine that may be levied against any
10 licensee, for the period of the license, shall not exceed
11 \$20,000. The maximum penalty that may be imposed on a
12 licensee for selling a bottle of alcoholic liquor with a
13 foreign object in it or serving from a bottle of alcoholic
14 liquor with a foreign object in it shall be the
15 destruction of that bottle of alcoholic liquor for the
16 first 10 bottles so sold or served from by the licensee.
17 For the eleventh bottle of alcoholic liquor and for each
18 third bottle thereafter sold or served from by the
19 licensee with a foreign object in it, the maximum penalty
20 that may be imposed on the licensee is the destruction of
21 the bottle of alcoholic liquor and a fine of up to \$50.

22 Any notice issued by the State Commission to a
23 licensee for a violation of this Act or any notice with
24 respect to settlement or offer in compromise shall include
25 the field report, photographs, and any other supporting
26 documentation necessary to reasonably inform the licensee

1 of the nature and extent of the violation or the conduct
2 alleged to have occurred. The failure to include such
3 required documentation shall result in the dismissal of
4 the action.

5 (2) To adopt such rules and regulations consistent
6 with the provisions of this Act which shall be necessary
7 to carry on its functions and duties to the end that the
8 health, safety and welfare of the People of the State of
9 Illinois shall be protected and temperance in the
10 consumption of alcoholic liquors shall be fostered and
11 promoted and to distribute copies of such rules and
12 regulations to all licensees affected thereby.

13 (3) To call upon other administrative departments of
14 the State, county and municipal governments, county and
15 city police departments and upon prosecuting officers for
16 such information and assistance as it deems necessary in
17 the performance of its duties.

18 (4) To recommend to local commissioners rules and
19 regulations, not inconsistent with the law, for the
20 distribution and sale of alcoholic liquors throughout the
21 State.

22 (5) To inspect, or cause to be inspected, any premises
23 in this State where alcoholic liquors are manufactured,
24 distributed, warehoused, or sold. Nothing in this Act
25 authorizes an agent of the State Commission to inspect
26 private areas within the premises without reasonable

1 suspicion or a warrant during an inspection. "Private
2 areas" include, but are not limited to, safes, personal
3 property, and closed desks.

4 (5.1) Upon receipt of a complaint or upon having
5 knowledge that any person is engaged in business as a
6 manufacturer, importing distributor, distributor, or
7 retailer without a license or valid license, to conduct an
8 investigation. If, after conducting an investigation, the
9 State Commission is satisfied that the alleged conduct
10 occurred or is occurring, it may issue a cease and desist
11 notice as provided in this Act, impose civil penalties as
12 provided in this Act, notify the local liquor authority,
13 or file a complaint with the State's Attorney's Office of
14 the county where the incident occurred or the Attorney
15 General.

16 (5.2) Upon receipt of a complaint or upon having
17 knowledge that any person is shipping alcoholic liquor
18 into this State from a point outside of this State if the
19 shipment is in violation of this Act, to conduct an
20 investigation. If, after conducting an investigation, the
21 State Commission is satisfied that the alleged conduct
22 occurred or is occurring, it may issue a cease and desist
23 notice as provided in this Act, impose civil penalties as
24 provided in this Act, notify the foreign jurisdiction, or
25 file a complaint with the State's Attorney's Office of the
26 county where the incident occurred or the Attorney

1 General.

2 (5.3) To receive complaints from licensees, local
3 officials, law enforcement agencies, organizations, and
4 persons stating that any licensee has been or is violating
5 any provision of this Act or the rules and regulations
6 issued pursuant to this Act. Such complaints shall be in
7 writing, signed and sworn to by the person making the
8 complaint, and shall state with specificity the facts in
9 relation to the alleged violation. If the State Commission
10 has reasonable grounds to believe that the complaint
11 substantially alleges a violation of this Act or rules and
12 regulations adopted pursuant to this Act, it shall conduct
13 an investigation. If, after conducting an investigation,
14 the State Commission is satisfied that the alleged
15 violation did occur, it shall proceed with disciplinary
16 action against the licensee as provided in this Act.

17 (5.4) To make arrests and issue notices of civil
18 violations where necessary for the enforcement of this
19 Act.

20 (5.5) To investigate any and all unlicensed activity.

21 (5.6) To impose civil penalties or fines to any person
22 who, without holding a valid license, engages in conduct
23 that requires a license pursuant to this Act, in an amount
24 not to exceed \$20,000 for each offense as determined by
25 the State Commission. A civil penalty shall be assessed by
26 the State Commission after a hearing is held in accordance

1 with the provisions set forth in this Act regarding the
2 provision of a hearing for the revocation or suspension of
3 a license.

4 (6) To hear and determine appeals from orders of a
5 local commission in accordance with the provisions of this
6 Act, as hereinafter set forth. Hearings under this
7 subsection shall be held in Springfield or Chicago, at
8 whichever location is the more convenient for the majority
9 of persons who are parties to the hearing.

10 (7) The State Commission shall establish uniform
11 systems of accounts to be kept by all retail licensees
12 having more than 4 employees, and for this purpose the
13 State Commission may classify all retail licensees having
14 more than 4 employees and establish a uniform system of
15 accounts for each class and prescribe the manner in which
16 such accounts shall be kept. The State Commission may also
17 prescribe the forms of accounts to be kept by all retail
18 licensees having more than 4 employees, including, but not
19 limited to, accounts of earnings and expenses and any
20 distribution, payment, or other distribution of earnings
21 or assets, and any other forms, records, and memoranda
22 which in the judgment of the commission may be necessary
23 or appropriate to carry out any of the provisions of this
24 Act, including, but not limited to, such forms, records,
25 and memoranda as will readily and accurately disclose at
26 all times the beneficial ownership of such retail licensed

1 business. The accounts, forms, records, and memoranda
2 shall be available at all reasonable times for inspection
3 by authorized representatives of the State Commission or
4 by any local liquor control commissioner or his or her
5 authorized representative. The commission may, from time
6 to time, alter, amend, or repeal, in whole or in part, any
7 uniform system of accounts, or the form and manner of
8 keeping accounts.

9 (8) In the conduct of any hearing authorized to be
10 held by the State Commission, to appoint, at the
11 commission's discretion, hearing officers to conduct
12 hearings involving complex issues or issues that will
13 require a protracted period of time to resolve, to
14 examine, or cause to be examined, under oath, any
15 licensee, and to examine or cause to be examined the books
16 and records of such licensee; to hear testimony and take
17 proof material for its information in the discharge of its
18 duties hereunder; to administer or cause to be
19 administered oaths; for any such purpose to issue subpoena
20 or subpoenas to require the attendance of witnesses and
21 the production of books, which shall be effective in any
22 part of this State, and to adopt rules to implement its
23 powers under this paragraph (8).

24 Any circuit court may, by order duly entered, require
25 the attendance of witnesses and the production of relevant
26 books subpoenaed by the State Commission and the court may

1 compel obedience to its order by proceedings for contempt.

2 (9) To investigate the administration of laws in
3 relation to alcoholic liquors in this and other states and
4 any foreign countries, and to recommend from time to time
5 to the Governor and through him or her to the legislature
6 of this State, such amendments to this Act, if any, as it
7 may think desirable and as will serve to further the
8 general broad purposes contained in Section 1-2 hereof.

9 (10) To adopt such rules and regulations consistent
10 with the provisions of this Act which shall be necessary
11 for the control, sale, or disposition of alcoholic liquor
12 damaged as a result of an accident, wreck, flood, fire, or
13 other similar occurrence.

14 (11) To develop industry educational programs related
15 to responsible serving and selling, particularly in the
16 areas of overserving consumers and illegal underage
17 purchasing and consumption of alcoholic beverages.

18 (11.1) To license persons providing education and
19 training to alcohol beverage sellers and servers for
20 mandatory and non-mandatory training under the Beverage
21 Alcohol Sellers and Servers Education and Training
22 (BASSET) programs and to develop and administer a public
23 awareness program in Illinois to reduce or eliminate the
24 illegal purchase and consumption of alcoholic beverage
25 products by persons under the age of 21. Application for a
26 license shall be made on forms provided by the State

1 Commission.

2 (12) To develop and maintain a repository of license
3 and regulatory information.

4 (13) (Blank).

5 (14) On or before April 30, 2008 and every 2 years
6 thereafter, the State Commission shall present a written
7 report to the Governor and the General Assembly that shall
8 be based on a study of the impact of Public Act 95-634 on
9 the business of soliciting, selling, and shipping wine
10 from inside and outside of this State directly to
11 residents of this State. As part of its report, the State
12 Commission shall provide all of the following information:

13 (A) The amount of State excise and sales tax
14 revenues generated.

15 (B) The amount of licensing fees received.

16 (C) The number of cases of wine shipped from
17 inside and outside of this State directly to residents
18 of this State.

19 (D) The number of alcohol compliance operations
20 conducted.

21 (E) The number of winery shipper's licenses
22 issued.

23 (F) The number of each of the following: reported
24 violations; cease and desist notices issued by the
25 Commission; notices of violations issued by the
26 Commission and to the Department of Revenue; and

1 notices and complaints of violations to law
2 enforcement officials, including, without limitation,
3 the Illinois Attorney General and the U.S. Department
4 of Treasury's Alcohol and Tobacco Tax and Trade
5 Bureau.

6 (15) As a means to reduce the underage consumption of
7 alcoholic liquors, the State Commission shall conduct
8 alcohol compliance operations to investigate whether
9 businesses that are soliciting, selling, and shipping wine
10 from inside or outside of this State directly to residents
11 of this State are licensed by this State or are selling or
12 attempting to sell wine to persons under 21 years of age in
13 violation of this Act.

14 (16) The State Commission shall, in addition to
15 notifying any appropriate law enforcement agency, submit
16 notices of complaints or violations of Sections 6-29 and
17 6-29.1 by persons who do not hold a winery shipper's
18 license under this Act to the Illinois Attorney General
19 and to the U.S. Department of Treasury's Alcohol and
20 Tobacco Tax and Trade Bureau.

21 (17) (A) A person licensed to make wine under the laws
22 of another state who has a winery shipper's license under
23 this Act and annually produces less than 25,000 gallons of
24 wine or a person who has a first-class or second-class
25 wine manufacturer's license, a first-class or second-class
26 wine-maker's license, or a limited wine manufacturer's

1 license under this Act and annually produces less than
2 25,000 gallons of wine may make application to the
3 Commission for a self-distribution exemption to allow the
4 sale of not more than 5,000 gallons of the exemption
5 holder's wine to retail licensees per year and to sell
6 cider, mead, or both cider and mead to brewers, class 1
7 brewers, class 2 brewers, and class 3 brewers that,
8 pursuant to subsection (e) of Section 6-4 of this Act,
9 sell beer, cider, mead, or any combination thereof to
10 non-licensees at their breweries.

11 (B) In the application, which shall be sworn under
12 penalty of perjury, such person shall state (1) the date
13 it was established; (2) its volume of production and sales
14 for each year since its establishment; (3) its efforts to
15 establish distributor relationships; (4) that a
16 self-distribution exemption is necessary to facilitate the
17 marketing of its wine; and (5) that it will comply with the
18 liquor and revenue laws of the United States, this State,
19 and any other state where it is licensed.

20 (C) The State Commission shall approve the application
21 for a self-distribution exemption if such person: (1) is
22 in compliance with State revenue and liquor laws; (2) is
23 not a member of any affiliated group that produces
24 directly or indirectly more than 25,000 gallons of wine
25 per annum, 930,000 gallons of beer per annum, or 50,000
26 gallons of spirits per annum; (3) will not annually

1 produce for sale more than 25,000 gallons of wine, 930,000
2 gallons of beer, or 50,000 gallons of spirits; and (4)
3 will not annually sell more than 5,000 gallons of its wine
4 to retail licensees.

5 (D) A self-distribution exemption holder shall
6 annually certify to the State Commission its production of
7 wine in the previous 12 months and its anticipated
8 production and sales for the next 12 months. The State
9 Commission may fine, suspend, or revoke a
10 self-distribution exemption after a hearing if it finds
11 that the exemption holder has made a material
12 misrepresentation in its application, violated a revenue
13 or liquor law of Illinois, exceeded production of 25,000
14 gallons of wine, 930,000 gallons of beer, or 50,000
15 gallons of spirits in any calendar year, or become part of
16 an affiliated group producing more than 25,000 gallons of
17 wine, 930,000 gallons of beer, or 50,000 gallons of
18 spirits.

19 (E) Except in hearings for violations of this Act or
20 Public Act 95-634 or a bona fide investigation by duly
21 sworn law enforcement officials, the State Commission, or
22 its agents, the State Commission shall maintain the
23 production and sales information of a self-distribution
24 exemption holder as confidential and shall not release
25 such information to any person.

26 (F) The State Commission shall issue regulations

1 governing self-distribution exemptions consistent with
2 this Section and this Act.

3 (G) Nothing in this paragraph (17) shall prohibit a
4 self-distribution exemption holder from entering into or
5 simultaneously having a distribution agreement with a
6 licensed Illinois distributor.

7 (H) It is the intent of this paragraph (17) to promote
8 and continue orderly markets. The General Assembly finds
9 that, in order to preserve Illinois' regulatory
10 distribution system, it is necessary to create an
11 exception for smaller makers of wine as their wines are
12 frequently adjusted in varietals, mixes, vintages, and
13 taste to find and create market niches sometimes too small
14 for distributor or importing distributor business
15 strategies. Limited self-distribution rights will afford
16 and allow smaller makers of wine access to the marketplace
17 in order to develop a customer base without impairing the
18 integrity of the 3-tier system.

19 (18)(A) A class 1 brewer licensee, who must also be
20 either a licensed brewer or licensed non-resident dealer
21 and annually manufacture less than 930,000 gallons of
22 beer, may make application to the State Commission for a
23 self-distribution exemption to allow the sale of not more
24 than 232,500 gallons per year of the exemption holder's
25 beer to retail licensees and to brewers, class 1 brewers,
26 and class 2 brewers that, pursuant to subsection (e) of

1 Section 6-4 of this Act, sell beer, cider, ~~and~~ mead, or any
2 combination thereof to non-licensees at their breweries.

3 (B) In the application, which shall be sworn under
4 penalty of perjury, the class 1 brewer licensee shall
5 state (1) the date it was established; (2) its volume of
6 beer manufactured and sold for each year since its
7 establishment; (3) its efforts to establish distributor
8 relationships; (4) that a self-distribution exemption is
9 necessary to facilitate the marketing of its beer; and (5)
10 that it will comply with the alcoholic beverage and
11 revenue laws of the United States, this State, and any
12 other state where it is licensed.

13 (C) Any application submitted shall be posted on the
14 State Commission's website at least 45 days prior to
15 action by the State Commission. The State Commission shall
16 approve the application for a self-distribution exemption
17 if the class 1 brewer licensee: (1) is in compliance with
18 the State, revenue, and alcoholic beverage laws; (2) is
19 not a member of any affiliated group that manufactures,
20 directly or indirectly, more than 930,000 gallons of beer
21 per annum, 25,000 gallons of wine per annum, or 50,000
22 gallons of spirits per annum; (3) shall not annually
23 manufacture for sale more than 930,000 gallons of beer,
24 25,000 gallons of wine, or 50,000 gallons of spirits; (4)
25 shall not annually sell more than 232,500 gallons of its
26 beer to retail licensees and class 3 brewers and to

1 brewers, class 1 brewers, and class 2 brewers that,
2 pursuant to subsection (e) of Section 6-4 of this Act,
3 sell beer, cider, mead, or any combination thereof to
4 non-licensees at their breweries; and (5) has relinquished
5 any brew pub license held by the licensee, including any
6 ownership interest it held in the licensed brew pub.

7 (D) A self-distribution exemption holder shall
8 annually certify to the State Commission its manufacture
9 of beer during the previous 12 months and its anticipated
10 manufacture and sales of beer for the next 12 months. The
11 State Commission may fine, suspend, or revoke a
12 self-distribution exemption after a hearing if it finds
13 that the exemption holder has made a material
14 misrepresentation in its application, violated a revenue
15 or alcoholic beverage law of Illinois, exceeded the
16 manufacture of 930,000 gallons of beer, 25,000 gallons of
17 wine, or 50,000 gallons of spirits in any calendar year or
18 became part of an affiliated group manufacturing more than
19 930,000 gallons of beer, 25,000 gallons of wine, or 50,000
20 gallons of spirits.

21 (E) The State Commission shall issue rules and
22 regulations governing self-distribution exemptions
23 consistent with this Act.

24 (F) Nothing in this paragraph (18) shall prohibit a
25 self-distribution exemption holder from entering into or
26 simultaneously having a distribution agreement with a

1 licensed Illinois importing distributor or a distributor.
2 If a self-distribution exemption holder enters into a
3 distribution agreement and has assigned distribution
4 rights to an importing distributor or distributor, then
5 the self-distribution exemption holder's distribution
6 rights in the assigned territories shall cease in a
7 reasonable time not to exceed 60 days.

8 (G) It is the intent of this paragraph (18) to promote
9 and continue orderly markets. The General Assembly finds
10 that in order to preserve Illinois' regulatory
11 distribution system, it is necessary to create an
12 exception for smaller manufacturers in order to afford and
13 allow such smaller manufacturers of beer access to the
14 marketplace in order to develop a customer base without
15 impairing the integrity of the 3-tier system.

16 (19) (A) A class 1 craft distiller licensee or a
17 non-resident dealer who manufactures less than 50,000
18 gallons of distilled spirits per year may make application
19 to the State Commission for a self-distribution exemption
20 to allow the sale of not more than 5,000 gallons of the
21 exemption holder's spirits to retail licensees per year.

22 (B) In the application, which shall be sworn under
23 penalty of perjury, the class 1 craft distiller licensee
24 or non-resident dealer shall state (1) the date it was
25 established; (2) its volume of spirits manufactured and
26 sold for each year since its establishment; (3) its

1 efforts to establish distributor relationships; (4) that a
2 self-distribution exemption is necessary to facilitate the
3 marketing of its spirits; and (5) that it will comply with
4 the alcoholic beverage and revenue laws of the United
5 States, this State, and any other state where it is
6 licensed.

7 (C) Any application submitted shall be posted on the
8 State Commission's website at least 45 days prior to
9 action by the State Commission. The State Commission shall
10 approve the application for a self-distribution exemption
11 if the applicant: (1) is in compliance with State revenue
12 and alcoholic beverage laws; (2) is not a member of any
13 affiliated group that produces more than 50,000 gallons of
14 spirits per annum, 930,000 gallons of beer per annum, or
15 25,000 gallons of wine per annum; (3) does not annually
16 manufacture for sale more than 50,000 gallons of spirits,
17 930,000 gallons of beer, or 25,000 gallons of wine; and
18 (4) does not annually sell more than 5,000 gallons of its
19 spirits to retail licensees.

20 (D) A self-distribution exemption holder shall
21 annually certify to the State Commission its manufacture
22 of spirits during the previous 12 months and its
23 anticipated manufacture and sales of spirits for the next
24 12 months. The State Commission may fine, suspend, or
25 revoke a self-distribution exemption after a hearing if it
26 finds that the exemption holder has made a material

1 misrepresentation in its application, violated a revenue
2 or alcoholic beverage law of Illinois, exceeded the
3 manufacture of 50,000 gallons of spirits, 930,000 gallons
4 of beer, or 25,000 gallons of wine in any calendar year, or
5 has become part of an affiliated group manufacturing more
6 than 50,000 gallons of spirits, 930,000 gallons of beer,
7 or 25,000 gallons of wine.

8 (E) The State Commission shall adopt rules governing
9 self-distribution exemptions consistent with this Act.

10 (F) Nothing in this paragraph (19) shall prohibit a
11 self-distribution exemption holder from entering into or
12 simultaneously having a distribution agreement with a
13 licensed Illinois importing distributor or a distributor.

14 (G) It is the intent of this paragraph (19) to promote
15 and continue orderly markets. The General Assembly finds
16 that in order to preserve Illinois' regulatory
17 distribution system, it is necessary to create an
18 exception for smaller manufacturers in order to afford and
19 allow such smaller manufacturers of spirits access to the
20 marketplace in order to develop a customer base without
21 impairing the integrity of the 3-tier system.

22 (20) (A) A class 3 brewer licensee who must manufacture
23 less than 465,000 gallons of beer in the aggregate and not
24 more than 155,000 gallons at any single brewery premises
25 may make application to the State Commission for a
26 self-distribution exemption to allow the sale of not more

1 than 6,200 gallons of beer from each in-state or
2 out-of-state class 3 brewery premises, which shall not
3 exceed 18,600 gallons annually in the aggregate, that is
4 manufactured at a wholly owned class 3 brewer's in-state
5 or out-of-state licensed premises to retail licensees and
6 class 3 brewers and to brewers, class 1 brewers, class 2
7 brewers that, pursuant to subsection (e) of Section 6-4,
8 sell beer, cider, or both beer and cider to non-licensees
9 at their licensed breweries.

10 (B) In the application, which shall be sworn under
11 penalty of perjury, the class 3 brewer licensee shall
12 state:

13 (1) the date it was established;

14 (2) its volume of beer manufactured and sold for
15 each year since its establishment;

16 (3) its efforts to establish distributor
17 relationships;

18 (4) that a self-distribution exemption is
19 necessary to facilitate the marketing of its beer; and

20 (5) that it will comply with the alcoholic
21 beverage and revenue laws of the United States, this
22 State, and any other state where it is licensed.

23 (C) Any application submitted shall be posted on the
24 State Commission's website at least 45 days before action
25 by the State Commission. The State Commission shall
26 approve the application for a self-distribution exemption

1 if the class 3 brewer licensee: (1) is in compliance with
2 the State, revenue, and alcoholic beverage laws; (2) is
3 not a member of any affiliated group that manufacturers,
4 directly or indirectly, more than 465,000 gallons of beer
5 per annum;~~7~~ (3) shall not annually manufacture for sale
6 more than 465,000 gallons of beer or more than 155,000
7 gallons at any single brewery premises; and (4) shall not
8 annually sell more than 6,200 gallons of beer from each
9 in-state or out-of-state class 3 brewery premises, and
10 shall not exceed 18,600 gallons annually in the aggregate,
11 to retail licensees and class 3 brewers and to brewers,
12 class 1 brewers, and class 2 brewers that, pursuant to
13 subsection (e) of Section 6-4 of this Act, sell beer,
14 cider, or both beer and cider to non-licensees at their
15 breweries.

16 (D) A self-distribution exemption holder shall
17 annually certify to the State Commission its manufacture
18 of beer during the previous 12 months and its anticipated
19 manufacture and sales of beer for the next 12 months. The
20 State Commission may fine, suspend, or revoke a
21 self-distribution exemption after a hearing if it finds
22 that the exemption holder has made a material
23 misrepresentation in its application, violated a revenue
24 or alcoholic beverage law of Illinois, exceeded the
25 manufacture of 465,000 gallons of beer in any calendar
26 year or became part of an affiliated group manufacturing

1 more than 465,000 gallons of beer, or exceeded the sale to
2 retail licensees, brewers, class 1 brewers, class 2
3 brewers, and class 3 brewers of 6,200 gallons per brewery
4 location or 18,600 gallons in the aggregate.

5 (E) The State Commission may adopt rules governing
6 self-distribution exemptions consistent with this Act.

7 (F) Nothing in this paragraph shall prohibit a
8 self-distribution exemption holder from entering into or
9 simultaneously having a distribution agreement with a
10 licensed Illinois importing distributor or a distributor.
11 If a self-distribution exemption holder enters into a
12 distribution agreement and has assigned distribution
13 rights to an importing distributor or distributor, then
14 the self-distribution exemption holder's distribution
15 rights in the assigned territories shall cease in a
16 reasonable time not to exceed 60 days.

17 (G) It is the intent of this paragraph to promote and
18 continue orderly markets. The General Assembly finds that
19 in order to preserve Illinois' regulatory distribution
20 system, it is necessary to create an exception for smaller
21 manufacturers in order to afford and allow such smaller
22 manufacturers of beer access to the marketplace in order
23 to develop a customer base without impairing the integrity
24 of the 3-tier system.

25 (b) On or before April 30, 1999, the Commission shall
26 present a written report to the Governor and the General

1 Assembly that shall be based on a study of the impact of Public
2 Act 90-739 on the business of soliciting, selling, and
3 shipping alcoholic liquor from outside of this State directly
4 to residents of this State.

5 As part of its report, the Commission shall provide the
6 following information:

7 (i) the amount of State excise and sales tax revenues
8 generated as a result of Public Act 90-739;

9 (ii) the amount of licensing fees received as a result
10 of Public Act 90-739;

11 (iii) the number of reported violations, the number of
12 cease and desist notices issued by the Commission, the
13 number of notices of violations issued to the Department
14 of Revenue, and the number of notices and complaints of
15 violations to law enforcement officials.

16 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;
17 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.
18 8-20-21; revised 12-13-21.)

19 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

20 Sec. 6-5. Except as otherwise provided in this Section, it
21 is unlawful for any person having a retailer's license or any
22 officer, associate, member, representative or agent of such
23 licensee to accept, receive or borrow money, or anything else
24 of value, or accept or receive credit (other than
25 merchandising credit in the ordinary course of business for a

1 period not to exceed 30 days) directly or indirectly from any
2 manufacturer, importing distributor or distributor of
3 alcoholic liquor, or from any person connected with or in any
4 way representing, or from any member of the family of, such
5 manufacturer, importing distributor, distributor or
6 wholesaler, or from any stockholders in any corporation
7 engaged in manufacturing, distributing or wholesaling of such
8 liquor, or from any officer, manager, agent or representative
9 of said manufacturer. Except as provided below, it is unlawful
10 for any manufacturer or distributor or importing distributor
11 to give or lend money or anything of value, or otherwise loan
12 or extend credit (except such merchandising credit) directly
13 or indirectly to any retail licensee or to the manager,
14 representative, agent, officer or director of such licensee. A
15 manufacturer, distributor or importing distributor may furnish
16 free advertising, posters, signs, brochures, hand-outs, or
17 other promotional devices or materials to any unit of
18 government owning or operating any auditorium, exhibition
19 hall, recreation facility or other similar facility holding a
20 retailer's license, provided that the primary purpose of such
21 promotional devices or materials is to promote public events
22 being held at such facility. A unit of government owning or
23 operating such a facility holding a retailer's license may
24 accept such promotional devices or materials designed
25 primarily to promote public events held at the facility. No
26 retail licensee delinquent beyond the 30 day period specified

1 in this Section shall solicit, accept or receive credit,
2 purchase or acquire alcoholic liquors, directly or indirectly
3 from any other licensee, and no manufacturer, distributor or
4 importing distributor shall knowingly grant or extend credit,
5 sell, furnish or supply alcoholic liquors to any such
6 delinquent retail licensee; provided that the purchase price
7 of all beer sold to a retail licensee shall be paid by the
8 retail licensee in cash on or before delivery of the beer, and
9 unless the purchase price payable by a retail licensee for
10 beer sold to him in returnable bottles shall expressly include
11 a charge for the bottles and cases, the retail licensee shall,
12 on or before delivery of such beer, pay the seller in cash a
13 deposit in an amount not less than the deposit required to be
14 paid by the distributor to the brewer; but where the brewer
15 sells direct to the retailer, the deposit shall be an amount no
16 less than that required by the brewer from his own
17 distributors; and provided further, that in no instance shall
18 this deposit be less than 50 cents for each case of beer in
19 pint or smaller bottles and 60 cents for each case of beer in
20 quart or half-gallon bottles; and provided further, that the
21 purchase price of all beer sold to an importing distributor or
22 distributor shall be paid by such importing distributor or
23 distributor in cash on or before the 15th day (Sundays and
24 holidays excepted) after delivery of such beer to such
25 purchaser; and unless the purchase price payable by such
26 importing distributor or distributor for beer sold in

1 returnable bottles and cases shall expressly include a charge
2 for the bottles and cases, such importing distributor or
3 distributor shall, on or before the 15th day (Sundays and
4 holidays excepted) after delivery of such beer to such
5 purchaser, pay the seller in cash a required amount as a
6 deposit to assure the return of such bottles and cases.
7 Nothing herein contained shall prohibit any licensee from
8 crediting or refunding to a purchaser the actual amount of
9 money paid for bottles, cases, kegs or barrels returned by the
10 purchaser to the seller or paid by the purchaser as a deposit
11 on bottles, cases, kegs or barrels, when such containers or
12 packages are returned to the seller. Nothing herein contained
13 shall prohibit any manufacturer, importing distributor or
14 distributor from extending usual and customary credit for
15 alcoholic liquor sold to customers or purchasers who live in
16 or maintain places of business outside of this State when such
17 alcoholic liquor is actually transported and delivered to such
18 points outside of this State.

19 A manufacturer, distributor, or importing distributor may
20 furnish free social media advertising to a retail licensee if
21 the social media advertisement does not contain the retail
22 price of any alcoholic liquor and the social media
23 advertisement complies with any applicable rules or
24 regulations issued by the Alcohol and Tobacco Tax and Trade
25 Bureau of the United States Department of the Treasury. A
26 manufacturer, distributor, or importing distributor may list

1 the names of one or more unaffiliated retailers in the
2 advertisement of alcoholic liquor through social media.
3 Nothing in this Section shall prohibit a retailer from
4 communicating with a manufacturer, distributor, or importing
5 distributor on social media or sharing media on the social
6 media of a manufacturer, distributor, or importing
7 distributor. A retailer may request free social media
8 advertising from a manufacturer, distributor, or importing
9 distributor. Nothing in this Section shall prohibit a
10 manufacturer, distributor, or importing distributor from
11 sharing, reposting, or otherwise forwarding a social media
12 post by a retail licensee, so long as the sharing, reposting,
13 or forwarding of the social media post does not contain the
14 retail price of any alcoholic liquor. No manufacturer,
15 distributor, or importing distributor shall pay or reimburse a
16 retailer, directly or indirectly, for any social media
17 advertising services, except as specifically permitted in this
18 Act. No retailer shall accept any payment or reimbursement,
19 directly or indirectly, for any social media advertising
20 services offered by a manufacturer, distributor, or importing
21 distributor, except as specifically permitted in this Act. For
22 the purposes of this Section, "social media" means a service,
23 platform, or site where users communicate with one another and
24 share media, such as pictures, videos, music, and blogs, with
25 other users free of charge.

26 No right of action shall exist for the collection of any

1 claim based upon credit extended to a distributor, importing
2 distributor or retail licensee contrary to the provisions of
3 this Section.

4 Every manufacturer, importing distributor and distributor
5 shall submit or cause to be submitted, to the State
6 Commission, in triplicate, not later than Thursday of each
7 calendar week, a verified written list of the names and
8 respective addresses of each retail licensee purchasing
9 spirits or wine from such manufacturer, importing distributor
10 or distributor who, on the first business day of that calendar
11 week, was delinquent beyond the above mentioned permissible
12 merchandising credit period of 30 days; or, if such is the
13 fact, a verified written statement that no retail licensee
14 purchasing spirits or wine was then delinquent beyond such
15 permissible merchandising credit period of 30 days.

16 Every manufacturer, importing distributor and distributor
17 shall submit or cause to be submitted, to the State
18 Commission, in triplicate, a verified written list of the
19 names and respective addresses of each previously reported
20 delinquent retail licensee who has cured such delinquency by
21 payment, which list shall be submitted not later than the
22 close of the second full business day following the day such
23 delinquency was so cured.

24 The written list of delinquent retail licensees shall be
25 developed, administered, and maintained only by the State
26 Commission. The State Commission shall notify each retail

1 licensee that it has been placed on the delinquency list.
2 Determinations of delinquency or nondelinquency shall be made
3 only by the State Commission.

4 Such written verified reports required to be submitted by
5 this Section shall be posted by the State Commission in each of
6 its offices in places available for public inspection not
7 later than the day following receipt thereof by the State
8 Commission. The reports so posted shall constitute notice to
9 every manufacturer, importing distributor and distributor of
10 the information contained therein. Actual notice to
11 manufacturers, importing distributors and distributors of the
12 information contained in any such posted reports, however
13 received, shall also constitute notice of such information.

14 The 30-day ~~30-day~~ merchandising credit period allowed by
15 this Section shall commence with the day immediately following
16 the date of invoice and shall include all successive days
17 including Sundays and holidays to and including the 30th
18 successive day.

19 In addition to other methods allowed by law, payment by
20 check or credit card during the period for which merchandising
21 credit may be extended under the provisions of this Section
22 shall be considered payment. All checks received in payment
23 for alcoholic liquor shall be promptly deposited for
24 collection. A post dated check or a check dishonored on
25 presentation for payment shall not be deemed payment.

26 A credit card payment in dispute by a retailer shall not be

1 deemed payment, and the debt uncured for merchandising credit
2 shall be reported as delinquent. Nothing in this Section shall
3 prevent a distributor, self-distributing manufacturer, or
4 importing distributor from assessing a usual and customary
5 transaction fee representative of the actual finance charges
6 incurred for processing a credit card payment. This
7 transaction fee shall be disclosed on the invoice. It shall be
8 considered unlawful for a distributor, importing distributor,
9 or self-distributing manufacturer to waive finance charges for
10 retailers.

11 A retail licensee shall not be deemed to be delinquent in
12 payment for any alleged sale to him of alcoholic liquor when
13 there exists a bona fide dispute between such retailer and a
14 manufacturer, importing distributor or distributor with
15 respect to the amount of indebtedness existing because of such
16 alleged sale. A retail licensee shall not be deemed to be
17 delinquent under this provision and 11 Ill. Adm. Code 100.90
18 until 30 days after the date on which the region in which the
19 retail licensee is located enters Phase 4 of the Governor's
20 Restore Illinois Plan as issued on May 5, 2020.

21 A delinquent retail licensee who engages in the retail
22 liquor business at 2 or more locations shall be deemed to be
23 delinquent with respect to each such location.

24 The license of any person who violates any provision of
25 this Section shall be subject to suspension or revocation in
26 the manner provided by this Act.

1 If any part or provision of this Article or the
2 application thereof to any person or circumstances shall be
3 adjudged invalid by a court of competent jurisdiction, such
4 judgment shall be confined by its operation to the controversy
5 in which it was mentioned and shall not affect or invalidate
6 the remainder of this Article or the application thereof to
7 any other person or circumstance and to this and the
8 provisions of this Article are declared severable.

9 (Source: P.A. 101-631, eff. 6-2-20; 102-8, eff. 6-2-21;
10 102-442, eff. 1-1-22; revised 9-21-21.)

11 (235 ILCS 5/6-37)

12 Sec. 6-37. (Repealed).

13 (Source: P.A. 102-8, eff. 6-2-21. Repealed internally, eff.
14 7-11-21.)

15 (235 ILCS 5/6-37.5)

16 Sec. 6-37.5 ~~6-37~~. Transfer of wine or spirits by a retail
17 licensee with multiple licenses.

18 (a) No original package of wine or spirits may be
19 transferred from one retail licensee to any other retail
20 licensee without prior permission from the State Commission;
21 however, if the same retailer owns more than one licensed
22 retail location, an off-premise retailer may transfer up to 3%
23 of its average monthly purchases by volume and an on-premise
24 retailer may transfer up to 5% of its average monthly

1 purchases by volume of original package of wine or spirits
2 from one or more of such retailer's licensed locations to
3 another of that retailer's licensed locations each month
4 without prior permission from the State Commission, subject to
5 the following conditions:

6 (1) notice is provided to the distributor responsible
7 for the geographic area of the brand, size, and quantity
8 of the wine or spirits to be transferred within the
9 geographic area; and

10 (2) the transfer is made by common carrier, a licensed
11 distributor's or importing distributor's vehicle, or a
12 vehicle owned and operated by the licensee.

13 (b) All transfers must be properly documented on a form
14 provided by the State Commission that includes the following
15 information:

16 (1) the license number of the retail licensee's
17 location from which the transfer is to be made and the
18 license number of the retail licensee's location to which
19 the transfer is to be made;

20 (2) the brand, size, and quantity of the wine or
21 spirits to be transferred; and

22 (3) the date the transfer is made.

23 (c) A retail licensee location that transfers or receives
24 an original package of wine or spirits as authorized by this
25 Section shall not be deemed to be engaged in business as a
26 wholesaler or distributor based upon the transfer authorized

1 by this Section.

2 (d) A transfer authorized by this Section shall not be
3 deemed a sale.

4 (e) A retailer that is delinquent in payment pursuant to
5 Section 6-5 shall be prohibited from transferring wine or
6 spirits to a commonly owned retailer pursuant to this Section
7 until the indebtedness is cured.

8 (f) As used in this Section:

9 "Average monthly purchases" is calculated using a 12-month
10 rolling average of the total volume purchased over the 12 most
11 recent months previous to the month in which the transfer is
12 made and dividing that total by 12.

13 "Month" means a calendar month.

14 (Source: P.A. 102-442, eff. 8-20-21; revised 11-10-21.)

15 Section 505. The Illinois Public Aid Code is amended by
16 changing Sections 5-2, 5-4.2, 5-5, 5-5f, 5-16.8, 5-30.1,
17 9A-11, 10-1, and 12-4.35 and by setting forth and renumbering
18 multiple versions of Sections 5-5.12d, 5-41, and 12-4.54 as
19 follows:

20 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

21 Sec. 5-2. Classes of persons eligible. Medical assistance
22 under this Article shall be available to any of the following
23 classes of persons in respect to whom a plan for coverage has
24 been submitted to the Governor by the Illinois Department and

1 approved by him. If changes made in this Section 5-2 require
2 federal approval, they shall not take effect until such
3 approval has been received:

4 1. Recipients of basic maintenance grants under
5 Articles III and IV.

6 2. Beginning January 1, 2014, persons otherwise
7 eligible for basic maintenance under Article III,
8 excluding any eligibility requirements that are
9 inconsistent with any federal law or federal regulation,
10 as interpreted by the U.S. Department of Health and Human
11 Services, but who fail to qualify thereunder on the basis
12 of need, and who have insufficient income and resources to
13 meet the costs of necessary medical care, including, but
14 not limited to, the following:

15 (a) All persons otherwise eligible for basic
16 maintenance under Article III but who fail to qualify
17 under that Article on the basis of need and who meet
18 either of the following requirements:

19 (i) their income, as determined by the
20 Illinois Department in accordance with any federal
21 requirements, is equal to or less than 100% of the
22 federal poverty level; or

23 (ii) their income, after the deduction of
24 costs incurred for medical care and for other
25 types of remedial care, is equal to or less than
26 100% of the federal poverty level.

1 (b) (Blank).

2 3. (Blank).

3 4. Persons not eligible under any of the preceding
4 paragraphs who fall sick, are injured, or die, not having
5 sufficient money, property or other resources to meet the
6 costs of necessary medical care or funeral and burial
7 expenses.

8 5.(a) Beginning January 1, 2020, individuals during
9 pregnancy and during the 12-month period beginning on the
10 last day of the pregnancy, together with their infants,
11 whose income is at or below 200% of the federal poverty
12 level. Until September 30, 2019, or sooner if the
13 maintenance of effort requirements under the Patient
14 Protection and Affordable Care Act are eliminated or may
15 be waived before then, individuals during pregnancy and
16 during the 12-month period beginning on the last day of
17 the pregnancy, whose countable monthly income, after the
18 deduction of costs incurred for medical care and for other
19 types of remedial care as specified in administrative
20 rule, is equal to or less than the Medical Assistance-No
21 Grant(C) (MANG(C)) Income Standard in effect on April 1,
22 2013 as set forth in administrative rule.

23 (b) The plan for coverage shall provide ambulatory
24 prenatal care to pregnant individuals during a presumptive
25 eligibility period and establish an income eligibility
26 standard that is equal to 200% of the federal poverty

1 level, provided that costs incurred for medical care are
2 not taken into account in determining such income
3 eligibility.

4 (c) The Illinois Department may conduct a
5 demonstration in at least one county that will provide
6 medical assistance to pregnant individuals together with
7 their infants and children up to one year of age, where the
8 income eligibility standard is set up to 185% of the
9 nonfarm income official poverty line, as defined by the
10 federal Office of Management and Budget. The Illinois
11 Department shall seek and obtain necessary authorization
12 provided under federal law to implement such a
13 demonstration. Such demonstration may establish resource
14 standards that are not more restrictive than those
15 established under Article IV of this Code.

16 6. (a) Subject to federal approval, children younger
17 than age 19 when countable income is at or below 313% of
18 the federal poverty level, as determined by the Department
19 and in accordance with all applicable federal
20 requirements. The Department is authorized to adopt
21 emergency rules to implement the changes made to this
22 paragraph by Public Act 102-43 ~~this amendatory Act of the~~
23 ~~102nd General Assembly~~. Until September 30, 2019, or
24 sooner if the maintenance of effort requirements under the
25 Patient Protection and Affordable Care Act are eliminated
26 or may be waived before then, children younger than age 19

1 whose countable monthly income, after the deduction of
2 costs incurred for medical care and for other types of
3 remedial care as specified in administrative rule, is
4 equal to or less than the Medical Assistance-No Grant(C)
5 (MANG(C)) Income Standard in effect on April 1, 2013 as
6 set forth in administrative rule.

7 (b) Children and youth who are under temporary custody
8 or guardianship of the Department of Children and Family
9 Services or who receive financial assistance in support of
10 an adoption or guardianship placement from the Department
11 of Children and Family Services.

12 7. (Blank).

13 8. As required under federal law, persons who are
14 eligible for Transitional Medical Assistance as a result
15 of an increase in earnings or child or spousal support
16 received. The plan for coverage for this class of persons
17 shall:

18 (a) extend the medical assistance coverage to the
19 extent required by federal law; and

20 (b) offer persons who have initially received 6
21 months of the coverage provided in paragraph (a)
22 above, the option of receiving an additional 6 months
23 of coverage, subject to the following:

24 (i) such coverage shall be pursuant to
25 provisions of the federal Social Security Act;

26 (ii) such coverage shall include all services

1 covered under Illinois' State Medicaid Plan;

2 (iii) no premium shall be charged for such
3 coverage; and

4 (iv) such coverage shall be suspended in the
5 event of a person's failure without good cause to
6 file in a timely fashion reports required for this
7 coverage under the Social Security Act and
8 coverage shall be reinstated upon the filing of
9 such reports if the person remains otherwise
10 eligible.

11 9. Persons with acquired immunodeficiency syndrome
12 (AIDS) or with AIDS-related conditions with respect to
13 whom there has been a determination that but for home or
14 community-based services such individuals would require
15 the level of care provided in an inpatient hospital,
16 skilled nursing facility or intermediate care facility the
17 cost of which is reimbursed under this Article. Assistance
18 shall be provided to such persons to the maximum extent
19 permitted under Title XIX of the Federal Social Security
20 Act.

21 10. Participants in the long-term care insurance
22 partnership program established under the Illinois
23 Long-Term Care Partnership Program Act who meet the
24 qualifications for protection of resources described in
25 Section 15 of that Act.

26 11. Persons with disabilities who are employed and

1 eligible for Medicaid, pursuant to Section
2 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
3 subject to federal approval, persons with a medically
4 improved disability who are employed and eligible for
5 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
6 the Social Security Act, as provided by the Illinois
7 Department by rule. In establishing eligibility standards
8 under this paragraph 11, the Department shall, subject to
9 federal approval:

10 (a) set the income eligibility standard at not
11 lower than 350% of the federal poverty level;

12 (b) exempt retirement accounts that the person
13 cannot access without penalty before the age of 59
14 1/2, and medical savings accounts established pursuant
15 to 26 U.S.C. 220;

16 (c) allow non-exempt assets up to \$25,000 as to
17 those assets accumulated during periods of eligibility
18 under this paragraph 11; and

19 (d) continue to apply subparagraphs (b) and (c) in
20 determining the eligibility of the person under this
21 Article even if the person loses eligibility under
22 this paragraph 11.

23 12. Subject to federal approval, persons who are
24 eligible for medical assistance coverage under applicable
25 provisions of the federal Social Security Act and the
26 federal Breast and Cervical Cancer Prevention and

1 Treatment Act of 2000. Those eligible persons are defined
2 to include, but not be limited to, the following persons:

3 (1) persons who have been screened for breast or
4 cervical cancer under the U.S. Centers for Disease
5 Control and Prevention Breast and Cervical Cancer
6 Program established under Title XV of the federal
7 Public Health Service Act in accordance with the
8 requirements of Section 1504 of that Act as
9 administered by the Illinois Department of Public
10 Health; and

11 (2) persons whose screenings under the above
12 program were funded in whole or in part by funds
13 appropriated to the Illinois Department of Public
14 Health for breast or cervical cancer screening.

15 "Medical assistance" under this paragraph 12 shall be
16 identical to the benefits provided under the State's
17 approved plan under Title XIX of the Social Security Act.
18 The Department must request federal approval of the
19 coverage under this paragraph 12 within 30 days after July
20 3, 2001 (the effective date of Public Act 92-47).

21 In addition to the persons who are eligible for
22 medical assistance pursuant to subparagraphs (1) and (2)
23 of this paragraph 12, and to be paid from funds
24 appropriated to the Department for its medical programs,
25 any uninsured person as defined by the Department in rules
26 residing in Illinois who is younger than 65 years of age,

1 who has been screened for breast and cervical cancer in
2 accordance with standards and procedures adopted by the
3 Department of Public Health for screening, and who is
4 referred to the Department by the Department of Public
5 Health as being in need of treatment for breast or
6 cervical cancer is eligible for medical assistance
7 benefits that are consistent with the benefits provided to
8 those persons described in subparagraphs (1) and (2).
9 Medical assistance coverage for the persons who are
10 eligible under the preceding sentence is not dependent on
11 federal approval, but federal moneys may be used to pay
12 for services provided under that coverage upon federal
13 approval.

14 13. Subject to appropriation and to federal approval,
15 persons living with HIV/AIDS who are not otherwise
16 eligible under this Article and who qualify for services
17 covered under Section 5-5.04 as provided by the Illinois
18 Department by rule.

19 14. Subject to the availability of funds for this
20 purpose, the Department may provide coverage under this
21 Article to persons who reside in Illinois who are not
22 eligible under any of the preceding paragraphs and who
23 meet the income guidelines of paragraph 2(a) of this
24 Section and (i) have an application for asylum pending
25 before the federal Department of Homeland Security or on
26 appeal before a court of competent jurisdiction and are

1 represented either by counsel or by an advocate accredited
2 by the federal Department of Homeland Security and
3 employed by a not-for-profit organization in regard to
4 that application or appeal, or (ii) are receiving services
5 through a federally funded torture treatment center.
6 Medical coverage under this paragraph 14 may be provided
7 for up to 24 continuous months from the initial
8 eligibility date so long as an individual continues to
9 satisfy the criteria of this paragraph 14. If an
10 individual has an appeal pending regarding an application
11 for asylum before the Department of Homeland Security,
12 eligibility under this paragraph 14 may be extended until
13 a final decision is rendered on the appeal. The Department
14 may adopt rules governing the implementation of this
15 paragraph 14.

16 15. Family Care Eligibility.

17 (a) On and after July 1, 2012, a parent or other
18 caretaker relative who is 19 years of age or older when
19 countable income is at or below 133% of the federal
20 poverty level. A person may not spend down to become
21 eligible under this paragraph 15.

22 (b) Eligibility shall be reviewed annually.

23 (c) (Blank).

24 (d) (Blank).

25 (e) (Blank).

26 (f) (Blank).

1 (g) (Blank).

2 (h) (Blank).

3 (i) Following termination of an individual's
4 coverage under this paragraph 15, the individual must
5 be determined eligible before the person can be
6 re-enrolled.

7 16. Subject to appropriation, uninsured persons who
8 are not otherwise eligible under this Section who have
9 been certified and referred by the Department of Public
10 Health as having been screened and found to need
11 diagnostic evaluation or treatment, or both diagnostic
12 evaluation and treatment, for prostate or testicular
13 cancer. For the purposes of this paragraph 16, uninsured
14 persons are those who do not have creditable coverage, as
15 defined under the Health Insurance Portability and
16 Accountability Act, or have otherwise exhausted any
17 insurance benefits they may have had, for prostate or
18 testicular cancer diagnostic evaluation or treatment, or
19 both diagnostic evaluation and treatment. To be eligible,
20 a person must furnish a Social Security number. A person's
21 assets are exempt from consideration in determining
22 eligibility under this paragraph 16. Such persons shall be
23 eligible for medical assistance under this paragraph 16
24 for so long as they need treatment for the cancer. A person
25 shall be considered to need treatment if, in the opinion
26 of the person's treating physician, the person requires

1 therapy directed toward cure or palliation of prostate or
2 testicular cancer, including recurrent metastatic cancer
3 that is a known or presumed complication of prostate or
4 testicular cancer and complications resulting from the
5 treatment modalities themselves. Persons who require only
6 routine monitoring services are not considered to need
7 treatment. "Medical assistance" under this paragraph 16
8 shall be identical to the benefits provided under the
9 State's approved plan under Title XIX of the Social
10 Security Act. Notwithstanding any other provision of law,
11 the Department (i) does not have a claim against the
12 estate of a deceased recipient of services under this
13 paragraph 16 and (ii) does not have a lien against any
14 homestead property or other legal or equitable real
15 property interest owned by a recipient of services under
16 this paragraph 16.

17 17. Persons who, pursuant to a waiver approved by the
18 Secretary of the U.S. Department of Health and Human
19 Services, are eligible for medical assistance under Title
20 XIX or XXI of the federal Social Security Act.
21 Notwithstanding any other provision of this Code and
22 consistent with the terms of the approved waiver, the
23 Illinois Department, may by rule:

24 (a) Limit the geographic areas in which the waiver
25 program operates.

26 (b) Determine the scope, quantity, duration, and

1 quality, and the rate and method of reimbursement, of
2 the medical services to be provided, which may differ
3 from those for other classes of persons eligible for
4 assistance under this Article.

5 (c) Restrict the persons' freedom in choice of
6 providers.

7 18. Beginning January 1, 2014, persons aged 19 or
8 older, but younger than 65, who are not otherwise eligible
9 for medical assistance under this Section 5-2, who qualify
10 for medical assistance pursuant to 42 U.S.C.
11 1396a(a)(10)(A)(i)(VIII) and applicable federal
12 regulations, and who have income at or below 133% of the
13 federal poverty level plus 5% for the applicable family
14 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and
15 applicable federal regulations. Persons eligible for
16 medical assistance under this paragraph 18 shall receive
17 coverage for the Health Benefits Service Package as that
18 term is defined in subsection (m) of Section 5-1.1 of this
19 Code. If Illinois' federal medical assistance percentage
20 (FMAP) is reduced below 90% for persons eligible for
21 medical assistance under this paragraph 18, eligibility
22 under this paragraph 18 shall cease no later than the end
23 of the third month following the month in which the
24 reduction in FMAP takes effect.

25 19. Beginning January 1, 2014, as required under 42
26 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18

1 and younger than age 26 who are not otherwise eligible for
2 medical assistance under paragraphs (1) through (17) of
3 this Section who (i) were in foster care under the
4 responsibility of the State on the date of attaining age
5 18 or on the date of attaining age 21 when a court has
6 continued wardship for good cause as provided in Section
7 2-31 of the Juvenile Court Act of 1987 and (ii) received
8 medical assistance under the Illinois Title XIX State Plan
9 or waiver of such plan while in foster care.

10 20. Beginning January 1, 2018, persons who are
11 foreign-born victims of human trafficking, torture, or
12 other serious crimes as defined in Section 2-19 of this
13 Code and their derivative family members if such persons:
14 (i) reside in Illinois; (ii) are not eligible under any of
15 the preceding paragraphs; (iii) meet the income guidelines
16 of subparagraph (a) of paragraph 2; and (iv) meet the
17 nonfinancial eligibility requirements of Sections 16-2,
18 16-3, and 16-5 of this Code. The Department may extend
19 medical assistance for persons who are foreign-born
20 victims of human trafficking, torture, or other serious
21 crimes whose medical assistance would be terminated
22 pursuant to subsection (b) of Section 16-5 if the
23 Department determines that the person, during the year of
24 initial eligibility (1) experienced a health crisis, (2)
25 has been unable, after reasonable attempts, to obtain
26 necessary information from a third party, or (3) has other

1 extenuating circumstances that prevented the person from
2 completing his or her application for status. The
3 Department may adopt any rules necessary to implement the
4 provisions of this paragraph.

5 21. Persons who are not otherwise eligible for medical
6 assistance under this Section who may qualify for medical
7 assistance pursuant to 42 U.S.C.
8 1396a(a)(10)(A)(ii)(XXIII) and 42 U.S.C. 1396(ss) for the
9 duration of any federal or State declared emergency due to
10 COVID-19. Medical assistance to persons eligible for
11 medical assistance solely pursuant to this paragraph 21
12 shall be limited to any in vitro diagnostic product (and
13 the administration of such product) described in 42 U.S.C.
14 1396d(a)(3)(B) on or after March 18, 2020, any visit
15 described in 42 U.S.C. 1396o(a)(2)(G), or any other
16 medical assistance that may be federally authorized for
17 this class of persons. The Department may also cover
18 treatment of COVID-19 for this class of persons, or any
19 similar category of uninsured individuals, to the extent
20 authorized under a federally approved 1115 Waiver or other
21 federal authority. Notwithstanding the provisions of
22 Section 1-11 of this Code, due to the nature of the
23 COVID-19 public health emergency, the Department may cover
24 and provide the medical assistance described in this
25 paragraph 21 to noncitizens who would otherwise meet the
26 eligibility requirements for the class of persons

1 described in this paragraph 21 for the duration of the
2 State emergency period.

3 In implementing the provisions of Public Act 96-20, the
4 Department is authorized to adopt only those rules necessary,
5 including emergency rules. Nothing in Public Act 96-20 permits
6 the Department to adopt rules or issue a decision that expands
7 eligibility for the FamilyCare Program to a person whose
8 income exceeds 185% of the Federal Poverty Level as determined
9 from time to time by the U.S. Department of Health and Human
10 Services, unless the Department is provided with express
11 statutory authority.

12 The eligibility of any such person for medical assistance
13 under this Article is not affected by the payment of any grant
14 under the Senior Citizens and Persons with Disabilities
15 Property Tax Relief Act or any distributions or items of
16 income described under subparagraph (X) of paragraph (2) of
17 subsection (a) of Section 203 of the Illinois Income Tax Act.

18 The Department shall by rule establish the amounts of
19 assets to be disregarded in determining eligibility for
20 medical assistance, which shall at a minimum equal the amounts
21 to be disregarded under the Federal Supplemental Security
22 Income Program. The amount of assets of a single person to be
23 disregarded shall not be less than \$2,000, and the amount of
24 assets of a married couple to be disregarded shall not be less
25 than \$3,000.

26 To the extent permitted under federal law, any person

1 found guilty of a second violation of Article VIII A shall be
2 ineligible for medical assistance under this Article, as
3 provided in Section 8A-8.

4 The eligibility of any person for medical assistance under
5 this Article shall not be affected by the receipt by the person
6 of donations or benefits from fundraisers held for the person
7 in cases of serious illness, as long as neither the person nor
8 members of the person's family have actual control over the
9 donations or benefits or the disbursement of the donations or
10 benefits.

11 Notwithstanding any other provision of this Code, if the
12 United States Supreme Court holds Title II, Subtitle A,
13 Section 2001(a) of Public Law 111-148 to be unconstitutional,
14 or if a holding of Public Law 111-148 makes Medicaid
15 eligibility allowed under Section 2001(a) inoperable, the
16 State or a unit of local government shall be prohibited from
17 enrolling individuals in the Medical Assistance Program as the
18 result of federal approval of a State Medicaid waiver on or
19 after June 14, 2012 (the effective date of Public Act 97-687),
20 and any individuals enrolled in the Medical Assistance Program
21 pursuant to eligibility permitted as a result of such a State
22 Medicaid waiver shall become immediately ineligible.

23 Notwithstanding any other provision of this Code, if an
24 Act of Congress that becomes a Public Law eliminates Section
25 2001(a) of Public Law 111-148, the State or a unit of local
26 government shall be prohibited from enrolling individuals in

1 the Medical Assistance Program as the result of federal
2 approval of a State Medicaid waiver on or after June 14, 2012
3 (the effective date of Public Act 97-687), and any individuals
4 enrolled in the Medical Assistance Program pursuant to
5 eligibility permitted as a result of such a State Medicaid
6 waiver shall become immediately ineligible.

7 Effective October 1, 2013, the determination of
8 eligibility of persons who qualify under paragraphs 5, 6, 8,
9 15, 17, and 18 of this Section shall comply with the
10 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
11 regulations.

12 The Department of Healthcare and Family Services, the
13 Department of Human Services, and the Illinois health
14 insurance marketplace shall work cooperatively to assist
15 persons who would otherwise lose health benefits as a result
16 of changes made under Public Act 98-104 to transition to other
17 health insurance coverage.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20;
19 102-43, eff. 7-6-21; 102-558, eff. 8-20-21; 102-665, eff.
20 10-8-21; revised 11-18-21.)

21 (305 ILCS 5/5-4.2)

22 Sec. 5-4.2. Ambulance services payments.

23 (a) For ambulance services provided to a recipient of aid
24 under this Article on or after January 1, 1993, the Illinois
25 Department shall reimburse ambulance service providers at

1 rates calculated in accordance with this Section. It is the
2 intent of the General Assembly to provide adequate
3 reimbursement for ambulance services so as to ensure adequate
4 access to services for recipients of aid under this Article
5 and to provide appropriate incentives to ambulance service
6 providers to provide services in an efficient and
7 cost-effective manner. Thus, it is the intent of the General
8 Assembly that the Illinois Department implement a
9 reimbursement system for ambulance services that, to the
10 extent practicable and subject to the availability of funds
11 appropriated by the General Assembly for this purpose, is
12 consistent with the payment principles of Medicare. To ensure
13 uniformity between the payment principles of Medicare and
14 Medicaid, the Illinois Department shall follow, to the extent
15 necessary and practicable and subject to the availability of
16 funds appropriated by the General Assembly for this purpose,
17 the statutes, laws, regulations, policies, procedures,
18 principles, definitions, guidelines, and manuals used to
19 determine the amounts paid to ambulance service providers
20 under Title XVIII of the Social Security Act (Medicare).

21 (b) For ambulance services provided to a recipient of aid
22 under this Article on or after January 1, 1996, the Illinois
23 Department shall reimburse ambulance service providers based
24 upon the actual distance traveled if a natural disaster,
25 weather conditions, road repairs, or traffic congestion
26 necessitates the use of a route other than the most direct

1 route.

2 (c) For purposes of this Section, "ambulance services"
3 includes medical transportation services provided by means of
4 an ambulance, medi-car, service car, or taxi.

5 (c-1) For purposes of this Section, "ground ambulance
6 service" means medical transportation services that are
7 described as ground ambulance services by the Centers for
8 Medicare and Medicaid Services and provided in a vehicle that
9 is licensed as an ambulance by the Illinois Department of
10 Public Health pursuant to the Emergency Medical Services (EMS)
11 Systems Act.

12 (c-2) For purposes of this Section, "ground ambulance
13 service provider" means a vehicle service provider as
14 described in the Emergency Medical Services (EMS) Systems Act
15 that operates licensed ambulances for the purpose of providing
16 emergency ambulance services, or non-emergency ambulance
17 services, or both. For purposes of this Section, this includes
18 both ambulance providers and ambulance suppliers as described
19 by the Centers for Medicare and Medicaid Services.

20 (c-3) For purposes of this Section, "medi-car" means
21 transportation services provided to a patient who is confined
22 to a wheelchair and requires the use of a hydraulic or electric
23 lift or ramp and wheelchair lockdown when the patient's
24 condition does not require medical observation, medical
25 supervision, medical equipment, the administration of
26 medications, or the administration of oxygen.

1 (c-4) For purposes of this Section, "service car" means
2 transportation services provided to a patient by a passenger
3 vehicle where that patient does not require the specialized
4 modes described in subsection (c-1) or (c-3).

5 (d) This Section does not prohibit separate billing by
6 ambulance service providers for oxygen furnished while
7 providing advanced life support services.

8 (e) Beginning with services rendered on or after July 1,
9 2008, all providers of non-emergency medi-car and service car
10 transportation must certify that the driver and employee
11 attendant, as applicable, have completed a safety program
12 approved by the Department to protect both the patient and the
13 driver, prior to transporting a patient. The provider must
14 maintain this certification in its records. The provider shall
15 produce such documentation upon demand by the Department or
16 its representative. Failure to produce documentation of such
17 training shall result in recovery of any payments made by the
18 Department for services rendered by a non-certified driver or
19 employee attendant. Medi-car and service car providers must
20 maintain legible documentation in their records of the driver
21 and, as applicable, employee attendant that actually
22 transported the patient. Providers must recertify all drivers
23 and employee attendants every 3 years. If they meet the
24 established training components set forth by the Department,
25 providers of non-emergency medi-car and service car
26 transportation that are either directly or through an

1 affiliated company licensed by the Department of Public Health
2 shall be approved by the Department to have in-house safety
3 programs for training their own staff.

4 Notwithstanding the requirements above, any public
5 transportation provider of medi-car and service car
6 transportation that receives federal funding under 49 U.S.C.
7 5307 and 5311 need not certify its drivers and employee
8 attendants under this Section, since safety training is
9 already federally mandated.

10 (f) With respect to any policy or program administered by
11 the Department or its agent regarding approval of
12 non-emergency medical transportation by ground ambulance
13 service providers, including, but not limited to, the
14 Non-Emergency Transportation Services Prior Approval Program
15 (NETSPAP), the Department shall establish by rule a process by
16 which ground ambulance service providers of non-emergency
17 medical transportation may appeal any decision by the
18 Department or its agent for which no denial was received prior
19 to the time of transport that either (i) denies a request for
20 approval for payment of non-emergency transportation by means
21 of ground ambulance service or (ii) grants a request for
22 approval of non-emergency transportation by means of ground
23 ambulance service at a level of service that entitles the
24 ground ambulance service provider to a lower level of
25 compensation from the Department than the ground ambulance
26 service provider would have received as compensation for the

1 level of service requested. The rule shall be filed by
2 December 15, 2012 and shall provide that, for any decision
3 rendered by the Department or its agent on or after the date
4 the rule takes effect, the ground ambulance service provider
5 shall have 60 days from the date the decision is received to
6 file an appeal. The rule established by the Department shall
7 be, insofar as is practical, consistent with the Illinois
8 Administrative Procedure Act. The Director's decision on an
9 appeal under this Section shall be a final administrative
10 decision subject to review under the Administrative Review
11 Law.

12 (f-5) Beginning 90 days after July 20, 2012 (the effective
13 date of Public Act 97-842), (i) no denial of a request for
14 approval for payment of non-emergency transportation by means
15 of ground ambulance service, and (ii) no approval of
16 non-emergency transportation by means of ground ambulance
17 service at a level of service that entitles the ground
18 ambulance service provider to a lower level of compensation
19 from the Department than would have been received at the level
20 of service submitted by the ground ambulance service provider,
21 may be issued by the Department or its agent unless the
22 Department has submitted the criteria for determining the
23 appropriateness of the transport for first notice publication
24 in the Illinois Register pursuant to Section 5-40 of the
25 Illinois Administrative Procedure Act.

26 (f-7) For non-emergency ground ambulance claims properly

1 denied under Department policy at the time the claim is filed
2 due to failure to submit a valid Medical Certification for
3 Non-Emergency Ambulance on and after December 15, 2012 and
4 prior to January 1, 2021, the Department shall allot
5 \$2,000,000 to a pool to reimburse such claims if the provider
6 proves medical necessity for the service by other means.
7 Providers must submit any such denied claims for which they
8 seek compensation to the Department no later than December 31,
9 2021 along with documentation of medical necessity. No later
10 than May 31, 2022, the Department shall determine for which
11 claims medical necessity was established. Such claims for
12 which medical necessity was established shall be paid at the
13 rate in effect at the time of the service, provided the
14 \$2,000,000 is sufficient to pay at those rates. If the pool is
15 not sufficient, claims shall be paid at a uniform percentage
16 of the applicable rate such that the pool of \$2,000,000 is
17 exhausted. The appeal process described in subsection (f)
18 shall not be applicable to the Department's determinations
19 made in accordance with this subsection.

20 (g) Whenever a patient covered by a medical assistance
21 program under this Code or by another medical program
22 administered by the Department, including a patient covered
23 under the State's Medicaid managed care program, is being
24 transported from a facility and requires non-emergency
25 transportation including ground ambulance, medi-car, or
26 service car transportation, a Physician Certification

1 Statement as described in this Section shall be required for
2 each patient. Facilities shall develop procedures for a
3 licensed medical professional to provide a written and signed
4 Physician Certification Statement. The Physician Certification
5 Statement shall specify the level of transportation services
6 needed and complete a medical certification establishing the
7 criteria for approval of non-emergency ambulance
8 transportation, as published by the Department of Healthcare
9 and Family Services, that is met by the patient. This
10 certification shall be completed prior to ordering the
11 transportation service and prior to patient discharge. The
12 Physician Certification Statement is not required prior to
13 transport if a delay in transport can be expected to
14 negatively affect the patient outcome. If the ground ambulance
15 provider, medi-car provider, or service car provider is unable
16 to obtain the required Physician Certification Statement
17 within 10 calendar days following the date of the service, the
18 ground ambulance provider, medi-car provider, or service car
19 provider must document its attempt to obtain the requested
20 certification and may then submit the claim for payment.
21 Acceptable documentation includes a signed return receipt from
22 the U.S. Postal Service, facsimile receipt, email receipt, or
23 other similar service that evidences that the ground ambulance
24 provider, medi-car provider, or service car provider attempted
25 to obtain the required Physician Certification Statement.

26 The medical certification specifying the level and type of

1 non-emergency transportation needed shall be in the form of
2 the Physician Certification Statement on a standardized form
3 prescribed by the Department of Healthcare and Family
4 Services. Within 75 days after July 27, 2018 (the effective
5 date of Public Act 100-646), the Department of Healthcare and
6 Family Services shall develop a standardized form of the
7 Physician Certification Statement specifying the level and
8 type of transportation services needed in consultation with
9 the Department of Public Health, Medicaid managed care
10 organizations, a statewide association representing ambulance
11 providers, a statewide association representing hospitals, 3
12 statewide associations representing nursing homes, and other
13 stakeholders. The Physician Certification Statement shall
14 include, but is not limited to, the criteria necessary to
15 demonstrate medical necessity for the level of transport
16 needed as required by (i) the Department of Healthcare and
17 Family Services and (ii) the federal Centers for Medicare and
18 Medicaid Services as outlined in the Centers for Medicare and
19 Medicaid Services' Medicare Benefit Policy Manual, Pub.
20 100-02, Chap. 10, Sec. 10.2.1, et seq. The use of the Physician
21 Certification Statement shall satisfy the obligations of
22 hospitals under Section 6.22 of the Hospital Licensing Act and
23 nursing homes under Section 2-217 of the Nursing Home Care
24 Act. Implementation and acceptance of the Physician
25 Certification Statement shall take place no later than 90 days
26 after the issuance of the Physician Certification Statement by

1 the Department of Healthcare and Family Services.

2 Pursuant to subsection (E) of Section 12-4.25 of this
3 Code, the Department is entitled to recover overpayments paid
4 to a provider or vendor, including, but not limited to, from
5 the discharging physician, the discharging facility, and the
6 ground ambulance service provider, in instances where a
7 non-emergency ground ambulance service is rendered as the
8 result of improper or false certification.

9 Beginning October 1, 2018, the Department of Healthcare
10 and Family Services shall collect data from Medicaid managed
11 care organizations and transportation brokers, including the
12 Department's NETSPAP broker, regarding denials and appeals
13 related to the missing or incomplete Physician Certification
14 Statement forms and overall compliance with this subsection.
15 The Department of Healthcare and Family Services shall publish
16 quarterly results on its website within 15 days following the
17 end of each quarter.

18 (h) On and after July 1, 2012, the Department shall reduce
19 any rate of reimbursement for services or other payments or
20 alter any methodologies authorized by this Code to reduce any
21 rate of reimbursement for services or other payments in
22 accordance with Section 5-5e.

23 (i) On and after July 1, 2018, the Department shall
24 increase the base rate of reimbursement for both base charges
25 and mileage charges for ground ambulance service providers for
26 medical transportation services provided by means of a ground

1 ambulance to a level not lower than 112% of the base rate in
2 effect as of June 30, 2018.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-649, eff. 7-7-20;
4 102-364, eff. 1-1-22; 102-650, eff. 8-27-21; revised 11-8-21.)

5 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

6 Sec. 5-5. Medical services. The Illinois Department, by
7 rule, shall determine the quantity and quality of and the rate
8 of reimbursement for the medical assistance for which payment
9 will be authorized, and the medical services to be provided,
10 which may include all or part of the following: (1) inpatient
11 hospital services; (2) outpatient hospital services; (3) other
12 laboratory and X-ray services; (4) skilled nursing home
13 services; (5) physicians' services whether furnished in the
14 office, the patient's home, a hospital, a skilled nursing
15 home, or elsewhere; (6) medical care, or any other type of
16 remedial care furnished by licensed practitioners; (7) home
17 health care services; (8) private duty nursing service; (9)
18 clinic services; (10) dental services, including prevention
19 and treatment of periodontal disease and dental caries disease
20 for pregnant individuals, provided by an individual licensed
21 to practice dentistry or dental surgery; for purposes of this
22 item (10), "dental services" means diagnostic, preventive, or
23 corrective procedures provided by or under the supervision of
24 a dentist in the practice of his or her profession; (11)
25 physical therapy and related services; (12) prescribed drugs,

1 dentures, and prosthetic devices; and eyeglasses prescribed by
2 a physician skilled in the diseases of the eye, or by an
3 optometrist, whichever the person may select; (13) other
4 diagnostic, screening, preventive, and rehabilitative
5 services, including to ensure that the individual's need for
6 intervention or treatment of mental disorders or substance use
7 disorders or co-occurring mental health and substance use
8 disorders is determined using a uniform screening, assessment,
9 and evaluation process inclusive of criteria, for children and
10 adults; for purposes of this item (13), a uniform screening,
11 assessment, and evaluation process refers to a process that
12 includes an appropriate evaluation and, as warranted, a
13 referral; "uniform" does not mean the use of a singular
14 instrument, tool, or process that all must utilize; (14)
15 transportation and such other expenses as may be necessary;
16 (15) medical treatment of sexual assault survivors, as defined
17 in Section 1a of the Sexual Assault Survivors Emergency
18 Treatment Act, for injuries sustained as a result of the
19 sexual assault, including examinations and laboratory tests to
20 discover evidence which may be used in criminal proceedings
21 arising from the sexual assault; (16) the diagnosis and
22 treatment of sickle cell anemia; (16.5) services performed by
23 a chiropractic physician licensed under the Medical Practice
24 Act of 1987 and acting within the scope of his or her license,
25 including, but not limited to, chiropractic manipulative
26 treatment; and (17) any other medical care, and any other type

1 of remedial care recognized under the laws of this State. The
2 term "any other type of remedial care" shall include nursing
3 care and nursing home service for persons who rely on
4 treatment by spiritual means alone through prayer for healing.

5 Notwithstanding any other provision of this Section, a
6 comprehensive tobacco use cessation program that includes
7 purchasing prescription drugs or prescription medical devices
8 approved by the Food and Drug Administration shall be covered
9 under the medical assistance program under this Article for
10 persons who are otherwise eligible for assistance under this
11 Article.

12 Notwithstanding any other provision of this Code,
13 reproductive health care that is otherwise legal in Illinois
14 shall be covered under the medical assistance program for
15 persons who are otherwise eligible for medical assistance
16 under this Article.

17 Notwithstanding any other provision of this Section, all
18 tobacco cessation medications approved by the United States
19 Food and Drug Administration and all individual and group
20 tobacco cessation counseling services and telephone-based
21 counseling services and tobacco cessation medications provided
22 through the Illinois Tobacco Quitline shall be covered under
23 the medical assistance program for persons who are otherwise
24 eligible for assistance under this Article. The Department
25 shall comply with all federal requirements necessary to obtain
26 federal financial participation, as specified in 42 CFR

1 433.15(b)(7), for telephone-based counseling services provided
2 through the Illinois Tobacco Quitline, including, but not
3 limited to: (i) entering into a memorandum of understanding or
4 interagency agreement with the Department of Public Health, as
5 administrator of the Illinois Tobacco Quitline; and (ii)
6 developing a cost allocation plan for Medicaid-allowable
7 Illinois Tobacco Quitline services in accordance with 45 CFR
8 95.507. The Department shall submit the memorandum of
9 understanding or interagency agreement, the cost allocation
10 plan, and all other necessary documentation to the Centers for
11 Medicare and Medicaid Services for review and approval.
12 Coverage under this paragraph shall be contingent upon federal
13 approval.

14 Notwithstanding any other provision of this Code, the
15 Illinois Department may not require, as a condition of payment
16 for any laboratory test authorized under this Article, that a
17 physician's handwritten signature appear on the laboratory
18 test order form. The Illinois Department may, however, impose
19 other appropriate requirements regarding laboratory test order
20 documentation.

21 Upon receipt of federal approval of an amendment to the
22 Illinois Title XIX State Plan for this purpose, the Department
23 shall authorize the Chicago Public Schools (CPS) to procure a
24 vendor or vendors to manufacture eyeglasses for individuals
25 enrolled in a school within the CPS system. CPS shall ensure
26 that its vendor or vendors are enrolled as providers in the

1 medical assistance program and in any capitated Medicaid
2 managed care entity (MCE) serving individuals enrolled in a
3 school within the CPS system. Under any contract procured
4 under this provision, the vendor or vendors must serve only
5 individuals enrolled in a school within the CPS system. Claims
6 for services provided by CPS's vendor or vendors to recipients
7 of benefits in the medical assistance program under this Code,
8 the Children's Health Insurance Program, or the Covering ALL
9 KIDS Health Insurance Program shall be submitted to the
10 Department or the MCE in which the individual is enrolled for
11 payment and shall be reimbursed at the Department's or the
12 MCE's established rates or rate methodologies for eyeglasses.

13 On and after July 1, 2012, the Department of Healthcare
14 and Family Services may provide the following services to
15 persons eligible for assistance under this Article who are
16 participating in education, training or employment programs
17 operated by the Department of Human Services as successor to
18 the Department of Public Aid:

19 (1) dental services provided by or under the
20 supervision of a dentist; and

21 (2) eyeglasses prescribed by a physician skilled in
22 the diseases of the eye, or by an optometrist, whichever
23 the person may select.

24 On and after July 1, 2018, the Department of Healthcare
25 and Family Services shall provide dental services to any adult
26 who is otherwise eligible for assistance under the medical

1 assistance program. As used in this paragraph, "dental
2 services" means diagnostic, preventative, restorative, or
3 corrective procedures, including procedures and services for
4 the prevention and treatment of periodontal disease and dental
5 caries disease, provided by an individual who is licensed to
6 practice dentistry or dental surgery or who is under the
7 supervision of a dentist in the practice of his or her
8 profession.

9 On and after July 1, 2018, targeted dental services, as
10 set forth in Exhibit D of the Consent Decree entered by the
11 United States District Court for the Northern District of
12 Illinois, Eastern Division, in the matter of Memisovski v.
13 Maram, Case No. 92 C 1982, that are provided to adults under
14 the medical assistance program shall be established at no less
15 than the rates set forth in the "New Rate" column in Exhibit D
16 of the Consent Decree for targeted dental services that are
17 provided to persons under the age of 18 under the medical
18 assistance program.

19 Notwithstanding any other provision of this Code and
20 subject to federal approval, the Department may adopt rules to
21 allow a dentist who is volunteering his or her service at no
22 cost to render dental services through an enrolled
23 not-for-profit health clinic without the dentist personally
24 enrolling as a participating provider in the medical
25 assistance program. A not-for-profit health clinic shall
26 include a public health clinic or Federally Qualified Health

1 Center or other enrolled provider, as determined by the
2 Department, through which dental services covered under this
3 Section are performed. The Department shall establish a
4 process for payment of claims for reimbursement for covered
5 dental services rendered under this provision.

6 On and after January 1, 2022, the Department of Healthcare
7 and Family Services shall administer and regulate a
8 school-based dental program that allows for the out-of-office
9 delivery of preventative dental services in a school setting
10 to children under 19 years of age. The Department shall
11 establish, by rule, guidelines for participation by providers
12 and set requirements for follow-up referral care based on the
13 requirements established in the Dental Office Reference Manual
14 published by the Department that establishes the requirements
15 for dentists participating in the All Kids Dental School
16 Program. Every effort shall be made by the Department when
17 developing the program requirements to consider the different
18 geographic differences of both urban and rural areas of the
19 State for initial treatment and necessary follow-up care. No
20 provider shall be charged a fee by any unit of local government
21 to participate in the school-based dental program administered
22 by the Department. Nothing in this paragraph shall be
23 construed to limit or preempt a home rule unit's or school
24 district's authority to establish, change, or administer a
25 school-based dental program in addition to, or independent of,
26 the school-based dental program administered by the

1 Department.

2 The Illinois Department, by rule, may distinguish and
3 classify the medical services to be provided only in
4 accordance with the classes of persons designated in Section
5 5-2.

6 The Department of Healthcare and Family Services must
7 provide coverage and reimbursement for amino acid-based
8 elemental formulas, regardless of delivery method, for the
9 diagnosis and treatment of (i) eosinophilic disorders and (ii)
10 short bowel syndrome when the prescribing physician has issued
11 a written order stating that the amino acid-based elemental
12 formula is medically necessary.

13 The Illinois Department shall authorize the provision of,
14 and shall authorize payment for, screening by low-dose
15 mammography for the presence of occult breast cancer for
16 individuals 35 years of age or older who are eligible for
17 medical assistance under this Article, as follows:

18 (A) A baseline mammogram for individuals 35 to 39
19 years of age.

20 (B) An annual mammogram for individuals 40 years of
21 age or older.

22 (C) A mammogram at the age and intervals considered
23 medically necessary by the individual's health care
24 provider for individuals under 40 years of age and having
25 a family history of breast cancer, prior personal history
26 of breast cancer, positive genetic testing, or other risk

1 factors.

2 (D) A comprehensive ultrasound screening and MRI of an
3 entire breast or breasts if a mammogram demonstrates
4 heterogeneous or dense breast tissue or when medically
5 necessary as determined by a physician licensed to
6 practice medicine in all of its branches.

7 (E) A screening MRI when medically necessary, as
8 determined by a physician licensed to practice medicine in
9 all of its branches.

10 (F) A diagnostic mammogram when medically necessary,
11 as determined by a physician licensed to practice medicine
12 in all its branches, advanced practice registered nurse,
13 or physician assistant.

14 The Department shall not impose a deductible, coinsurance,
15 copayment, or any other cost-sharing requirement on the
16 coverage provided under this paragraph; except that this
17 sentence does not apply to coverage of diagnostic mammograms
18 to the extent such coverage would disqualify a high-deductible
19 health plan from eligibility for a health savings account
20 pursuant to Section 223 of the Internal Revenue Code (26
21 U.S.C. 223).

22 All screenings shall include a physical breast exam,
23 instruction on self-examination and information regarding the
24 frequency of self-examination and its value as a preventative
25 tool.

26 For purposes of this Section:

1 "Diagnostic mammogram" means a mammogram obtained using
2 diagnostic mammography.

3 "Diagnostic mammography" means a method of screening that
4 is designed to evaluate an abnormality in a breast, including
5 an abnormality seen or suspected on a screening mammogram or a
6 subjective or objective abnormality otherwise detected in the
7 breast.

8 "Low-dose mammography" means the x-ray examination of the
9 breast using equipment dedicated specifically for mammography,
10 including the x-ray tube, filter, compression device, and
11 image receptor, with an average radiation exposure delivery of
12 less than one rad per breast for 2 views of an average size
13 breast. The term also includes digital mammography and
14 includes breast tomosynthesis.

15 "Breast tomosynthesis" means a radiologic procedure that
16 involves the acquisition of projection images over the
17 stationary breast to produce cross-sectional digital
18 three-dimensional images of the breast.

19 If, at any time, the Secretary of the United States
20 Department of Health and Human Services, or its successor
21 agency, promulgates rules or regulations to be published in
22 the Federal Register or publishes a comment in the Federal
23 Register or issues an opinion, guidance, or other action that
24 would require the State, pursuant to any provision of the
25 Patient Protection and Affordable Care Act (Public Law
26 111-148), including, but not limited to, 42 U.S.C.

1 18031(d)(3)(B) or any successor provision, to defray the cost
2 of any coverage for breast tomosynthesis outlined in this
3 paragraph, then the requirement that an insurer cover breast
4 tomosynthesis is inoperative other than any such coverage
5 authorized under Section 1902 of the Social Security Act, 42
6 U.S.C. 1396a, and the State shall not assume any obligation
7 for the cost of coverage for breast tomosynthesis set forth in
8 this paragraph.

9 On and after January 1, 2016, the Department shall ensure
10 that all networks of care for adult clients of the Department
11 include access to at least one breast imaging Center of
12 Imaging Excellence as certified by the American College of
13 Radiology.

14 On and after January 1, 2012, providers participating in a
15 quality improvement program approved by the Department shall
16 be reimbursed for screening and diagnostic mammography at the
17 same rate as the Medicare program's rates, including the
18 increased reimbursement for digital mammography.

19 The Department shall convene an expert panel including
20 representatives of hospitals, free-standing mammography
21 facilities, and doctors, including radiologists, to establish
22 quality standards for mammography.

23 On and after January 1, 2017, providers participating in a
24 breast cancer treatment quality improvement program approved
25 by the Department shall be reimbursed for breast cancer
26 treatment at a rate that is no lower than 95% of the Medicare

1 program's rates for the data elements included in the breast
2 cancer treatment quality program.

3 The Department shall convene an expert panel, including
4 representatives of hospitals, free-standing breast cancer
5 treatment centers, breast cancer quality organizations, and
6 doctors, including breast surgeons, reconstructive breast
7 surgeons, oncologists, and primary care providers to establish
8 quality standards for breast cancer treatment.

9 Subject to federal approval, the Department shall
10 establish a rate methodology for mammography at federally
11 qualified health centers and other encounter-rate clinics.
12 These clinics or centers may also collaborate with other
13 hospital-based mammography facilities. By January 1, 2016, the
14 Department shall report to the General Assembly on the status
15 of the provision set forth in this paragraph.

16 The Department shall establish a methodology to remind
17 individuals who are age-appropriate for screening mammography,
18 but who have not received a mammogram within the previous 18
19 months, of the importance and benefit of screening
20 mammography. The Department shall work with experts in breast
21 cancer outreach and patient navigation to optimize these
22 reminders and shall establish a methodology for evaluating
23 their effectiveness and modifying the methodology based on the
24 evaluation.

25 The Department shall establish a performance goal for
26 primary care providers with respect to their female patients

1 over age 40 receiving an annual mammogram. This performance
2 goal shall be used to provide additional reimbursement in the
3 form of a quality performance bonus to primary care providers
4 who meet that goal.

5 The Department shall devise a means of case-managing or
6 patient navigation for beneficiaries diagnosed with breast
7 cancer. This program shall initially operate as a pilot
8 program in areas of the State with the highest incidence of
9 mortality related to breast cancer. At least one pilot program
10 site shall be in the metropolitan Chicago area and at least one
11 site shall be outside the metropolitan Chicago area. On or
12 after July 1, 2016, the pilot program shall be expanded to
13 include one site in western Illinois, one site in southern
14 Illinois, one site in central Illinois, and 4 sites within
15 metropolitan Chicago. An evaluation of the pilot program shall
16 be carried out measuring health outcomes and cost of care for
17 those served by the pilot program compared to similarly
18 situated patients who are not served by the pilot program.

19 The Department shall require all networks of care to
20 develop a means either internally or by contract with experts
21 in navigation and community outreach to navigate cancer
22 patients to comprehensive care in a timely fashion. The
23 Department shall require all networks of care to include
24 access for patients diagnosed with cancer to at least one
25 academic commission on cancer-accredited cancer program as an
26 in-network covered benefit.

1 On or after July 1, 2022, individuals who are otherwise
2 eligible for medical assistance under this Article shall
3 receive coverage for perinatal depression screenings for the
4 12-month period beginning on the last day of their pregnancy.
5 Medical assistance coverage under this paragraph shall be
6 conditioned on the use of a screening instrument approved by
7 the Department.

8 Any medical or health care provider shall immediately
9 recommend, to any pregnant individual who is being provided
10 prenatal services and is suspected of having a substance use
11 disorder as defined in the Substance Use Disorder Act,
12 referral to a local substance use disorder treatment program
13 licensed by the Department of Human Services or to a licensed
14 hospital which provides substance abuse treatment services.
15 The Department of Healthcare and Family Services shall assure
16 coverage for the cost of treatment of the drug abuse or
17 addiction for pregnant recipients in accordance with the
18 Illinois Medicaid Program in conjunction with the Department
19 of Human Services.

20 All medical providers providing medical assistance to
21 pregnant individuals under this Code shall receive information
22 from the Department on the availability of services under any
23 program providing case management services for addicted
24 individuals, including information on appropriate referrals
25 for other social services that may be needed by addicted
26 individuals in addition to treatment for addiction.

1 The Illinois Department, in cooperation with the
2 Departments of Human Services (as successor to the Department
3 of Alcoholism and Substance Abuse) and Public Health, through
4 a public awareness campaign, may provide information
5 concerning treatment for alcoholism and drug abuse and
6 addiction, prenatal health care, and other pertinent programs
7 directed at reducing the number of drug-affected infants born
8 to recipients of medical assistance.

9 Neither the Department of Healthcare and Family Services
10 nor the Department of Human Services shall sanction the
11 recipient solely on the basis of the recipient's substance
12 abuse.

13 The Illinois Department shall establish such regulations
14 governing the dispensing of health services under this Article
15 as it shall deem appropriate. The Department should seek the
16 advice of formal professional advisory committees appointed by
17 the Director of the Illinois Department for the purpose of
18 providing regular advice on policy and administrative matters,
19 information dissemination and educational activities for
20 medical and health care providers, and consistency in
21 procedures to the Illinois Department.

22 The Illinois Department may develop and contract with
23 Partnerships of medical providers to arrange medical services
24 for persons eligible under Section 5-2 of this Code.
25 Implementation of this Section may be by demonstration
26 projects in certain geographic areas. The Partnership shall be

1 represented by a sponsor organization. The Department, by
2 rule, shall develop qualifications for sponsors of
3 Partnerships. Nothing in this Section shall be construed to
4 require that the sponsor organization be a medical
5 organization.

6 The sponsor must negotiate formal written contracts with
7 medical providers for physician services, inpatient and
8 outpatient hospital care, home health services, treatment for
9 alcoholism and substance abuse, and other services determined
10 necessary by the Illinois Department by rule for delivery by
11 Partnerships. Physician services must include prenatal and
12 obstetrical care. The Illinois Department shall reimburse
13 medical services delivered by Partnership providers to clients
14 in target areas according to provisions of this Article and
15 the Illinois Health Finance Reform Act, except that:

16 (1) Physicians participating in a Partnership and
17 providing certain services, which shall be determined by
18 the Illinois Department, to persons in areas covered by
19 the Partnership may receive an additional surcharge for
20 such services.

21 (2) The Department may elect to consider and negotiate
22 financial incentives to encourage the development of
23 Partnerships and the efficient delivery of medical care.

24 (3) Persons receiving medical services through
25 Partnerships may receive medical and case management
26 services above the level usually offered through the

1 medical assistance program.

2 Medical providers shall be required to meet certain
3 qualifications to participate in Partnerships to ensure the
4 delivery of high quality medical services. These
5 qualifications shall be determined by rule of the Illinois
6 Department and may be higher than qualifications for
7 participation in the medical assistance program. Partnership
8 sponsors may prescribe reasonable additional qualifications
9 for participation by medical providers, only with the prior
10 written approval of the Illinois Department.

11 Nothing in this Section shall limit the free choice of
12 practitioners, hospitals, and other providers of medical
13 services by clients. In order to ensure patient freedom of
14 choice, the Illinois Department shall immediately promulgate
15 all rules and take all other necessary actions so that
16 provided services may be accessed from therapeutically
17 certified optometrists to the full extent of the Illinois
18 Optometric Practice Act of 1987 without discriminating between
19 service providers.

20 The Department shall apply for a waiver from the United
21 States Health Care Financing Administration to allow for the
22 implementation of Partnerships under this Section.

23 The Illinois Department shall require health care
24 providers to maintain records that document the medical care
25 and services provided to recipients of Medical Assistance
26 under this Article. Such records must be retained for a period

1 of not less than 6 years from the date of service or as
2 provided by applicable State law, whichever period is longer,
3 except that if an audit is initiated within the required
4 retention period then the records must be retained until the
5 audit is completed and every exception is resolved. The
6 Illinois Department shall require health care providers to
7 make available, when authorized by the patient, in writing,
8 the medical records in a timely fashion to other health care
9 providers who are treating or serving persons eligible for
10 Medical Assistance under this Article. All dispensers of
11 medical services shall be required to maintain and retain
12 business and professional records sufficient to fully and
13 accurately document the nature, scope, details and receipt of
14 the health care provided to persons eligible for medical
15 assistance under this Code, in accordance with regulations
16 promulgated by the Illinois Department. The rules and
17 regulations shall require that proof of the receipt of
18 prescription drugs, dentures, prosthetic devices and
19 eyeglasses by eligible persons under this Section accompany
20 each claim for reimbursement submitted by the dispenser of
21 such medical services. No such claims for reimbursement shall
22 be approved for payment by the Illinois Department without
23 such proof of receipt, unless the Illinois Department shall
24 have put into effect and shall be operating a system of
25 post-payment audit and review which shall, on a sampling
26 basis, be deemed adequate by the Illinois Department to assure

1 that such drugs, dentures, prosthetic devices and eyeglasses
2 for which payment is being made are actually being received by
3 eligible recipients. Within 90 days after September 16, 1984
4 (the effective date of Public Act 83-1439), the Illinois
5 Department shall establish a current list of acquisition costs
6 for all prosthetic devices and any other items recognized as
7 medical equipment and supplies reimbursable under this Article
8 and shall update such list on a quarterly basis, except that
9 the acquisition costs of all prescription drugs shall be
10 updated no less frequently than every 30 days as required by
11 Section 5-5.12.

12 Notwithstanding any other law to the contrary, the
13 Illinois Department shall, within 365 days after July 22, 2013
14 (the effective date of Public Act 98-104), establish
15 procedures to permit skilled care facilities licensed under
16 the Nursing Home Care Act to submit monthly billing claims for
17 reimbursement purposes. Following development of these
18 procedures, the Department shall, by July 1, 2016, test the
19 viability of the new system and implement any necessary
20 operational or structural changes to its information
21 technology platforms in order to allow for the direct
22 acceptance and payment of nursing home claims.

23 Notwithstanding any other law to the contrary, the
24 Illinois Department shall, within 365 days after August 15,
25 2014 (the effective date of Public Act 98-963), establish
26 procedures to permit ID/DD facilities licensed under the ID/DD

1 Community Care Act and MC/DD facilities licensed under the
2 MC/DD Act to submit monthly billing claims for reimbursement
3 purposes. Following development of these procedures, the
4 Department shall have an additional 365 days to test the
5 viability of the new system and to ensure that any necessary
6 operational or structural changes to its information
7 technology platforms are implemented.

8 The Illinois Department shall require all dispensers of
9 medical services, other than an individual practitioner or
10 group of practitioners, desiring to participate in the Medical
11 Assistance program established under this Article to disclose
12 all financial, beneficial, ownership, equity, surety or other
13 interests in any and all firms, corporations, partnerships,
14 associations, business enterprises, joint ventures, agencies,
15 institutions or other legal entities providing any form of
16 health care services in this State under this Article.

17 The Illinois Department may require that all dispensers of
18 medical services desiring to participate in the medical
19 assistance program established under this Article disclose,
20 under such terms and conditions as the Illinois Department may
21 by rule establish, all inquiries from clients and attorneys
22 regarding medical bills paid by the Illinois Department, which
23 inquiries could indicate potential existence of claims or
24 liens for the Illinois Department.

25 Enrollment of a vendor shall be subject to a provisional
26 period and shall be conditional for one year. During the

1 period of conditional enrollment, the Department may terminate
2 the vendor's eligibility to participate in, or may disenroll
3 the vendor from, the medical assistance program without cause.
4 Unless otherwise specified, such termination of eligibility or
5 disenrollment is not subject to the Department's hearing
6 process. However, a disenrolled vendor may reapply without
7 penalty.

8 The Department has the discretion to limit the conditional
9 enrollment period for vendors based upon category of risk of
10 the vendor.

11 Prior to enrollment and during the conditional enrollment
12 period in the medical assistance program, all vendors shall be
13 subject to enhanced oversight, screening, and review based on
14 the risk of fraud, waste, and abuse that is posed by the
15 category of risk of the vendor. The Illinois Department shall
16 establish the procedures for oversight, screening, and review,
17 which may include, but need not be limited to: criminal and
18 financial background checks; fingerprinting; license,
19 certification, and authorization verifications; unscheduled or
20 unannounced site visits; database checks; prepayment audit
21 reviews; audits; payment caps; payment suspensions; and other
22 screening as required by federal or State law.

23 The Department shall define or specify the following: (i)
24 by provider notice, the "category of risk of the vendor" for
25 each type of vendor, which shall take into account the level of
26 screening applicable to a particular category of vendor under

1 federal law and regulations; (ii) by rule or provider notice,
2 the maximum length of the conditional enrollment period for
3 each category of risk of the vendor; and (iii) by rule, the
4 hearing rights, if any, afforded to a vendor in each category
5 of risk of the vendor that is terminated or disenrolled during
6 the conditional enrollment period.

7 To be eligible for payment consideration, a vendor's
8 payment claim or bill, either as an initial claim or as a
9 resubmitted claim following prior rejection, must be received
10 by the Illinois Department, or its fiscal intermediary, no
11 later than 180 days after the latest date on the claim on which
12 medical goods or services were provided, with the following
13 exceptions:

14 (1) In the case of a provider whose enrollment is in
15 process by the Illinois Department, the 180-day period
16 shall not begin until the date on the written notice from
17 the Illinois Department that the provider enrollment is
18 complete.

19 (2) In the case of errors attributable to the Illinois
20 Department or any of its claims processing intermediaries
21 which result in an inability to receive, process, or
22 adjudicate a claim, the 180-day period shall not begin
23 until the provider has been notified of the error.

24 (3) In the case of a provider for whom the Illinois
25 Department initiates the monthly billing process.

26 (4) In the case of a provider operated by a unit of

1 local government with a population exceeding 3,000,000
2 when local government funds finance federal participation
3 for claims payments.

4 For claims for services rendered during a period for which
5 a recipient received retroactive eligibility, claims must be
6 filed within 180 days after the Department determines the
7 applicant is eligible. For claims for which the Illinois
8 Department is not the primary payer, claims must be submitted
9 to the Illinois Department within 180 days after the final
10 adjudication by the primary payer.

11 In the case of long term care facilities, within 120
12 calendar days of receipt by the facility of required
13 prescreening information, new admissions with associated
14 admission documents shall be submitted through the Medical
15 Electronic Data Interchange (MEDI) or the Recipient
16 Eligibility Verification (REV) System or shall be submitted
17 directly to the Department of Human Services using required
18 admission forms. Effective September 1, 2014, admission
19 documents, including all prescreening information, must be
20 submitted through MEDI or REV. Confirmation numbers assigned
21 to an accepted transaction shall be retained by a facility to
22 verify timely submittal. Once an admission transaction has
23 been completed, all resubmitted claims following prior
24 rejection are subject to receipt no later than 180 days after
25 the admission transaction has been completed.

26 Claims that are not submitted and received in compliance

1 with the foregoing requirements shall not be eligible for
2 payment under the medical assistance program, and the State
3 shall have no liability for payment of those claims.

4 To the extent consistent with applicable information and
5 privacy, security, and disclosure laws, State and federal
6 agencies and departments shall provide the Illinois Department
7 access to confidential and other information and data
8 necessary to perform eligibility and payment verifications and
9 other Illinois Department functions. This includes, but is not
10 limited to: information pertaining to licensure;
11 certification; earnings; immigration status; citizenship; wage
12 reporting; unearned and earned income; pension income;
13 employment; supplemental security income; social security
14 numbers; National Provider Identifier (NPI) numbers; the
15 National Practitioner Data Bank (NPDB); program and agency
16 exclusions; taxpayer identification numbers; tax delinquency;
17 corporate information; and death records.

18 The Illinois Department shall enter into agreements with
19 State agencies and departments, and is authorized to enter
20 into agreements with federal agencies and departments, under
21 which such agencies and departments shall share data necessary
22 for medical assistance program integrity functions and
23 oversight. The Illinois Department shall develop, in
24 cooperation with other State departments and agencies, and in
25 compliance with applicable federal laws and regulations,
26 appropriate and effective methods to share such data. At a

1 minimum, and to the extent necessary to provide data sharing,
2 the Illinois Department shall enter into agreements with State
3 agencies and departments, and is authorized to enter into
4 agreements with federal agencies and departments, including,
5 but not limited to: the Secretary of State; the Department of
6 Revenue; the Department of Public Health; the Department of
7 Human Services; and the Department of Financial and
8 Professional Regulation.

9 Beginning in fiscal year 2013, the Illinois Department
10 shall set forth a request for information to identify the
11 benefits of a pre-payment, post-adjudication, and post-edit
12 claims system with the goals of streamlining claims processing
13 and provider reimbursement, reducing the number of pending or
14 rejected claims, and helping to ensure a more transparent
15 adjudication process through the utilization of: (i) provider
16 data verification and provider screening technology; and (ii)
17 clinical code editing; and (iii) pre-pay, pre- or
18 post-adjudicated predictive modeling with an integrated case
19 management system with link analysis. Such a request for
20 information shall not be considered as a request for proposal
21 or as an obligation on the part of the Illinois Department to
22 take any action or acquire any products or services.

23 The Illinois Department shall establish policies,
24 procedures, standards and criteria by rule for the
25 acquisition, repair and replacement of orthotic and prosthetic
26 devices and durable medical equipment. Such rules shall

1 provide, but not be limited to, the following services: (1)
2 immediate repair or replacement of such devices by recipients;
3 and (2) rental, lease, purchase or lease-purchase of durable
4 medical equipment in a cost-effective manner, taking into
5 consideration the recipient's medical prognosis, the extent of
6 the recipient's needs, and the requirements and costs for
7 maintaining such equipment. Subject to prior approval, such
8 rules shall enable a recipient to temporarily acquire and use
9 alternative or substitute devices or equipment pending repairs
10 or replacements of any device or equipment previously
11 authorized for such recipient by the Department.
12 Notwithstanding any provision of Section 5-5f to the contrary,
13 the Department may, by rule, exempt certain replacement
14 wheelchair parts from prior approval and, for wheelchairs,
15 wheelchair parts, wheelchair accessories, and related seating
16 and positioning items, determine the wholesale price by
17 methods other than actual acquisition costs.

18 The Department shall require, by rule, all providers of
19 durable medical equipment to be accredited by an accreditation
20 organization approved by the federal Centers for Medicare and
21 Medicaid Services and recognized by the Department in order to
22 bill the Department for providing durable medical equipment to
23 recipients. No later than 15 months after the effective date
24 of the rule adopted pursuant to this paragraph, all providers
25 must meet the accreditation requirement.

26 In order to promote environmental responsibility, meet the

1 needs of recipients and enrollees, and achieve significant
2 cost savings, the Department, or a managed care organization
3 under contract with the Department, may provide recipients or
4 managed care enrollees who have a prescription or Certificate
5 of Medical Necessity access to refurbished durable medical
6 equipment under this Section (excluding prosthetic and
7 orthotic devices as defined in the Orthotics, Prosthetics, and
8 Pedorthics Practice Act and complex rehabilitation technology
9 products and associated services) through the State's
10 assistive technology program's reutilization program, using
11 staff with the Assistive Technology Professional (ATP)
12 Certification if the refurbished durable medical equipment:
13 (i) is available; (ii) is less expensive, including shipping
14 costs, than new durable medical equipment of the same type;
15 (iii) is able to withstand at least 3 years of use; (iv) is
16 cleaned, disinfected, sterilized, and safe in accordance with
17 federal Food and Drug Administration regulations and guidance
18 governing the reprocessing of medical devices in health care
19 settings; and (v) equally meets the needs of the recipient or
20 enrollee. The reutilization program shall confirm that the
21 recipient or enrollee is not already in receipt of the same or
22 similar equipment from another service provider, and that the
23 refurbished durable medical equipment equally meets the needs
24 of the recipient or enrollee. Nothing in this paragraph shall
25 be construed to limit recipient or enrollee choice to obtain
26 new durable medical equipment or place any additional prior

1 authorization conditions on enrollees of managed care
2 organizations.

3 The Department shall execute, relative to the nursing home
4 prescreening project, written inter-agency agreements with the
5 Department of Human Services and the Department on Aging, to
6 effect the following: (i) intake procedures and common
7 eligibility criteria for those persons who are receiving
8 non-institutional services; and (ii) the establishment and
9 development of non-institutional services in areas of the
10 State where they are not currently available or are
11 undeveloped; and (iii) notwithstanding any other provision of
12 law, subject to federal approval, on and after July 1, 2012, an
13 increase in the determination of need (DON) scores from 29 to
14 37 for applicants for institutional and home and
15 community-based long term care; if and only if federal
16 approval is not granted, the Department may, in conjunction
17 with other affected agencies, implement utilization controls
18 or changes in benefit packages to effectuate a similar savings
19 amount for this population; and (iv) no later than July 1,
20 2013, minimum level of care eligibility criteria for
21 institutional and home and community-based long term care; and
22 (v) no later than October 1, 2013, establish procedures to
23 permit long term care providers access to eligibility scores
24 for individuals with an admission date who are seeking or
25 receiving services from the long term care provider. In order
26 to select the minimum level of care eligibility criteria, the

1 Governor shall establish a workgroup that includes affected
2 agency representatives and stakeholders representing the
3 institutional and home and community-based long term care
4 interests. This Section shall not restrict the Department from
5 implementing lower level of care eligibility criteria for
6 community-based services in circumstances where federal
7 approval has been granted.

8 The Illinois Department shall develop and operate, in
9 cooperation with other State Departments and agencies and in
10 compliance with applicable federal laws and regulations,
11 appropriate and effective systems of health care evaluation
12 and programs for monitoring of utilization of health care
13 services and facilities, as it affects persons eligible for
14 medical assistance under this Code.

15 The Illinois Department shall report annually to the
16 General Assembly, no later than the second Friday in April of
17 1979 and each year thereafter, in regard to:

18 (a) actual statistics and trends in utilization of
19 medical services by public aid recipients;

20 (b) actual statistics and trends in the provision of
21 the various medical services by medical vendors;

22 (c) current rate structures and proposed changes in
23 those rate structures for the various medical vendors; and

24 (d) efforts at utilization review and control by the
25 Illinois Department.

26 The period covered by each report shall be the 3 years

1 ending on the June 30 prior to the report. The report shall
2 include suggested legislation for consideration by the General
3 Assembly. The requirement for reporting to the General
4 Assembly shall be satisfied by filing copies of the report as
5 required by Section 3.1 of the General Assembly Organization
6 Act, and filing such additional copies with the State
7 Government Report Distribution Center for the General Assembly
8 as is required under paragraph (t) of Section 7 of the State
9 Library Act.

10 Rulemaking authority to implement Public Act 95-1045, if
11 any, is conditioned on the rules being adopted in accordance
12 with all provisions of the Illinois Administrative Procedure
13 Act and all rules and procedures of the Joint Committee on
14 Administrative Rules; any purported rule not so adopted, for
15 whatever reason, is unauthorized.

16 On and after July 1, 2012, the Department shall reduce any
17 rate of reimbursement for services or other payments or alter
18 any methodologies authorized by this Code to reduce any rate
19 of reimbursement for services or other payments in accordance
20 with Section 5-5e.

21 Because kidney transplantation can be an appropriate,
22 cost-effective alternative to renal dialysis when medically
23 necessary and notwithstanding the provisions of Section 1-11
24 of this Code, beginning October 1, 2014, the Department shall
25 cover kidney transplantation for noncitizens with end-stage
26 renal disease who are not eligible for comprehensive medical

1 benefits, who meet the residency requirements of Section 5-3
2 of this Code, and who would otherwise meet the financial
3 requirements of the appropriate class of eligible persons
4 under Section 5-2 of this Code. To qualify for coverage of
5 kidney transplantation, such person must be receiving
6 emergency renal dialysis services covered by the Department.
7 Providers under this Section shall be prior approved and
8 certified by the Department to perform kidney transplantation
9 and the services under this Section shall be limited to
10 services associated with kidney transplantation.

11 Notwithstanding any other provision of this Code to the
12 contrary, on or after July 1, 2015, all FDA approved forms of
13 medication assisted treatment prescribed for the treatment of
14 alcohol dependence or treatment of opioid dependence shall be
15 covered under both fee for service and managed care medical
16 assistance programs for persons who are otherwise eligible for
17 medical assistance under this Article and shall not be subject
18 to any (1) utilization control, other than those established
19 under the American Society of Addiction Medicine patient
20 placement criteria, (2) prior authorization mandate, or (3)
21 lifetime restriction limit mandate.

22 On or after July 1, 2015, opioid antagonists prescribed
23 for the treatment of an opioid overdose, including the
24 medication product, administration devices, and any pharmacy
25 fees or hospital fees related to the dispensing, distribution,
26 and administration of the opioid antagonist, shall be covered

1 under the medical assistance program for persons who are
2 otherwise eligible for medical assistance under this Article.
3 As used in this Section, "opioid antagonist" means a drug that
4 binds to opioid receptors and blocks or inhibits the effect of
5 opioids acting on those receptors, including, but not limited
6 to, naloxone hydrochloride or any other similarly acting drug
7 approved by the U.S. Food and Drug Administration.

8 Upon federal approval, the Department shall provide
9 coverage and reimbursement for all drugs that are approved for
10 marketing by the federal Food and Drug Administration and that
11 are recommended by the federal Public Health Service or the
12 United States Centers for Disease Control and Prevention for
13 pre-exposure prophylaxis and related pre-exposure prophylaxis
14 services, including, but not limited to, HIV and sexually
15 transmitted infection screening, treatment for sexually
16 transmitted infections, medical monitoring, assorted labs, and
17 counseling to reduce the likelihood of HIV infection among
18 individuals who are not infected with HIV but who are at high
19 risk of HIV infection.

20 A federally qualified health center, as defined in Section
21 1905(1)(2)(B) of the federal Social Security Act, shall be
22 reimbursed by the Department in accordance with the federally
23 qualified health center's encounter rate for services provided
24 to medical assistance recipients that are performed by a
25 dental hygienist, as defined under the Illinois Dental
26 Practice Act, working under the general supervision of a

1 dentist and employed by a federally qualified health center.

2 Within 90 days after October 8, 2021 (the effective date
3 of Public Act 102-665) ~~this amendatory Act of the 102nd~~
4 ~~General Assembly~~, the Department shall seek federal approval
5 of a State Plan amendment to expand coverage for family
6 planning services that includes presumptive eligibility to
7 individuals whose income is at or below 208% of the federal
8 poverty level. Coverage under this Section shall be effective
9 beginning no later than December 1, 2022.

10 Subject to approval by the federal Centers for Medicare
11 and Medicaid Services of a Title XIX State Plan amendment
12 electing the Program of All-Inclusive Care for the Elderly
13 (PACE) as a State Medicaid option, as provided for by Subtitle
14 I (commencing with Section 4801) of Title IV of the Balanced
15 Budget Act of 1997 (Public Law 105-33) and Part 460
16 (commencing with Section 460.2) of Subchapter E of Title 42 of
17 the Code of Federal Regulations, PACE program services shall
18 become a covered benefit of the medical assistance program,
19 subject to criteria established in accordance with all
20 applicable laws.

21 Notwithstanding any other provision of this Code,
22 community-based pediatric palliative care from a trained
23 interdisciplinary team shall be covered under the medical
24 assistance program as provided in Section 15 of the Pediatric
25 Palliative Care Act.

26 (Source: P.A. 101-209, eff. 8-5-19; 101-580, eff. 1-1-20;

1 102-43, Article 30, Section 30-5, eff. 7-6-21; 102-43, Article
2 35, Section 35-5, eff. 7-6-21; 102-43, Article 55, Section
3 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123, eff. 1-1-22;
4 102-558, eff. 8-20-21; 102-598, eff. 1-1-22; 102-655, eff.
5 1-1-22; 102-665, eff. 10-8-21; revised 11-18-21.)

6 (305 ILCS 5/5-5.12d)

7 Sec. 5-5.12d. Coverage for patient care services for
8 hormonal contraceptives provided by a pharmacist.

9 (a) Subject to approval by the federal Centers for
10 Medicare and Medicaid Services, the medical assistance
11 program, including both the fee-for-service and managed care
12 medical assistance programs established under this Article,
13 shall cover patient care services provided by a pharmacist for
14 hormonal contraceptives assessment and consultation.

15 (b) The Department shall establish a fee schedule for
16 patient care services provided by a pharmacist for hormonal
17 contraceptives assessment and consultation.

18 (c) The rate of reimbursement for patient care services
19 provided by a pharmacist for hormonal contraceptives
20 assessment and consultation shall be at 85% of the fee
21 schedule for physician services by the medical assistance
22 program.

23 (d) A pharmacist must be enrolled in the medical
24 assistance program as an ordering and referring provider prior
25 to providing hormonal contraceptives assessment and

1 consultation that is submitted by a pharmacy or pharmacist
2 provider for reimbursement pursuant to this Section.

3 (e) The Department shall apply for any necessary federal
4 waivers or approvals to implement this Section by January 1,
5 2022.

6 (f) This Section does not restrict or prohibit any
7 services currently provided by pharmacists as authorized by
8 law, including, but not limited to, pharmacist services
9 provided under this Code or authorized under the Illinois
10 Title XIX State Plan.

11 (g) The Department shall submit to the Joint Committee on
12 Administrative Rules administrative rules for this Section as
13 soon as practicable but no later than 6 months after federal
14 approval is received.

15 (Source: P.A. 102-103, eff. 1-1-22.)

16 (305 ILCS 5/5-5.12e)

17 Sec. 5-5.12e ~~5-5.12d~~. Managed care organization prior
18 authorization of health care services.

19 (a) As used in this Section, "health care service" has the
20 meaning given to that term in the Prior Authorization Reform
21 Act.

22 (b) Notwithstanding any other provision of law to the
23 contrary, all managed care organizations shall comply with the
24 requirements of the Prior Authorization Reform Act.

25 (Source: P.A. 102-409, eff. 1-1-22; revised 11-10-21.)

1 (305 ILCS 5/5-5f)

2 Sec. 5-5f. Elimination and limitations of medical
3 assistance services. Notwithstanding any other provision of
4 this Code to the contrary, on and after July 1, 2012:

5 (a) The following service shall no longer be a covered
6 service available under this Code: group psychotherapy for
7 residents of any facility licensed under the Nursing Home
8 Care Act or the Specialized Mental Health Rehabilitation
9 Act of 2013.

10 (b) The Department shall place the following
11 limitations on services: (i) the Department shall limit
12 adult eyeglasses to one pair every 2 years; however, the
13 limitation does not apply to an individual who needs
14 different eyeglasses following a surgical procedure such
15 as cataract surgery; (ii) the Department shall set an
16 annual limit of a maximum of 20 visits for each of the
17 following services: adult speech, hearing, and language
18 therapy services, adult occupational therapy services, and
19 physical therapy services; on or after October 1, 2014,
20 the annual maximum limit of 20 visits shall expire but the
21 Department may require prior approval for all individuals
22 for speech, hearing, and language therapy services,
23 occupational therapy services, and physical therapy
24 services; (iii) the Department shall limit adult podiatry
25 services to individuals with diabetes; on or after October

1 1, 2014, podiatry services shall not be limited to
2 individuals with diabetes; (iv) the Department shall pay
3 for caesarean sections at the normal vaginal delivery rate
4 unless a caesarean section was medically necessary; (v)
5 the Department shall limit adult dental services to
6 emergencies; beginning July 1, 2013, the Department shall
7 ensure that the following conditions are recognized as
8 emergencies: (A) dental services necessary for an
9 individual in order for the individual to be cleared for a
10 medical procedure, such as a transplant; (B) extractions
11 and dentures necessary for a diabetic to receive proper
12 nutrition; (C) extractions and dentures necessary as a
13 result of cancer treatment; and (D) dental services
14 necessary for the health of a pregnant woman prior to
15 delivery of her baby; on or after July 1, 2014, adult
16 dental services shall no longer be limited to emergencies,
17 and dental services necessary for the health of a pregnant
18 woman prior to delivery of her baby shall continue to be
19 covered; and (vi) effective July 1, 2012 through June 30,
20 2021, the Department shall place limitations and require
21 concurrent review on every inpatient detoxification stay
22 to prevent repeat admissions to any hospital for
23 detoxification within 60 days of a previous inpatient
24 detoxification stay. The Department shall convene a
25 workgroup of hospitals, substance abuse providers, care
26 coordination entities, managed care plans, and other

1 stakeholders to develop recommendations for quality
2 standards, diversion to other settings, and admission
3 criteria for patients who need inpatient detoxification,
4 which shall be published on the Department's website no
5 later than September 1, 2013.

6 (c) The Department shall require prior approval of the
7 following services: wheelchair repairs costing more than
8 \$750, coronary artery bypass graft, and bariatric surgery
9 consistent with Medicare standards concerning patient
10 responsibility. Wheelchair repair prior approval requests
11 shall be adjudicated within one business day of receipt of
12 complete supporting documentation. Providers may not break
13 wheelchair repairs into separate claims for purposes of
14 staying under the \$750 threshold for requiring prior
15 approval. The wholesale price of manual and power
16 wheelchairs, durable medical equipment and supplies, and
17 complex rehabilitation technology products and services
18 shall be defined as actual acquisition cost including all
19 discounts.

20 (d) The Department shall establish benchmarks for
21 hospitals to measure and align payments to reduce
22 potentially preventable hospital readmissions, inpatient
23 complications, and unnecessary emergency room visits. In
24 doing so, the Department shall consider items, including,
25 but not limited to, historic and current acuity of care
26 and historic and current trends in readmission. The

1 Department shall publish provider-specific historical
2 readmission data and anticipated potentially preventable
3 targets 60 days prior to the start of the program. In the
4 instance of readmissions, the Department shall adopt
5 policies and rates of reimbursement for services and other
6 payments provided under this Code to ensure that, by June
7 30, 2013, expenditures to hospitals are reduced by, at a
8 minimum, \$40,000,000.

9 (e) The Department shall establish utilization
10 controls for the hospice program such that it shall not
11 pay for other care services when an individual is in
12 hospice.

13 (f) For home health services, the Department shall
14 require Medicare certification of providers participating
15 in the program and implement the Medicare face-to-face
16 encounter rule. The Department shall require providers to
17 implement auditable electronic service verification based
18 on global positioning systems or other cost-effective
19 technology.

20 (g) For the Home Services Program operated by the
21 Department of Human Services and the Community Care
22 Program operated by the Department on Aging, the
23 Department of Human Services, in cooperation with the
24 Department on Aging, shall implement an electronic service
25 verification based on global positioning systems or other
26 cost-effective technology.

1 (h) Effective with inpatient hospital admissions on or
2 after July 1, 2012, the Department shall reduce the
3 payment for a claim that indicates the occurrence of a
4 provider-preventable condition during the admission as
5 specified by the Department in rules. The Department shall
6 not pay for services related to an other
7 provider-preventable condition.

8 As used in this subsection (h):

9 "Provider-preventable condition" means a health care
10 acquired condition as defined under the federal Medicaid
11 regulation found at 42 CFR 447.26 or an other
12 provider-preventable condition.

13 "Other provider-preventable condition" means a wrong
14 surgical or other invasive procedure performed on a
15 patient, a surgical or other invasive procedure performed
16 on the wrong body part, or a surgical procedure or other
17 invasive procedure performed on the wrong patient.

18 (i) The Department shall implement cost savings
19 initiatives for advanced imaging services, cardiac imaging
20 services, pain management services, and back surgery. Such
21 initiatives shall be designed to achieve annual costs
22 savings.

23 (j) The Department shall ensure that beneficiaries
24 with a diagnosis of epilepsy or seizure disorder in
25 Department records will not require prior approval for
26 anticonvulsants.

1 (Source: P.A. 101-209, eff. 8-5-19; 102-43, Article 5, Section
2 5-5, eff. 7-6-21; 102-43, Article 30, Section 30-5, eff.
3 7-6-21; 102-43, Article 80, Section 80-5, eff. 7-6-21; revised
4 7-15-21.)

5 (305 ILCS 5/5-16.8)

6 Sec. 5-16.8. Required health benefits. The medical
7 assistance program shall (i) provide the post-mastectomy care
8 benefits required to be covered by a policy of accident and
9 health insurance under Section 356t and the coverage required
10 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,
11 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,
12 356z.47, and 356z.51 ~~and 356z.43~~ of the Illinois Insurance
13 Code, (ii) be subject to the provisions of Sections 356z.19,
14 ~~356z.43,~~ 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the
15 Illinois Insurance Code, and (iii) be subject to the
16 provisions of subsection (d-5) of Section 10 of the Network
17 Adequacy and Transparency Act.

18 The Department, by rule, shall adopt a model similar to
19 the requirements of Section 356z.39 of the Illinois Insurance
20 Code.

21 On and after July 1, 2012, the Department shall reduce any
22 rate of reimbursement for services or other payments or alter
23 any methodologies authorized by this Code to reduce any rate
24 of reimbursement for services or other payments in accordance
25 with Section 5-5e.

1 To ensure full access to the benefits set forth in this
2 Section, on and after January 1, 2016, the Department shall
3 ensure that provider and hospital reimbursement for
4 post-mastectomy care benefits required under this Section are
5 no lower than the Medicare reimbursement rate.

6 (Source: P.A. 101-81, eff. 7-12-19; 101-218, eff. 1-1-20;
7 101-281, eff. 1-1-20; 101-371, eff. 1-1-20; 101-574, eff.
8 1-1-20; 101-649, eff. 7-7-20; 102-30, eff. 1-1-22; 102-144,
9 eff. 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22;
10 102-530, eff. 1-1-22; 102-642, eff. 1-1-22; revised 10-27-21.)

11 (305 ILCS 5/5-30.1)

12 Sec. 5-30.1. Managed care protections.

13 (a) As used in this Section:

14 "Managed care organization" or "MCO" means any entity
15 which contracts with the Department to provide services where
16 payment for medical services is made on a capitated basis.

17 "Emergency services" include:

18 (1) emergency services, as defined by Section 10 of
19 the Managed Care Reform and Patient Rights Act;

20 (2) emergency medical screening examinations, as
21 defined by Section 10 of the Managed Care Reform and
22 Patient Rights Act;

23 (3) post-stabilization medical services, as defined by
24 Section 10 of the Managed Care Reform and Patient Rights
25 Act; and

1 (4) emergency medical conditions, as defined by
2 Section 10 of the Managed Care Reform and Patient Rights
3 Act.

4 (b) As provided by Section 5-16.12, managed care
5 organizations are subject to the provisions of the Managed
6 Care Reform and Patient Rights Act.

7 (c) An MCO shall pay any provider of emergency services
8 that does not have in effect a contract with the contracted
9 Medicaid MCO. The default rate of reimbursement shall be the
10 rate paid under Illinois Medicaid fee-for-service program
11 methodology, including all policy adjusters, including but not
12 limited to Medicaid High Volume Adjustments, Medicaid
13 Percentage Adjustments, Outpatient High Volume Adjustments,
14 and all outlier add-on adjustments to the extent such
15 adjustments are incorporated in the development of the
16 applicable MCO capitated rates.

17 (d) An MCO shall pay for all post-stabilization services
18 as a covered service in any of the following situations:

19 (1) the MCO authorized such services;

20 (2) such services were administered to maintain the
21 enrollee's stabilized condition within one hour after a
22 request to the MCO for authorization of further
23 post-stabilization services;

24 (3) the MCO did not respond to a request to authorize
25 such services within one hour;

26 (4) the MCO could not be contacted; or

1 (5) the MCO and the treating provider, if the treating
2 provider is a non-affiliated provider, could not reach an
3 agreement concerning the enrollee's care and an affiliated
4 provider was unavailable for a consultation, in which case
5 the MCO must pay for such services rendered by the
6 treating non-affiliated provider until an affiliated
7 provider was reached and either concurred with the
8 treating non-affiliated provider's plan of care or assumed
9 responsibility for the enrollee's care. Such payment shall
10 be made at the default rate of reimbursement paid under
11 Illinois Medicaid fee-for-service program methodology,
12 including all policy adjusters, including but not limited
13 to Medicaid High Volume Adjustments, Medicaid Percentage
14 Adjustments, Outpatient High Volume Adjustments and all
15 outlier add-on adjustments to the extent that such
16 adjustments are incorporated in the development of the
17 applicable MCO capitated rates.

18 (e) The following requirements apply to MCOs in
19 determining payment for all emergency services:

20 (1) MCOs shall not impose any requirements for prior
21 approval of emergency services.

22 (2) The MCO shall cover emergency services provided to
23 enrollees who are temporarily away from their residence
24 and outside the contracting area to the extent that the
25 enrollees would be entitled to the emergency services if
26 they still were within the contracting area.

1 (3) The MCO shall have no obligation to cover medical
2 services provided on an emergency basis that are not
3 covered services under the contract.

4 (4) The MCO shall not condition coverage for emergency
5 services on the treating provider notifying the MCO of the
6 enrollee's screening and treatment within 10 days after
7 presentation for emergency services.

8 (5) The determination of the attending emergency
9 physician, or the provider actually treating the enrollee,
10 of whether an enrollee is sufficiently stabilized for
11 discharge or transfer to another facility, shall be
12 binding on the MCO. The MCO shall cover emergency services
13 for all enrollees whether the emergency services are
14 provided by an affiliated or non-affiliated provider.

15 (6) The MCO's financial responsibility for
16 post-stabilization care services it has not pre-approved
17 ends when:

18 (A) a plan physician with privileges at the
19 treating hospital assumes responsibility for the
20 enrollee's care;

21 (B) a plan physician assumes responsibility for
22 the enrollee's care through transfer;

23 (C) a contracting entity representative and the
24 treating physician reach an agreement concerning the
25 enrollee's care; or

26 (D) the enrollee is discharged.

1 (f) Network adequacy and transparency.

2 (1) The Department shall:

3 (A) ensure that an adequate provider network is in
4 place, taking into consideration health professional
5 shortage areas and medically underserved areas;

6 (B) publicly release an explanation of its process
7 for analyzing network adequacy;

8 (C) periodically ensure that an MCO continues to
9 have an adequate network in place;

10 (D) require MCOs, including Medicaid Managed Care
11 Entities as defined in Section 5-30.2, to meet
12 provider directory requirements under Section 5-30.3;

13 ~~and~~

14 (E) require MCOs to ensure that any
15 Medicaid-certified provider under contract with an MCO
16 and previously submitted on a roster on the date of
17 service is paid for any medically necessary,
18 Medicaid-covered, and authorized service rendered to
19 any of the MCO's enrollees, regardless of inclusion on
20 the MCO's published and publicly available directory
21 of available providers; and-

22 (F) ~~(E)~~ require MCOs, including Medicaid Managed
23 Care Entities as defined in Section 5-30.2, to meet
24 each of the requirements under subsection (d-5) of
25 Section 10 of the Network Adequacy and Transparency
26 Act; with necessary exceptions to the MCO's network to

1 ensure that admission and treatment with a provider or
2 at a treatment facility in accordance with the network
3 adequacy standards in paragraph (3) of subsection
4 (d-5) of Section 10 of the Network Adequacy and
5 Transparency Act is limited to providers or facilities
6 that are Medicaid certified.

7 (2) Each MCO shall confirm its receipt of information
8 submitted specific to physician or dentist additions or
9 physician or dentist deletions from the MCO's provider
10 network within 3 days after receiving all required
11 information from contracted physicians or dentists, and
12 electronic physician and dental directories must be
13 updated consistent with current rules as published by the
14 Centers for Medicare and Medicaid Services or its
15 successor agency.

16 (g) Timely payment of claims.

17 (1) The MCO shall pay a claim within 30 days of
18 receiving a claim that contains all the essential
19 information needed to adjudicate the claim.

20 (2) The MCO shall notify the billing party of its
21 inability to adjudicate a claim within 30 days of
22 receiving that claim.

23 (3) The MCO shall pay a penalty that is at least equal
24 to the timely payment interest penalty imposed under
25 Section 368a of the Illinois Insurance Code for any claims
26 not timely paid.

1 (A) When an MCO is required to pay a timely payment
2 interest penalty to a provider, the MCO must calculate
3 and pay the timely payment interest penalty that is
4 due to the provider within 30 days after the payment of
5 the claim. In no event shall a provider be required to
6 request or apply for payment of any owed timely
7 payment interest penalties.

8 (B) Such payments shall be reported separately
9 from the claim payment for services rendered to the
10 MCO's enrollee and clearly identified as interest
11 payments.

12 (4) (A) The Department shall require MCOs to expedite
13 payments to providers identified on the Department's
14 expedited provider list, determined in accordance with 89
15 Ill. Adm. Code 140.71(b), on a schedule at least as
16 frequently as the providers are paid under the
17 Department's fee-for-service expedited provider schedule.

18 (B) Compliance with the expedited provider requirement
19 may be satisfied by an MCO through the use of a Periodic
20 Interim Payment (PIP) program that has been mutually
21 agreed to and documented between the MCO and the provider,
22 if the PIP program ensures that any expedited provider
23 receives regular and periodic payments based on prior
24 period payment experience from that MCO. Total payments
25 under the PIP program may be reconciled against future PIP
26 payments on a schedule mutually agreed to between the MCO

1 and the provider.

2 (C) The Department shall share at least monthly its
3 expedited provider list and the frequency with which it
4 pays providers on the expedited list.

5 (g-5) Recognizing that the rapid transformation of the
6 Illinois Medicaid program may have unintended operational
7 challenges for both payers and providers:

8 (1) in no instance shall a medically necessary covered
9 service rendered in good faith, based upon eligibility
10 information documented by the provider, be denied coverage
11 or diminished in payment amount if the eligibility or
12 coverage information available at the time the service was
13 rendered is later found to be inaccurate in the assignment
14 of coverage responsibility between MCOs or the
15 fee-for-service system, except for instances when an
16 individual is deemed to have not been eligible for
17 coverage under the Illinois Medicaid program; and

18 (2) the Department shall, by December 31, 2016, adopt
19 rules establishing policies that shall be included in the
20 Medicaid managed care policy and procedures manual
21 addressing payment resolutions in situations in which a
22 provider renders services based upon information obtained
23 after verifying a patient's eligibility and coverage plan
24 through either the Department's current enrollment system
25 or a system operated by the coverage plan identified by
26 the patient presenting for services:

1 (A) such medically necessary covered services
2 shall be considered rendered in good faith;

3 (B) such policies and procedures shall be
4 developed in consultation with industry
5 representatives of the Medicaid managed care health
6 plans and representatives of provider associations
7 representing the majority of providers within the
8 identified provider industry; and

9 (C) such rules shall be published for a review and
10 comment period of no less than 30 days on the
11 Department's website with final rules remaining
12 available on the Department's website.

13 The rules on payment resolutions shall include, but
14 not be limited to:

15 (A) the extension of the timely filing period;

16 (B) retroactive prior authorizations; and

17 (C) guaranteed minimum payment rate of no less
18 than the current, as of the date of service,
19 fee-for-service rate, plus all applicable add-ons,
20 when the resulting service relationship is out of
21 network.

22 The rules shall be applicable for both MCO coverage
23 and fee-for-service coverage.

24 If the fee-for-service system is ultimately determined to
25 have been responsible for coverage on the date of service, the
26 Department shall provide for an extended period for claims

1 submission outside the standard timely filing requirements.

2 (g-6) MCO Performance Metrics Report.

3 (1) The Department shall publish, on at least a
4 quarterly basis, each MCO's operational performance,
5 including, but not limited to, the following categories of
6 metrics:

7 (A) claims payment, including timeliness and
8 accuracy;

9 (B) prior authorizations;

10 (C) grievance and appeals;

11 (D) utilization statistics;

12 (E) provider disputes;

13 (F) provider credentialing; and

14 (G) member and provider customer service.

15 (2) The Department shall ensure that the metrics
16 report is accessible to providers online by January 1,
17 2017.

18 (3) The metrics shall be developed in consultation
19 with industry representatives of the Medicaid managed care
20 health plans and representatives of associations
21 representing the majority of providers within the
22 identified industry.

23 (4) Metrics shall be defined and incorporated into the
24 applicable Managed Care Policy Manual issued by the
25 Department.

26 (g-7) MCO claims processing and performance analysis. In

1 order to monitor MCO payments to hospital providers, pursuant
2 to Public Act 100-580 ~~this amendatory Act of the 100th General~~
3 ~~Assembly~~, the Department shall post an analysis of MCO claims
4 processing and payment performance on its website every 6
5 months. Such analysis shall include a review and evaluation of
6 a representative sample of hospital claims that are rejected
7 and denied for clean and unclean claims and the top 5 reasons
8 for such actions and timeliness of claims adjudication, which
9 identifies the percentage of claims adjudicated within 30, 60,
10 90, and over 90 days, and the dollar amounts associated with
11 those claims.

12 (g-8) Dispute resolution process. The Department shall
13 maintain a provider complaint portal through which a provider
14 can submit to the Department unresolved disputes with an MCO.
15 An unresolved dispute means an MCO's decision that denies in
16 whole or in part a claim for reimbursement to a provider for
17 health care services rendered by the provider to an enrollee
18 of the MCO with which the provider disagrees. Disputes shall
19 not be submitted to the portal until the provider has availed
20 itself of the MCO's internal dispute resolution process.
21 Disputes that are submitted to the MCO internal dispute
22 resolution process may be submitted to the Department of
23 Healthcare and Family Services' complaint portal no sooner
24 than 30 days after submitting to the MCO's internal process
25 and not later than 30 days after the unsatisfactory resolution
26 of the internal MCO process or 60 days after submitting the

1 dispute to the MCO internal process. Multiple claim disputes
2 involving the same MCO may be submitted in one complaint,
3 regardless of whether the claims are for different enrollees,
4 when the specific reason for non-payment of the claims
5 involves a common question of fact or policy. Within 10
6 business days of receipt of a complaint, the Department shall
7 present such disputes to the appropriate MCO, which shall then
8 have 30 days to issue its written proposal to resolve the
9 dispute. The Department may grant one 30-day extension of this
10 time frame to one of the parties to resolve the dispute. If the
11 dispute remains unresolved at the end of this time frame or the
12 provider is not satisfied with the MCO's written proposal to
13 resolve the dispute, the provider may, within 30 days, request
14 the Department to review the dispute and make a final
15 determination. Within 30 days of the request for Department
16 review of the dispute, both the provider and the MCO shall
17 present all relevant information to the Department for
18 resolution and make individuals with knowledge of the issues
19 available to the Department for further inquiry if needed.
20 Within 30 days of receiving the relevant information on the
21 dispute, or the lapse of the period for submitting such
22 information, the Department shall issue a written decision on
23 the dispute based on contractual terms between the provider
24 and the MCO, contractual terms between the MCO and the
25 Department of Healthcare and Family Services and applicable
26 Medicaid policy. The decision of the Department shall be

1 final. By January 1, 2020, the Department shall establish by
2 rule further details of this dispute resolution process.
3 Disputes between MCOs and providers presented to the
4 Department for resolution are not contested cases, as defined
5 in Section 1-30 of the Illinois Administrative Procedure Act,
6 conferring any right to an administrative hearing.

7 (g-9) (1) The Department shall publish annually on its
8 website a report on the calculation of each managed care
9 organization's medical loss ratio showing the following:

10 (A) Premium revenue, with appropriate adjustments.

11 (B) Benefit expense, setting forth the aggregate
12 amount spent for the following:

13 (i) Direct paid claims.

14 (ii) Subcapitation payments.

15 (iii) Other claim payments.

16 (iv) Direct reserves.

17 (v) Gross recoveries.

18 (vi) Expenses for activities that improve health
19 care quality as allowed by the Department.

20 (2) The medical loss ratio shall be calculated consistent
21 with federal law and regulation following a claims runout
22 period determined by the Department.

23 (g-10) (1) "Liability effective date" means the date on
24 which an MCO becomes responsible for payment for medically
25 necessary and covered services rendered by a provider to one
26 of its enrollees in accordance with the contract terms between

1 the MCO and the provider. The liability effective date shall
2 be the later of:

3 (A) The execution date of a network participation
4 contract agreement.

5 (B) The date the provider or its representative
6 submits to the MCO the complete and accurate standardized
7 roster form for the provider in the format approved by the
8 Department.

9 (C) The provider effective date contained within the
10 Department's provider enrollment subsystem within the
11 Illinois Medicaid Program Advanced Cloud Technology
12 (IMPACT) System.

13 (2) The standardized roster form may be submitted to the
14 MCO at the same time that the provider submits an enrollment
15 application to the Department through IMPACT.

16 (3) By October 1, 2019, the Department shall require all
17 MCOs to update their provider directory with information for
18 new practitioners of existing contracted providers within 30
19 days of receipt of a complete and accurate standardized roster
20 template in the format approved by the Department provided
21 that the provider is effective in the Department's provider
22 enrollment subsystem within the IMPACT system. Such provider
23 directory shall be readily accessible for purposes of
24 selecting an approved health care provider and comply with all
25 other federal and State requirements.

26 (g-11) The Department shall work with relevant

1 stakeholders on the development of operational guidelines to
2 enhance and improve operational performance of Illinois'
3 Medicaid managed care program, including, but not limited to,
4 improving provider billing practices, reducing claim
5 rejections and inappropriate payment denials, and
6 standardizing processes, procedures, definitions, and response
7 timelines, with the goal of reducing provider and MCO
8 administrative burdens and conflict. The Department shall
9 include a report on the progress of these program improvements
10 and other topics in its Fiscal Year 2020 annual report to the
11 General Assembly.

12 (g-12) Notwithstanding any other provision of law, if the
13 Department or an MCO requires submission of a claim for
14 payment in a non-electronic format, a provider shall always be
15 afforded a period of no less than 90 business days, as a
16 correction period, following any notification of rejection by
17 either the Department or the MCO to correct errors or
18 omissions in the original submission.

19 Under no circumstances, either by an MCO or under the
20 State's fee-for-service system, shall a provider be denied
21 payment for failure to comply with any timely submission
22 requirements under this Code or under any existing contract,
23 unless the non-electronic format claim submission occurs after
24 the initial 180 days following the latest date of service on
25 the claim, or after the 90 business days correction period
26 following notification to the provider of rejection or denial

1 of payment.

2 (h) The Department shall not expand mandatory MCO
3 enrollment into new counties beyond those counties already
4 designated by the Department as of June 1, 2014 for the
5 individuals whose eligibility for medical assistance is not
6 the seniors or people with disabilities population until the
7 Department provides an opportunity for accountable care
8 entities and MCOs to participate in such newly designated
9 counties.

10 (i) The requirements of this Section apply to contracts
11 with accountable care entities and MCOs entered into, amended,
12 or renewed after June 16, 2014 (the effective date of Public
13 Act 98-651).

14 (j) Health care information released to managed care
15 organizations. A health care provider shall release to a
16 Medicaid managed care organization, upon request, and subject
17 to the Health Insurance Portability and Accountability Act of
18 1996 and any other law applicable to the release of health
19 information, the health care information of the MCO's
20 enrollee, if the enrollee has completed and signed a general
21 release form that grants to the health care provider
22 permission to release the recipient's health care information
23 to the recipient's insurance carrier.

24 (k) The Department of Healthcare and Family Services,
25 managed care organizations, a statewide organization
26 representing hospitals, and a statewide organization

1 representing safety-net hospitals shall explore ways to
2 support billing departments in safety-net hospitals.

3 (1) The requirements of this Section added by Public Act
4 102-4 ~~this amendatory Act of the 102nd General Assembly~~ shall
5 apply to services provided on or after the first day of the
6 month that begins 60 days after April 27, 2021 (the effective
7 date of Public Act 102-4) ~~this amendatory Act of the 102nd~~
8 ~~General Assembly~~.

9 (Source: P.A. 101-209, eff. 8-5-19; 102-4, eff. 4-27-21;
10 102-43, eff. 7-6-21; 102-144, eff. 1-1-22; 102-454, eff.
11 8-20-21; revised 10-5-21.)

12 (305 ILCS 5/5-41)

13 Sec. 5-41. Inpatient hospitalization for opioid-related
14 overdose or withdrawal patients. Due to the disproportionately
15 high opioid-related fatality rates among African Americans in
16 under-resourced communities in Illinois, the lack of community
17 resources, the comorbidities experienced by these patients,
18 and the high rate of hospital inpatient recidivism associated
19 with this population when improperly treated, the Department
20 shall ensure that patients, whether enrolled under the Medical
21 Assistance Fee For Service program or enrolled with a Medicaid
22 Managed Care Organization, experiencing opioid-related
23 overdose or withdrawal are admitted on an inpatient status and
24 the provider shall be reimbursed accordingly, when deemed
25 medically necessary, as determined by either the patient's

1 primary care physician, or the physician or other practitioner
2 responsible for the patient's care at the hospital to which
3 the patient presents, using criteria established by the
4 American Society of Addiction Medicine. If it is determined by
5 the physician or other practitioner responsible for the
6 patient's care at the hospital to which the patient presents,
7 that a patient does not meet medical necessity criteria for
8 the admission, then the patient may be treated via observation
9 and the provider shall seek reimbursement accordingly. Nothing
10 in this Section shall diminish the requirements of a provider
11 to document medical necessity in the patient's record.

12 (Source: P.A. 102-43, eff. 7-6-21.)

13 (305 ILCS 5/5-44)

14 Sec. 5-44 ~~5-41~~. Screening, Brief Intervention, and
15 Referral to Treatment. As used in this Section, "SBIRT" means
16 a comprehensive, integrated, public health approach to the
17 delivery of early intervention and treatment services for
18 persons who are at risk of developing substance use disorders
19 or have substance use disorders including, but not limited to,
20 an addiction to alcohol, opioids, tobacco, or cannabis. SBIRT
21 services include all of the following:

22 (1) Screening to quickly assess the severity of
23 substance use and to identify the appropriate level of
24 treatment.

25 (2) Brief intervention focused on increasing insight

1 and awareness regarding substance use and motivation
2 toward behavioral change.

3 (3) Referral to treatment provided to those identified
4 as needing more extensive treatment with access to
5 specialty care.

6 SBIRT services may include, but are not limited to, the
7 following settings and programs: primary care centers,
8 hospital emergency rooms, hospital in-patient units, trauma
9 centers, community behavioral health programs, and other
10 community settings that provide opportunities for early
11 intervention with at-risk substance users before more severe
12 consequences occur.

13 The Department of Healthcare and Family Services shall
14 develop and seek federal approval of a SBIRT benefit for which
15 qualified providers shall be reimbursed under the medical
16 assistance program.

17 In conjunction with the Department of Human Services'
18 Division of Substance Use Prevention and Recovery, the
19 Department of Healthcare and Family Services may develop a
20 methodology and reimbursement rate for SBIRT services provided
21 by qualified providers in approved settings.

22 For opioid specific SBIRT services provided in a hospital
23 emergency department, the Department of Healthcare and Family
24 Services shall develop a bundled reimbursement methodology and
25 rate for a package of opioid treatment services, which include
26 initiation of medication for the treatment of opioid use

1 disorder in the emergency department setting, including
2 assessment, referral to ongoing care, and arranging access to
3 supportive services when necessary. This package of opioid
4 related services shall be billed on a separate claim and shall
5 be reimbursed outside of the Enhanced Ambulatory Patient
6 Grouping system.

7 (Source: P.A. 102-598, eff. 1-1-22; revised 11-18-21.)

8 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

9 Sec. 9A-11. Child care.

10 (a) The General Assembly recognizes that families with
11 children need child care in order to work. Child care is
12 expensive and families with low incomes, including those who
13 are transitioning from welfare to work, often struggle to pay
14 the costs of day care. The General Assembly understands the
15 importance of helping low-income working families become and
16 remain self-sufficient. The General Assembly also believes
17 that it is the responsibility of families to share in the costs
18 of child care. It is also the preference of the General
19 Assembly that all working poor families should be treated
20 equally, regardless of their welfare status.

21 (b) To the extent resources permit, the Illinois
22 Department shall provide child care services to parents or
23 other relatives as defined by rule who are working or
24 participating in employment or Department approved education
25 or training programs. At a minimum, the Illinois Department

1 shall cover the following categories of families:

2 (1) recipients of TANF under Article IV participating
3 in work and training activities as specified in the
4 personal plan for employment and self-sufficiency;

5 (2) families transitioning from TANF to work;

6 (3) families at risk of becoming recipients of TANF;

7 (4) families with special needs as defined by rule;

8 (5) working families with very low incomes as defined
9 by rule;

10 (6) families that are not recipients of TANF and that
11 need child care assistance to participate in education and
12 training activities; and

13 (7) families with children under the age of 5 who have
14 an open intact family services case with the Department of
15 Children and Family Services. Any family that receives
16 child care assistance in accordance with this paragraph
17 shall remain eligible for child care assistance 6 months
18 after the child's intact family services case is closed,
19 regardless of whether the child's parents or other
20 relatives as defined by rule are working or participating
21 in Department approved employment or education or training
22 programs. The Department of Human Services, in
23 consultation with the Department of Children and Family
24 Services, shall adopt rules to protect the privacy of
25 families who are the subject of an open intact family
26 services case when such families enroll in child care

1 services. Additional rules shall be adopted to offer
2 children who have an open intact family services case the
3 opportunity to receive an Early Intervention screening and
4 other services that their families may be eligible for as
5 provided by the Department of Human Services.

6 The Department shall specify by rule the conditions of
7 eligibility, the application process, and the types, amounts,
8 and duration of services. Eligibility for child care benefits
9 and the amount of child care provided may vary based on family
10 size, income, and other factors as specified by rule.

11 The Department shall update the Child Care Assistance
12 Program Eligibility Calculator posted on its website to
13 include a question on whether a family is applying for child
14 care assistance for the first time or is applying for a
15 redetermination of eligibility.

16 A family's eligibility for child care services shall be
17 redetermined no sooner than 12 months following the initial
18 determination or most recent redetermination. During the
19 12-month periods, the family shall remain eligible for child
20 care services regardless of (i) a change in family income,
21 unless family income exceeds 85% of State median income, or
22 (ii) a temporary change in the ongoing status of the parents or
23 other relatives, as defined by rule, as working or attending a
24 job training or educational program.

25 In determining income eligibility for child care benefits,
26 the Department annually, at the beginning of each fiscal year,

1 shall establish, by rule, one income threshold for each family
2 size, in relation to percentage of State median income for a
3 family of that size, that makes families with incomes below
4 the specified threshold eligible for assistance and families
5 with incomes above the specified threshold ineligible for
6 assistance. Through and including fiscal year 2007, the
7 specified threshold must be no less than 50% of the
8 then-current State median income for each family size.
9 Beginning in fiscal year 2008, the specified threshold must be
10 no less than 185% of the then-current federal poverty level
11 for each family size. Notwithstanding any other provision of
12 law or administrative rule to the contrary, beginning in
13 fiscal year 2019, the specified threshold for working families
14 with very low incomes as defined by rule must be no less than
15 185% of the then-current federal poverty level for each family
16 size. Notwithstanding any other provision of law or
17 administrative rule to the contrary, beginning in State fiscal
18 year 2022, the specified income threshold shall be no less
19 than 200% of the then-current federal poverty level for each
20 family size.

21 In determining eligibility for assistance, the Department
22 shall not give preference to any category of recipients or
23 give preference to individuals based on their receipt of
24 benefits under this Code.

25 Nothing in this Section shall be construed as conferring
26 entitlement status to eligible families.

1 The Illinois Department is authorized to lower income
2 eligibility ceilings, raise parent co-payments, create waiting
3 lists, or take such other actions during a fiscal year as are
4 necessary to ensure that child care benefits paid under this
5 Article do not exceed the amounts appropriated for those child
6 care benefits. These changes may be accomplished by emergency
7 rule under Section 5-45 of the Illinois Administrative
8 Procedure Act, except that the limitation on the number of
9 emergency rules that may be adopted in a 24-month period shall
10 not apply.

11 The Illinois Department may contract with other State
12 agencies or child care organizations for the administration of
13 child care services.

14 (c) Payment shall be made for child care that otherwise
15 meets the requirements of this Section and applicable
16 standards of State and local law and regulation, including any
17 requirements the Illinois Department promulgates by rule in
18 addition to the licensure requirements promulgated by the
19 Department of Children and Family Services and Fire Prevention
20 and Safety requirements promulgated by the Office of the State
21 Fire Marshal, and is provided in any of the following:

22 (1) a child care center which is licensed or exempt
23 from licensure pursuant to Section 2.09 of the Child Care
24 Act of 1969;

25 (2) a licensed child care home or home exempt from
26 licensing;

1 (3) a licensed group child care home;

2 (4) other types of child care, including child care
3 provided by relatives or persons living in the same home
4 as the child, as determined by the Illinois Department by
5 rule.

6 (c-5) Solely for the purposes of coverage under the
7 Illinois Public Labor Relations Act, child and day care home
8 providers, including licensed and license exempt,
9 participating in the Department's child care assistance
10 program shall be considered to be public employees and the
11 State of Illinois shall be considered to be their employer as
12 of January 1, 2006 (the effective date of Public Act 94-320),
13 but not before. The State shall engage in collective
14 bargaining with an exclusive representative of child and day
15 care home providers participating in the child care assistance
16 program concerning their terms and conditions of employment
17 that are within the State's control. Nothing in this
18 subsection shall be understood to limit the right of families
19 receiving services defined in this Section to select child and
20 day care home providers or supervise them within the limits of
21 this Section. The State shall not be considered to be the
22 employer of child and day care home providers for any purposes
23 not specifically provided in Public Act 94-320, including, but
24 not limited to, purposes of vicarious liability in tort and
25 purposes of statutory retirement or health insurance benefits.
26 Child and day care home providers shall not be covered by the

1 State Employees Group Insurance Act of 1971.

2 In according child and day care home providers and their
3 selected representative rights under the Illinois Public Labor
4 Relations Act, the State intends that the State action
5 exemption to application of federal and State antitrust laws
6 be fully available to the extent that their activities are
7 authorized by Public Act 94-320.

8 (d) The Illinois Department shall establish, by rule, a
9 co-payment scale that provides for cost sharing by families
10 that receive child care services, including parents whose only
11 income is from assistance under this Code. The co-payment
12 shall be based on family income and family size and may be
13 based on other factors as appropriate. Co-payments may be
14 waived for families whose incomes are at or below the federal
15 poverty level.

16 (d-5) The Illinois Department, in consultation with its
17 Child Care and Development Advisory Council, shall develop a
18 plan to revise the child care assistance program's co-payment
19 scale. The plan shall be completed no later than February 1,
20 2008, and shall include:

21 (1) findings as to the percentage of income that the
22 average American family spends on child care and the
23 relative amounts that low-income families and the average
24 American family spend on other necessities of life;

25 (2) recommendations for revising the child care
26 co-payment scale to assure that families receiving child

1 care services from the Department are paying no more than
2 they can reasonably afford;

3 (3) recommendations for revising the child care
4 co-payment scale to provide at-risk children with complete
5 access to Preschool for All and Head Start; and

6 (4) recommendations for changes in child care program
7 policies that affect the affordability of child care.

8 (e) (Blank).

9 (f) The Illinois Department shall, by rule, set rates to
10 be paid for the various types of child care. Child care may be
11 provided through one of the following methods:

12 (1) arranging the child care through eligible
13 providers by use of purchase of service contracts or
14 vouchers;

15 (2) arranging with other agencies and community
16 volunteer groups for non-reimbursed child care;

17 (3) (blank); or

18 (4) adopting such other arrangements as the Department
19 determines appropriate.

20 (f-1) Within 30 days after June 4, 2018 (the effective
21 date of Public Act 100-587), the Department of Human Services
22 shall establish rates for child care providers that are no
23 less than the rates in effect on January 1, 2018 increased by
24 4.26%.

25 (f-5) (Blank).

26 (g) Families eligible for assistance under this Section

1 shall be given the following options:

2 (1) receiving a child care certificate issued by the
3 Department or a subcontractor of the Department that may
4 be used by the parents as payment for child care and
5 development services only; or

6 (2) if space is available, enrolling the child with a
7 child care provider that has a purchase of service
8 contract with the Department or a subcontractor of the
9 Department for the provision of child care and development
10 services. The Department may identify particular priority
11 populations for whom they may request special
12 consideration by a provider with purchase of service
13 contracts, provided that the providers shall be permitted
14 to maintain a balance of clients in terms of household
15 incomes and families and children with special needs, as
16 defined by rule.

17 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;
18 102-491, eff. 8-20-21; revised 11-8-21.)

19 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

20 Sec. 10-1. Declaration of public policy; persons eligible
21 for child support enforcement services; fees for
22 non-applicants and non-recipients. ~~Declaration of Public~~
23 ~~Policy — Persons Eligible for Child Support Enforcement~~
24 ~~Services — Fees for Non-Applicants and Non-Recipients.)~~ It is
25 the intent of this Code that the financial aid and social

1 welfare services herein provided supplement rather than
2 supplant the primary and continuing obligation of the family
3 unit for self-support to the fullest extent permitted by the
4 resources available to it. This primary and continuing
5 obligation applies whether the family unit of parents and
6 children or of husband and wife remains intact and resides in a
7 common household or whether the unit has been broken by
8 absence of one or more members of the unit. The obligation of
9 the family unit is particularly applicable when a member is in
10 necessitous circumstances and lacks the means of a livelihood
11 compatible with health and well-being.

12 It is the purpose of this Article to provide for locating
13 an absent parent or spouse, for determining his financial
14 circumstances, and for enforcing his legal obligation of
15 support, if he is able to furnish support, in whole or in part.
16 The Department of Healthcare and Family Services shall give
17 priority to establishing, enforcing, and collecting the
18 current support obligation, and then to past due support owed
19 to the family unit, except with respect to collections
20 effected through the intercept programs provided for in this
21 Article. The establishment or enforcement actions provided in
22 this Article do not require a previous court order for
23 custody/allocation of parental responsibilities.

24 The child support enforcement services provided hereunder
25 shall be furnished dependents of an absent parent or spouse
26 who are applicants for or recipients of financial aid under

1 this Code. It is not, however, a condition of eligibility for
2 financial aid that there be no responsible relatives who are
3 reasonably able to provide support. Nor, except as provided in
4 Sections 4-1.7 and 10-8, shall the existence of such relatives
5 or their payment of support contributions disqualify a needy
6 person for financial aid.

7 By accepting financial aid under this Code, a spouse or a
8 parent or other person having physical or legal custody of a
9 child shall be deemed to have made assignment to the Illinois
10 Department for aid under Articles III, IV, V, and VII or to a
11 local governmental unit for aid under Article VI of any and all
12 rights, title, and interest in any support obligation,
13 including statutory interest thereon, up to the amount of
14 financial aid provided. The rights to support assigned to the
15 Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid) or local governmental unit
17 shall constitute an obligation owed the State or local
18 governmental unit by the person who is responsible for
19 providing the support, and shall be collectible under all
20 applicable processes.

21 The Department of Healthcare and Family Services shall
22 also furnish the child support enforcement services
23 established under this Article in behalf of persons who are
24 not applicants for or recipients of financial aid under this
25 Code in accordance with the requirements of Title IV, Part D of
26 the Social Security Act. The Department may establish a

1 schedule of reasonable fees, to be paid for the services
2 provided and may deduct a collection fee, not to exceed 10% of
3 the amount collected, from such collection. The Department of
4 Healthcare and Family Services shall cause to be published and
5 distributed publications reasonably calculated to inform the
6 public that individuals who are not recipients of or
7 applicants for public aid under this Code are eligible for the
8 child support enforcement services under this Article X. Such
9 publications shall set forth an explanation, in plain
10 language, that the child support enforcement services program
11 is independent of any public aid program under the Code and
12 that the receiving of child support enforcement services in no
13 way implies that the person receiving such services is
14 receiving public aid.

15 (Source: P.A. 102-541, eff. 8-20-21; revised 11-24-21.)

16 (305 ILCS 5/12-4.35)

17 Sec. 12-4.35. Medical services for certain noncitizens.

18 (a) Notwithstanding Section 1-11 of this Code or Section
19 20(a) of the Children's Health Insurance Program Act, the
20 Department of Healthcare and Family Services may provide
21 medical services to noncitizens who have not yet attained 19
22 years of age and who are not eligible for medical assistance
23 under Article V of this Code or under the Children's Health
24 Insurance Program created by the Children's Health Insurance
25 Program Act due to their not meeting the otherwise applicable

1 provisions of Section 1-11 of this Code or Section 20(a) of the
2 Children's Health Insurance Program Act. The medical services
3 available, standards for eligibility, and other conditions of
4 participation under this Section shall be established by rule
5 by the Department; however, any such rule shall be at least as
6 restrictive as the rules for medical assistance under Article
7 V of this Code or the Children's Health Insurance Program
8 created by the Children's Health Insurance Program Act.

9 (a-5) Notwithstanding Section 1-11 of this Code, the
10 Department of Healthcare and Family Services may provide
11 medical assistance in accordance with Article V of this Code
12 to noncitizens over the age of 65 years of age who are not
13 eligible for medical assistance under Article V of this Code
14 due to their not meeting the otherwise applicable provisions
15 of Section 1-11 of this Code, whose income is at or below 100%
16 of the federal poverty level after deducting the costs of
17 medical or other remedial care, and who would otherwise meet
18 the eligibility requirements in Section 5-2 of this Code. The
19 medical services available, standards for eligibility, and
20 other conditions of participation under this Section shall be
21 established by rule by the Department; however, any such rule
22 shall be at least as restrictive as the rules for medical
23 assistance under Article V of this Code.

24 (a-6) By May 30, 2022, notwithstanding Section 1-11 of
25 this Code, the Department of Healthcare and Family Services
26 may provide medical services to noncitizens 55 years of age

1 through 64 years of age who (i) are not eligible for medical
2 assistance under Article V of this Code due to their not
3 meeting the otherwise applicable provisions of Section 1-11 of
4 this Code and (ii) have income at or below 133% of the federal
5 poverty level plus 5% for the applicable family size as
6 determined under applicable federal law and regulations.
7 Persons eligible for medical services under Public Act 102-16
8 ~~this amendatory Act of the 102nd General Assembly~~ shall
9 receive benefits identical to the benefits provided under the
10 Health Benefits Service Package as that term is defined in
11 subsection (m) of Section 5-1.1 of this Code.

12 (a-10) Notwithstanding the provisions of Section 1-11, the
13 Department shall cover immunosuppressive drugs and related
14 services associated with post-kidney transplant management,
15 excluding long-term care costs, for noncitizens who: (i) are
16 not eligible for comprehensive medical benefits; (ii) meet the
17 residency requirements of Section 5-3; and (iii) would meet
18 the financial eligibility requirements of Section 5-2.

19 (b) The Department is authorized to take any action that
20 would not otherwise be prohibited by applicable law,
21 including, without limitation, cessation or limitation of
22 enrollment, reduction of available medical services, and
23 changing standards for eligibility, that is deemed necessary
24 by the Department during a State fiscal year to assure that
25 payments under this Section do not exceed available funds.

26 (c) (Blank).

1 (d) (Blank).

2 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21;
3 102-43, Article 25, Section 25-15, eff. 7-6-21; 102-43,
4 Article 45, Section 45-5, eff. 7-6-21; revised 7-15-21.)

5 (305 ILCS 5/12-4.54)

6 Sec. 12-4.54. SNAP, WIC; diapers, menstrual hygiene
7 products. If the United States Department of Agriculture's
8 Food and Nutrition Service creates and makes available to the
9 states a waiver permitting recipients of benefits provided
10 under the Supplemental Nutrition Assistance Program or the
11 Special Supplemental Nutrition Program for Women, Infants, and
12 Children to use their benefits to purchase diapers or
13 menstrual hygiene products such as tampons, sanitary napkins,
14 and feminine wipes, then the Department of Human Services
15 shall apply for the waiver. If the United States Department of
16 Agriculture approves the Department of Human Services' waiver
17 application, then the Department of Human Services shall adopt
18 rules and make other changes as necessary to implement the
19 approved waiver.

20 (Source: P.A. 102-248, eff. 1-1-22.)

21 (305 ILCS 5/12-4.55)

22 Sec. 12-4.55 ~~12-4.54~~. Community-based long-term services;
23 application for federal funding. The Department of Healthcare
24 and Family Services shall apply for all available federal

1 funding to promote community inclusion and integration for
2 persons with disabilities, regardless of age, and older adults
3 so that those persons have the option to transition out of
4 institutions and receive long-term care services and supports
5 in the settings of their choice.

6 (Source: P.A. 102-536, eff. 8-20-21; revised 11-10-21.)

7 Section 510. The Housing Authorities Act is amended by
8 changing Sections 17 and 25 as follows:

9 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

10 Sec. 17. Definitions. The following terms, wherever used
11 or referred to in this Act shall have the following respective
12 meanings, unless in any case a different meaning clearly
13 appears from the context:

14 (a) "Authority" or "housing authority" shall mean a
15 municipal corporation organized in accordance with the
16 provisions of this Act for the purposes, with the powers and
17 subject to the restrictions herein set forth.

18 (b) "Area" or "area of operation" shall mean: (1) in the
19 case of an authority which is created hereunder for a city,
20 village, or incorporated town, the area within the territorial
21 boundaries of said city, village, or incorporated town, and so
22 long as no county housing authority has jurisdiction therein,
23 the area within three miles from such territorial boundaries,
24 except any part of such area located within the territorial

1 boundaries of any other city, village, or incorporated town;
2 and (2) in the case of a county shall include all of the county
3 except the area of any city, village or incorporated town
4 located therein in which there is an Authority. When an
5 authority is created for a county subsequent to the creation
6 of an authority for a city, village or incorporated town
7 within the same county, the area of operation of the authority
8 for such city, village or incorporated town shall thereafter
9 be limited to the territory of such city, village or
10 incorporated town, but the authority for such city, village or
11 incorporated town may continue to operate any project
12 developed in whole or in part in an area previously a part of
13 its area of operation, or may contract with the county housing
14 authority with respect to the sale, lease, development or
15 administration of such project. When an authority is created
16 for a city, village or incorporated town subsequent to the
17 creation of a county housing authority which previously
18 included such city, village or incorporated town within its
19 area of operation, such county housing authority shall have no
20 power to create any additional project within the city,
21 village or incorporated town, but any existing project in the
22 city, village or incorporated town currently owned and
23 operated by the county housing authority shall remain in the
24 ownership, operation, custody and control of the county
25 housing authority.

26 (b-5) "Criminal history record" means a record of arrest,

1 complaint, indictment, or any disposition arising therefrom.

2 (b-6) "Criminal history report" means any written, oral,
3 or other communication of information that includes criminal
4 history record information about a natural person that is
5 produced by a law enforcement agency, a court, a consumer
6 reporting agency, or a housing screening agency or business.

7 (c) "Presiding officer" shall mean the presiding officer
8 of the board of a county, or the mayor or president of a city,
9 village or incorporated town, as the case may be, for which an
10 Authority is created hereunder.

11 (d) "Commissioner" shall mean one of the members of an
12 Authority appointed in accordance with the provisions of this
13 Act.

14 (e) "Government" shall include the State and Federal
15 governments and the governments of any subdivisions, agency or
16 instrumentality, corporate or otherwise, of either of them.

17 (f) "Department" shall mean the Department of Commerce and
18 Economic Opportunity.

19 (g) "Project" shall include all lands, buildings, and
20 improvements, acquired, owned, leased, managed or operated by
21 a housing authority, and all buildings and improvements
22 constructed, reconstructed or repaired by a housing authority,
23 designed to provide housing accommodations and facilities
24 appurtenant thereto (including community facilities and
25 stores) which are planned as a unit, whether or not acquired or
26 constructed at one time even though all or a portion of the

1 buildings are not contiguous or adjacent to one another; and
2 the planning of buildings and improvements, the acquisition of
3 property, the demolition of existing structures, the clearing
4 of land, the construction, reconstruction, and repair of
5 buildings or improvements and all other work in connection
6 therewith. As provided in Sections 8.14 to 8.18, inclusive,
7 "project" also means, for Housing Authorities for
8 municipalities of less than 500,000 population and for
9 counties, the conservation of urban areas in accordance with
10 an approved conservation plan. "Project" shall also include:

11 (1) acquisition of:

12 (i) a slum or blighted area or a deteriorated or
13 deteriorating area which is predominantly residential
14 in character, or

15 (ii) any other deteriorated or deteriorating area
16 which is to be developed or redeveloped for
17 predominantly residential uses, or

18 (iii) platted urban or suburban land which is
19 predominantly open and which because of obsolete
20 platting, diversity of ownership, deterioration of
21 structures or of site improvements, or otherwise
22 substantially impairs or arrests the sound growth of
23 the community and which is to be developed for
24 predominantly residential uses, or

25 (iv) open unplatted urban or suburban land
26 necessary for sound community growth which is to be

1 developed for predominantly residential uses, or

2 (v) any other area where parcels of land remain
3 undeveloped because of improper platting, delinquent
4 taxes or special assessments, scattered or uncertain
5 ownerships, clouds on title, artificial values due to
6 excessive utility costs, or any other impediments to
7 the use of such area for predominantly residential
8 uses;

9 (2) installation, construction, or reconstruction of
10 streets, utilities, and other site improvements essential
11 to the preparation of sites for uses in accordance with
12 the development or redevelopment plan; and

13 (3) making the land available for development or
14 redevelopment by private enterprise or public agencies
15 (including sale, initial leasing, or retention by the
16 local public agency itself).

17 If, in any city, village, or incorporated town, there
18 exists a land clearance commission created under the Blighted
19 Areas Redevelopment Act of 1947 (repealed) prior to August 20,
20 2021 (the effective date of Public Act 102-510) ~~this~~
21 ~~amendatory Act of the 102nd General Assembly~~ having the same
22 area of operation as a housing authority created in and for any
23 such municipality, such housing authority shall have no power
24 to acquire land of the character described in subparagraph
25 (iii), (iv), or (v) of paragraph (1) of the definition of
26 "project" for the purpose of development or redevelopment by

1 private enterprise.

2 (h) "Community facilities" shall include lands, buildings,
3 and equipment for recreation or social assembly, for
4 education, health or welfare activities and other necessary
5 utilities primarily for use and benefit of the occupants of
6 housing accommodations to be constructed, reconstructed,
7 repaired or operated hereunder.

8 (i) "Real property" shall include lands, lands under
9 water, structures, and any and all easements, franchises and
10 incorporeal hereditaments and estates, and rights, legal and
11 equitable, including terms for years and liens by way of
12 judgment, mortgage or otherwise.

13 (j) The term "governing body" shall include the city
14 council of any city, the president and board of trustees of any
15 village or incorporated town, the council of any city or
16 village, and the county board of any county.

17 (k) The phrase "individual, association, corporation or
18 organization" shall include any individual, private
19 corporation, limited or general partnership, limited liability
20 company, insurance company, housing corporation, neighborhood
21 redevelopment corporation, non-profit corporation,
22 incorporated or unincorporated group or association,
23 educational institution, hospital, or charitable organization,
24 and any mutual ownership or cooperative organization.

25 (l) "Conservation area", for the purpose of the exercise
26 of the powers granted in Sections 8.14 to 8.18, inclusive, for

1 housing authorities for municipalities of less than 500,000
2 population and for counties, means an area of not less than 2
3 acres in which the structures in 50% or more of the area are
4 residential having an average age of 35 years or more. Such an
5 area by reason of dilapidation, obsolescence, deterioration or
6 illegal use of individual structures, overcrowding of
7 structures and community facilities, conversion of residential
8 units into non-residential use, deleterious land use or
9 layout, decline of physical maintenance, lack of community
10 planning, or any combination of these factors may become a
11 slum and blighted area.

12 (m) "Conservation plan" means the comprehensive program
13 for the physical development and replanning of a "Conservation
14 Area" as defined in paragraph (l) embodying the steps required
15 to prevent such Conservation Area from becoming a slum and
16 blighted area.

17 (n) "Fair use value" means the fair cash market value of
18 real property when employed for the use contemplated by a
19 "Conservation Plan" in municipalities of less than 500,000
20 population and in counties.

21 (o) "Community facilities" means, in relation to a
22 "Conservation Plan", those physical plants which implement,
23 support and facilitate the activities, services and interests
24 of education, recreation, shopping, health, welfare, religion
25 and general culture.

26 (p) "Loan agreement" means any agreement pursuant to which

1 an Authority agrees to loan the proceeds of its revenue bonds
2 issued with respect to a multifamily rental housing project or
3 other funds of the Authority to any person upon terms
4 providing for loan repayment installments at least sufficient
5 to pay when due all principal of, premium, if any, and interest
6 on the revenue bonds of the Authority issued with respect to
7 the multifamily rental housing project, and providing for
8 maintenance, insurance, and other matters as may be deemed
9 desirable by the Authority.

10 (q) "Multifamily rental housing" means any rental project
11 designed for mixed-income or low-income occupancy.

12 (Source: P.A. 101-659, eff. 3-23-21; 102-510, eff. 8-20-21;
13 revised 11-9-21.)

14 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

15 Sec. 25. Rentals and tenant selection. In the operation or
16 management of housing projects an Authority shall at all times
17 observe the following duties with respect to rentals and
18 tenant selection:

19 (a) It shall not accept any person as a tenant in any
20 dwelling in a housing project if the persons who would occupy
21 the dwelling have an aggregate annual income which equals or
22 exceeds the amount which the Authority determines (which
23 determination shall be conclusive) to be necessary in order to
24 enable such persons to secure safe, sanitary and uncongested
25 dwelling accommodations within the area of operation of the

1 Authority and to provide an adequate standard of living for
2 themselves.

3 (b) It may rent or lease the dwelling accommodations
4 therein only at rentals within the financial reach of persons
5 who lack the amount of income which it determines (pursuant to
6 (a) of this Section) to be necessary in order to obtain safe,
7 sanitary and uncongested dwelling accommodations within the
8 area of operation of the Authority and to provide an adequate
9 standard of living.

10 (c) It may rent or lease to a tenant a dwelling consisting
11 of the number of rooms (but no greater number) which it deems
12 necessary to provide safe and sanitary accommodations to the
13 proposed occupants thereof, without overcrowding.

14 (d) It shall not change the residency preference of any
15 prospective tenant once the application has been accepted by
16 the authority.

17 (e) If an Authority desires a criminal history records
18 check of all 50 states or a 50-state confirmation of a
19 conviction record, the Authority shall submit the fingerprints
20 of the relevant applicant, tenant, or other household member
21 to the Illinois State Police in a manner prescribed by the
22 Illinois State Police. These fingerprints shall be checked
23 against the fingerprint records now and hereafter filed in the
24 Illinois State Police and Federal Bureau of Investigation
25 criminal history records databases. The Illinois State Police
26 shall charge a fee for conducting the criminal history records

1 check, which shall be deposited in the State Police Services
2 Fund and shall not exceed the actual cost of the records check.
3 The Illinois State Police shall furnish pursuant to positive
4 identification, records of conviction to the Authority. An
5 Authority that requests a criminal history report of an
6 applicant or other household member shall inform the applicant
7 at the time of the request that the applicant or other
8 household member may provide additional mitigating information
9 for consideration with the application for housing.

10 (e-5) Criminal history record assessment. The Authority
11 shall use the following process when evaluating the criminal
12 history report of an applicant or other household member to
13 determine whether to rent or lease to the applicant:

14 (1) Unless required by federal law, the Authority
15 shall not consider the following information when
16 determining whether to rent or lease to an applicant for
17 housing:

18 (A) an arrest or detention;

19 (B) criminal charges or indictments, and the
20 nature of any disposition arising therefrom, that do
21 not result in a conviction;

22 (C) a conviction that has been vacated, ordered,
23 expunged, sealed, or impounded by a court;

24 (D) matters under the jurisdiction of the Illinois
25 Juvenile Court;

26 (E) the amount of time since the applicant or

1 other household member completed his or her sentence
2 in prison or jail or was released from prison or jail;
3 or

4 (F) convictions occurring more than 180 days prior
5 to the date the applicant submitted his or her
6 application for housing.

7 (2) The Authority shall create a system for the
8 independent review of criminal history reports:

9 (A) the reviewer shall examine the applicant's or
10 other household member's criminal history report and
11 report only those records not prohibited under
12 paragraph (1) to the person or persons making the
13 decision about whether to offer housing to the
14 applicant; and

15 (B) the reviewer shall not participate in any
16 final decisions on an applicant's application for
17 housing.

18 (3) The Authority may deny an applicant's application
19 for housing because of the applicant's or another
20 household member's criminal history record, only if the
21 Authority:

22 (A) determines that the denial is required under
23 federal law; or

24 (B) determines that there is a direct relationship
25 between the applicant or the other household member's
26 criminal history record and a risk to the health,

1 safety, and peaceful enjoyment of fellow tenants. The
2 mere existence of a criminal history record does not
3 demonstrate such a risk.

4 (f) It may, if a tenant has created or maintained a threat
5 constituting a serious and clear danger to the health or
6 safety of other tenants or Authority employees, after 3 days'
7 written notice of termination and without a hearing, file suit
8 against any such tenant for recovery of possession of the
9 premises. The tenant shall be given the opportunity to contest
10 the termination in the court proceedings. A serious and clear
11 danger to the health or safety of other tenants or Authority
12 employees shall include, but not be limited to, any of the
13 following activities of the tenant or of any other person on
14 the premises with the consent of the tenant:

15 (1) Physical assault or the threat of physical
16 assault.

17 (2) Illegal use of a firearm or other weapon or the
18 threat to use in an illegal manner a firearm or other
19 weapon.

20 (3) Possession of a controlled substance by the tenant
21 or any other person on the premises with the consent of the
22 tenant if the tenant knew or should have known of the
23 possession by the other person of a controlled substance,
24 unless the controlled substance was obtained directly from
25 or pursuant to a valid prescription.

26 (4) Streetgang membership as defined in the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

2 The management of low-rent public housing projects
3 financed and developed under the U.S. Housing Act of 1937
4 shall be in accordance with that Act.

5 Nothing contained in this Section or any other Section of
6 this Act shall be construed as limiting the power of an
7 Authority to vest in a bondholder or trustee the right, in the
8 event of a default by the Authority, to take possession and
9 operate a housing project or cause the appointment of a
10 receiver thereof, free from all restrictions imposed by this
11 Section or any other Section of this Act.

12 (Source: P.A. 101-659, eff. 3-23-21; 102-538, eff. 8-20-21;
13 revised 11-9-21.)

14 Section 515. The Adult Protective Services Act is amended
15 by changing Section 3.5 as follows:

16 (320 ILCS 20/3.5)

17 Sec. 3.5. Other responsibilities. The Department shall
18 also be responsible for the following activities, contingent
19 upon adequate funding; implementation shall be expanded to
20 adults with disabilities upon the effective date of this
21 amendatory Act of the 98th General Assembly, except those
22 responsibilities under subsection (a), which shall be
23 undertaken as soon as practicable:

24 (a) promotion of a wide range of endeavors for the

1 purpose of preventing abuse, abandonment, neglect,
2 financial exploitation, and self-neglect, including, but
3 not limited to, promotion of public and professional
4 education to increase awareness of abuse, abandonment,
5 neglect, financial exploitation, and self-neglect; to
6 increase reports; to establish access to and use of the
7 Registry established under Section 7.5; and to improve
8 response by various legal, financial, social, and health
9 systems;

10 (b) coordination of efforts with other agencies,
11 councils, and like entities, to include but not be limited
12 to, the Administrative Office of the Illinois Courts, the
13 Office of the Attorney General, the Illinois State Police,
14 the Illinois Law Enforcement Training Standards Board, the
15 State Triad, the Illinois Criminal Justice Information
16 Authority, the Departments of Public Health, Healthcare
17 and Family Services, and Human Services, the Illinois
18 Guardianship and Advocacy Commission, the Family Violence
19 Coordinating Council, the Illinois Violence Prevention
20 Authority, and other entities which may impact awareness
21 of, and response to, abuse, abandonment, neglect,
22 financial exploitation, and self-neglect;

23 (c) collection and analysis of data;

24 (d) monitoring of the performance of regional
25 administrative agencies and adult protective services
26 agencies;

1 (e) promotion of prevention activities;

2 (f) establishing and coordinating an aggressive
3 training program on the unique nature of adult abuse cases
4 with other agencies, councils, and like entities, to
5 include but not be limited to the Office of the Attorney
6 General, the Illinois State Police, the Illinois Law
7 Enforcement Training Standards Board, the State Triad, the
8 Illinois Criminal Justice Information Authority, the State
9 Departments of Public Health, Healthcare and Family
10 Services, and Human Services, the Family Violence
11 Coordinating Council, the Illinois Violence Prevention
12 Authority, the agency designated by the Governor under
13 Section 1 of the Protection and Advocacy for Persons with
14 Developmental Disabilities Act, and other entities that
15 may impact awareness of and response to abuse,
16 abandonment, neglect, financial exploitation, and
17 self-neglect;

18 (g) solicitation of financial institutions for the
19 purpose of making information available to the general
20 public warning of financial exploitation of adults and
21 related financial fraud or abuse, including such
22 information and warnings available through signage or
23 other written materials provided by the Department on the
24 premises of such financial institutions, provided that the
25 manner of displaying or distributing such information is
26 subject to the sole discretion of each financial

1 institution;

2 (g-1) developing by joint rulemaking with the
3 Department of Financial and Professional Regulation
4 minimum training standards which shall be used by
5 financial institutions for their current and new employees
6 with direct customer contact; the Department of Financial
7 and Professional Regulation shall retain sole visitation
8 and enforcement authority under this subsection (g-1); the
9 Department of Financial and Professional Regulation shall
10 provide bi-annual reports to the Department setting forth
11 aggregate statistics on the training programs required
12 under this subsection (g-1); and

13 (h) coordinating efforts with utility and electric
14 companies to send notices in utility bills to explain to
15 persons 60 years of age or older their rights regarding
16 telemarketing and home repair fraud.

17 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;
18 revised 11-9-21.)

19 Section 520. The Abused and Neglected Child Reporting Act
20 is amended by changing Sections 3 and 7.8 as follows:

21 (325 ILCS 5/3) (from Ch. 23, par. 2053)

22 Sec. 3. As used in this Act unless the context otherwise
23 requires:

24 "Adult resident" means any person between 18 and 22 years

1 of age who resides in any facility licensed by the Department
2 under the Child Care Act of 1969. For purposes of this Act, the
3 criteria set forth in the definitions of "abused child" and
4 "neglected child" shall be used in determining whether an
5 adult resident is abused or neglected.

6 "Agency" means a child care facility licensed under
7 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
8 includes a transitional living program that accepts children
9 and adult residents for placement who are in the guardianship
10 of the Department.

11 "Blatant disregard" means an incident where the real,
12 significant, and imminent risk of harm would be so obvious to a
13 reasonable parent or caretaker that it is unlikely that a
14 reasonable parent or caretaker would have exposed the child to
15 the danger without exercising precautionary measures to
16 protect the child from harm. With respect to a person working
17 at an agency in his or her professional capacity with a child
18 or adult resident, "blatant disregard" includes a failure by
19 the person to perform job responsibilities intended to protect
20 the child's or adult resident's health, physical well-being,
21 or welfare, and, when viewed in light of the surrounding
22 circumstances, evidence exists that would cause a reasonable
23 person to believe that the child was neglected. With respect
24 to an agency, "blatant disregard" includes a failure to
25 implement practices that ensure the health, physical
26 well-being, or welfare of the children and adult residents

1 residing in the facility.

2 "Child" means any person under the age of 18 years, unless
3 legally emancipated by reason of marriage or entry into a
4 branch of the United States armed services.

5 "Department" means Department of Children and Family
6 Services.

7 "Local law enforcement agency" means the police of a city,
8 town, village or other incorporated area or the sheriff of an
9 unincorporated area or any sworn officer of the Illinois
10 ~~Department of~~ State Police.

11 "Abused child" means a child whose parent or immediate
12 family member, or any person responsible for the child's
13 welfare, or any individual residing in the same home as the
14 child, or a paramour of the child's parent:

15 (a) inflicts, causes to be inflicted, or allows to be
16 inflicted upon such child physical injury, by other than
17 accidental means, which causes death, disfigurement,
18 impairment of physical or emotional health, or loss or
19 impairment of any bodily function;

20 (b) creates a substantial risk of physical injury to
21 such child by other than accidental means which would be
22 likely to cause death, disfigurement, impairment of
23 physical or emotional health, or loss or impairment of any
24 bodily function;

25 (c) commits or allows to be committed any sex offense
26 against such child, as such sex offenses are defined in

1 the Criminal Code of 2012 or in the Wrongs to Children Act,
2 and extending those definitions of sex offenses to include
3 children under 18 years of age;

4 (d) commits or allows to be committed an act or acts of
5 torture upon such child;

6 (e) inflicts excessive corporal punishment or, in the
7 case of a person working for an agency who is prohibited
8 from using corporal punishment, inflicts corporal
9 punishment upon a child or adult resident with whom the
10 person is working in his or her professional capacity;

11 (f) commits or allows to be committed the offense of
12 female genital mutilation, as defined in Section 12-34 of
13 the Criminal Code of 2012, against the child;

14 (g) causes to be sold, transferred, distributed, or
15 given to such child under 18 years of age, a controlled
16 substance as defined in Section 102 of the Illinois
17 Controlled Substances Act in violation of Article IV of
18 the Illinois Controlled Substances Act or in violation of
19 the Methamphetamine Control and Community Protection Act,
20 except for controlled substances that are prescribed in
21 accordance with Article III of the Illinois Controlled
22 Substances Act and are dispensed to such child in a manner
23 that substantially complies with the prescription;

24 (h) commits or allows to be committed the offense of
25 involuntary servitude, involuntary sexual servitude of a
26 minor, or trafficking in persons as defined in Section

1 10-9 of the Criminal Code of 2012 against the child; or
2 (i) commits the offense of grooming, as defined in
3 Section 11-25 of the Criminal Code of 2012, against the
4 child.

5 A child shall not be considered abused for the sole reason
6 that the child has been relinquished in accordance with the
7 Abandoned Newborn Infant Protection Act.

8 "Neglected child" means any child who is not receiving the
9 proper or necessary nourishment or medically indicated
10 treatment including food or care not provided solely on the
11 basis of the present or anticipated mental or physical
12 impairment as determined by a physician acting alone or in
13 consultation with other physicians or otherwise is not
14 receiving the proper or necessary support or medical or other
15 remedial care recognized under State law as necessary for a
16 child's well-being, or other care necessary for his or her
17 well-being, including adequate food, clothing and shelter; or
18 who is subjected to an environment which is injurious insofar
19 as (i) the child's environment creates a likelihood of harm to
20 the child's health, physical well-being, or welfare and (ii)
21 the likely harm to the child is the result of a blatant
22 disregard of parent, caretaker, person responsible for the
23 child's welfare, or agency responsibilities; or who is
24 abandoned by his or her parents or other person responsible
25 for the child's welfare without a proper plan of care; or who
26 has been provided with interim crisis intervention services

1 under Section 3-5 of the Juvenile Court Act of 1987 and whose
2 parent, guardian, or custodian refuses to permit the child to
3 return home and no other living arrangement agreeable to the
4 parent, guardian, or custodian can be made, and the parent,
5 guardian, or custodian has not made any other appropriate
6 living arrangement for the child; or who is a newborn infant
7 whose blood, urine, or meconium contains any amount of a
8 controlled substance as defined in subsection (f) of Section
9 102 of the Illinois Controlled Substances Act or a metabolite
10 thereof, with the exception of a controlled substance or
11 metabolite thereof whose presence in the newborn infant is the
12 result of medical treatment administered to the mother or the
13 newborn infant. A child shall not be considered neglected for
14 the sole reason that the child's parent or other person
15 responsible for his or her welfare has left the child in the
16 care of an adult relative for any period of time. A child shall
17 not be considered neglected for the sole reason that the child
18 has been relinquished in accordance with the Abandoned Newborn
19 Infant Protection Act. A child shall not be considered
20 neglected or abused for the sole reason that such child's
21 parent or other person responsible for his or her welfare
22 depends upon spiritual means through prayer alone for the
23 treatment or cure of disease or remedial care as provided
24 under Section 4 of this Act. A child shall not be considered
25 neglected or abused solely because the child is not attending
26 school in accordance with the requirements of Article 26 of

1 The School Code, as amended.

2 "Child Protective Service Unit" means certain specialized
3 State employees of the Department assigned by the Director to
4 perform the duties and responsibilities as provided under
5 Section 7.2 of this Act.

6 "Near fatality" means an act that, as certified by a
7 physician, places the child in serious or critical condition,
8 including acts of great bodily harm inflicted upon children
9 under 13 years of age, and as otherwise defined by Department
10 rule.

11 "Great bodily harm" includes bodily injury which creates a
12 high probability of death, or which causes serious permanent
13 disfigurement, or which causes a permanent or protracted loss
14 or impairment of the function of any bodily member or organ, or
15 other serious bodily harm.

16 "Person responsible for the child's welfare" means the
17 child's parent; guardian; foster parent; relative caregiver;
18 any person responsible for the child's welfare in a public or
19 private residential agency or institution; any person
20 responsible for the child's welfare within a public or private
21 profit or not for profit child care facility; or any other
22 person responsible for the child's welfare at the time of the
23 alleged abuse or neglect, including any person who commits or
24 allows to be committed, against the child, the offense of
25 involuntary servitude, involuntary sexual servitude of a
26 minor, or trafficking in persons for forced labor or services,

1 as provided in Section 10-9 of the Criminal Code of 2012,
2 including, but not limited to, the custodian of the minor, or
3 any person who came to know the child through an official
4 capacity or position of trust, including, but not limited to,
5 health care professionals, educational personnel, recreational
6 supervisors, members of the clergy, and volunteers or support
7 personnel in any setting where children may be subject to
8 abuse or neglect.

9 "Temporary protective custody" means custody within a
10 hospital or other medical facility or a place previously
11 designated for such custody by the Department, subject to
12 review by the Court, including a licensed foster home, group
13 home, or other institution; but such place shall not be a jail
14 or other place for the detention of criminal or juvenile
15 offenders.

16 "An unfounded report" means any report made under this Act
17 for which it is determined after an investigation that no
18 credible evidence of abuse or neglect exists.

19 "An indicated report" means a report made under this Act
20 if an investigation determines that credible evidence of the
21 alleged abuse or neglect exists.

22 "An undetermined report" means any report made under this
23 Act in which it was not possible to initiate or complete an
24 investigation on the basis of information provided to the
25 Department.

26 "Subject of report" means any child reported to the

1 central register of child abuse and neglect established under
2 Section 7.7 of this Act as an alleged victim of child abuse or
3 neglect and the parent or guardian of the alleged victim or
4 other person responsible for the alleged victim's welfare who
5 is named in the report or added to the report as an alleged
6 perpetrator of child abuse or neglect.

7 "Perpetrator" means a person who, as a result of
8 investigation, has been determined by the Department to have
9 caused child abuse or neglect.

10 "Member of the clergy" means a clergyman or practitioner
11 of any religious denomination accredited by the religious body
12 to which he or she belongs.

13 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
14 revised 1-15-22.)

15 (325 ILCS 5/7.8)

16 Sec. 7.8. Upon receiving an oral or written report of
17 suspected child abuse or neglect, the Department shall
18 immediately notify, either orally or electronically, the Child
19 Protective Service Unit of a previous report concerning a
20 subject of the present report or other pertinent information.
21 In addition, upon satisfactory identification procedures, to
22 be established by Department regulation, any person authorized
23 to have access to records under Section 11.1 relating to child
24 abuse and neglect may request and shall be immediately
25 provided the information requested in accordance with this

1 Act. However, no information shall be released unless it
2 prominently states the report is "indicated", and only
3 information from "indicated" reports shall be released, except
4 that:

5 (1) Information concerning pending reports may be
6 released pursuant to Sections 7.14 and 7.22 of this Act to
7 the attorney or guardian ad litem appointed under Section
8 2-17 of the Juvenile Court Act of 1987 and to any person
9 authorized under paragraphs (1), (2), (3), and (11) of
10 subsection (a) of Section 11.1.

11 (2) State's Attorneys are authorized to receive
12 unfounded reports:

13 (A) for prosecution purposes related to the
14 transmission of false reports of child abuse or
15 neglect in violation of subsection (a), paragraph (7)
16 of Section 26-1 of the Criminal Code of 2012; or

17 (B) for the purposes of screening and prosecuting
18 a petition filed under Article II of the Juvenile
19 Court Act of 1987 alleging abuse or neglect relating
20 to the same child, a sibling of the child, the same
21 perpetrator, or a child or perpetrator in the same
22 household as the child for whom the petition is being
23 filed.

24 (3) The parties to the proceedings filed under Article
25 II of the Juvenile Court Act of 1987 are entitled to
26 receive copies of unfounded reports regarding the same

1 child, a sibling of the child, the same perpetrator, or a
2 child or perpetrator in the same household as the child
3 for purposes of hearings under Sections 2-10 and 2-21 of
4 the Juvenile Court Act of 1987.

5 (4) Attorneys and guardians ad litem appointed under
6 Article II of the Juvenile Court Act of 1987 shall receive
7 the reports set forth in Section 7.14 of this Act in
8 conformance with paragraph (19) of subsection (a) of
9 Section 11.1 and Section 7.14 of this Act.

10 (5) The Department of Public Health shall receive
11 information from unfounded reports involving children
12 alleged to have been abused or neglected while
13 hospitalized, including while hospitalized in freestanding
14 psychiatric hospitals licensed by the Department of Public
15 Health, as necessary for the Department of Public Health
16 to conduct its licensing investigation.

17 (6) The Department is authorized and required to
18 release information from unfounded reports, upon request
19 by a person who has access to the unfounded report as
20 provided in this Act, as necessary in its determination to
21 protect children and adult residents who are in child care
22 facilities licensed by the Department under the Child Care
23 Act of 1969. The names and other identifying data and the
24 dates and the circumstances of any persons requesting or
25 receiving information from the central register shall be
26 entered in the register record.

1 (Source: P.A. 101-43, eff. 1-1-20; 102-532, eff. 8-20-21;
2 revised 11-24-21.)

3 Section 525. The Early Intervention Services System Act is
4 amended by changing Section 11 as follows:

5 (325 ILCS 20/11) (from Ch. 23, par. 4161)

6 Sec. 11. Individualized Family Service Plans.

7 (a) Each eligible infant or toddler and that infant's or
8 toddler's family shall receive:

9 (1) timely, comprehensive, multidisciplinary
10 assessment of the unique strengths and needs of each
11 eligible infant and toddler, and assessment of the
12 concerns and priorities of the families to appropriately
13 assist them in meeting their needs and identify supports
14 and services to meet those needs; and

15 (2) a written Individualized Family Service Plan
16 developed by a multidisciplinary team which includes the
17 parent or guardian. The individualized family service plan
18 shall be based on the multidisciplinary team's assessment
19 of the resources, priorities, and concerns of the family
20 and its identification of the supports and services
21 necessary to enhance the family's capacity to meet the
22 developmental needs of the infant or toddler, and shall
23 include the identification of services appropriate to meet
24 those needs, including the frequency, intensity, and

1 method of delivering services. During and as part of the
2 initial development of the individualized family services
3 plan, and any periodic reviews of the plan, the
4 multidisciplinary team may seek consultation from the lead
5 agency's designated experts, if any, to help determine
6 appropriate services and the frequency and intensity of
7 those services. All services in the individualized family
8 services plan must be justified by the multidisciplinary
9 assessment of the unique strengths and needs of the infant
10 or toddler and must be appropriate to meet those needs. At
11 the periodic reviews, the team shall determine whether
12 modification or revision of the outcomes or services is
13 necessary.

14 (b) The Individualized Family Service Plan shall be
15 evaluated once a year and the family shall be provided a review
16 of the Plan at 6-month ~~6-month~~ intervals or more often where
17 appropriate based on infant or toddler and family needs. The
18 lead agency shall create a quality review process regarding
19 Individualized Family Service Plan development and changes
20 thereto, to monitor and help ensure ~~assure~~ that resources are
21 being used to provide appropriate early intervention services.

22 (c) The initial evaluation and initial assessment and
23 initial Plan meeting must be held within 45 days after the
24 initial contact with the early intervention services system.
25 The 45-day timeline does not apply for any period when the
26 child or parent is unavailable to complete the initial

1 evaluation, the initial assessments of the child and family,
2 or the initial Plan meeting, due to exceptional family
3 circumstances that are documented in the child's early
4 intervention records, or when the parent has not provided
5 consent for the initial evaluation or the initial assessment
6 of the child despite documented, repeated attempts to obtain
7 parental consent. As soon as exceptional family circumstances
8 no longer exist or parental consent has been obtained, the
9 initial evaluation, the initial assessment, and the initial
10 Plan meeting must be completed as soon as possible. With
11 parental consent, early intervention services may commence
12 before the completion of the comprehensive assessment and
13 development of the Plan.

14 (d) Parents must be informed that early intervention
15 services shall be provided to each eligible infant and
16 toddler, to the maximum extent appropriate, in the natural
17 environment, which may include the home or other community
18 settings. Parents must also be informed of the availability of
19 early intervention services provided through telehealth
20 services. Parents shall make the final decision to accept or
21 decline early intervention services, including whether
22 accepted services are delivered in person or via telehealth
23 services. A decision to decline such services shall not be a
24 basis for administrative determination of parental fitness, or
25 other findings or sanctions against the parents. Parameters of
26 the Plan shall be set forth in rules.

1 (e) The regional intake offices shall explain to each
2 family, orally and in writing, all of the following:

3 (1) That the early intervention program will pay for
4 all early intervention services set forth in the
5 individualized family service plan that are not covered or
6 paid under the family's public or private insurance plan
7 or policy and not eligible for payment through any other
8 third party payor.

9 (2) That services will not be delayed due to any rules
10 or restrictions under the family's insurance plan or
11 policy.

12 (3) That the family may request, with appropriate
13 documentation supporting the request, a determination of
14 an exemption from private insurance use under Section
15 13.25.

16 (4) That responsibility for co-payments or
17 co-insurance under a family's private insurance plan or
18 policy will be transferred to the lead agency's central
19 billing office.

20 (5) That families will be responsible for payments of
21 family fees, which will be based on a sliding scale
22 according to the State's definition of ability to pay
23 which is comparing household size and income to the
24 sliding scale and considering out-of-pocket medical or
25 disaster expenses, and that these fees are payable to the
26 central billing office. Families who fail to provide

1 income information shall be charged the maximum amount on
2 the sliding scale.

3 (f) The individualized family service plan must state
4 whether the family has private insurance coverage and, if the
5 family has such coverage, must have attached to it a copy of
6 the family's insurance identification card or otherwise
7 include all of the following information:

8 (1) The name, address, and telephone number of the
9 insurance carrier.

10 (2) The contract number and policy number of the
11 insurance plan.

12 (3) The name, address, and social security number of
13 the primary insured.

14 (4) The beginning date of the insurance benefit year.

15 (g) A copy of the individualized family service plan must
16 be provided to each enrolled provider who is providing early
17 intervention services to the child who is the subject of that
18 plan.

19 (h) Children receiving services under this Act shall
20 receive a smooth and effective transition by their third
21 birthday consistent with federal regulations adopted pursuant
22 to Sections 1431 through 1444 of Title 20 of the United States
23 Code. Beginning January 1, 2022, children who receive early
24 intervention services prior to their third birthday and are
25 found eligible for an individualized education program under
26 the Individuals with Disabilities Education Act, 20 U.S.C.

1 1414(d)(1)(A), and under Section 14-8.02 of the School Code
2 and whose birthday falls between May 1 and August 31 may
3 continue to receive early intervention services until the
4 beginning of the school year following their third birthday in
5 order to minimize gaps in services, ensure better continuity
6 of care, and align practices for the enrollment of preschool
7 children with special needs to the enrollment practices of
8 typically developing preschool children.

9 (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21;
10 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for
11 effective date of P.A. 102-209); revised 12-1-21.)

12 Section 530. The Sexual Assault Survivors Emergency
13 Treatment Act is amended by changing Sections 1a, 5, and 6.4 as
14 follows:

15 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

16 Sec. 1a. Definitions.

17 (a) In this Act:

18 "Advanced practice registered nurse" has the meaning
19 provided in Section 50-10 of the Nurse Practice Act.

20 "Ambulance provider" means an individual or entity that
21 owns and operates a business or service using ambulances or
22 emergency medical services vehicles to transport emergency
23 patients.

24 "Approved pediatric health care facility" means a health

1 care facility, other than a hospital, with a sexual assault
2 treatment plan approved by the Department to provide medical
3 forensic services to pediatric sexual assault survivors who
4 present with a complaint of sexual assault within a minimum of
5 the last 7 days or who have disclosed past sexual assault by a
6 specific individual and were in the care of that individual
7 within a minimum of the last 7 days.

8 "Areawide sexual assault treatment plan" means a plan,
9 developed by hospitals or by hospitals and approved pediatric
10 health care facilities in a community or area to be served,
11 which provides for medical forensic services to sexual assault
12 survivors that shall be made available by each of the
13 participating hospitals and approved pediatric health care
14 facilities.

15 "Board-certified child abuse pediatrician" means a
16 physician certified by the American Board of Pediatrics in
17 child abuse pediatrics.

18 "Board-eligible child abuse pediatrician" means a
19 physician who has completed the requirements set forth by the
20 American Board of Pediatrics to take the examination for
21 certification in child abuse pediatrics.

22 "Department" means the Department of Public Health.

23 "Emergency contraception" means medication as approved by
24 the federal Food and Drug Administration (FDA) that can
25 significantly reduce the risk of pregnancy if taken within 72
26 hours after sexual assault.

1 "Follow-up healthcare" means healthcare services related
2 to a sexual assault, including laboratory services and
3 pharmacy services, rendered within 90 days of the initial
4 visit for medical forensic services.

5 "Health care professional" means a physician, a physician
6 assistant, a sexual assault forensic examiner, an advanced
7 practice registered nurse, a registered professional nurse, a
8 licensed practical nurse, or a sexual assault nurse examiner.

9 "Hospital" means a hospital licensed under the Hospital
10 Licensing Act or operated under the University of Illinois
11 Hospital Act, any outpatient center included in the hospital's
12 sexual assault treatment plan where hospital employees provide
13 medical forensic services, and an out-of-state hospital that
14 has consented to the jurisdiction of the Department under
15 Section 2.06.

16 "Illinois State Police Sexual Assault Evidence Collection
17 Kit" means a prepackaged set of materials and forms to be used
18 for the collection of evidence relating to sexual assault. The
19 standardized evidence collection kit for the State of Illinois
20 shall be the Illinois State Police Sexual Assault Evidence
21 Collection Kit.

22 "Law enforcement agency having jurisdiction" means the law
23 enforcement agency in the jurisdiction where an alleged sexual
24 assault or sexual abuse occurred.

25 "Licensed practical nurse" has the meaning provided in
26 Section 50-10 of the Nurse Practice Act.

1 "Medical forensic services" means health care delivered to
2 patients within or under the care and supervision of personnel
3 working in a designated emergency department of a hospital or
4 an approved pediatric health care facility. "Medical forensic
5 services" includes, but is not limited to, taking a medical
6 history, performing photo documentation, performing a physical
7 and anogenital examination, assessing the patient for evidence
8 collection, collecting evidence in accordance with a statewide
9 sexual assault evidence collection program administered by the
10 Illinois State Police using the Illinois State Police Sexual
11 Assault Evidence Collection Kit, if appropriate, assessing the
12 patient for drug-facilitated or alcohol-facilitated sexual
13 assault, providing an evaluation of and care for sexually
14 transmitted infection and human immunodeficiency virus (HIV),
15 pregnancy risk evaluation and care, and discharge and
16 follow-up healthcare planning.

17 "Pediatric health care facility" means a clinic or
18 physician's office that provides medical services to pediatric
19 patients.

20 "Pediatric sexual assault survivor" means a person under
21 the age of 13 who presents for medical forensic services in
22 relation to injuries or trauma resulting from a sexual
23 assault.

24 "Photo documentation" means digital photographs or
25 colposcope videos stored and backed up securely in the
26 original file format.

1 "Physician" means a person licensed to practice medicine
2 in all its branches.

3 "Physician assistant" has the meaning provided in Section
4 of the Physician Assistant Practice Act of 1987.

5 "Prepubescent sexual assault survivor" means a female who
6 is under the age of 18 years and has not had a first menstrual
7 cycle or a male who is under the age of 18 years and has not
8 started to develop secondary sex characteristics who presents
9 for medical forensic services in relation to injuries or
10 trauma resulting from a sexual assault.

11 "Qualified medical provider" means a board-certified child
12 abuse pediatrician, board-eligible child abuse pediatrician, a
13 sexual assault forensic examiner, or a sexual assault nurse
14 examiner who has access to photo documentation tools, and who
15 participates in peer review.

16 "Registered Professional Nurse" has the meaning provided
17 in Section 50-10 of the Nurse Practice Act.

18 "Sexual assault" means:

19 (1) an act of sexual conduct; as used in this
20 paragraph, "sexual conduct" has the meaning provided under
21 Section 11-0.1 of the Criminal Code of 2012; or

22 (2) any act of sexual penetration; as used in this
23 paragraph, "sexual penetration" has the meaning provided
24 under Section 11-0.1 of the Criminal Code of 2012 and
25 includes, without limitation, acts prohibited under
26 Sections 11-1.20 through 11-1.60 of the Criminal Code of

1 2012.

2 "Sexual assault forensic examiner" means a physician or
3 physician assistant who has completed training that meets or
4 is substantially similar to the Sexual Assault Nurse Examiner
5 Education Guidelines established by the International
6 Association of Forensic Nurses.

7 "Sexual assault nurse examiner" means an advanced practice
8 registered nurse or registered professional nurse who has
9 completed a sexual assault nurse examiner training program
10 that meets the Sexual Assault Nurse Examiner Education
11 Guidelines established by the International Association of
12 Forensic Nurses.

13 "Sexual assault services voucher" means a document
14 generated by a hospital or approved pediatric health care
15 facility at the time the sexual assault survivor receives
16 outpatient medical forensic services that may be used to seek
17 payment for any ambulance services, medical forensic services,
18 laboratory services, pharmacy services, and follow-up
19 healthcare provided as a result of the sexual assault.

20 "Sexual assault survivor" means a person who presents for
21 medical forensic services in relation to injuries or trauma
22 resulting from a sexual assault.

23 "Sexual assault transfer plan" means a written plan
24 developed by a hospital and approved by the Department, which
25 describes the hospital's procedures for transferring sexual
26 assault survivors to another hospital, and an approved

1 pediatric health care facility, if applicable, in order to
2 receive medical forensic services.

3 "Sexual assault treatment plan" means a written plan that
4 describes the procedures and protocols for providing medical
5 forensic services to sexual assault survivors who present
6 themselves for such services, either directly or through
7 transfer from a hospital or an approved pediatric health care
8 facility.

9 "Transfer hospital" means a hospital with a sexual assault
10 transfer plan approved by the Department.

11 "Transfer services" means the appropriate medical
12 screening examination and necessary stabilizing treatment
13 prior to the transfer of a sexual assault survivor to a
14 hospital or an approved pediatric health care facility that
15 provides medical forensic services to sexual assault survivors
16 pursuant to a sexual assault treatment plan or areawide sexual
17 assault treatment plan.

18 "Treatment hospital" means a hospital with a sexual
19 assault treatment plan approved by the Department to provide
20 medical forensic services to all sexual assault survivors who
21 present with a complaint of sexual assault within a minimum of
22 the last 7 days or who have disclosed past sexual assault by a
23 specific individual and were in the care of that individual
24 within a minimum of the last 7 days.

25 "Treatment hospital with approved pediatric transfer"
26 means a hospital with a treatment plan approved by the

1 Department to provide medical forensic services to sexual
2 assault survivors 13 years old or older who present with a
3 complaint of sexual assault within a minimum of the last 7 days
4 or who have disclosed past sexual assault by a specific
5 individual and were in the care of that individual within a
6 minimum of the last 7 days.

7 (b) This Section is effective on and after January 1, 2024
8 ~~2022~~.

9 (Source: P.A. 101-81, eff. 7-12-19; 101-634, eff. 6-5-20;
10 102-22, eff. 6-25-21; 102-538, eff. 8-20-21; 102-674, eff.
11 11-30-21; revised 12-16-21.)

12 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

13 Sec. 5. Minimum requirements for medical forensic services
14 provided to sexual assault survivors by hospitals and approved
15 pediatric health care facilities.

16 (a) Every hospital and approved pediatric health care
17 facility providing medical forensic services to sexual assault
18 survivors under this Act shall, as minimum requirements for
19 such services, provide, with the consent of the sexual assault
20 survivor, and as ordered by the attending physician, an
21 advanced practice registered nurse, or a physician assistant,
22 the services set forth in subsection (a-5).

23 Beginning January 1, 2023, a qualified medical provider
24 must provide the services set forth in subsection (a-5).

25 (a-5) A treatment hospital, a treatment hospital with

1 approved pediatric transfer, or an approved pediatric health
2 care facility shall provide the following services in
3 accordance with subsection (a):

4 (1) Appropriate medical forensic services without
5 delay, in a private, age-appropriate or
6 developmentally-appropriate space, required to ensure the
7 health, safety, and welfare of a sexual assault survivor
8 and which may be used as evidence in a criminal proceeding
9 against a person accused of the sexual assault, in a
10 proceeding under the Juvenile Court Act of 1987, or in an
11 investigation under the Abused and Neglected Child
12 Reporting Act.

13 Records of medical forensic services, including
14 results of examinations and tests, the Illinois State
15 Police Medical Forensic Documentation Forms, the Illinois
16 State Police Patient Discharge Materials, and the Illinois
17 State Police Patient Consent: Collect and Test Evidence or
18 Collect and Hold Evidence Form, shall be maintained by the
19 hospital or approved pediatric health care facility as
20 part of the patient's electronic medical record.

21 Records of medical forensic services of sexual assault
22 survivors under the age of 18 shall be retained by the
23 hospital for a period of 60 years after the sexual assault
24 survivor reaches the age of 18. Records of medical
25 forensic services of sexual assault survivors 18 years of
26 age or older shall be retained by the hospital for a period

1 of 20 years after the date the record was created.

2 Records of medical forensic services may only be
3 disseminated in accordance with Section 6.5 of this Act
4 and other State and federal law.

5 (1.5) An offer to complete the Illinois Sexual Assault
6 Evidence Collection Kit for any sexual assault survivor
7 who presents within a minimum of the last 7 days of the
8 assault or who has disclosed past sexual assault by a
9 specific individual and was in the care of that individual
10 within a minimum of the last 7 days.

11 (A) Appropriate oral and written information
12 concerning evidence-based guidelines for the
13 appropriateness of evidence collection depending on
14 the sexual development of the sexual assault survivor,
15 the type of sexual assault, and the timing of the
16 sexual assault shall be provided to the sexual assault
17 survivor. Evidence collection is encouraged for
18 prepubescent sexual assault survivors who present to a
19 hospital or approved pediatric health care facility
20 with a complaint of sexual assault within a minimum of
21 96 hours after the sexual assault.

22 Before January 1, 2023, the information required
23 under this subparagraph shall be provided in person by
24 the health care professional providing medical
25 forensic services directly to the sexual assault
26 survivor.

1 On and after January 1, 2023, the information
2 required under this subparagraph shall be provided in
3 person by the qualified medical provider providing
4 medical forensic services directly to the sexual
5 assault survivor.

6 The written information provided shall be the
7 information created in accordance with Section 10 of
8 this Act.

9 (B) Following the discussion regarding the
10 evidence-based guidelines for evidence collection in
11 accordance with subparagraph (A), evidence collection
12 must be completed at the sexual assault survivor's
13 request. A sexual assault nurse examiner conducting an
14 examination using the Illinois State Police Sexual
15 Assault Evidence Collection Kit may do so without the
16 presence or participation of a physician.

17 (2) Appropriate oral and written information
18 concerning the possibility of infection, sexually
19 transmitted infection, including an evaluation of the
20 sexual assault survivor's risk of contracting human
21 immunodeficiency virus (HIV) from sexual assault, and
22 pregnancy resulting from sexual assault.

23 (3) Appropriate oral and written information
24 concerning accepted medical procedures, laboratory tests,
25 medication, and possible contraindications of such
26 medication available for the prevention or treatment of

1 infection or disease resulting from sexual assault.

2 (3.5) After a medical evidentiary or physical
3 examination, access to a shower at no cost, unless
4 showering facilities are unavailable.

5 (4) An amount of medication, including HIV
6 prophylaxis, for treatment at the hospital or approved
7 pediatric health care facility and after discharge as is
8 deemed appropriate by the attending physician, an advanced
9 practice registered nurse, or a physician assistant in
10 accordance with the Centers for Disease Control and
11 Prevention guidelines and consistent with the hospital's
12 or approved pediatric health care facility's current
13 approved protocol for sexual assault survivors.

14 (5) Photo documentation of the sexual assault
15 survivor's injuries, anatomy involved in the assault, or
16 other visible evidence on the sexual assault survivor's
17 body to supplement the medical forensic history and
18 written documentation of physical findings and evidence
19 beginning July 1, 2019. Photo documentation does not
20 replace written documentation of the injury.

21 (6) Written and oral instructions indicating the need
22 for follow-up examinations and laboratory tests after the
23 sexual assault to determine the presence or absence of
24 sexually transmitted infection.

25 (7) Referral by hospital or approved pediatric health
26 care facility personnel for appropriate counseling.

1 (8) Medical advocacy services provided by a rape
2 crisis counselor whose communications are protected under
3 Section 8-802.1 of the Code of Civil Procedure, if there
4 is a memorandum of understanding between the hospital or
5 approved pediatric health care facility and a rape crisis
6 center. With the consent of the sexual assault survivor, a
7 rape crisis counselor shall remain in the exam room during
8 the medical forensic examination.

9 (9) Written information regarding services provided by
10 a Children's Advocacy Center and rape crisis center, if
11 applicable.

12 (10) A treatment hospital, a treatment hospital with
13 approved pediatric transfer, an out-of-state hospital as
14 defined in Section 5.4, or an approved pediatric health
15 care facility shall comply with the rules relating to the
16 collection and tracking of sexual assault evidence adopted
17 by the Illinois State Police under Section 50 of the
18 Sexual Assault Evidence Submission Act.

19 (11) Written information regarding the Illinois State
20 Police sexual assault evidence tracking system.

21 (a-7) By January 1, 2023, every hospital with a treatment
22 plan approved by the Department shall employ or contract with
23 a qualified medical provider to initiate medical forensic
24 services to a sexual assault survivor within 90 minutes of the
25 patient presenting to the treatment hospital or treatment
26 hospital with approved pediatric transfer. The provision of

1 medical forensic services by a qualified medical provider
2 shall not delay the provision of life-saving medical care.

3 (b) Any person who is a sexual assault survivor who seeks
4 medical forensic services or follow-up healthcare under this
5 Act shall be provided such services without the consent of any
6 parent, guardian, custodian, surrogate, or agent. If a sexual
7 assault survivor is unable to consent to medical forensic
8 services, the services may be provided under the Consent by
9 Minors to Health Care Services ~~Medical Procedures~~ Act, the
10 Health Care Surrogate Act, or other applicable State and
11 federal laws.

12 (b-5) Every hospital or approved pediatric health care
13 facility providing medical forensic services to sexual assault
14 survivors shall issue a voucher to any sexual assault survivor
15 who is eligible to receive one in accordance with Section 5.2
16 of this Act. The hospital shall make a copy of the voucher and
17 place it in the medical record of the sexual assault survivor.
18 The hospital shall provide a copy of the voucher to the sexual
19 assault survivor after discharge upon request.

20 (c) Nothing in this Section creates a physician-patient
21 relationship that extends beyond discharge from the hospital
22 or approved pediatric health care facility.

23 (d) This Section is effective on and after January 1, 2024
24 ~~2022~~.

25 (Source: P.A. 101-81, eff. 7-12-19; 101-377, eff. 8-16-19;
26 101-634, eff. 6-5-20; 102-22, eff. 6-25-21; 102-538, eff.

1 8-20-21; 102-674, eff. 11-30-21; revised 12-16-21.)

2 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

3 Sec. 6.4. Sexual assault evidence collection program.

4 (a) There is created a statewide sexual assault evidence
5 collection program to facilitate the prosecution of persons
6 accused of sexual assault. This program shall be administered
7 by the Illinois State Police. The program shall consist of the
8 following: (1) distribution of sexual assault evidence
9 collection kits which have been approved by the Illinois State
10 Police to hospitals and approved pediatric health care
11 facilities that request them, or arranging for such
12 distribution by the manufacturer of the kits, (2) collection
13 of the kits from hospitals and approved pediatric health care
14 facilities after the kits have been used to collect evidence,
15 (3) analysis of the collected evidence and conducting of
16 laboratory tests, (4) maintaining the chain of custody and
17 safekeeping of the evidence for use in a legal proceeding, and
18 (5) the comparison of the collected evidence with the genetic
19 marker grouping analysis information maintained by the
20 Illinois State Police under Section 5-4-3 of the Unified Code
21 of Corrections and with the information contained in the
22 Federal Bureau of Investigation's National DNA database;
23 provided the amount and quality of genetic marker grouping
24 results obtained from the evidence in the sexual assault case
25 meets the requirements of both the Illinois State Police and

1 the Federal Bureau of Investigation's Combined DNA Index
2 System (CODIS) policies. The standardized evidence collection
3 kit for the State of Illinois shall be the Illinois State
4 Police Sexual Assault Evidence Kit and shall include a written
5 consent form authorizing law enforcement to test the sexual
6 assault evidence and to provide law enforcement with details
7 of the sexual assault.

8 (a-5) (Blank).

9 (b) The Illinois State Police shall administer a program
10 to train hospital and approved pediatric health care facility
11 personnel participating in the sexual assault evidence
12 collection program, in the correct use and application of the
13 sexual assault evidence collection kits. The Department shall
14 cooperate with the Illinois State Police in this program as it
15 pertains to medical aspects of the evidence collection.

16 (c) (Blank).

17 (d) This Section is effective on and after January 1, 2024
18 ~~2022~~.

19 (Source: P.A. 101-634, eff. 6-5-20; 102-22, eff. 6-25-21;
20 102-538, eff. 8-20-21; 102-674, eff. 11-30-21; revised
21 12-16-21.)

22 Section 535. The Compassionate Use of Medical Cannabis
23 Program Act is amended by changing Sections 100 and 145 as
24 follows:

1 (410 ILCS 130/100)

2 Sec. 100. Cultivation center agent identification card.

3 (a) The Department of Agriculture shall:

4 (1) verify the information contained in an application
5 or renewal for a cultivation center identification card
6 submitted under this Act, and approve or deny an
7 application or renewal, within 30 days of receiving a
8 completed application or renewal application and all
9 supporting documentation required by rule;

10 (2) issue a cultivation center agent identification
11 card to a qualifying agent within 15 business days of
12 approving the application or renewal;

13 (3) enter the registry identification number of the
14 cultivation center where the agent works; and

15 (4) allow for an electronic application process, and
16 provide a confirmation by electronic or other methods that
17 an application has been submitted.

18 (b) A cultivation center agent must keep his or her
19 identification card visible at all times when on the property
20 of a cultivation center and during the transportation of
21 medical cannabis to a registered dispensary organization.

22 (c) The cultivation center agent identification cards
23 shall contain the following:

24 (1) the name of the cardholder;

25 (2) the date of issuance and expiration date of
26 cultivation center agent identification cards;

1 (3) a random 10-digit ~~10-digit~~ alphanumeric
2 identification number containing at least 4 numbers and at
3 least 4 letters, that is unique to the holder; and

4 (4) a photograph of the cardholder.

5 (d) The cultivation center agent identification cards
6 shall be immediately returned to the cultivation center upon
7 termination of employment.

8 (e) Any card lost by a cultivation center agent shall be
9 reported to the Illinois State Police and the Department of
10 Agriculture immediately upon discovery of the loss.

11 (f) An applicant shall be denied a cultivation center
12 agent identification card if he or she has been convicted of an
13 excluded offense.

14 (g) An agent applicant may begin employment at a
15 cultivation center while the agent applicant's identification
16 card application is pending. Upon approval, the Department
17 shall issue the agent's identification card to the agent. If
18 denied, the cultivation center and the agent applicant shall
19 be notified and the agent applicant must cease all activity at
20 the cultivation center immediately.

21 (Source: P.A. 102-98, eff. 7-15-21; 102-538, eff. 8-20-21;
22 revised 10-14-21.)

23 (410 ILCS 130/145)

24 Sec. 145. Confidentiality.

25 (a) The following information received and records kept by

1 the Department of Public Health, Department of Financial and
2 Professional Regulation, Department of Agriculture, or
3 Illinois State Police for purposes of administering this Act
4 are subject to all applicable federal privacy laws,
5 confidential, and exempt from the Freedom of Information Act,
6 and not subject to disclosure to any individual or public or
7 private entity, except as necessary for authorized employees
8 of those authorized agencies to perform official duties under
9 this Act and the following information received and records
10 kept by Department of Public Health, Department of
11 Agriculture, Department of Financial and Professional
12 Regulation, and Illinois State Police, excluding any existing
13 or non-existing Illinois or national criminal history record
14 information as defined in subsection (d), may be disclosed to
15 each other upon request:

16 (1) Applications and renewals, their contents, and
17 supporting information submitted by qualifying patients
18 and designated caregivers, including information regarding
19 their designated caregivers and certifying health care
20 professionals.

21 (2) Applications and renewals, their contents, and
22 supporting information submitted by or on behalf of
23 cultivation centers and dispensing organizations in
24 compliance with this Act, including their physical
25 addresses. This does not preclude the release of ownership
26 information of cannabis business establishment licenses.

1 (3) The individual names and other information
2 identifying persons to whom the Department of Public
3 Health has issued registry identification cards.

4 (4) Any dispensing information required to be kept
5 under Section 135, Section 150, or Department of Public
6 Health, Department of Agriculture, or Department of
7 Financial and Professional Regulation rules shall identify
8 cardholders and registered cultivation centers by their
9 registry identification numbers and medical cannabis
10 dispensing organizations by their registration number and
11 not contain names or other personally identifying
12 information.

13 (5) All medical records provided to the Department of
14 Public Health in connection with an application for a
15 registry card.

16 (b) Nothing in this Section precludes the following:

17 (1) Department of Agriculture, Department of Financial
18 and Professional Regulation, or Public Health employees
19 may notify law enforcement about falsified or fraudulent
20 information submitted to the Departments if the employee
21 who suspects that falsified or fraudulent information has
22 been submitted conferred with his or her supervisor and
23 both agree that circumstances exist that warrant
24 reporting.

25 (2) If the employee conferred with his or her
26 supervisor and both agree that circumstances exist that

1 warrant reporting, Department of Public Health employees
2 may notify the Department of Financial and Professional
3 Regulation if there is reasonable cause to believe a
4 certifying health care professional:

5 (A) issued a written certification without a bona
6 fide health care professional-patient relationship
7 under this Act;

8 (B) issued a written certification to a person who
9 was not under the certifying health care
10 professional's care for the debilitating medical
11 condition; or

12 (C) failed to abide by the acceptable and
13 prevailing standard of care when evaluating a
14 patient's medical condition.

15 (3) The Department of Public Health, Department of
16 Agriculture, and Department of Financial and Professional
17 Regulation may notify State or local law enforcement about
18 apparent criminal violations of this Act if the employee
19 who suspects the offense has conferred with his or her
20 supervisor and both agree that circumstances exist that
21 warrant reporting.

22 (4) Medical cannabis cultivation center agents and
23 medical cannabis dispensing organizations may notify the
24 Department of Public Health, Department of Financial and
25 Professional Regulation, or Department of Agriculture of a
26 suspected violation or attempted violation of this Act or

1 the rules issued under it.

2 (5) Each Department may verify registry identification
3 cards under Section 150.

4 (6) The submission of the report to the General
5 Assembly under Section 160.

6 (b-5) Each Department responsible for licensure under this
7 Act shall publish on the Department's website a list of the
8 ownership information of cannabis business establishment
9 licensees under the Department's jurisdiction. The list shall
10 include, but shall not be limited to, the name of the person or
11 entity holding each cannabis business establishment license
12 and the address at which the entity is operating under this
13 Act. This list shall be published and updated monthly.

14 (c) Except for any ownership information released pursuant
15 to subsection (b-5) or as otherwise authorized or required by
16 law, it is a Class B misdemeanor with a \$1,000 fine for any
17 person, including an employee or official of the Department of
18 Public Health, Department of Financial and Professional
19 Regulation, or Department of Agriculture or another State
20 agency or local government, to breach the confidentiality of
21 information obtained under this Act.

22 (d) The Department of Public Health, the Department of
23 Agriculture, the Illinois State Police, and the Department of
24 Financial and Professional Regulation shall not share or
25 disclose any existing or non-existing Illinois or national
26 criminal history record information. For the purposes of this

1 Section, "any existing or non-existing Illinois or national
2 criminal history record information" means any Illinois or
3 national criminal history record information, including but
4 not limited to the lack of or non-existence of these records.

5 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21;
6 102-538, eff. 8-20-21; revised 10-12-21.)

7 Section 540. The Cannabis Regulation and Tax Act is
8 amended by changing Sections 1-10, 15-25, 15-30, 15-40,
9 15-135, 20-30, 25-30, 25-35, 30-30, 35-25, 35-30, 40-25,
10 40-30, and 55-30 as follows:

11 (410 ILCS 705/1-10)

12 Sec. 1-10. Definitions. In this Act:

13 "Adult Use Cultivation Center License" means a license
14 issued by the Department of Agriculture that permits a person
15 to act as a cultivation center under this Act and any
16 administrative rule made in furtherance of this Act.

17 "Adult Use Dispensing Organization License" means a
18 license issued by the Department of Financial and Professional
19 Regulation that permits a person to act as a dispensing
20 organization under this Act and any administrative rule made
21 in furtherance of this Act.

22 "Advertise" means to engage in promotional activities
23 including, but not limited to: newspaper, radio, Internet and
24 electronic media, and television advertising; the distribution

1 of fliers and circulars; billboard advertising; and the
2 display of window and interior signs. "Advertise" does not
3 mean exterior signage displaying only the name of the licensed
4 cannabis business establishment.

5 "Application points" means the number of points a
6 Dispensary Applicant receives on an application for a
7 Conditional Adult Use Dispensing Organization License.

8 "BLS Region" means a region in Illinois used by the United
9 States Bureau of Labor Statistics to gather and categorize
10 certain employment and wage data. The 17 such regions in
11 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
12 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
13 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
14 Rockford, St. Louis, Springfield, Northwest Illinois
15 nonmetropolitan area, West Central Illinois nonmetropolitan
16 area, East Central Illinois nonmetropolitan area, and South
17 Illinois nonmetropolitan area.

18 "By lot" means a randomized method of choosing between 2
19 or more Eligible Tied Applicants or 2 or more Qualifying
20 Applicants.

21 "Cannabis" means marijuana, hashish, and other substances
22 that are identified as including any parts of the plant
23 Cannabis sativa and including derivatives or subspecies, such
24 as indica, of all strains of cannabis, whether growing or not;
25 the seeds thereof, the resin extracted from any part of the
26 plant; and any compound, manufacture, salt, derivative,

1 mixture, or preparation of the plant, its seeds, or resin,
2 including tetrahydrocannabinol (THC) and all other naturally
3 produced cannabinol derivatives, whether produced directly or
4 indirectly by extraction; however, "cannabis" does not include
5 the mature stalks of the plant, fiber produced from the
6 stalks, oil or cake made from the seeds of the plant, any other
7 compound, manufacture, salt, derivative, mixture, or
8 preparation of the mature stalks (except the resin extracted
9 from it), fiber, oil or cake, or the sterilized seed of the
10 plant that is incapable of germination. "Cannabis" does not
11 include industrial hemp as defined and authorized under the
12 Industrial Hemp Act. "Cannabis" also means cannabis flower,
13 concentrate, and cannabis-infused products.

14 "Cannabis business establishment" means a cultivation
15 center, craft grower, processing organization, infuser
16 organization, dispensing organization, or transporting
17 organization.

18 "Cannabis concentrate" means a product derived from
19 cannabis that is produced by extracting cannabinoids,
20 including tetrahydrocannabinol (THC), from the plant through
21 the use of propylene glycol, glycerin, butter, olive oil, or
22 other typical cooking fats; water, ice, or dry ice; or butane,
23 propane, CO₂, ethanol, or isopropanol and with the intended
24 use of smoking or making a cannabis-infused product. The use
25 of any other solvent is expressly prohibited unless and until
26 it is approved by the Department of Agriculture.

1 "Cannabis container" means a sealed or resealable,
2 traceable, container, or package used for the purpose of
3 containment of cannabis or cannabis-infused product during
4 transportation.

5 "Cannabis flower" means marijuana, hashish, and other
6 substances that are identified as including any parts of the
7 plant Cannabis sativa and including derivatives or subspecies,
8 such as indica, of all strains of cannabis; including raw
9 kief, leaves, and buds, but not resin that has been extracted
10 from any part of such plant; nor any compound, manufacture,
11 salt, derivative, mixture, or preparation of such plant, its
12 seeds, or resin.

13 "Cannabis-infused product" means a beverage, food, oil,
14 ointment, tincture, topical formulation, or another product
15 containing cannabis or cannabis concentrate that is not
16 intended to be smoked.

17 "Cannabis paraphernalia" means equipment, products, or
18 materials intended to be used for planting, propagating,
19 cultivating, growing, harvesting, manufacturing, producing,
20 processing, preparing, testing, analyzing, packaging,
21 repackaging, storing, containing, concealing, ingesting, or
22 otherwise introducing cannabis into the human body.

23 "Cannabis plant monitoring system" or "plant monitoring
24 system" means a system that includes, but is not limited to,
25 testing and data collection established and maintained by the
26 cultivation center, craft grower, or processing organization

1 and that is available to the Department of Revenue, the
2 Department of Agriculture, the Department of Financial and
3 Professional Regulation, and the Illinois State Police for the
4 purposes of documenting each cannabis plant and monitoring
5 plant development throughout the life cycle of a cannabis
6 plant cultivated for the intended use by a customer from seed
7 planting to final packaging.

8 "Cannabis testing facility" means an entity registered by
9 the Department of Agriculture to test cannabis for potency and
10 contaminants.

11 "Clone" means a plant section from a female cannabis plant
12 not yet rootbound, growing in a water solution or other
13 propagation matrix, that is capable of developing into a new
14 plant.

15 "Community College Cannabis Vocational Training Pilot
16 Program faculty participant" means a person who is 21 years of
17 age or older, licensed by the Department of Agriculture, and
18 is employed or contracted by an Illinois community college to
19 provide student instruction using cannabis plants at an
20 Illinois Community College.

21 "Community College Cannabis Vocational Training Pilot
22 Program faculty participant Agent Identification Card" means a
23 document issued by the Department of Agriculture that
24 identifies a person as a Community College Cannabis Vocational
25 Training Pilot Program faculty participant.

26 "Conditional Adult Use Dispensing Organization License"

1 means a contingent license awarded to applicants for an Adult
2 Use Dispensing Organization License that reserves the right to
3 an Adult Use Dispensing Organization License if the applicant
4 meets certain conditions described in this Act, but does not
5 entitle the recipient to begin purchasing or selling cannabis
6 or cannabis-infused products.

7 "Conditional Adult Use Cultivation Center License" means a
8 license awarded to top-scoring applicants for an Adult Use
9 Cultivation Center License that reserves the right to an Adult
10 Use Cultivation Center License if the applicant meets certain
11 conditions as determined by the Department of Agriculture by
12 rule, but does not entitle the recipient to begin growing,
13 processing, or selling cannabis or cannabis-infused products.

14 "Craft grower" means a facility operated by an
15 organization or business that is licensed by the Department of
16 Agriculture to cultivate, dry, cure, and package cannabis and
17 perform other necessary activities to make cannabis available
18 for sale at a dispensing organization or use at a processing
19 organization. A craft grower may contain up to 5,000 square
20 feet of canopy space on its premises for plants in the
21 flowering state. The Department of Agriculture may authorize
22 an increase or decrease of flowering stage cultivation space
23 in increments of 3,000 square feet by rule based on market
24 need, craft grower capacity, and the licensee's history of
25 compliance or noncompliance, with a maximum space of 14,000
26 square feet for cultivating plants in the flowering stage,

1 which must be cultivated in all stages of growth in an enclosed
2 and secure area. A craft grower may share premises with a
3 processing organization or a dispensing organization, or both,
4 provided each licensee stores currency and cannabis or
5 cannabis-infused products in a separate secured vault to which
6 the other licensee does not have access or all licensees
7 sharing a vault share more than 50% of the same ownership.

8 "Craft grower agent" means a principal officer, board
9 member, employee, or other agent of a craft grower who is 21
10 years of age or older.

11 "Craft Grower Agent Identification Card" means a document
12 issued by the Department of Agriculture that identifies a
13 person as a craft grower agent.

14 "Cultivation center" means a facility operated by an
15 organization or business that is licensed by the Department of
16 Agriculture to cultivate, process, transport (unless otherwise
17 limited by this Act), and perform other necessary activities
18 to provide cannabis and cannabis-infused products to cannabis
19 business establishments.

20 "Cultivation center agent" means a principal officer,
21 board member, employee, or other agent of a cultivation center
22 who is 21 years of age or older.

23 "Cultivation Center Agent Identification Card" means a
24 document issued by the Department of Agriculture that
25 identifies a person as a cultivation center agent.

26 "Currency" means currency and coin of the United States.

1 "Dispensary" means a facility operated by a dispensing
2 organization at which activities licensed by this Act may
3 occur.

4 "Dispensary Applicant" means the Proposed Dispensing
5 Organization Name as stated on an application for a
6 Conditional Adult Use Dispensing Organization License.

7 "Dispensing organization" means a facility operated by an
8 organization or business that is licensed by the Department of
9 Financial and Professional Regulation to acquire cannabis from
10 a cultivation center, craft grower, processing organization,
11 or another dispensary for the purpose of selling or dispensing
12 cannabis, cannabis-infused products, cannabis seeds,
13 paraphernalia, or related supplies under this Act to
14 purchasers or to qualified registered medical cannabis
15 patients and caregivers. As used in this Act, "dispensing
16 organization" includes a registered medical cannabis
17 organization as defined in the Compassionate Use of Medical
18 Cannabis Program Act or its successor Act that has obtained an
19 Early Approval Adult Use Dispensing Organization License.

20 "Dispensing organization agent" means a principal officer,
21 employee, or agent of a dispensing organization who is 21
22 years of age or older.

23 "Dispensing organization agent identification card" means
24 a document issued by the Department of Financial and
25 Professional Regulation that identifies a person as a
26 dispensing organization agent.

1 "Disproportionately Impacted Area" means a census tract or
2 comparable geographic area that satisfies the following
3 criteria as determined by the Department of Commerce and
4 Economic Opportunity, that:

5 (1) meets at least one of the following criteria:

6 (A) the area has a poverty rate of at least 20%
7 according to the latest federal decennial census; or

8 (B) 75% or more of the children in the area
9 participate in the federal free lunch program
10 according to reported statistics from the State Board
11 of Education; or

12 (C) at least 20% of the households in the area
13 receive assistance under the Supplemental Nutrition
14 Assistance Program; or

15 (D) the area has an average unemployment rate, as
16 determined by the Illinois Department of Employment
17 Security, that is more than 120% of the national
18 unemployment average, as determined by the United
19 States Department of Labor, for a period of at least 2
20 consecutive calendar years preceding the date of the
21 application; and

22 (2) has high rates of arrest, conviction, and
23 incarceration related to the sale, possession, use,
24 cultivation, manufacture, or transport of cannabis.

25 "Early Approval Adult Use Cultivation Center License"
26 means a license that permits a medical cannabis cultivation

1 center licensed under the Compassionate Use of Medical
2 Cannabis Program Act as of the effective date of this Act to
3 begin cultivating, infusing, packaging, transporting (unless
4 otherwise provided in this Act), processing, and selling
5 cannabis or cannabis-infused product to cannabis business
6 establishments for resale to purchasers as permitted by this
7 Act as of January 1, 2020.

8 "Early Approval Adult Use Dispensing Organization License"
9 means a license that permits a medical cannabis dispensing
10 organization licensed under the Compassionate Use of Medical
11 Cannabis Program Act as of the effective date of this Act to
12 begin selling cannabis or cannabis-infused product to
13 purchasers as permitted by this Act as of January 1, 2020.

14 "Early Approval Adult Use Dispensing Organization at a
15 secondary site" means a license that permits a medical
16 cannabis dispensing organization licensed under the
17 Compassionate Use of Medical Cannabis Program Act as of the
18 effective date of this Act to begin selling cannabis or
19 cannabis-infused product to purchasers as permitted by this
20 Act on January 1, 2020 at a different dispensary location from
21 its existing registered medical dispensary location.

22 "Eligible Tied Applicant" means a Tied Applicant that is
23 eligible to participate in the process by which a remaining
24 available license is distributed by lot pursuant to a Tied
25 Applicant Lottery.

26 "Enclosed, locked facility" means a room, greenhouse,

1 building, or other enclosed area equipped with locks or other
2 security devices that permit access only by cannabis business
3 establishment agents working for the licensed cannabis
4 business establishment or acting pursuant to this Act to
5 cultivate, process, store, or distribute cannabis.

6 "Enclosed, locked space" means a closet, room, greenhouse,
7 building, or other enclosed area equipped with locks or other
8 security devices that permit access only by authorized
9 individuals under this Act. "Enclosed, locked space" may
10 include:

11 (1) a space within a residential building that (i) is
12 the primary residence of the individual cultivating 5 or
13 fewer cannabis plants that are more than 5 inches tall and
14 (ii) includes sleeping quarters and indoor plumbing. The
15 space must only be accessible by a key or code that is
16 different from any key or code that can be used to access
17 the residential building from the exterior; or

18 (2) a structure, such as a shed or greenhouse, that
19 lies on the same plot of land as a residential building
20 that (i) includes sleeping quarters and indoor plumbing
21 and (ii) is used as a primary residence by the person
22 cultivating 5 or fewer cannabis plants that are more than
23 5 inches tall, such as a shed or greenhouse. The structure
24 must remain locked when it is unoccupied by people.

25 "Financial institution" has the same meaning as "financial
26 organization" as defined in Section 1501 of the Illinois

1 Income Tax Act, and also includes the holding companies,
2 subsidiaries, and affiliates of such financial organizations.

3 "Flowering stage" means the stage of cultivation where and
4 when a cannabis plant is cultivated to produce plant material
5 for cannabis products. This includes mature plants as follows:

6 (1) if greater than 2 stigmas are visible at each
7 internode of the plant; or

8 (2) if the cannabis plant is in an area that has been
9 intentionally deprived of light for a period of time
10 intended to produce flower buds and induce maturation,
11 from the moment the light deprivation began through the
12 remainder of the marijuana plant growth cycle.

13 "Individual" means a natural person.

14 "Infuser organization" or "infuser" means a facility
15 operated by an organization or business that is licensed by
16 the Department of Agriculture to directly incorporate cannabis
17 or cannabis concentrate into a product formulation to produce
18 a cannabis-infused product.

19 "Kief" means the resinous crystal-like trichomes that are
20 found on cannabis and that are accumulated, resulting in a
21 higher concentration of cannabinoids, untreated by heat or
22 pressure, or extracted using a solvent.

23 "Labor peace agreement" means an agreement between a
24 cannabis business establishment and any labor organization
25 recognized under the National Labor Relations Act, referred to
26 in this Act as a bona fide labor organization, that prohibits

1 labor organizations and members from engaging in picketing,
2 work stoppages, boycotts, and any other economic interference
3 with the cannabis business establishment. This agreement means
4 that the cannabis business establishment has agreed not to
5 disrupt efforts by the bona fide labor organization to
6 communicate with, and attempt to organize and represent, the
7 cannabis business establishment's employees. The agreement
8 shall provide a bona fide labor organization access at
9 reasonable times to areas in which the cannabis business
10 establishment's employees work, for the purpose of meeting
11 with employees to discuss their right to representation,
12 employment rights under State law, and terms and conditions of
13 employment. This type of agreement shall not mandate a
14 particular method of election or certification of the bona
15 fide labor organization.

16 "Limited access area" means a room or other area under the
17 control of a cannabis dispensing organization licensed under
18 this Act and upon the licensed premises where cannabis sales
19 occur with access limited to purchasers, dispensing
20 organization owners and other dispensing organization agents,
21 or service professionals conducting business with the
22 dispensing organization, or, if sales to registered qualifying
23 patients, caregivers, provisional patients, and Opioid
24 Alternative Pilot Program participants licensed pursuant to
25 the Compassionate Use of Medical Cannabis Program Act are also
26 permitted at the dispensary, registered qualifying patients,

1 caregivers, provisional patients, and Opioid Alternative Pilot
2 Program participants.

3 "Member of an impacted family" means an individual who has
4 a parent, legal guardian, child, spouse, or dependent, or was
5 a dependent of an individual who, prior to the effective date
6 of this Act, was arrested for, convicted of, or adjudicated
7 delinquent for any offense that is eligible for expungement
8 under this Act.

9 "Mother plant" means a cannabis plant that is cultivated
10 or maintained for the purpose of generating clones, and that
11 will not be used to produce plant material for sale to an
12 infuser or dispensing organization.

13 "Ordinary public view" means within the sight line with
14 normal visual range of a person, unassisted by visual aids,
15 from a public street or sidewalk adjacent to real property, or
16 from within an adjacent property.

17 "Ownership and control" means ownership of at least 51% of
18 the business, including corporate stock if a corporation, and
19 control over the management and day-to-day operations of the
20 business and an interest in the capital, assets, and profits
21 and losses of the business proportionate to percentage of
22 ownership.

23 "Person" means a natural individual, firm, partnership,
24 association, joint stock company, joint venture, public or
25 private corporation, limited liability company, or a receiver,
26 executor, trustee, guardian, or other representative appointed

1 by order of any court.

2 "Possession limit" means the amount of cannabis under
3 Section 10-10 that may be possessed at any one time by a person
4 21 years of age or older or who is a registered qualifying
5 medical cannabis patient or caregiver under the Compassionate
6 Use of Medical Cannabis Program Act.

7 "Principal officer" includes a cannabis business
8 establishment applicant or licensed cannabis business
9 establishment's board member, owner with more than 1% interest
10 of the total cannabis business establishment or more than 5%
11 interest of the total cannabis business establishment of a
12 publicly traded company, president, vice president, secretary,
13 treasurer, partner, officer, member, manager member, or person
14 with a profit sharing, financial interest, or revenue sharing
15 arrangement. The definition includes a person with authority
16 to control the cannabis business establishment, a person who
17 assumes responsibility for the debts of the cannabis business
18 establishment and who is further defined in this Act.

19 "Primary residence" means a dwelling where a person
20 usually stays or stays more often than other locations. It may
21 be determined by, without limitation, presence, tax filings;
22 address on an Illinois driver's license, an Illinois
23 Identification Card, or an Illinois Person with a Disability
24 Identification Card; or voter registration. No person may have
25 more than one primary residence.

26 "Processing organization" or "processor" means a facility

1 operated by an organization or business that is licensed by
2 the Department of Agriculture to either extract constituent
3 chemicals or compounds to produce cannabis concentrate or
4 incorporate cannabis or cannabis concentrate into a product
5 formulation to produce a cannabis product.

6 "Processing organization agent" means a principal officer,
7 board member, employee, or agent of a processing organization.

8 "Processing organization agent identification card" means
9 a document issued by the Department of Agriculture that
10 identifies a person as a processing organization agent.

11 "Purchaser" means a person 21 years of age or older who
12 acquires cannabis for a valuable consideration. "Purchaser"
13 does not include a cardholder under the Compassionate Use of
14 Medical Cannabis Program Act.

15 "Qualifying Applicant" means an applicant that submitted
16 an application pursuant to Section 15-30 that received at
17 least 85% of 250 application points available under Section
18 15-30 as the applicant's final score and meets the definition
19 of "Social Equity Applicant" as set forth under this Section.

20 "Qualifying Social Equity Justice Involved Applicant"
21 means an applicant that submitted an application pursuant to
22 Section 15-30 that received at least 85% of 250 application
23 points available under Section 15-30 as the applicant's final
24 score and meets the criteria of either paragraph (1) or (2) of
25 the definition of "Social Equity Applicant" as set forth under
26 this Section.

1 "Qualified Social Equity Applicant" means a Social Equity
2 Applicant who has been awarded a conditional license under
3 this Act to operate a cannabis business establishment.

4 "Resided" means an individual's primary residence was
5 located within the relevant geographic area as established by
6 2 of the following:

7 (1) a signed lease agreement that includes the
8 applicant's name;

9 (2) a property deed that includes the applicant's
10 name;

11 (3) school records;

12 (4) a voter registration card;

13 (5) an Illinois driver's license, an Illinois
14 Identification Card, or an Illinois Person with a
15 Disability Identification Card;

16 (6) a paycheck stub;

17 (7) a utility bill;

18 (8) tax records; or

19 (9) any other proof of residency or other information
20 necessary to establish residence as provided by rule.

21 "Smoking" means the inhalation of smoke caused by the
22 combustion of cannabis.

23 "Social Equity Applicant" means an applicant that is an
24 Illinois resident that meets one of the following criteria:

25 (1) an applicant with at least 51% ownership and
26 control by one or more individuals who have resided for at

1 least 5 of the preceding 10 years in a Disproportionately
2 Impacted Area;

3 (2) an applicant with at least 51% ownership and
4 control by one or more individuals who:

5 (i) have been arrested for, convicted of, or
6 adjudicated delinquent for any offense that is
7 eligible for expungement under this Act; or

8 (ii) is a member of an impacted family;

9 (3) for applicants with a minimum of 10 full-time
10 employees, an applicant with at least 51% of current
11 employees who:

12 (i) currently reside in a Disproportionately
13 Impacted Area; or

14 (ii) have been arrested for, convicted of, or
15 adjudicated delinquent for any offense that is
16 eligible for expungement under this Act or member of
17 an impacted family.

18 Nothing in this Act shall be construed to preempt or limit
19 the duties of any employer under the Job Opportunities for
20 Qualified Applicants Act. Nothing in this Act shall permit an
21 employer to require an employee to disclose sealed or expunged
22 offenses, unless otherwise required by law.

23 "Tied Applicant" means an application submitted by a
24 Dispensary Applicant pursuant to Section 15-30 that received
25 the same number of application points under Section 15-30 as
26 the Dispensary Applicant's final score as one or more

1 top-scoring applications in the same BLS Region and would have
2 been awarded a license but for the one or more other
3 top-scoring applications that received the same number of
4 application points. Each application for which a Dispensary
5 Applicant was required to pay a required application fee for
6 the application period ending January 2, 2020 shall be
7 considered an application of a separate Tied Applicant.

8 "Tied Applicant Lottery" means the process established
9 under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult
10 Use Dispensing Organization Licenses pursuant to Sections
11 15-25 and 15-30 among Eligible Tied Applicants.

12 "Tincture" means a cannabis-infused solution, typically
13 comprised of alcohol, glycerin, or vegetable oils, derived
14 either directly from the cannabis plant or from a processed
15 cannabis extract. A tincture is not an alcoholic liquor as
16 defined in the Liquor Control Act of 1934. A tincture shall
17 include a calibrated dropper or other similar device capable
18 of accurately measuring servings.

19 "Transporting organization" or "transporter" means an
20 organization or business that is licensed by the Department of
21 Agriculture to transport cannabis or cannabis-infused product
22 on behalf of a cannabis business establishment or a community
23 college licensed under the Community College Cannabis
24 Vocational Training Pilot Program.

25 "Transporting organization agent" means a principal
26 officer, board member, employee, or agent of a transporting

1 organization.

2 "Transporting organization agent identification card"
3 means a document issued by the Department of Agriculture that
4 identifies a person as a transporting organization agent.

5 "Unit of local government" means any county, city,
6 village, or incorporated town.

7 "Vegetative stage" means the stage of cultivation in which
8 a cannabis plant is propagated to produce additional cannabis
9 plants or reach a sufficient size for production. This
10 includes seedlings, clones, mothers, and other immature
11 cannabis plants as follows:

12 (1) if the cannabis plant is in an area that has not
13 been intentionally deprived of light for a period of time
14 intended to produce flower buds and induce maturation, it
15 has no more than 2 stigmas visible at each internode of the
16 cannabis plant; or

17 (2) any cannabis plant that is cultivated solely for
18 the purpose of propagating clones and is never used to
19 produce cannabis.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
21 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
22 10-13-21.)

23 (410 ILCS 705/15-25)

24 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
25 Organization Licenses prior to January 1, 2021.

1 (a) The Department shall issue up to 75 Conditional Adult
2 Use Dispensing Organization Licenses before May 1, 2020.

3 (b) The Department shall make the application for a
4 Conditional Adult Use Dispensing Organization License
5 available no later than October 1, 2019 and shall accept
6 applications no later than January 1, 2020.

7 (c) To ensure the geographic dispersion of Conditional
8 Adult Use Dispensing Organization License holders, the
9 following number of licenses shall be awarded in each BLS
10 Region as determined by each region's percentage of the
11 State's population:

12 (1) Bloomington: 1

13 (2) Cape Girardeau: 1

14 (3) Carbondale-Marion: 1

15 (4) Champaign-Urbana: 1

16 (5) Chicago-Naperville-Elgin: 47

17 (6) Danville: 1

18 (7) Davenport-Moline-Rock Island: 1

19 (8) Decatur: 1

20 (9) Kankakee: 1

21 (10) Peoria: 3

22 (11) Rockford: 2

23 (12) St. Louis: 4

24 (13) Springfield: 1

25 (14) Northwest Illinois nonmetropolitan: 3

26 (15) West Central Illinois nonmetropolitan: 3

1 (16) East Central Illinois nonmetropolitan: 2

2 (17) South Illinois nonmetropolitan: 2

3 (d) An applicant seeking issuance of a Conditional Adult
4 Use Dispensing Organization License shall submit an
5 application on forms provided by the Department. An applicant
6 must meet the following requirements:

7 (1) Payment of a nonrefundable application fee of
8 \$5,000 for each license for which the applicant is
9 applying, which shall be deposited into the Cannabis
10 Regulation Fund;

11 (2) Certification that the applicant will comply with
12 the requirements contained in this Act;

13 (3) The legal name of the proposed dispensing
14 organization;

15 (4) A statement that the dispensing organization
16 agrees to respond to the Department's supplemental
17 requests for information;

18 (5) From each principal officer, a statement
19 indicating whether that person:

20 (A) has previously held or currently holds an
21 ownership interest in a cannabis business
22 establishment in Illinois; or

23 (B) has held an ownership interest in a dispensing
24 organization or its equivalent in another state or
25 territory of the United States that had the dispensing
26 organization registration or license suspended,

1 revoked, placed on probationary status, or subjected
2 to other disciplinary action;

3 (6) Disclosure of whether any principal officer has
4 ever filed for bankruptcy or defaulted on spousal support
5 or child support obligation;

6 (7) A resume for each principal officer, including
7 whether that person has an academic degree, certification,
8 or relevant experience with a cannabis business
9 establishment or in a related industry;

10 (8) A description of the training and education that
11 will be provided to dispensing organization agents;

12 (9) A copy of the proposed operating bylaws;

13 (10) A copy of the proposed business plan that
14 complies with the requirements in this Act, including, at
15 a minimum, the following:

16 (A) A description of services to be offered; and

17 (B) A description of the process of dispensing
18 cannabis;

19 (11) A copy of the proposed security plan that
20 complies with the requirements in this Article, including:

21 (A) The process or controls that will be
22 implemented to monitor the dispensary, secure the
23 premises, agents, and currency, and prevent the
24 diversion, theft, or loss of cannabis; and

25 (B) The process to ensure that access to the
26 restricted access areas is restricted to, registered

1 agents, service professionals, transporting
2 organization agents, Department inspectors, and
3 security personnel;

4 (12) A proposed inventory control plan that complies
5 with this Section;

6 (13) A proposed floor plan, a square footage estimate,
7 and a description of proposed security devices, including,
8 without limitation, cameras, motion detectors, servers,
9 video storage capabilities, and alarm service providers;

10 (14) The name, address, social security number, and
11 date of birth of each principal officer and board member
12 of the dispensing organization; each of those individuals
13 shall be at least 21 years of age;

14 (15) Evidence of the applicant's status as a Social
15 Equity Applicant, if applicable, and whether a Social
16 Equity Applicant plans to apply for a loan or grant issued
17 by the Department of Commerce and Economic Opportunity;

18 (16) The address, telephone number, and email address
19 of the applicant's principal place of business, if
20 applicable. A post office box is not permitted;

21 (17) Written summaries of any information regarding
22 instances in which a business or not-for-profit that a
23 prospective board member previously managed or served on
24 were fined or censured, or any instances in which a
25 business or not-for-profit that a prospective board member
26 previously managed or served on had its registration

1 suspended or revoked in any administrative or judicial
2 proceeding;

3 (18) A plan for community engagement;

4 (19) Procedures to ensure accurate recordkeeping and
5 security measures that are in accordance with this Article
6 and Department rules;

7 (20) The estimated volume of cannabis it plans to
8 store at the dispensary;

9 (21) A description of the features that will provide
10 accessibility to purchasers as required by the Americans
11 with Disabilities Act;

12 (22) A detailed description of air treatment systems
13 that will be installed to reduce odors;

14 (23) A reasonable assurance that the issuance of a
15 license will not have a detrimental impact on the
16 community in which the applicant wishes to locate;

17 (24) The dated signature of each principal officer;

18 (25) A description of the enclosed, locked facility
19 where cannabis will be stored by the dispensing
20 organization;

21 (26) Signed statements from each dispensing
22 organization agent stating that he or she will not divert
23 cannabis;

24 (27) The number of licenses it is applying for in each
25 BLS Region;

26 (28) A diversity plan that includes a narrative of at

1 least 2,500 words that establishes a goal of diversity in
2 ownership, management, employment, and contracting to
3 ensure that diverse participants and groups are afforded
4 equality of opportunity;

5 (29) A contract with a private security contractor
6 agency that is licensed under Section 10-5 of the Private
7 Detective, Private Alarm, Private Security, Fingerprint
8 Vendor, and Locksmith Act of 2004 in order for the
9 dispensary to have adequate security at its facility; and

10 (30) Other information deemed necessary by the
11 Illinois Cannabis Regulation Oversight Officer to conduct
12 the disparity and availability study referenced in
13 subsection (e) of Section 5-45.

14 (e) An applicant who receives a Conditional Adult Use
15 Dispensing Organization License under this Section has 180
16 days from the date of award to identify a physical location for
17 the dispensing organization retail storefront. The applicant
18 shall provide evidence that the location is not within 1,500
19 feet of an existing dispensing organization, unless the
20 applicant is a Social Equity Applicant or Social Equity
21 Justice Involved Applicant located or seeking to locate within
22 1,500 feet of a dispensing organization licensed under Section
23 15-15 or Section 15-20. If an applicant is unable to find a
24 suitable physical address in the opinion of the Department
25 within 180 days of the issuance of the Conditional Adult Use
26 Dispensing Organization License, the Department may extend the

1 period for finding a physical address another 180 days if the
2 Conditional Adult Use Dispensing Organization License holder
3 demonstrates concrete attempts to secure a location and a
4 hardship. If the Department denies the extension or the
5 Conditional Adult Use Dispensing Organization License holder
6 is unable to find a location or become operational within 360
7 days of being awarded a conditional license, the Department
8 shall rescind the conditional license and award it to the next
9 highest scoring applicant in the BLS Region for which the
10 license was assigned, provided the applicant receiving the
11 license: (i) confirms a continued interest in operating a
12 dispensing organization; (ii) can provide evidence that the
13 applicant continues to meet all requirements for holding a
14 Conditional Adult Use Dispensing Organization License set
15 forth in this Act; and (iii) has not otherwise become
16 ineligible to be awarded a dispensing organization license. If
17 the new awardee is unable to accept the Conditional Adult Use
18 Dispensing Organization License, the Department shall award
19 the Conditional Adult Use Dispensing Organization License to
20 the next highest scoring applicant in the same manner. The new
21 awardee shall be subject to the same required deadlines as
22 provided in this subsection.

23 (e-5) If, within 180 days of being awarded a Conditional
24 Adult Use Dispensing Organization License, a dispensing
25 organization is unable to find a location within the BLS
26 Region in which it was awarded a Conditional Adult Use

1 Dispensing Organization License because no jurisdiction within
2 the BLS Region allows for the operation of an Adult Use
3 Dispensing Organization, the Department of Financial and
4 Professional Regulation may authorize the Conditional Adult
5 Use Dispensing Organization License holder to transfer its
6 license to a BLS Region specified by the Department.

7 (f) A dispensing organization that is awarded a
8 Conditional Adult Use Dispensing Organization License pursuant
9 to the criteria in Section 15-30 shall not purchase, possess,
10 sell, or dispense cannabis or cannabis-infused products until
11 the person has received an Adult Use Dispensing Organization
12 License issued by the Department pursuant to Section 15-36 of
13 this Act.

14 (g) The Department shall conduct a background check of the
15 prospective organization agents in order to carry out this
16 Article. The Illinois State Police shall charge the applicant
17 a fee for conducting the criminal history record check, which
18 shall be deposited into the State Police Services Fund and
19 shall not exceed the actual cost of the record check. Each
20 person applying as a dispensing organization agent shall
21 submit a full set of fingerprints to the Illinois State Police
22 for the purpose of obtaining a State and federal criminal
23 records check. These fingerprints shall be checked against the
24 fingerprint records now and hereafter, to the extent allowed
25 by law, filed in the Illinois State Police and Federal Bureau
26 of Identification criminal history records databases. The

1 Illinois State Police shall furnish, following positive
2 identification, all Illinois conviction information to the
3 Department.

4 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
5 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
6 10-13-21.)

7 (410 ILCS 705/15-30)

8 Sec. 15-30. Selection criteria for conditional licenses
9 awarded under Section 15-25.

10 (a) Applicants for a Conditional Adult Use Dispensing
11 Organization License must submit all required information,
12 including the information required in Section 15-25, to the
13 Department. Failure by an applicant to submit all required
14 information may result in the application being disqualified.

15 (b) If the Department receives an application that fails
16 to provide the required elements contained in this Section,
17 the Department shall issue a deficiency notice to the
18 applicant. The applicant shall have 10 calendar days from the
19 date of the deficiency notice to resubmit the incomplete
20 information. Applications that are still incomplete after this
21 opportunity to cure will not be scored and will be
22 disqualified.

23 (c) The Department will award up to 250 points to complete
24 applications based on the sufficiency of the applicant's
25 responses to required information. Applicants will be awarded

1 points based on a determination that the application
2 satisfactorily includes the following elements:

3 (1) Suitability of Employee Training Plan (15 points).

4 The plan includes an employee training plan that
5 demonstrates that employees will understand the rules and
6 laws to be followed by dispensary employees, have
7 knowledge of any security measures and operating
8 procedures of the dispensary, and are able to advise
9 purchasers on how to safely consume cannabis and use
10 individual products offered by the dispensary.

11 (2) Security and Recordkeeping (65 points).

12 (A) The security plan accounts for the prevention
13 of the theft or diversion of cannabis. The security
14 plan demonstrates safety procedures for dispensing
15 organization agents and purchasers, and safe delivery
16 and storage of cannabis and currency. It demonstrates
17 compliance with all security requirements in this Act
18 and rules.

19 (B) A plan for recordkeeping, tracking, and
20 monitoring inventory, quality control, and other
21 policies and procedures that will promote standard
22 recordkeeping and discourage unlawful activity. This
23 plan includes the applicant's strategy to communicate
24 with the Department and the Illinois State Police on
25 the destruction and disposal of cannabis. The plan
26 must also demonstrate compliance with this Act and

1 rules.

2 (C) The security plan shall also detail which
3 private security contractor licensed under Section
4 10-5 of the Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of
6 2004 the dispensary will contract with in order to
7 provide adequate security at its facility.

8 (3) Applicant's Business Plan, Financials, Operating
9 and Floor Plan (65 points).

10 (A) The business plan shall describe, at a
11 minimum, how the dispensing organization will be
12 managed on a long-term basis. This shall include a
13 description of the dispensing organization's
14 point-of-sale system, purchases and denials of sale,
15 confidentiality, and products and services to be
16 offered. It will demonstrate compliance with this Act
17 and rules.

18 (B) The operating plan shall include, at a
19 minimum, best practices for day-to-day dispensary
20 operation and staffing. The operating plan may also
21 include information about employment practices,
22 including information about the percentage of
23 full-time employees who will be provided a living
24 wage.

25 (C) The proposed floor plan is suitable for public
26 access, the layout promotes safe dispensing of

1 cannabis, is compliant with the Americans with
2 Disabilities Act and the Environmental Barriers Act,
3 and facilitates safe product handling and storage.

4 (4) Knowledge and Experience (30 points).

5 (A) The applicant's principal officers must
6 demonstrate experience and qualifications in business
7 management or experience with the cannabis industry.
8 This includes ensuring optimal safety and accuracy in
9 the dispensing and sale of cannabis.

10 (B) The applicant's principal officers must
11 demonstrate knowledge of various cannabis product
12 strains or varieties and describe the types and
13 quantities of products planned to be sold. This
14 includes confirmation of whether the dispensing
15 organization plans to sell cannabis paraphernalia or
16 edibles.

17 (C) Knowledge and experience may be demonstrated
18 through experience in other comparable industries that
19 reflect on the applicant's ability to operate a
20 cannabis business establishment.

21 (5) Status as a Social Equity Applicant (50 points).

22 The applicant meets the qualifications for a Social Equity
23 Applicant as set forth in this Act.

24 (6) Labor and employment practices (5 points).+ The
25 applicant may describe plans to provide a safe, healthy,
26 and economically beneficial working environment for its

1 agents, including, but not limited to, codes of conduct,
2 health care benefits, educational benefits, retirement
3 benefits, living wage standards, and entering a labor
4 peace agreement with employees.

5 (7) Environmental Plan (5 points).~~+~~ The applicant may
6 demonstrate an environmental plan of action to minimize
7 the carbon footprint, environmental impact, and resource
8 needs for the dispensary, which may include, without
9 limitation, recycling cannabis product packaging.

10 (8) Illinois owner (5 points).~~+~~ The applicant is 51%
11 or more owned and controlled by an Illinois resident, who
12 can prove residency in each of the past 5 years with tax
13 records or 2 of the following:

14 (A) a signed lease agreement that includes the
15 applicant's name;

16 (B) a property deed that includes the applicant's
17 name;

18 (C) school records;

19 (D) a voter registration card;

20 (E) an Illinois driver's license, an Illinois
21 Identification Card, or an Illinois Person with a
22 Disability Identification Card;

23 (F) a paycheck stub;

24 (G) a utility bill; or

25 (H) any other proof of residency or other
26 information necessary to establish residence as

1 provided by rule.

2 (9) Status as veteran (5 points).+ The applicant is
3 51% or more controlled and owned by an individual or
4 individuals who meet the qualifications of a veteran as
5 defined by Section 45-57 of the Illinois Procurement Code.

6 (10) A diversity plan (5 points). The plan ~~that~~
7 includes a narrative of not more than 2,500 words that
8 establishes a goal of diversity in ownership, management,
9 employment, and contracting to ensure that diverse
10 participants and groups are afforded equality of
11 opportunity.

12 (d) The Department may also award up to 2 bonus points for
13 a plan to engage with the community. The applicant may
14 demonstrate a desire to engage with its community by
15 participating in one or more of, but not limited to, the
16 following actions: (i) establishment of an incubator program
17 designed to increase participation in the cannabis industry by
18 persons who would qualify as Social Equity Applicants; (ii)
19 providing financial assistance to substance abuse treatment
20 centers; (iii) educating children and teens about the
21 potential harms of cannabis use; or (iv) other measures
22 demonstrating a commitment to the applicant's community. Bonus
23 points will only be awarded if the Department receives
24 applications that receive an equal score for a particular
25 region.

26 (e) The Department may verify information contained in

1 each application and accompanying documentation to assess the
2 applicant's veracity and fitness to operate a dispensing
3 organization.

4 (f) The Department may, in its discretion, refuse to issue
5 an authorization to any applicant:

6 (1) Who is unqualified to perform the duties required
7 of the applicant;

8 (2) Who fails to disclose or states falsely any
9 information called for in the application;

10 (3) Who has been found guilty of a violation of this
11 Act, who has had any disciplinary order entered against it
12 by the Department, who has entered into a disciplinary or
13 nondisciplinary agreement with the Department, or whose
14 medical cannabis dispensing organization, medical cannabis
15 cultivation organization, or Early Approval Adult Use
16 Dispensing Organization License, or Early Approval Adult
17 Use Dispensing Organization License at a secondary site,
18 or Early Approval Cultivation Center License was
19 suspended, restricted, revoked, or denied for just cause,
20 or the applicant's cannabis business establishment license
21 was suspended, restricted, revoked, or denied in any other
22 state; or

23 (4) Who has engaged in a pattern or practice of unfair
24 or illegal practices, methods, or activities in the
25 conduct of owning a cannabis business establishment or
26 other business.

1 (g) The Department shall deny the license if any principal
2 officer, board member, or person having a financial or voting
3 interest of 5% or greater in the licensee is delinquent in
4 filing any required tax returns or paying any amounts owed to
5 the State of Illinois.

6 (h) The Department shall verify an applicant's compliance
7 with the requirements of this Article and rules before issuing
8 a dispensing organization license.

9 (i) Should the applicant be awarded a license, the
10 information and plans provided in the application, including
11 any plans submitted for bonus points, shall become a condition
12 of the Conditional Adult Use Dispensing Organization Licenses
13 and any Adult Use Dispensing Organization License issued to
14 the holder of the Conditional Adult Use Dispensing
15 Organization License, except as otherwise provided by this Act
16 or rule. Dispensing organizations have a duty to disclose any
17 material changes to the application. The Department shall
18 review all material changes disclosed by the dispensing
19 organization, and may re-evaluate its prior decision regarding
20 the awarding of a license, including, but not limited to,
21 suspending or permanently revoking a license. Failure to
22 comply with the conditions or requirements in the application
23 may subject the dispensing organization to discipline, up to
24 and including suspension or permanent revocation of its
25 authorization or license by the Department.

26 (j) If an applicant has not begun operating as a

1 dispensing organization within one year of the issuance of the
2 Conditional Adult Use Dispensing Organization License, the
3 Department may permanently revoke the Conditional Adult Use
4 Dispensing Organization License and award it to the next
5 highest scoring applicant in the BLS Region if a suitable
6 applicant indicates a continued interest in the license or
7 begin a new selection process to award a Conditional Adult Use
8 Dispensing Organization License.

9 (k) The Department shall deny an application if granting
10 that application would result in a single person or entity
11 having a direct or indirect financial interest in more than 10
12 Early Approval Adult Use Dispensing Organization Licenses,
13 Conditional Adult Use Dispensing Organization Licenses, or
14 Adult Use Dispensing Organization Licenses. Any entity that is
15 awarded a license that results in a single person or entity
16 having a direct or indirect financial interest in more than 10
17 licenses shall forfeit the most recently issued license and
18 suffer a penalty to be determined by the Department, unless
19 the entity declines the license at the time it is awarded.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
21 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
22 10-13-21.)

23 (410 ILCS 705/15-40)

24 Sec. 15-40. Dispensing organization agent identification
25 card; agent training.

1 (a) The Department shall:

2 (1) verify the information contained in an application
3 or renewal for a dispensing organization agent
4 identification card submitted under this Article, and
5 approve or deny an application or renewal, within 30 days
6 of receiving a completed application or renewal
7 application and all supporting documentation required by
8 rule;

9 (2) issue a dispensing organization agent
10 identification card to a qualifying agent within 15
11 business days of approving the application or renewal;

12 (3) enter the registry identification number of the
13 dispensing organization where the agent works;

14 (4) within one year from the effective date of this
15 Act, allow for an electronic application process and
16 provide a confirmation by electronic or other methods that
17 an application has been submitted; and

18 (5) collect a \$100 nonrefundable fee from the
19 applicant to be deposited into the Cannabis Regulation
20 Fund.

21 (b) A dispensing organization agent must keep his or her
22 identification card visible at all times when in the
23 dispensary.

24 (c) The dispensing organization agent identification cards
25 shall contain the following:

26 (1) the name of the cardholder;

1 (2) the date of issuance and expiration date of the
2 dispensing organization agent identification cards;

3 (3) a random 10-digit alphanumeric identification
4 number containing at least 4 numbers and at least 4
5 letters that is unique to the cardholder; and

6 (4) a photograph of the cardholder.

7 (d) The dispensing organization agent identification cards
8 shall be immediately returned to the dispensing organization
9 upon termination of employment.

10 (e) The Department shall not issue an agent identification
11 card if the applicant is delinquent in filing any required tax
12 returns or paying any amounts owed to the State of Illinois.

13 (f) Any card lost by a dispensing organization agent shall
14 be reported to the Illinois State Police and the Department
15 immediately upon discovery of the loss.

16 (g) An applicant shall be denied a dispensing organization
17 agent identification card renewal if he or she fails to
18 complete the training provided for in this Section.

19 (h) A dispensing organization agent shall only be required
20 to hold one card for the same employer regardless of what type
21 of dispensing organization license the employer holds.

22 (i) Cannabis retail sales training requirements.

23 (1) Within 90 days of September 1, 2019, or 90 days of
24 employment, whichever is later, all owners, managers,
25 employees, and agents involved in the handling or sale of
26 cannabis or cannabis-infused product employed by an adult

1 use dispensing organization or medical cannabis dispensing
2 organization as defined in Section 10 of the Compassionate
3 Use of Medical Cannabis Program Act shall attend and
4 successfully complete a Responsible Vendor Program.

5 (2) Each owner, manager, employee, and agent of an
6 adult use dispensing organization or medical cannabis
7 dispensing organization shall successfully complete the
8 program annually.

9 (3) Responsible Vendor Program Training modules shall
10 include at least 2 hours of instruction time approved by
11 the Department including:

12 (i) Health and safety concerns of cannabis use,
13 including the responsible use of cannabis, its
14 physical effects, onset of physiological effects,
15 recognizing signs of impairment, and appropriate
16 responses in the event of overconsumption.

17 (ii) Training on laws and regulations on driving
18 while under the influence and operating a watercraft
19 or snowmobile while under the influence.

20 (iii) Sales to minors prohibition. Training shall
21 cover all relevant Illinois laws and rules.

22 (iv) Quantity limitations on sales to purchasers.
23 Training shall cover all relevant Illinois laws and
24 rules.

25 (v) Acceptable forms of identification. Training
26 shall include:

- 1 (I) How to check identification; and
2 (II) Common mistakes made in verification;
3 (vi) Safe storage of cannabis;
4 (vii) Compliance with all inventory tracking
5 system regulations;
6 (viii) Waste handling, management, and disposal;
7 (ix) Health and safety standards;
8 (x) Maintenance of records;
9 (xi) Security and surveillance requirements;
10 (xii) Permitting inspections by State and local
11 licensing and enforcement authorities;
12 (xiii) Privacy issues;
13 (xiv) Packaging and labeling requirement for sales
14 to purchasers; and
15 (xv) Other areas as determined by rule.

16 (j) Blank.

17 (k) Upon the successful completion of the Responsible
18 Vendor Program, the provider shall deliver proof of completion
19 either through mail or electronic communication to the
20 dispensing organization, which shall retain a copy of the
21 certificate.

22 (l) The license of a dispensing organization or medical
23 cannabis dispensing organization whose owners, managers,
24 employees, or agents fail to comply with this Section may be
25 suspended or permanently revoked under Section 15-145 or may
26 face other disciplinary action.

1 (m) The regulation of dispensing organization and medical
2 cannabis dispensing employer and employee training is an
3 exclusive function of the State, and regulation by a unit of
4 local government, including a home rule unit, is prohibited.
5 This subsection (m) is a denial and limitation of home rule
6 powers and functions under subsection (h) of Section 6 of
7 Article VII of the Illinois Constitution.

8 (n) Persons seeking Department approval to offer the
9 training required by paragraph (3) of subsection (i) may apply
10 for such approval between August 1 and August 15 of each
11 odd-numbered year in a manner prescribed by the Department.

12 (o) Persons seeking Department approval to offer the
13 training required by paragraph (3) of subsection (i) shall
14 submit a nonrefundable application fee of \$2,000 to be
15 deposited into the Cannabis Regulation Fund or a fee as may be
16 set by rule. Any changes made to the training module shall be
17 approved by the Department.

18 (p) The Department shall not unreasonably deny approval of
19 a training module that meets all the requirements of paragraph
20 (3) of subsection (i). A denial of approval shall include a
21 detailed description of the reasons for the denial.

22 (q) Any person approved to provide the training required
23 by paragraph (3) of subsection (i) shall submit an application
24 for re-approval between August 1 and August 15 of each
25 odd-numbered year and include a nonrefundable application fee
26 of \$2,000 to be deposited into the Cannabis Regulation Fund or

1 a fee as may be set by rule.

2 (r) All persons applying to become or renewing their
3 registrations to be agents, including agents-in-charge and
4 principal officers, shall disclose any disciplinary action
5 taken against them that may have occurred in Illinois, another
6 state, or another country in relation to their employment at a
7 cannabis business establishment or at any cannabis cultivation
8 center, processor, infuser, dispensary, or other cannabis
9 business establishment.

10 (s) An agent applicant may begin employment at a
11 dispensing organization while the agent applicant's
12 identification card application is pending. Upon approval, the
13 Department shall issue the agent's identification card to the
14 agent. If denied, the dispensing organization and the agent
15 applicant shall be notified and the agent applicant must cease
16 all activity at the dispensing organization immediately.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
18 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
19 10-12-21.)

20 (410 ILCS 705/15-135)

21 Sec. 15-135. Investigations.

22 (a) Dispensing organizations are subject to random and
23 unannounced dispensary inspections and cannabis testing by the
24 Department, the Illinois State Police, local law enforcement,
25 or as provided by rule.

1 (b) The Department and its authorized representatives may
2 enter any place, including a vehicle, in which cannabis is
3 held, stored, dispensed, sold, produced, delivered,
4 transported, manufactured, or disposed of and inspect, in a
5 reasonable manner, the place and all pertinent equipment,
6 containers and labeling, and all things including records,
7 files, financial data, sales data, shipping data, pricing
8 data, personnel data, research, papers, processes, controls,
9 and facility, and inventory any stock of cannabis and obtain
10 samples of any cannabis or cannabis-infused product, any
11 labels or containers for cannabis, or paraphernalia.

12 (c) The Department may conduct an investigation of an
13 applicant, application, dispensing organization, principal
14 officer, dispensary agent, third party vendor, or any other
15 party associated with a dispensing organization for an alleged
16 violation of this Act or rules or to determine qualifications
17 to be granted a registration by the Department.

18 (d) The Department may require an applicant or holder of
19 any license issued pursuant to this Article to produce
20 documents, records, or any other material pertinent to the
21 investigation of an application or alleged violations of this
22 Act or rules. Failure to provide the required material may be
23 grounds for denial or discipline.

24 (e) Every person charged with preparation, obtaining, or
25 keeping records, logs, reports, or other documents in
26 connection with this Act and rules and every person in charge,

1 or having custody, of those documents shall, upon request by
2 the Department, make the documents immediately available for
3 inspection and copying by the Department, the Department's
4 authorized representative, or others authorized by law to
5 review the documents.

6 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
7 102-538, eff. 8-20-21; revised 10-12-21.)

8 (410 ILCS 705/20-30)

9 Sec. 20-30. Cultivation center requirements; prohibitions.

10 (a) The operating documents of a cultivation center shall
11 include procedures for the oversight of the cultivation
12 center, a cannabis plant monitoring system including a
13 physical inventory recorded weekly, accurate recordkeeping,
14 and a staffing plan.

15 (b) A cultivation center shall implement a security plan
16 reviewed by the Illinois State Police that includes, but is
17 not limited to: facility access controls, perimeter intrusion
18 detection systems, personnel identification systems, 24-hour
19 surveillance system to monitor the interior and exterior of
20 the cultivation center facility and accessibility to
21 authorized law enforcement, the Department of Public Health
22 where processing takes place, and the Department of
23 Agriculture in real time.

24 (c) All cultivation of cannabis by a cultivation center
25 must take place in an enclosed, locked facility at the

1 physical address provided to the Department of Agriculture
2 during the licensing process. The cultivation center location
3 shall only be accessed by the agents working for the
4 cultivation center, the Department of Agriculture staff
5 performing inspections, the Department of Public Health staff
6 performing inspections, local and State law enforcement or
7 other emergency personnel, contractors working on jobs
8 unrelated to cannabis, such as installing or maintaining
9 security devices or performing electrical wiring, transporting
10 organization agents as provided in this Act, individuals in a
11 mentoring or educational program approved by the State, or
12 other individuals as provided by rule.

13 (d) A cultivation center may not sell or distribute any
14 cannabis or cannabis-infused products to any person other than
15 a dispensing organization, craft grower, infuser organization,
16 transporter, or as otherwise authorized by rule.

17 (e) A cultivation center may not either directly or
18 indirectly discriminate in price between different dispensing
19 organizations, craft growers, or infuser organizations that
20 are purchasing a like grade, strain, brand, and quality of
21 cannabis or cannabis-infused product. Nothing in this
22 subsection (e) prevents a cultivation center from pricing
23 cannabis differently based on differences in the cost of
24 manufacturing or processing, the quantities sold, such as
25 volume discounts, or the way the products are delivered.

26 (f) All cannabis harvested by a cultivation center and

1 intended for distribution to a dispensing organization must be
2 entered into a data collection system, packaged and labeled
3 under Section 55-21, and placed into a cannabis container for
4 transport. All cannabis harvested by a cultivation center and
5 intended for distribution to a craft grower or infuser
6 organization must be packaged in a labeled cannabis container
7 and entered into a data collection system before transport.

8 (g) Cultivation centers are subject to random inspections
9 by the Department of Agriculture, the Department of Public
10 Health, local safety or health inspectors, the Illinois State
11 Police, or as provided by rule.

12 (h) A cultivation center agent shall notify local law
13 enforcement, the Illinois State Police, and the Department of
14 Agriculture within 24 hours of the discovery of any loss or
15 theft. Notification shall be made by phone or in person, or by
16 written or electronic communication.

17 (i) A cultivation center shall comply with all State and
18 any applicable federal rules and regulations regarding the use
19 of pesticides on cannabis plants.

20 (j) No person or entity shall hold any legal, equitable,
21 ownership, or beneficial interest, directly or indirectly, of
22 more than 3 cultivation centers licensed under this Article.
23 Further, no person or entity that is employed by, an agent of,
24 has a contract to receive payment in any form from a
25 cultivation center, is a principal officer of a cultivation
26 center, or entity controlled by or affiliated with a principal

1 officer of a cultivation shall hold any legal, equitable,
2 ownership, or beneficial interest, directly or indirectly, in
3 a cultivation that would result in the person or entity owning
4 or controlling in combination with any cultivation center,
5 principal officer of a cultivation center, or entity
6 controlled or affiliated with a principal officer of a
7 cultivation center by which he, she, or it is employed, is an
8 agent of, or participates in the management of, more than 3
9 cultivation center licenses.

10 (k) A cultivation center may not contain more than 210,000
11 square feet of canopy space for plants in the flowering stage
12 for cultivation of adult use cannabis as provided in this Act.

13 (l) A cultivation center may process cannabis, cannabis
14 concentrates, and cannabis-infused products.

15 (m) Beginning July 1, 2020, a cultivation center shall not
16 transport cannabis or cannabis-infused products to a craft
17 grower, dispensing organization, infuser organization, or
18 laboratory licensed under this Act, unless it has obtained a
19 transporting organization license.

20 (n) It is unlawful for any person having a cultivation
21 center license or any officer, associate, member,
22 representative, or agent of such licensee to offer or deliver
23 money, or anything else of value, directly or indirectly to
24 any person having an Early Approval Adult Use Dispensing
25 Organization License, a Conditional Adult Use Dispensing
26 Organization License, an Adult Use Dispensing Organization

1 License, or a medical cannabis dispensing organization license
2 issued under the Compassionate Use of Medical Cannabis Program
3 Act, or to any person connected with or in any way
4 representing, or to any member of the family of, such person
5 holding an Early Approval Adult Use Dispensing Organization
6 License, a Conditional Adult Use Dispensing Organization
7 License, an Adult Use Dispensing Organization License, or a
8 medical cannabis dispensing organization license issued under
9 the Compassionate Use of Medical Cannabis Program Act, or to
10 any stockholders in any corporation engaged in the retail sale
11 of cannabis, or to any officer, manager, agent, or
12 representative of the Early Approval Adult Use Dispensing
13 Organization License, a Conditional Adult Use Dispensing
14 Organization License, an Adult Use Dispensing Organization
15 License, or a medical cannabis dispensing organization license
16 issued under the Compassionate Use of Medical Cannabis Program
17 Act to obtain preferential placement within the dispensing
18 organization, including, without limitation, on shelves and in
19 display cases where purchasers can view products, or on the
20 dispensing organization's website.

21 (o) A cultivation center must comply with any other
22 requirements or prohibitions set by administrative rule of the
23 Department of Agriculture.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
25 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised 11-9-21.)

1 (410 ILCS 705/25-30)

2 (Section scheduled to be repealed on July 1, 2026)

3 Sec. 25-30. Inspection rights.

4 (a) A licensee's enclosed, locked facilities are subject
5 to random inspections by the Department, the Illinois State
6 Police, or as provided by rule.

7 (b) Nothing in this Section shall be construed to give the
8 Department, the Illinois State Police, or any other entity
9 identified by rule under subsection (a) a right of inspection
10 or access to any location on the licensee's premises beyond
11 the facilities licensed under this Article.

12 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
13 102-538, eff. 8-20-21; revised 10-21-21.)

14 (410 ILCS 705/25-35)

15 (Section scheduled to be repealed on July 1, 2026)

16 Sec. 25-35. Community College Cannabis Vocational Training
17 Pilot Program faculty participant agent identification card.

18 (a) The Department 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 Article 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 Article, and
2 approve or deny an application within 30 days of receiving
3 a 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 community college
9 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. Each Department may by rule require prospective
14 agents to file their applications by electronic means and
15 to provide notices to the agents by electronic means.

16 (b) An agent must keep his or her identification card
17 visible at all times when in the enclosed, locked facility, or
18 facilities for which he or she is an agent.

19 (c) The agent identification cards shall contain the
20 following:

21 (1) the name of the cardholder;

22 (2) the date of issuance and expiration date of the
23 identification card;

24 (3) a random 10-digit alphanumeric identification
25 number containing at least 4 numbers and at least 4
26 letters that is unique to the holder;

1 (4) a photograph of the cardholder; and

2 (5) the legal name of the community college employing
3 the agent.

4 (d) An agent identification card shall be immediately
5 returned to the community college of the agent upon
6 termination of his or her employment.

7 (e) Any agent identification card lost shall be reported
8 to the Illinois State Police and the Department of Agriculture
9 immediately upon discovery of the loss.

10 (f) An agent applicant may begin employment at a Community
11 College Cannabis Vocational Training Pilot Program while the
12 agent applicant's identification card application is pending.
13 Upon approval, the Department shall issue the agent's
14 identification card to the agent. If denied, the Community
15 College Cannabis Vocational Training Pilot Program and the
16 agent applicant shall be notified and the agent applicant must
17 cease all activity at the Community College Cannabis
18 Vocational Training Pilot Program immediately.

19 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
20 102-538, eff. 8-20-21; revised 10-21-21.)

21 (410 ILCS 705/30-30)

22 Sec. 30-30. Craft grower requirements; prohibitions.

23 (a) The operating documents of a craft grower shall
24 include procedures for the oversight of the craft grower, a
25 cannabis plant monitoring system including a physical

1 inventory recorded weekly, accurate recordkeeping, and a
2 staffing plan.

3 (b) A craft grower shall implement a security plan
4 reviewed by the Illinois State Police that includes, but is
5 not limited to: facility access controls, perimeter intrusion
6 detection systems, personnel identification systems, and a
7 24-hour surveillance system to monitor the interior and
8 exterior of the craft grower facility and that is accessible
9 to authorized law enforcement and the Department of
10 Agriculture in real time.

11 (c) All cultivation of cannabis by a craft grower must
12 take place in an enclosed, locked facility at the physical
13 address provided to the Department of Agriculture during the
14 licensing process. The craft grower location shall only be
15 accessed by the agents working for the craft grower, the
16 Department of Agriculture staff performing inspections, the
17 Department of Public Health staff performing inspections,
18 State and local law enforcement or other emergency personnel,
19 contractors working on jobs unrelated to cannabis, such as
20 installing or maintaining security devices or performing
21 electrical wiring, transporting organization agents as
22 provided in this Act, or participants in the incubator
23 program, individuals in a mentoring or educational program
24 approved by the State, or other individuals as provided by
25 rule. However, if a craft grower shares a premises with an
26 infuser or dispensing organization, agents from those other

1 licensees may access the craft grower portion of the premises
2 if that is the location of common bathrooms, lunchrooms,
3 locker rooms, or other areas of the building where work or
4 cultivation of cannabis is not performed. At no time may an
5 infuser or dispensing organization agent perform work at a
6 craft grower without being a registered agent of the craft
7 grower.

8 (d) A craft grower may not sell or distribute any cannabis
9 to any person other than a cultivation center, a craft grower,
10 an infuser organization, a dispensing organization, or as
11 otherwise authorized by rule.

12 (e) A craft grower may not be located in an area zoned for
13 residential use.

14 (f) A craft grower may not either directly or indirectly
15 discriminate in price between different cannabis business
16 establishments that are purchasing a like grade, strain,
17 brand, and quality of cannabis or cannabis-infused product.
18 Nothing in this subsection (f) prevents a craft grower from
19 pricing cannabis differently based on differences in the cost
20 of manufacturing or processing, the quantities sold, such as
21 volume discounts, or the way the products are delivered.

22 (g) All cannabis harvested by a craft grower and intended
23 for distribution to a dispensing organization must be entered
24 into a data collection system, packaged and labeled under
25 Section 55-21, and, if distribution is to a dispensing
26 organization that does not share a premises with the

1 dispensing organization receiving the cannabis, placed into a
2 cannabis container for transport. All cannabis harvested by a
3 craft grower and intended for distribution to a cultivation
4 center, to an infuser organization, or to a craft grower with
5 which it does not share a premises, must be packaged in a
6 labeled cannabis container and entered into a data collection
7 system before transport.

8 (h) Craft growers are subject to random inspections by the
9 Department of Agriculture, local safety or health inspectors,
10 the Illinois State Police, or as provided by rule.

11 (i) A craft grower agent shall notify local law
12 enforcement, the Illinois State Police, and the Department of
13 Agriculture within 24 hours of the discovery of any loss or
14 theft. Notification shall be made by phone, in person, or
15 written or electronic communication.

16 (j) A craft grower shall comply with all State and any
17 applicable federal rules and regulations regarding the use of
18 pesticides.

19 (k) A craft grower or craft grower agent shall not
20 transport cannabis or cannabis-infused products to any other
21 cannabis business establishment without a transport
22 organization license unless:

23 (i) If the craft grower is located in a county with a
24 population of 3,000,000 or more, the cannabis business
25 establishment receiving the cannabis is within 2,000 feet
26 of the property line of the craft grower;

1 (ii) If the craft grower is located in a county with a
2 population of more than 700,000 but fewer than 3,000,000,
3 the cannabis business establishment receiving the cannabis
4 is within 2 miles of the craft grower; or

5 (iii) If the craft grower is located in a county with a
6 population of fewer than 700,000, the cannabis business
7 establishment receiving the cannabis is within 15 miles of
8 the craft grower.

9 (1) A craft grower may enter into a contract with a
10 transporting organization to transport cannabis to a
11 cultivation center, a craft grower, an infuser organization, a
12 dispensing organization, or a laboratory.

13 (m) No person or entity shall hold any legal, equitable,
14 ownership, or beneficial interest, directly or indirectly, of
15 more than 3 craft grower licenses. Further, no person or
16 entity that is employed by, an agent of, or has a contract to
17 receive payment from or participate in the management of a
18 craft grower, is a principal officer of a craft grower, or
19 entity controlled by or affiliated with a principal officer of
20 a craft grower shall hold any legal, equitable, ownership, or
21 beneficial interest, directly or indirectly, in a craft grower
22 license that would result in the person or entity owning or
23 controlling in combination with any craft grower, principal
24 officer of a craft grower, or entity controlled or affiliated
25 with a principal officer of a craft grower by which he, she, or
26 it is employed, is an agent of, or participates in the

1 management of more than 3 craft grower licenses.

2 (n) It is unlawful for any person having a craft grower
3 license or any officer, associate, member, representative, or
4 agent of the licensee to offer or deliver money, or anything
5 else of value, directly or indirectly, to any person having an
6 Early Approval Adult Use Dispensing Organization License, a
7 Conditional Adult Use Dispensing Organization License, an
8 Adult Use Dispensing Organization License, or a medical
9 cannabis dispensing organization license issued under the
10 Compassionate Use of Medical Cannabis Program Act, or to any
11 person connected with or in any way representing, or to any
12 member of the family of, the person holding an Early Approval
13 Adult Use Dispensing Organization License, a Conditional Adult
14 Use Dispensing Organization License, an Adult Use Dispensing
15 Organization License, or a medical cannabis dispensing
16 organization license issued under the Compassionate Use of
17 Medical Cannabis Program Act, or to any stockholders in any
18 corporation engaged in the retail sale of cannabis, or to any
19 officer, manager, agent, or representative of the Early
20 Approval Adult Use Dispensing Organization License, a
21 Conditional Adult Use Dispensing Organization License, an
22 Adult Use Dispensing Organization License, or a medical
23 cannabis dispensing organization license issued under the
24 Compassionate Use of Medical Cannabis Program Act to obtain
25 preferential placement within the dispensing organization,
26 including, without limitation, on shelves and in display cases

1 where purchasers can view products, or on the dispensing
2 organization's website.

3 (o) A craft grower shall not be located within 1,500 feet
4 of another craft grower or a cultivation center.

5 (p) A craft grower may process cannabis, cannabis
6 concentrates, and cannabis-infused products.

7 (q) A craft grower must comply with any other requirements
8 or prohibitions set by administrative rule of the Department
9 of Agriculture.

10 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
11 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
12 10-21-21.)

13 (410 ILCS 705/35-25)

14 Sec. 35-25. Infuser organization requirements;
15 prohibitions.

16 (a) The operating documents of an infuser shall include
17 procedures for the oversight of the infuser, an inventory
18 monitoring system including a physical inventory recorded
19 weekly, accurate recordkeeping, and a staffing plan.

20 (b) An infuser shall implement a security plan reviewed by
21 the Illinois State Police that includes, but is not limited
22 to: facility access controls, perimeter intrusion detection
23 systems, personnel identification systems, and a 24-hour
24 surveillance system to monitor the interior and exterior of
25 the infuser facility and that is accessible to authorized law

1 enforcement, the Department of Public Health, and the
2 Department of Agriculture in real time.

3 (c) All processing of cannabis by an infuser must take
4 place in an enclosed, locked facility at the physical address
5 provided to the Department of Agriculture during the licensing
6 process. The infuser location shall only be accessed by the
7 agents working for the infuser, the Department of Agriculture
8 staff performing inspections, the Department of Public Health
9 staff performing inspections, State and local law enforcement
10 or other emergency personnel, contractors working on jobs
11 unrelated to cannabis, such as installing or maintaining
12 security devices or performing electrical wiring, transporting
13 organization agents as provided in this Act, participants in
14 the incubator program, individuals in a mentoring or
15 educational program approved by the State, local safety or
16 health inspectors, or other individuals as provided by rule.
17 However, if an infuser shares a premises with a craft grower or
18 dispensing organization, agents from these other licensees may
19 access the infuser portion of the premises if that is the
20 location of common bathrooms, lunchrooms, locker rooms, or
21 other areas of the building where processing of cannabis is
22 not performed. At no time may a craft grower or dispensing
23 organization agent perform work at an infuser without being a
24 registered agent of the infuser.

25 (d) An infuser may not sell or distribute any cannabis to
26 any person other than a dispensing organization, or as

1 otherwise authorized by rule.

2 (e) An infuser may not either directly or indirectly
3 discriminate in price between different cannabis business
4 establishments that are purchasing a like grade, strain,
5 brand, and quality of cannabis or cannabis-infused product.
6 Nothing in this subsection (e) prevents an infuser from
7 pricing cannabis differently based on differences in the cost
8 of manufacturing or processing, the quantities sold, such
9 volume discounts, or the way the products are delivered.

10 (f) All cannabis infused by an infuser and intended for
11 distribution to a dispensing organization must be entered into
12 a data collection system, packaged and labeled under Section
13 55-21, and, if distribution is to a dispensing organization
14 that does not share a premises with the infuser, placed into a
15 cannabis container for transport. All cannabis produced by an
16 infuser and intended for distribution to a cultivation center,
17 infuser organization, or craft grower with which it does not
18 share a premises, must be packaged in a labeled cannabis
19 container and entered into a data collection system before
20 transport.

21 (g) Infusers are subject to random inspections by the
22 Department of Agriculture, the Department of Public Health,
23 the Illinois State Police, local law enforcement, or as
24 provided by rule.

25 (h) An infuser agent shall notify local law enforcement,
26 the Illinois State Police, and the Department of Agriculture

1 within 24 hours of the discovery of any loss or theft.
2 Notification shall be made by phone, in person, or by written
3 or electronic communication.

4 (i) An infuser organization may not be located in an area
5 zoned for residential use.

6 (j) An infuser or infuser agent shall not transport
7 cannabis or cannabis-infused products to any other cannabis
8 business establishment without a transport organization
9 license unless:

10 (i) If the infuser is located in a county with a
11 population of 3,000,000 or more, the cannabis business
12 establishment receiving the cannabis or cannabis-infused
13 product is within 2,000 feet of the property line of the
14 infuser;

15 (ii) If the infuser is located in a county with a
16 population of more than 700,000 but fewer than 3,000,000,
17 the cannabis business establishment receiving the cannabis
18 or cannabis-infused product is within 2 miles of the
19 infuser; or

20 (iii) If the infuser is located in a county with a
21 population of fewer than 700,000, the cannabis business
22 establishment receiving the cannabis or cannabis-infused
23 product is within 15 miles of the infuser.

24 (k) An infuser may enter into a contract with a
25 transporting organization to transport cannabis to a
26 dispensing organization or a laboratory.

1 (l) An infuser organization may share premises with a
2 craft grower or a dispensing organization, or both, provided
3 each licensee stores currency and cannabis or cannabis-infused
4 products in a separate secured vault to which the other
5 licensee does not have access or all licensees sharing a vault
6 share more than 50% of the same ownership.

7 (m) It is unlawful for any person or entity having an
8 infuser organization license or any officer, associate,
9 member, representative or agent of such licensee to offer or
10 deliver money, or anything else of value, directly or
11 indirectly to any person having an Early Approval Adult Use
12 Dispensing Organization License, a Conditional Adult Use
13 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 person connected with
17 or in any way representing, or to any member of the family of,
18 such person holding an Early Approval Adult Use Dispensing
19 Organization License, a Conditional Adult Use Dispensing
20 Organization License, an Adult Use Dispensing Organization
21 License, or a medical cannabis dispensing organization license
22 issued under the Compassionate Use of Medical Cannabis Program
23 Act, or to any stockholders in any corporation engaged the
24 retail sales of cannabis, or to any officer, manager, agent,
25 or representative of the Early Approval Adult Use Dispensing
26 Organization License, a Conditional Adult Use Dispensing

1 Organization License, an Adult Use Dispensing Organization
2 License, or a medical cannabis dispensing organization license
3 issued under the Compassionate Use of Medical Cannabis Program
4 Act to obtain preferential placement within the dispensing
5 organization, including, without limitation, on shelves and in
6 display cases where purchasers can view products, or on the
7 dispensing organization's website.

8 (n) At no time shall an infuser organization or an infuser
9 agent perform the extraction of cannabis concentrate from
10 cannabis flower.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
12 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
13 10-14-21.)

14 (410 ILCS 705/35-30)

15 Sec. 35-30. Infuser agent identification card.

16 (a) The Department of Agriculture shall:

17 (1) establish by rule the information required in an
18 initial application or renewal application for an agent
19 identification card submitted under this Act and the
20 nonrefundable fee to accompany the initial application or
21 renewal application;

22 (2) verify the information contained in an initial
23 application or renewal application for an agent
24 identification card submitted under this Act, and approve
25 or deny an application within 30 days of receiving a

1 completed initial application or renewal application and
2 all supporting documentation required by rule;

3 (3) issue an agent identification card to a qualifying
4 agent within 15 business days of approving the initial
5 application or renewal application;

6 (4) enter the license number of the infuser where the
7 agent works; and

8 (5) allow for an electronic initial application and
9 renewal application process, and provide a confirmation by
10 electronic or other methods that an application has been
11 submitted. The Department of Agriculture may by rule
12 require prospective agents to file their applications by
13 electronic means and provide notices to the agents by
14 electronic means.

15 (b) An agent must keep his or her identification card
16 visible at all times when on the property of a cannabis
17 business establishment including the cannabis business
18 establishment for which he or she is an agent.

19 (c) The agent identification cards shall contain the
20 following:

21 (1) the name of the cardholder;

22 (2) the date of issuance and expiration date of the
23 identification card;

24 (3) a random 10-digit alphanumeric identification
25 number containing at least 4 numbers and at least 4
26 letters that is unique to the holder;

1 (4) a photograph of the cardholder; and

2 (5) the legal name of the infuser organization
3 employing the agent.

4 (d) An agent identification card shall be immediately
5 returned to the infuser organization of the agent upon
6 termination of his or her employment.

7 (e) Any agent identification card lost by a transporting
8 agent shall be reported to the Illinois State Police and the
9 Department of Agriculture immediately upon discovery of the
10 loss.

11 (f) An agent applicant may begin employment at an infuser
12 organization while the agent applicant's identification card
13 application is pending. Upon approval, the Department shall
14 issue the agent's identification card to the agent. If denied,
15 the infuser organization and the agent applicant shall be
16 notified and the agent applicant must cease all activity at
17 the infuser organization immediately.

18 (Source: P.A. 101-27, eff. 6-25-19; 102-98, eff. 7-15-21;
19 102-538, eff. 8-20-21; revised 10-14-21.)

20 (410 ILCS 705/40-25)

21 Sec. 40-25. Transporting organization requirements;
22 prohibitions.

23 (a) The operating documents of a transporting organization
24 shall include procedures for the oversight of the transporter,
25 an inventory monitoring system including a physical inventory

1 recorded weekly, accurate recordkeeping, and a staffing plan.

2 (b) A transporting organization may not transport cannabis
3 or cannabis-infused products to any person other than a
4 cultivation center, a craft grower, an infuser organization, a
5 dispensing organization, a testing facility, or as otherwise
6 authorized by rule.

7 (c) All cannabis transported by a transporting
8 organization must be entered into a data collection system and
9 placed into a cannabis container for transport.

10 (d) Transporters are subject to random inspections by the
11 Department of Agriculture, the Department of Public Health,
12 the Illinois State Police, or as provided by rule.

13 (e) A transporting organization agent shall notify local
14 law enforcement, the Illinois State Police, and the Department
15 of Agriculture within 24 hours of the discovery of any loss or
16 theft. Notification shall be made by phone, in person, or by
17 written or electronic communication.

18 (f) No person under the age of 21 years shall be in a
19 commercial vehicle or trailer transporting cannabis goods.

20 (g) No person or individual who is not a transporting
21 organization agent shall be in a vehicle while transporting
22 cannabis goods.

23 (h) Transporters may not use commercial motor vehicles
24 with a weight rating of over 10,001 pounds.

25 (i) It is unlawful for any person to offer or deliver
26 money, or anything else of value, directly or indirectly, to

1 any of the following persons to obtain preferential placement
2 within the dispensing organization, including, without
3 limitation, on shelves and in display cases where purchasers
4 can view products, or on the dispensing organization's
5 website:

6 (1) a person having a transporting organization
7 license, or any officer, associate, member,
8 representative, or agent of the licensee;

9 (2) a person having an Early Applicant Adult Use
10 Dispensing Organization License, an Adult Use Dispensing
11 Organization License, or a medical cannabis dispensing
12 organization license issued under the Compassionate Use of
13 Medical Cannabis Program Act;

14 (3) a person connected with or in any way
15 representing, or a member of the family of, a person
16 holding an Early Applicant Adult Use Dispensing
17 Organization License, an Adult Use Dispensing Organization
18 License, or a medical cannabis dispensing organization
19 license issued under the Compassionate Use of Medical
20 Cannabis Program Act; or

21 (4) a stockholder, officer, manager, agent, or
22 representative of a corporation engaged in the retail sale
23 of cannabis, an Early Applicant Adult Use Dispensing
24 Organization License, an Adult Use Dispensing Organization
25 License, or a medical cannabis dispensing organization
26 license issued under the Compassionate Use of Medical

1 Cannabis Program Act.

2 (j) A transporting organization agent must keep his or her
3 identification card visible at all times when on the property
4 of a cannabis business establishment and during the
5 transporting of cannabis when acting under his or her duties
6 as a transportation organization agent. During these times,
7 the transporting organization agent must also provide the
8 identification card upon request of any law enforcement
9 officer engaged in his or her official duties.

10 (k) A copy of the transporting organization's registration
11 and a manifest for the delivery shall be present in any vehicle
12 transporting cannabis.

13 (l) Cannabis shall be transported so it is not visible or
14 recognizable from outside the vehicle.

15 (m) A vehicle transporting cannabis must not bear any
16 markings to indicate the vehicle contains cannabis or bear the
17 name or logo of the cannabis business establishment.

18 (n) Cannabis must be transported in an enclosed, locked
19 storage compartment that is secured or affixed to the vehicle.

20 (o) The Department of Agriculture may, by rule, impose any
21 other requirements or prohibitions on the transportation of
22 cannabis.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
24 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
25 10-14-21.)

1 (410 ILCS 705/40-30)

2 Sec. 40-30. Transporting agent identification card.

3 (a) The Department of Agriculture shall:

4 (1) establish by rule the information required in an
5 initial application or renewal application for an agent
6 identification card submitted under this Act and the
7 nonrefundable fee to accompany the initial application or
8 renewal application;

9 (2) verify the information contained in an initial
10 application or renewal application for an agent
11 identification card submitted under this Act and approve
12 or deny an application within 30 days of receiving a
13 completed initial application or renewal application and
14 all supporting documentation required by rule;

15 (3) issue an agent identification card to a qualifying
16 agent within 15 business days of approving the initial
17 application or renewal application;

18 (4) enter the license number of the transporting
19 organization where the agent works; and

20 (5) allow for an electronic initial application and
21 renewal application process, and provide a confirmation by
22 electronic or other methods that an application has been
23 submitted. The Department of Agriculture may by rule
24 require prospective agents to file their applications by
25 electronic means and provide notices to the agents by
26 electronic means.

1 (b) An agent must keep his or her identification card
2 visible at all times when on the property of a cannabis
3 business establishment, including the cannabis business
4 establishment for which he or she is an agent.

5 (c) The agent identification cards shall contain the
6 following:

7 (1) the name of the cardholder;

8 (2) the date of issuance and expiration date of the
9 identification card;

10 (3) a random 10-digit alphanumeric identification
11 number containing at least 4 numbers and at least 4
12 letters that is unique to the holder;

13 (4) a photograph of the cardholder; and

14 (5) the legal name of the transporting organization
15 employing the agent.

16 (d) An agent identification card shall be immediately
17 returned to the transporting organization of the agent upon
18 termination of his or her employment.

19 (e) Any agent identification card lost by a transporting
20 agent shall be reported to the Illinois State Police and the
21 Department of Agriculture immediately upon discovery of the
22 loss.

23 (f) An application for an agent identification card shall
24 be denied if the applicant is delinquent in filing any
25 required tax returns or paying any amounts owed to the State of
26 Illinois.

1 (g) An agent applicant may begin employment at a
2 transporting organization while the agent applicant's
3 identification card application is pending. Upon approval, the
4 Department shall issue the agent's identification card to the
5 agent. If denied, the transporting organization and the agent
6 applicant shall be notified and the agent applicant must cease
7 all activity at the transporting organization immediately.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
9 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
10 10-14-21.)

11 (410 ILCS 705/55-30)

12 Sec. 55-30. Confidentiality.

13 (a) Information provided by the cannabis business
14 establishment licensees or applicants to the Department of
15 Agriculture, the Department of Public Health, the Department
16 of Financial and Professional Regulation, the Department of
17 Commerce and Economic Opportunity, or other agency shall be
18 limited to information necessary for the purposes of
19 administering this Act. The information is subject to the
20 provisions and limitations contained in the Freedom of
21 Information Act and may be disclosed in accordance with
22 Section 55-65.

23 (b) The following information received and records kept by
24 the Department of Agriculture, the Department of Public
25 Health, the Illinois State Police, and the Department of

1 Financial and Professional Regulation for purposes of
2 administering this Article are subject to all applicable
3 federal privacy laws, are confidential and exempt from
4 disclosure under the Freedom of Information Act, except as
5 provided in this Act, and not subject to disclosure to any
6 individual or public or private entity, except to the
7 Department of Financial and Professional Regulation, the
8 Department of Agriculture, the Department of Public Health,
9 and the Illinois State Police as necessary to perform official
10 duties under this Article and to the Attorney General as
11 necessary to enforce the provisions of this Act. The following
12 information received and kept by the Department of Financial
13 and Professional Regulation or the Department of Agriculture
14 may be disclosed to the Department of Public Health, the
15 Department of Agriculture, the Department of Revenue, the
16 Illinois State Police, or the Attorney General upon proper
17 request:

18 (1) Applications and renewals, their contents, and
19 supporting information submitted by or on behalf of
20 dispensing organizations, cannabis business
21 establishments, or Community College Cannabis Vocational
22 Program licensees, in compliance with this Article,
23 including their physical addresses; however, this does not
24 preclude the release of ownership information about
25 cannabis business establishment licenses, or information
26 submitted with an application required to be disclosed

1 pursuant to subsection (f);

2 (2) Any plans, procedures, policies, or other records
3 relating to cannabis business establishment security; and

4 (3) Information otherwise exempt from disclosure by
5 State or federal law.

6 Illinois or national criminal history record information,
7 or the nonexistence or lack of such information, may not be
8 disclosed by the Department of Financial and Professional
9 Regulation or the Department of Agriculture, except as
10 necessary to the Attorney General to enforce this Act.

11 (c) The name and address of a dispensing organization
12 licensed under this Act shall be subject to disclosure under
13 the Freedom of Information Act. The name and cannabis business
14 establishment address of the person or entity holding each
15 cannabis business establishment license shall be subject to
16 disclosure.

17 (d) All information collected by the Department of
18 Financial and Professional Regulation or the Department of
19 Agriculture in the course of an examination, inspection, or
20 investigation of a licensee or applicant, including, but not
21 limited to, any complaint against a licensee or applicant
22 filed with the Department of Financial and Professional
23 Regulation or the Department of Agriculture and information
24 collected to investigate any such complaint, shall be
25 maintained for the confidential use of the Department of
26 Financial and Professional Regulation or the Department of

1 Agriculture and shall not be disclosed, except as otherwise
2 provided in this Act. A formal complaint against a licensee by
3 the Department of Financial and Professional Regulation or the
4 Department of Agriculture or any disciplinary order issued by
5 the Department of Financial and Professional Regulation or the
6 Department of Agriculture against a licensee or applicant
7 shall be a public record, except as otherwise provided by law.
8 Complaints from consumers or members of the general public
9 received regarding a specific, named licensee or complaints
10 regarding conduct by unlicensed entities shall be subject to
11 disclosure under the Freedom of Information Act.

12 (e) The Department of Agriculture, the Illinois State
13 Police, and the Department of Financial and Professional
14 Regulation shall not share or disclose any Illinois or
15 national criminal history record information, or the
16 nonexistence or lack of such information, to any person or
17 entity not expressly authorized by this Act.

18 (f) Each Department responsible for licensure under this
19 Act shall publish on the Department's website a list of the
20 ownership information of cannabis business establishment
21 licensees under the Department's jurisdiction. The list shall
22 include, but is not limited to: the name of the person or
23 entity holding each cannabis business establishment license;
24 and the address at which the entity is operating under this
25 Act. This list shall be published and updated monthly.

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;

1 102-98, eff. 7-15-21; 102-538, eff. 8-20-21; revised
2 10-14-21.)

3 Section 545. The Environmental Protection Act is amended
4 by changing Sections 3.330, 17.12, 21, 22.15, 22.59, and 39 as
5 follows:

6 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

7 Sec. 3.330. Pollution control facility.

8 (a) "Pollution control facility" is any waste storage
9 site, sanitary landfill, waste disposal site, waste transfer
10 station, waste treatment facility, or waste incinerator. This
11 includes sewers, sewage treatment plants, and any other
12 facilities owned or operated by sanitary districts organized
13 under the Metropolitan Water Reclamation District Act.

14 The following are not pollution control facilities:

15 (1) (blank);

16 (2) waste storage sites regulated under 40 CFR, ~~Part~~
17 761.42;

18 (3) sites or facilities used by any person conducting
19 a waste storage, waste treatment, waste disposal, waste
20 transfer or waste incineration operation, or a combination
21 thereof, for wastes generated by such person's own
22 activities, when such wastes are stored, treated, disposed
23 of, transferred or incinerated within the site or facility
24 owned, controlled or operated by such person, or when such

1 wastes are transported within or between sites or
2 facilities owned, controlled or operated by such person;

3 (4) sites or facilities at which the State is
4 performing removal or remedial action pursuant to Section
5 22.2 or 55.3;

6 (5) abandoned quarries used solely for the disposal of
7 concrete, earth materials, gravel, or aggregate debris
8 resulting from road construction activities conducted by a
9 unit of government or construction activities due to the
10 construction and installation of underground pipes, lines,
11 conduit or wires off of the premises of a public utility
12 company which are conducted by a public utility;

13 (6) sites or facilities used by any person to
14 specifically conduct a landscape composting operation;

15 (7) regional facilities as defined in the Central
16 Midwest Interstate Low-Level Radioactive Waste Compact;

17 (8) the portion of a site or facility where coal
18 combustion wastes are stored or disposed of in accordance
19 with subdivision (r) (2) or (r) (3) of Section 21;

20 (9) the portion of a site or facility used for the
21 collection, storage or processing of waste tires as
22 defined in Title XIV;

23 (10) the portion of a site or facility used for
24 treatment of petroleum contaminated materials by
25 application onto or incorporation into the soil surface
26 and any portion of that site or facility used for storage

1 of petroleum contaminated materials before treatment. Only
2 those categories of petroleum listed in Section 57.9(a)(3)
3 are exempt under this subdivision (10);

4 (11) the portion of a site or facility where used oil
5 is collected or stored prior to shipment to a recycling or
6 energy recovery facility, provided that the used oil is
7 generated by households or commercial establishments, and
8 the site or facility is a recycling center or a business
9 where oil or gasoline is sold at retail;

10 (11.5) processing sites or facilities that receive
11 only on-specification used oil, as defined in 35 Ill. Adm.
12 ~~Admin.~~ Code 739, originating from used oil collectors for
13 processing that is managed under 35 Ill. Adm. ~~Admin.~~ Code
14 739 to produce products for sale to off-site petroleum
15 facilities, if these processing sites or facilities are:
16 (i) located within a home rule unit of local government
17 with a population of at least 30,000 according to the 2000
18 federal census, that home rule unit of local government
19 has been designated as an Urban Round II Empowerment Zone
20 by the United States Department of Housing and Urban
21 Development, and that home rule unit of local government
22 has enacted an ordinance approving the location of the
23 site or facility and provided funding for the site or
24 facility; and (ii) in compliance with all applicable
25 zoning requirements;

26 (12) the portion of a site or facility utilizing coal

1 combustion waste for stabilization and treatment of only
2 waste generated on that site or facility when used in
3 connection with response actions pursuant to the federal
4 Comprehensive Environmental Response, Compensation, and
5 Liability Act of 1980, the federal Resource Conservation
6 and Recovery Act of 1976, or the Illinois Environmental
7 Protection Act or as authorized by the Agency;

8 (13) the portion of a site or facility regulated under
9 Section 22.38 of this Act;

10 (14) the portion of a site or facility, located within
11 a unit of local government that has enacted local zoning
12 requirements, used to accept, separate, and process
13 uncontaminated broken concrete, with or without protruding
14 metal bars, provided that the uncontaminated broken
15 concrete and metal bars are not speculatively accumulated,
16 are at the site or facility no longer than one year after
17 their acceptance, and are returned to the economic
18 mainstream in the form of raw materials or products;

19 (15) the portion of a site or facility located in a
20 county with a population over 3,000,000 that has obtained
21 local siting approval under Section 39.2 of this Act for a
22 municipal waste incinerator on or before July 1, 2005 and
23 that is used for a non-hazardous waste transfer station;

24 (16) a site or facility that temporarily holds in
25 transit for 10 days or less, non-putrescible solid waste
26 in original containers, no larger in capacity than 500

1 gallons, provided that such waste is further transferred
2 to a recycling, disposal, treatment, or storage facility
3 on a non-contiguous site and provided such site or
4 facility complies with the applicable 10-day transfer
5 requirements of the federal Resource Conservation and
6 Recovery Act of 1976 and United States Department of
7 Transportation hazardous material requirements. For
8 purposes of this Section only, "non-putrescible solid
9 waste" means waste other than municipal garbage that does
10 not rot or become putrid, including, but not limited to,
11 paints, solvent, filters, and absorbents;

12 (17) the portion of a site or facility located in a
13 county with a population greater than 3,000,000 that has
14 obtained local siting approval, under Section 39.2 of this
15 Act, for a municipal waste incinerator on or before July
16 1, 2005 and that is used for wood combustion facilities
17 for energy recovery that accept and burn only wood
18 material, as included in a fuel specification approved by
19 the Agency;

20 (18) a transfer station used exclusively for landscape
21 waste, including a transfer station where landscape waste
22 is ground to reduce its volume, where the landscape waste
23 is held no longer than 24 hours from the time it was
24 received;

25 (19) the portion of a site or facility that (i) is used
26 for the composting of food scrap, livestock waste, crop

1 residue, uncontaminated wood waste, or paper waste,
2 including, but not limited to, corrugated paper or
3 cardboard, and (ii) meets all of the following
4 requirements:

5 (A) There must not be more than a total of 30,000
6 cubic yards of livestock waste in raw form or in the
7 process of being composted at the site or facility at
8 any one time.

9 (B) All food scrap, livestock waste, crop residue,
10 uncontaminated wood waste, and paper waste must, by
11 the end of each operating day, be processed and placed
12 into an enclosed vessel in which air flow and
13 temperature are controlled, or all of the following
14 additional requirements must be met:

15 (i) The portion of the site or facility used
16 for the composting operation must include a
17 setback of at least 200 feet from the nearest
18 potable water supply well.

19 (ii) The portion of the site or facility used
20 for the composting operation must be located
21 outside the boundary of the 10-year floodplain or
22 floodproofed.

23 (iii) Except in municipalities with more than
24 1,000,000 inhabitants, the portion of the site or
25 facility used for the composting operation must be
26 located at least one-eighth of a mile from the

1 nearest residence, other than a residence located
2 on the same property as the site or facility.

3 (iv) The portion of the site or facility used
4 for the composting operation must be located at
5 least one-eighth of a mile from the property line
6 of all of the following areas:

7 (I) Facilities that primarily serve to
8 house or treat people that are
9 immunocompromised or immunosuppressed, such as
10 cancer or AIDS patients; people with asthma,
11 cystic fibrosis, or bioaerosol allergies; or
12 children under the age of one year.

13 (II) Primary and secondary schools and
14 adjacent areas that the schools use for
15 recreation.

16 (III) Any facility for child care licensed
17 under Section 3 of the Child Care Act of 1969;
18 preschools; and adjacent areas that the
19 facilities or preschools use for recreation.

20 (v) By the end of each operating day, all food
21 scrap, livestock waste, crop residue,
22 uncontaminated wood waste, and paper waste must be
23 (i) processed into windrows or other piles and
24 (ii) covered in a manner that prevents scavenging
25 by birds and animals and that prevents other
26 nuisances.

1 (C) Food scrap, livestock waste, crop residue,
2 uncontaminated wood waste, paper waste, and compost
3 must not be placed within 5 feet of the water table.

4 (D) The site or facility must meet all of the
5 requirements of the Wild and Scenic Rivers Act (16
6 U.S.C. 1271 et seq.).

7 (E) The site or facility must not (i) restrict the
8 flow of a 100-year flood, (ii) result in washout of
9 food scrap, livestock waste, crop residue,
10 uncontaminated wood waste, or paper waste from a
11 100-year flood, or (iii) reduce the temporary water
12 storage capacity of the 100-year floodplain, unless
13 measures are undertaken to provide alternative storage
14 capacity, such as by providing lagoons, holding tanks,
15 or drainage around structures at the facility.

16 (F) The site or facility must not be located in any
17 area where it may pose a threat of harm or destruction
18 to the features for which:

19 (i) an irreplaceable historic or
20 archaeological site has been listed under the
21 National Historic Preservation Act (16 U.S.C. 470
22 et seq.) or the Illinois Historic Preservation
23 Act;

24 (ii) a natural landmark has been designated by
25 the National Park Service or the Illinois State
26 Historic Preservation Office; or

1 (iii) a natural area has been designated as a
2 Dedicated Illinois Nature Preserve under the
3 Illinois Natural Areas Preservation Act.

4 (G) The site or facility must not be located in an
5 area where it may jeopardize the continued existence
6 of any designated endangered species, result in the
7 destruction or adverse modification of the critical
8 habitat for such species, or cause or contribute to
9 the taking of any endangered or threatened species of
10 plant, fish, or wildlife listed under the Endangered
11 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
12 Endangered Species Protection Act;

13 (20) the portion of a site or facility that is located
14 entirely within a home rule unit having a population of no
15 less than 120,000 and no more than 135,000, according to
16 the 2000 federal census, and that meets all of the
17 following requirements:

18 (i) the portion of the site or facility is used
19 exclusively to perform testing of a thermochemical
20 conversion technology using only woody biomass,
21 collected as landscape waste within the boundaries of
22 the home rule unit, as the hydrocarbon feedstock for
23 the production of synthetic gas in accordance with
24 Section 39.9 of this Act;

25 (ii) the portion of the site or facility is in
26 compliance with all applicable zoning requirements;

1 and

2 (iii) a complete application for a demonstration
3 permit at the portion of the site or facility has been
4 submitted to the Agency in accordance with Section
5 39.9 of this Act within one year after July 27, 2010
6 (the effective date of Public Act 96-1314);

7 (21) the portion of a site or facility used to perform
8 limited testing of a gasification conversion technology in
9 accordance with Section 39.8 of this Act and for which a
10 complete permit application has been submitted to the
11 Agency prior to one year from April 9, 2010 (the effective
12 date of Public Act 96-887);

13 (22) the portion of a site or facility that is used to
14 incinerate only pharmaceuticals from residential sources
15 that are collected and transported by law enforcement
16 agencies under Section 17.9A of this Act;

17 (23) the portion of a site or facility:

18 (A) that is used exclusively for the transfer of
19 commingled landscape waste and food scrap held at the
20 site or facility for no longer than 24 hours after
21 their receipt;

22 (B) that is located entirely within a home rule
23 unit having a population of (i) not less than 100,000
24 and not more than 115,000 according to the 2010
25 federal census, (ii) not less than 5,000 and not more
26 than 10,000 according to the 2010 federal census, or

1 (iii) not less than 25,000 and not more than 30,000
2 according to the 2010 federal census or that is
3 located in the unincorporated area of a county having
4 a population of not less than 700,000 and not more than
5 705,000 according to the 2010 federal census;

6 (C) that is permitted, by the Agency, prior to
7 January 1, 2002, for the transfer of landscape waste
8 if located in a home rule unit or that is permitted
9 prior to January 1, 2008 if located in an
10 unincorporated area of a county; and

11 (D) for which a permit application is submitted to
12 the Agency to modify an existing permit for the
13 transfer of landscape waste to also include, on a
14 demonstration basis not to exceed 24 months each time
15 a permit is issued, the transfer of commingled
16 landscape waste and food scrap or for which a permit
17 application is submitted to the Agency within 6 months
18 of August 11, 2017 (the effective date of Public Act
19 100-94) ~~this amendatory Act of the 100th General~~
20 ~~Assembly;~~

21 (24) the portion of a municipal solid waste landfill
22 unit:

23 (A) that is located in a county having a
24 population of not less than 55,000 and not more than
25 60,000 according to the 2010 federal census;

26 (B) that is owned by that county;

1 (C) that is permitted, by the Agency, prior to
2 July 10, 2015 (the effective date of Public Act
3 99-12); and

4 (D) for which a permit application is submitted to
5 the Agency within 6 months after July 10, 2015 (the
6 effective date of Public Act 99-12) for the disposal
7 of non-hazardous special waste; and

8 (25) the portion of a site or facility used during a
9 mass animal mortality event, as defined in the Animal
10 Mortality Act, where such waste is collected, stored,
11 processed, disposed, or incinerated under a mass animal
12 mortality event plan issued by the Department of
13 Agriculture.

14 (b) A new pollution control facility is:

15 (1) a pollution control facility initially permitted
16 for development or construction after July 1, 1981; or

17 (2) the area of expansion beyond the boundary of a
18 currently permitted pollution control facility; or

19 (3) a permitted pollution control facility requesting
20 approval to store, dispose of, transfer or incinerate, for
21 the first time, any special or hazardous waste.

22 (Source: P.A. 102-216, eff. 1-1-22; 102-310, eff. 8-6-21;
23 revised 9-22-21.)

24 (415 ILCS 5/17.12)

25 Sec. 17.12. Lead service line replacement and

1 notification.

2 (a) The purpose of this Act is to: (1) require the owners
3 and operators of community water supplies to develop,
4 implement, and maintain a comprehensive water service line
5 material inventory and a comprehensive lead service line
6 replacement plan, provide notice to occupants of potentially
7 affected buildings before any construction or repair work on
8 water mains or lead service lines, and request access to
9 potentially affected buildings before replacing lead service
10 lines; and (2) prohibit partial lead service line
11 replacements, except as authorized within this Section.

12 (b) The General Assembly finds and declares that:

13 (1) There is no safe level of exposure to heavy metal
14 lead, as found by the United States Environmental
15 Protection Agency and the Centers for Disease Control and
16 Prevention.

17 (2) Lead service lines can convey this harmful
18 substance to the drinking water supply.

19 (3) According to the Illinois Environmental Protection
20 Agency's 2018 Service Line Material Inventory, the State
21 of Illinois is estimated to have over 680,000 lead-based
22 service lines still in operation.

23 (4) The true number of lead service lines is not fully
24 known because Illinois lacks an adequate inventory of lead
25 service lines.

26 (5) For the general health, safety and welfare of its

1 residents, all lead service lines in Illinois should be
2 disconnected from the drinking water supply, and the
3 State's drinking water supply.

4 (c) In this Section:

5 "Advisory Board" means the Lead Service Line Replacement
6 Advisory Board created under subsection (x).

7 "Community water supply" has the meaning ascribed to it in
8 Section 3.145 of this Act.

9 "Department" means the Department of Public Health.

10 "Emergency repair" means any unscheduled water main, water
11 service, or water valve repair or replacement that results
12 from failure or accident.

13 "Fund" means the Lead Service Line Replacement Fund
14 created under subsection (bb).

15 "Lead service line" means a service line made of lead or
16 service line connected to a lead pigtail, lead gooseneck, or
17 other lead fitting.

18 "Material inventory" means a water service line material
19 inventory developed by a community water supply under this
20 Act.

21 "Non-community ~~Noncommunity~~ water supply" has the meaning
22 ascribed to it in Section 3.145 of the Environmental
23 Protection Act.

24 "NSF/ANSI Standard" means a water treatment standard
25 developed by NSF International.

26 "Partial lead service line replacement" means replacement

1 of only a portion of a lead service line.

2 "Potentially affected building" means any building that is
3 provided water service through a service line that is either a
4 lead service line or a suspected lead service line.

5 "Public water supply" has the meaning ascribed to it in
6 Section 3.365 of this Act.

7 "Service line" means the piping, tubing, and necessary
8 appurtenances acting as a conduit from the water main or
9 source of potable water supply to the building plumbing at the
10 first shut-off valve or 18 inches inside the building,
11 whichever is shorter.

12 "Suspected lead service line" means a service line that a
13 community water supply finds more likely than not to be made of
14 lead after completing the requirements under paragraphs (2)
15 through (5) of subsection (h).

16 "Small system" means a community water supply that
17 regularly serves water to 3,300 or fewer persons.

18 (d) An owner or operator of a community water supply
19 shall:

20 (1) develop an initial material inventory by April 15,
21 2022 and electronically submit by April 15, 2023 an
22 updated material inventory electronically to the Agency;
23 and

24 (2) deliver a complete material inventory to the
25 Agency no later than April 15, 2024, or such time as
26 required by federal law, whichever is sooner. The complete

1 inventory shall report the composition of all service
2 lines in the community water supply's distribution system.

3 (e) The Agency shall review and approve the final material
4 inventory submitted to it under subsection (d).

5 (f) If a community water supply does not submit a complete
6 inventory to the Agency by April 15, 2024 under paragraph (2)
7 of subsection (d), the community water supply may apply for an
8 extension to the Agency no less than 3 months prior to the due
9 date. The Agency shall develop criteria for granting material
10 inventory extensions. When considering requests for extension,
11 the Agency shall, at a minimum, consider:

12 (1) the number of service connections in a water
13 supply; and

14 (2) the number of service lines of an unknown material
15 composition.

16 (g) A material inventory prepared for a community water
17 supply under subsection (d) shall identify:

18 (1) the total number of service lines connected to the
19 community water supply's distribution system;

20 (2) the materials of construction of each service line
21 connected to the community water supply's distribution
22 system;

23 (3) the number of suspected lead service lines that
24 were newly identified in the material inventory for the
25 community water supply after the community water supply
26 last submitted a service line inventory to the Agency; and

1 (4) the number of suspected or known lead service
2 lines that were replaced after the community water supply
3 last submitted a service line inventory to the Agency, and
4 the material of the service line that replaced each lead
5 service line.

6 When identifying the materials of construction under
7 paragraph (2) of this subsection, the owner or operator of the
8 community water supply shall to the best of the owner's or
9 operator's ability identify the type of construction material
10 used on the customer's side of the curb box, meter, or other
11 line of demarcation and the community water supply's side of
12 the curb box, meter, or other line of demarcation.

13 (h) In completing a material inventory under subsection
14 (d), the owner or operator of a community water supply shall:

15 (1) prioritize inspections of high-risk areas
16 identified by the community water supply and inspections
17 of high-risk facilities, such as preschools, day care
18 centers, day care homes, group day care homes, parks,
19 playgrounds, hospitals, and clinics, and confirm service
20 line materials in those areas and at those facilities;

21 (2) review historical documentation, such as
22 construction logs or cards, as-built drawings, purchase
23 orders, and subdivision plans, to determine service line
24 material construction;

25 (3) when conducting distribution system maintenance,
26 visually inspect service lines and document materials of

1 construction;

2 (4) identify any time period when the service lines
3 being connected to its distribution system were primarily
4 lead service lines, if such a time period is known or
5 suspected; and

6 (5) discuss service line repair and installation with
7 its employees, contractors, plumbers, other workers who
8 worked on service lines connected to its distribution
9 system, or all of the above.

10 (i) The owner or operator of each community water supply
11 shall maintain records of persons who refuse to grant access
12 to the interior of a building for purposes of identifying the
13 materials of construction of a service line. If a community
14 water supply has been denied access on the property or to the
15 interior of a building for that reason, then the community
16 water supply shall attempt to identify the service line as a
17 suspected lead service line, unless documentation is provided
18 showing otherwise.

19 (j) If a community water supply identifies a lead service
20 line connected to a building, the owner or operator of the
21 community water supply shall attempt to notify the owner of
22 the building and all occupants of the building of the
23 existence of the lead service line within 15 days after
24 identifying the lead service line, or as soon as is reasonably
25 possible thereafter. Individual written notice shall be given
26 according to the provisions of subsection (jj).

1 (k) An owner or operator of a community water supply has no
2 duty to include in the material inventory required under
3 subsection (d) information about service lines that are
4 physically disconnected from a water main in its distribution
5 system.

6 (l) The owner or operator of each community water supply
7 shall post on its website a copy of the most recently submitted
8 material inventory or alternatively may request that the
9 Agency post a copy of that material inventory on the Agency's
10 website.

11 (m) Nothing in this Section shall be construed to require
12 service lines to be unearthed for the sole purpose of
13 inventorying.

14 (n) When an owner or operator of a community water supply
15 awards a contract under this Section, the owner or operator
16 shall make a good faith effort to use contractors and vendors
17 owned by minority persons, women, and persons with a
18 disability, as those terms are defined in Section 2 of the
19 Business Enterprise for Minorities, Women, and Persons with
20 Disabilities Act, for not less than 20% of the total
21 contracts, provided that:

22 (1) contracts representing at least 11% of the total
23 projects shall be awarded to minority-owned businesses, as
24 defined in Section 2 of the Business Enterprise for
25 Minorities, Women, and Persons with Disabilities Act;

26 (2) contracts representing at least 7% of the total

1 projects shall be awarded to women-owned businesses, as
2 defined in Section 2 of the Business Enterprise for
3 Minorities, Women, and Persons with Disabilities Act; and

4 (3) contracts representing at least 2% of the total
5 projects shall be awarded to businesses owned by persons
6 with a disability.

7 Owners or operators of a community water supply are
8 encouraged to divide projects, whenever economically feasible,
9 into contracts of smaller size that ensure small business
10 contractors or vendors shall have the ability to qualify in
11 the applicable bidding process, when determining the ability
12 to deliver on a given contract based on scope and size, as a
13 responsible and responsive bidder.

14 When a contractor or vendor submits a bid or letter of
15 intent in response to a request for proposal or other bid
16 submission, the contractor or vendor shall include with its
17 responsive documents a utilization plan that shall address how
18 compliance with applicable good faith requirements set forth
19 in this subsection shall be addressed.

20 Under this subsection, "good faith effort" means a
21 community water supply has taken all necessary steps to comply
22 with the goals of this subsection by complying with the
23 following:

24 (1) Soliciting through reasonable and available means
25 the interest of a business, as defined in Section 2 of the
26 Business Enterprise for Minorities, Women, and Persons

1 with Disabilities Act, that have the capability to perform
2 the work of the contract. The community water supply must
3 solicit this interest within sufficient time to allow
4 certified businesses to respond.

5 (2) Providing interested certified businesses with
6 adequate information about the plans, specifications, and
7 requirements of the contract, including addenda, in a
8 timely manner to assist them in responding to the
9 solicitation.

10 (3) Meeting in good faith with interested certified
11 businesses that have submitted bids.

12 (4) Effectively using the services of the State,
13 minority or women community organizations, minority or
14 women contractor groups, local, State, and federal
15 minority or women business assistance offices, and other
16 organizations to provide assistance in the recruitment and
17 placement of certified businesses.

18 (5) Making efforts to use appropriate forums for
19 purposes of advertising subcontracting opportunities
20 suitable for certified businesses.

21 The diversity goals defined in this subsection can be met
22 through direct award to diverse contractors and through the
23 use of diverse subcontractors and diverse vendors to
24 contracts.

25 (o) An owner or operator of a community water supply shall
26 collect data necessary to ensure compliance with subsection

1 (n) no less than semi-annually and shall include progress
2 toward compliance of subsection (n) in the owner or operator's
3 report required under subsection (t-5). The report must
4 include data on vendor and employee diversity, including data
5 on the owner's or operator's implementation of subsection (n).

6 (p) Every owner or operator of a community water supply
7 that has known or suspected lead service lines shall:

8 (1) create a plan to:

9 (A) replace each lead service line connected to
10 its distribution system; and

11 (B) replace each galvanized service line connected
12 to its distribution system, if the galvanized service
13 line is or was connected downstream to lead piping;
14 and

15 (2) electronically submit, by April 15, 2024 its
16 initial lead service line replacement plan to the Agency;

17 (3) electronically submit by April 15 of each year
18 after 2024 until April 15, 2027 an updated lead service
19 line replacement plan to the Agency for review; the
20 updated replacement plan shall account for changes in the
21 number of lead service lines or unknown service lines in
22 the material inventory described in subsection (d);

23 (4) electronically submit by April 15, 2027 a complete
24 and final replacement plan to the Agency for approval; the
25 complete and final replacement plan shall account for all
26 known and suspected lead service lines documented in the

1 final material inventory described under paragraph (3) of
2 subsection (d); and

3 (5) post on its website a copy of the plan most
4 recently submitted to the Agency or may request that the
5 Agency post a copy of that plan on the Agency's website.

6 (q) Each plan required under paragraph (1) of subsection
7 (p) shall include the following:

8 (1) the name and identification number of the
9 community water supply;

10 (2) the total number of service lines connected to the
11 distribution system of the community water supply;

12 (3) the total number of suspected lead service lines
13 connected to the distribution system of the community
14 water supply;

15 (4) the total number of known lead service lines
16 connected to the distribution system of the community
17 water supply;

18 (5) the total number of lead service lines connected
19 to the distribution system of the community water supply
20 that have been replaced each year beginning in 2020;

21 (6) a proposed lead service line replacement schedule
22 that includes one-year, 5-year, 10-year, 15-year, 20-year,
23 25-year, and 30-year goals;

24 (7) an analysis of costs and financing options for
25 replacing the lead service lines connected to the
26 community water supply's distribution system, which shall

1 include, but shall not be limited to:

2 (A) a detailed accounting of costs associated with
3 replacing lead service lines and galvanized lines that
4 are or were connected downstream to lead piping;

5 (B) measures to address affordability and prevent
6 service shut-offs for customers or ratepayers; and

7 (C) consideration of different scenarios for
8 structuring payments between the utility and its
9 customers over time; and

10 (8) a plan for prioritizing high-risk facilities, such
11 as preschools, day care centers, day care homes, group day
12 care homes, parks, playgrounds, hospitals, and clinics, as
13 well as high-risk areas identified by the community water
14 supply;

15 (9) a map of the areas where lead service lines are
16 expected to be found and the sequence with which those
17 areas will be inventoried and lead service lines replaced;

18 (10) measures for how the community water supply will
19 inform the public of the plan and provide opportunity for
20 public comment; and

21 (11) measures to encourage diversity in hiring in the
22 workforce required to implement the plan as identified
23 under subsection (n).

24 (r) The Agency shall review final plans submitted to it
25 under subsection (p). The Agency shall approve a final plan if
26 the final plan includes all of the elements set forth under

1 subsection (q) and the Agency determines that:

2 (1) the proposed lead service line replacement
3 schedule set forth in the plan aligns with the timeline
4 requirements set forth under subsection (v);

5 (2) the plan prioritizes the replacement of lead
6 service lines that provide water service to high-risk
7 facilities, such as preschools, day care centers, day care
8 homes, group day care homes, parks, playgrounds,
9 hospitals, and clinics, and high-risk areas identified by
10 the community water supply;

11 (3) the plan includes analysis of cost and financing
12 options; and

13 (4) the plan provides documentation of public review.

14 (s) An owner or operator of a community water supply has no
15 duty to include in the plans required under subsection (p)
16 information about service lines that are physically
17 disconnected from a water main in its distribution system.

18 (t) If a community water supply does not deliver a
19 complete plan to the Agency by April 15, 2027, the community
20 water supply may apply to the Agency for an extension no less
21 than 3 months prior to the due date. The Agency shall develop
22 criteria for granting plan extensions. When considering
23 requests for extension, the Agency shall, at a minimum,
24 consider:

25 (1) the number of service connections in a water
26 supply; and

1 (2) the number of service lines of an unknown material
2 composition.

3 (t-5) After the Agency has approved the final replacement
4 plan described in subsection (p), the owner or operator of a
5 community water supply shall submit a report detailing
6 progress toward plan goals to the Agency for its review. The
7 report shall be submitted annually for the first 10 years, and
8 every 3 years thereafter until all lead service lines have
9 been replaced. Reports under this subsection shall be
10 published in the same manner described in subsection (l). The
11 report shall include at least the following information as it
12 pertains to the preceding reporting period:

13 (1) The number of lead service lines replaced and the
14 average cost of lead service line replacement.

15 (2) Progress toward meeting hiring requirements as
16 described in subsection (n) and subsection (o).

17 (3) The percent of customers electing a waiver
18 offered, as described in subsections (ii) and (jj), among
19 those customers receiving a request or notification to
20 perform a lead service line replacement.

21 (4) The method or methods used by the community water
22 supply to finance lead service line replacement.

23 (u) Notwithstanding any other provision of law, in order
24 to provide for costs associated with lead service line
25 remediation and replacement, the corporate authorities of a
26 municipality may, by ordinance or resolution by the corporate

1 authorities, exercise authority provided in Section 27-5 et
2 seq. of the Property Tax Code and Sections 8-3-1, 8-11-1,
3 8-11-5, 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq.,
4 11-131-1, and 11-150-1 of the Illinois Municipal Code. Taxes
5 levied for this purpose shall be in addition to taxes for
6 general purposes authorized under Section 8-3-1 of the
7 Illinois Municipal Code and shall be included in the taxing
8 district's aggregate extension for the purposes of Division 5
9 of Article 18 of the Property Tax Code.

10 (v) Every owner or operator of a community water supply
11 shall replace all known lead service lines, subject to the
12 requirements of subsection (ff), according to the following
13 replacement rates and timelines to be calculated from the date
14 of submission of the final replacement plan to the Agency:

15 (1) A community water supply reporting 1,200 or fewer
16 lead service lines in its final inventory and replacement
17 plan shall replace all lead service lines, at an annual
18 rate of no less than 7% of the amount described in the
19 final inventory, with a timeline of up to 15 years for
20 completion.

21 (2) A community water supply reporting more than 1,200
22 but fewer than 5,000 lead service lines in its final
23 inventory and replacement plan shall replace all lead
24 service lines, at an annual rate of no less than 6% of the
25 amount described in the final inventory, with a timeline
26 of up to 17 years for completion.

1 (3) A community water supply reporting more than 4,999
2 but fewer than 10,000 lead service lines in its final
3 inventory and replacement plan shall replace all lead
4 service lines, at an annual rate of no less than 5% of the
5 amount described in the final inventory, with a timeline
6 of up to 20 years for completion.

7 (4) A community water supply reporting more than 9,999
8 but fewer than 99,999 lead service lines in its final
9 inventory and replacement plan shall replace all lead
10 service lines, at an annual rate of no less than 3% of the
11 amount described in the final inventory, with a timeline
12 of up to 34 years for completion.

13 (5) A community water supply reporting more than
14 99,999 lead service lines in its final inventory and
15 replacement plan shall replace all lead service lines, at
16 an annual rate of no less than 2% of the amount described
17 in the final inventory, with a timeline of up to 50 years
18 for completion.

19 (w) A community water supply may apply to the Agency for an
20 extension to the replacement timelines described in paragraphs
21 (1) through (5) of subsection (v). The Agency shall develop
22 criteria for granting replacement timeline extensions. When
23 considering requests for timeline extensions, the Agency
24 shall, at a minimum, consider:

25 (1) the number of service connections in a water
26 supply; and

1 (2) unusual circumstances creating hardship for a
2 community.

3 The Agency may grant one extension of additional time
4 equal to not more than 20% of the original replacement
5 timeline, except in situations of extreme hardship in which
6 the Agency may consider a second additional extension equal to
7 not more than 10% of the original replacement timeline.

8 Replacement rates and timelines shall be calculated from
9 the date of submission of the final plan to the Agency.

10 (x) The Lead Service Line Replacement Advisory Board is
11 created within the Agency. The Advisory Board shall convene
12 within 120 days after January 1, 2022 (the effective date of
13 Public Act 102-613) ~~this amendatory Act of the 102nd General~~
14 ~~Assembly.~~

15 The Advisory Board shall consist of at least 28 voting
16 members, as follows:

17 (1) the Director of the Agency, or his or her
18 designee, who shall serve as chairperson;

19 (2) the Director of Revenue, or his or her designee;

20 (3) the Director of Public Health, or his or her
21 designee;

22 (4) fifteen members appointed by the Agency as
23 follows:

24 (A) one member representing a statewide
25 organization of municipalities as authorized by
26 Section 1-8-1 of the Illinois Municipal Code;

1 (B) two members who are mayors representing
2 municipalities located in any county south of the
3 southernmost county represented by one of the 10
4 largest municipalities in Illinois by population, or
5 their respective designees;

6 (C) two members who are representatives from
7 public health advocacy groups;

8 (D) two members who are representatives from
9 publicly-owned water utilities;

10 (E) one member who is a representative from a
11 public utility as defined under Section 3-105 of the
12 Public Utilities Act that provides water service in
13 the State of Illinois;

14 (F) one member who is a research professional
15 employed at an Illinois academic institution and
16 specializing in water infrastructure research;

17 (G) two members who are representatives from
18 nonprofit civic organizations;

19 (H) one member who is a representative from a
20 statewide organization representing environmental
21 organizations;

22 (I) two members who are representatives from
23 organized labor; and

24 (J) one member representing an environmental
25 justice organization; and

26 (5) ten members who are the mayors of the 10 largest

1 municipalities in Illinois by population, or their
2 respective designees.

3 No less than 10 of the 28 voting members shall be persons
4 of color, and no less than 3 shall represent communities
5 defined or self-identified as environmental justice
6 communities.

7 Advisory Board members shall serve without compensation,
8 but may be reimbursed for necessary expenses incurred in the
9 performance of their duties from funds appropriated for that
10 purpose. The Agency shall provide administrative support to
11 the Advisory Board.

12 The Advisory Board shall meet no less than once every 6
13 months.

14 (y) The Advisory Board shall have, at a minimum, the
15 following duties:

16 (1) advising the Agency on best practices in lead
17 service line replacement;

18 (2) reviewing the progress of community water supplies
19 toward lead service line replacement goals;

20 (3) advising the Agency on other matters related to
21 the administration of the provisions of this Section;

22 (4) advising the Agency on the integration of existing
23 lead service line replacement plans with any statewide
24 plan; and

25 (5) providing technical support and practical
26 expertise in general.

1 (z) Within 18 months after January 1, 2022 (the effective
2 date of Public Act 102-613) ~~this amendatory Act of the 102nd~~
3 ~~General Assembly~~, the Advisory Board shall deliver a report of
4 its recommendations to the Governor and the General Assembly
5 concerning opportunities for dedicated, long-term revenue
6 options for funding lead service line replacement. In
7 submitting recommendations, the Advisory Board shall consider,
8 at a minimum, the following:

9 (1) the sufficiency of various revenue sources to
10 adequately fund replacement of all lead service lines in
11 Illinois;

12 (2) the financial burden, if any, on households
13 falling below 150% of the federal poverty limit;

14 (3) revenue options that guarantee low-income
15 households are protected from rate increases;

16 (4) an assessment of the ability of community water
17 supplies to assess and collect revenue;

18 (5) variations in financial resources among individual
19 households within a service area; and

20 (6) the protection of low-income households from rate
21 increases.

22 (aa) Within 10 years after January 1, 2022 (the effective
23 date of Public Act 102-613) ~~this amendatory Act of the 102nd~~
24 ~~General Assembly~~, the Advisory Board shall prepare and deliver
25 a report to the Governor and General Assembly concerning the
26 status of all lead service line replacement within the State.

1 (bb) The Lead Service Line Replacement Fund is created as
2 a special fund in the State treasury to be used by the Agency
3 for the purposes provided under this Section. The Fund shall
4 be used exclusively to finance and administer programs and
5 activities specified under this Section and listed under this
6 subsection.

7 The objective of the Fund is to finance activities
8 associated with identifying and replacing lead service lines,
9 build Agency capacity to oversee the provisions of this
10 Section, and provide related assistance for the activities
11 listed under this subsection.

12 The Agency shall be responsible for the administration of
13 the Fund and shall allocate moneys on the basis of priorities
14 established by the Agency through administrative rule. On July
15 1, 2022 and on July 1 of each year thereafter, the Agency shall
16 determine the available amount of resources in the Fund that
17 can be allocated to the activities identified under this
18 Section and shall allocate the moneys accordingly.

19 Notwithstanding any other law to the contrary, the Lead
20 Service Line Replacement Fund is not subject to sweeps,
21 administrative charge-backs, or any other fiscal maneuver that
22 would in any way transfer any amounts from the Lead Service
23 Line Replacement Fund into any other fund of the State.

24 (cc) Within one year after January 1, 2022 (the effective
25 date of Public Act 102-613) ~~this amendatory Act of the 102~~
26 ~~General Assembly~~, the Agency shall design rules for a program

1 for the purpose of administering lead service line replacement
2 funds. The rules must, at minimum, contain:

3 (1) the process by which community water supplies may
4 apply for funding; and

5 (2) the criteria for determining unit of local
6 government eligibility and prioritization for funding,
7 including the prevalence of low-income households, as
8 measured by median household income, the prevalence of
9 lead service lines, and the prevalence of water samples
10 that demonstrate elevated levels of lead.

11 (dd) Funding under subsection (cc) shall be available for
12 costs directly attributable to the planning, design, or
13 construction directly related to the replacement of lead
14 service lines and restoration of property.

15 Funding shall not be used for the general operating
16 expenses of a municipality or community water supply.

17 (ee) An owner or operator of any community water supply
18 receiving grant funding under subsection (cc) shall bear the
19 entire expense of full lead service line replacement for all
20 lead service lines in the scope of the grant.

21 (ff) When replacing a lead service line, the owner or
22 operator of the community water supply shall replace the
23 service line in its entirety, including, but not limited to,
24 any portion of the service line (i) running on private
25 property and (ii) within the building's plumbing at the first
26 shut-off valve. Partial lead service line replacements are

1 expressly prohibited. Exceptions shall be made under the
2 following circumstances:

3 (1) In the event of an emergency repair that affects a
4 lead service line or a suspected lead service line, a
5 community water supply must contact the building owner to
6 begin the process of replacing the entire service line. If
7 the building owner is not able to be contacted or the
8 building owner or occupant refuses to grant access and
9 permission to replace the entire service line at the time
10 of the emergency repair, then the community water supply
11 may perform a partial lead service line replacement. Where
12 an emergency repair on a service line constructed of lead
13 or galvanized steel pipe results in a partial service line
14 replacement, the water supply responsible for commencing
15 the repair shall perform the following:

16 (A) Notify the building's owner or operator and
17 the resident or residents served by the lead service
18 line in writing that a repair has been completed. The
19 notification shall include, at a minimum:

20 (i) a warning that the work may result in
21 sediment, possibly containing lead, in the
22 buildings water supply system;

23 (ii) information concerning practices for
24 preventing the consumption of any lead in drinking
25 water, including a recommendation to flush water
26 distribution pipe during and after the completion

1 of the repair or replacement work and to clean
2 faucet aerator screens; and

3 (iii) information regarding the dangers of
4 lead to young children and pregnant women.

5 (B) Provide filters for at least one fixture
6 supplying potable water for consumption. The filter
7 must be certified by an accredited third-party
8 certification body to NSF/ANSI 53 and NSF/ANSI 42 for
9 the reduction of lead and particulate. The filter must
10 be provided until such time that the remaining
11 portions of the service line have been replaced with a
12 material approved by the Department or a waiver has
13 been issued under subsection (ii).

14 (C) Replace the remaining portion of the lead
15 service line within 30 days of the repair, or 120 days
16 in the event of weather or other circumstances beyond
17 reasonable control that prohibits construction. If a
18 complete lead service line replacement cannot be made
19 within the required period, the community water supply
20 responsible for commencing the repair shall notify the
21 Department in writing, at a minimum, of the following
22 within 24 hours of the repair:

23 (i) an explanation of why it is not feasible
24 to replace the remaining portion of the lead
25 service line within the allotted time; and

26 (ii) a timeline for when the remaining portion

1 of the lead service line will be replaced.

2 (D) If complete repair of a lead service line
3 cannot be completed due to denial by the property
4 owner, the community water supply commencing the
5 repair shall request the affected property owner to
6 sign a waiver developed by the Department. If a
7 property owner of a nonresidential building or
8 residence operating as rental properties denies a
9 complete lead service line replacement, the property
10 owner shall be responsible for installing and
11 maintaining point-of-use filters certified by an
12 accredited third-party certification body to NSF/ANSI
13 53 and NSF/ANSI 42 for the reduction of lead and
14 particulate at all fixtures intended to supply water
15 for the purposes of drinking, food preparation, or
16 making baby formula. The filters shall continue to be
17 supplied by the property owner until such time that
18 the property owner has affected the remaining portions
19 of the lead service line to be replaced.

20 (E) Document any remaining lead service line,
21 including a portion on the private side of the
22 property, in the community water supply's distribution
23 system materials inventory required under subsection
24 (d).

25 For the purposes of this paragraph (1), written notice
26 shall be provided in the method and according to the

1 provisions of subsection (jj).

2 (2) Lead service lines that are physically
3 disconnected from the distribution system are exempt from
4 this subsection.

5 (gg) Except as provided in subsection (hh), on and after
6 January 1, 2022, when the owner or operator of a community
7 water supply replaces a water main, the community water supply
8 shall identify all lead service lines connected to the water
9 main and shall replace the lead service lines by:

10 (1) identifying the material or materials of each lead
11 service line connected to the water main, including, but
12 not limited to, any portion of the service line (i)
13 running on private property and (ii) within the building
14 plumbing at the first shut-off valve or 18 inches inside
15 the building, whichever is shorter;

16 (2) in conjunction with replacement of the water main,
17 replacing any and all portions of each lead service line
18 connected to the water main that are composed of lead; and

19 (3) if a property owner or customer refuses to grant
20 access to the property, following prescribed notice
21 provisions as outlined in subsection (ff).

22 If an owner of a potentially affected building intends to
23 replace a portion of a lead service line or a galvanized
24 service line and the galvanized service line is or was
25 connected downstream to lead piping, then the owner of the
26 potentially affected building shall provide the owner or

1 operator of the community water supply with notice at least 45
2 days before commencing the work. In the case of an emergency
3 repair, the owner of the potentially affected building must
4 provide filters for each kitchen area that are certified by an
5 accredited third-party certification body to NSF/ANSI 53 and
6 NSF/ANSI 42 for the reduction of lead and particulate. If the
7 owner of the potentially affected building notifies the owner
8 or operator of the community water supply that replacement of
9 a portion of the lead service line after the emergency repair
10 is completed, then the owner or operator of the community
11 water supply shall replace the remainder of the lead service
12 line within 30 days after completion of the emergency repair.
13 A community water supply may take up to 120 days if necessary
14 due to weather conditions. If a replacement takes longer than
15 30 days, filters provided by the owner of the potentially
16 affected building must be replaced in accordance with the
17 manufacturer's recommendations. Partial lead service line
18 replacements by the owners of potentially affected buildings
19 are otherwise prohibited.

20 (hh) For municipalities with a population in excess of
21 1,000,000 inhabitants, the requirements of subsection (gg)
22 shall commence on January 1, 2023.

23 (ii) At least 45 days before conducting planned lead
24 service line replacement, the owner or operator of a community
25 water supply shall, by mail, attempt to contact the owner of
26 the potentially affected building serviced by the lead service

1 line to request access to the building and permission to
2 replace the lead service line in accordance with the lead
3 service line replacement plan. If the owner of the potentially
4 affected building does not respond to the request within 15
5 days after the request is sent, the owner or operator of the
6 community water supply shall attempt to post the request on
7 the entrance of the potentially affected building.

8 If the owner or operator of a community water supply is
9 unable to obtain approval to access and replace a lead service
10 line, the owner or operator of the community water supply
11 shall request that the owner of the potentially affected
12 building sign a waiver. The waiver shall be developed by the
13 Department and should be made available in the owner's
14 language. If the owner of the potentially affected building
15 refuses to sign the waiver or fails to respond to the community
16 water supply after the community water supply has complied
17 with this subsection, then the community water supply shall
18 notify the Department in writing within 15 working days.

19 (jj) When replacing a lead service line or repairing or
20 replacing water mains with lead service lines or partial lead
21 service lines attached to them, the owner or operator of a
22 community water supply shall provide the owner of each
23 potentially affected building that is serviced by the affected
24 lead service lines or partial lead service lines, as well as
25 the occupants of those buildings, with an individual written
26 notice. The notice shall be delivered by mail or posted at the

1 primary entranceway of the building. The notice may, in
2 addition, be electronically mailed. Written notice shall
3 include, at a minimum, the following:

4 (1) a warning that the work may result in sediment,
5 possibly containing lead from the service line, in the
6 building's water;

7 (2) information concerning the best practices for
8 preventing exposure to or risk of consumption of lead in
9 drinking water, including a recommendation to flush water
10 lines during and after the completion of the repair or
11 replacement work and to clean faucet aerator screens; and

12 (3) information regarding the dangers of lead exposure
13 to young children and pregnant women.

14 When the individual written notice described in the first
15 paragraph of this subsection is required as a result of
16 planned work other than the repair or replacement of a water
17 meter, the owner or operator of the community water supply
18 shall provide the notice not less than 14 days before work
19 begins. When the individual written notice described in the
20 first paragraph of this subsection is required as a result of
21 emergency repairs other than the repair or replacement of a
22 water meter, the owner or operator of the community water
23 supply shall provide the notice at the time the work is
24 initiated. When the individual written notice described in the
25 first paragraph of this subsection is required as a result of
26 the repair or replacement of a water meter, the owner or

1 operator of the community water supply shall provide the
2 notice at the time the work is initiated.

3 The notifications required under this subsection must
4 contain the following statement in ~~the~~ Spanish, Polish,
5 Chinese, Tagalog, Arabic, Korean, German, Urdu, and Gujarati:
6 "This notice contains important information about your water
7 service and may affect your rights. We encourage you to have
8 this notice translated in full into a language you understand
9 and before you make any decisions that may be required under
10 this notice."

11 An owner or operator of a community water supply that is
12 required under this subsection to provide an individual
13 written notice to the owner and occupant of a potentially
14 affected building that is a multi-dwelling building may
15 satisfy that requirement and the requirements of this
16 subsection regarding notification to non-English speaking
17 customers by posting the required notice on the primary
18 entranceway of the building and at the location where the
19 occupant's mail is delivered as reasonably as possible.

20 When this subsection would require the owner or operator
21 of a community water supply to provide an individual written
22 notice to the entire community served by the community water
23 supply or would require the owner or operator of a community
24 water supply to provide individual written notices as a result
25 of emergency repairs or when the community water supply that
26 is required to comply with this subsection is a small system,

1 the owner or operator of the community water supply may
2 provide the required notice through local media outlets,
3 social media, or other similar means in lieu of providing the
4 individual written notices otherwise required under this
5 subsection.

6 No notifications are required under this subsection for
7 work performed on water mains that are used to transmit
8 treated water between community water supplies and properties
9 that have no service connections.

10 (kk) No community water supply that sells water to any
11 wholesale or retail consecutive community water supply may
12 pass on any costs associated with compliance with this Section
13 to consecutive systems.

14 (ll) To the extent allowed by law, when a community water
15 supply replaces or installs a lead service line in a public
16 right-of-way or enters into an agreement with a private
17 contractor for replacement or installation of a lead service
18 line, the community water supply shall be held harmless for
19 all damage to property when replacing or installing the lead
20 service line. If dangers are encountered that prevent the
21 replacement of the lead service line, the community water
22 supply shall notify the Department within 15 working days of
23 why the replacement of the lead service line could not be
24 accomplished.

25 (mm) The Agency may propose to the Board, and the Board may
26 adopt, any rules necessary to implement and administer this

1 Section. The Department may adopt rules necessary to address
2 lead service lines attached to non-community ~~noncommunity~~
3 water supplies.

4 (nn) Notwithstanding any other provision in this Section,
5 no requirement in this Section shall be construed as being
6 less stringent than existing applicable federal requirements.

7 (oo) All lead service line replacements financed in whole
8 or in part with funds obtained under this Section shall be
9 considered public works for purposes of the Prevailing Wage
10 Act.

11 (Source: P.A. 102-613, eff. 1-1-22; revised 12-1-21.)

12 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

13 Sec. 21. Prohibited acts. No person shall:

14 (a) Cause or allow the open dumping of any waste.

15 (b) Abandon, dump, or deposit any waste upon the public
16 highways or other public property, except in a sanitary
17 landfill approved by the Agency pursuant to regulations
18 adopted by the Board.

19 (c) Abandon any vehicle in violation of the "Abandoned
20 Vehicles Amendment to the Illinois Vehicle Code", as enacted
21 by the 76th General Assembly.

22 (d) Conduct any waste-storage, waste-treatment, or
23 waste-disposal operation:

24 (1) without a permit granted by the Agency or in
25 violation of any conditions imposed by such permit,

1 including periodic reports and full access to adequate
2 records and the inspection of facilities, as may be
3 necessary to assure compliance with this Act and with
4 regulations and standards adopted thereunder; provided,
5 however, that, except for municipal solid waste landfill
6 units that receive waste on or after October 9, 1993, and
7 CCR surface impoundments, no permit shall be required for
8 (i) any person conducting a waste-storage,
9 waste-treatment, or waste-disposal operation for wastes
10 generated by such person's own activities which are
11 stored, treated, or disposed within the site where such
12 wastes are generated, (ii) until one year after the
13 effective date of rules adopted by the Board under
14 subsection (n) of Section 22.38, a facility located in a
15 county with a population over 700,000 as of January 1,
16 2000, operated and located in accordance with Section
17 22.38 of this Act, and used exclusively for the transfer,
18 storage, or treatment of general construction or
19 demolition debris, provided that the facility was
20 receiving construction or demolition debris on August 24,
21 2009 (the effective date of Public Act 96-611), or (iii)
22 any person conducting a waste transfer, storage,
23 treatment, or disposal operation, including, but not
24 limited to, a waste transfer or waste composting
25 operation, under a mass animal mortality event plan
26 created by the Department of Agriculture;

1 (2) in violation of any regulations or standards
2 adopted by the Board under this Act;

3 (3) which receives waste after August 31, 1988, does
4 not have a permit issued by the Agency, and is (i) a
5 landfill used exclusively for the disposal of waste
6 generated at the site, (ii) a surface impoundment
7 receiving special waste not listed in an NPDES permit,
8 (iii) a waste pile in which the total volume of waste is
9 greater than 100 cubic yards or the waste is stored for
10 over one year, or (iv) a land treatment facility receiving
11 special waste generated at the site; without giving notice
12 of the operation to the Agency by January 1, 1989, or 30
13 days after the date on which the operation commences,
14 whichever is later, and every 3 years thereafter. The form
15 for such notification shall be specified by the Agency,
16 and shall be limited to information regarding: the name
17 and address of the location of the operation; the type of
18 operation; the types and amounts of waste stored, treated
19 or disposed of on an annual basis; the remaining capacity
20 of the operation; and the remaining expected life of the
21 operation.

22 Item (3) of this subsection (d) shall not apply to any
23 person engaged in agricultural activity who is disposing of a
24 substance that constitutes solid waste, if the substance was
25 acquired for use by that person on his own property, and the
26 substance is disposed of on his own property in accordance

1 with regulations or standards adopted by the Board.

2 This subsection (d) shall not apply to hazardous waste.

3 (e) Dispose, treat, store or abandon any waste, or
4 transport any waste into this State for disposal, treatment,
5 storage or abandonment, except at a site or facility which
6 meets the requirements of this Act and of regulations and
7 standards thereunder.

8 (f) Conduct any hazardous waste-storage, hazardous
9 waste-treatment or hazardous waste-disposal operation:

10 (1) without a RCRA permit for the site issued by the
11 Agency under subsection (d) of Section 39 of this Act, or
12 in violation of any condition imposed by such permit,
13 including periodic reports and full access to adequate
14 records and the inspection of facilities, as may be
15 necessary to assure compliance with this Act and with
16 regulations and standards adopted thereunder; or

17 (2) in violation of any regulations or standards
18 adopted by the Board under this Act; or

19 (3) in violation of any RCRA permit filing requirement
20 established under standards adopted by the Board under
21 this Act; or

22 (4) in violation of any order adopted by the Board
23 under this Act.

24 Notwithstanding the above, no RCRA permit shall be
25 required under this subsection or subsection (d) of Section 39
26 of this Act for any person engaged in agricultural activity

1 who is disposing of a substance which has been identified as a
2 hazardous waste, and which has been designated by Board
3 regulations as being subject to this exception, if the
4 substance was acquired for use by that person on his own
5 property and the substance is disposed of on his own property
6 in accordance with regulations or standards adopted by the
7 Board.

8 (g) Conduct any hazardous waste-transportation operation:

9 (1) without registering with and obtaining a special
10 waste hauling permit from the Agency in accordance with
11 the regulations adopted by the Board under this Act; or

12 (2) in violation of any regulations or standards
13 adopted by the Board under this Act.

14 (h) Conduct any hazardous waste-recycling or hazardous
15 waste-reclamation or hazardous waste-reuse operation in
16 violation of any regulations, standards or permit requirements
17 adopted by the Board under this Act.

18 (i) Conduct any process or engage in any act which
19 produces hazardous waste in violation of any regulations or
20 standards adopted by the Board under subsections (a) and (c)
21 of Section 22.4 of this Act.

22 (j) Conduct any special waste-transportation operation in
23 violation of any regulations, standards or permit requirements
24 adopted by the Board under this Act. However, sludge from a
25 water or sewage treatment plant owned and operated by a unit of
26 local government which (1) is subject to a sludge management

1 plan approved by the Agency or a permit granted by the Agency,
2 and (2) has been tested and determined not to be a hazardous
3 waste as required by applicable State and federal laws and
4 regulations, may be transported in this State without a
5 special waste hauling permit, and the preparation and carrying
6 of a manifest shall not be required for such sludge under the
7 rules of the Pollution Control Board. The unit of local
8 government which operates the treatment plant producing such
9 sludge shall file an annual report with the Agency identifying
10 the volume of such sludge transported during the reporting
11 period, the hauler of the sludge, and the disposal sites to
12 which it was transported. This subsection (j) shall not apply
13 to hazardous waste.

14 (k) Fail or refuse to pay any fee imposed under this Act.

15 (l) Locate a hazardous waste disposal site above an active
16 or inactive shaft or tunneled mine or within 2 miles of an
17 active fault in the earth's crust. In counties of population
18 less than 225,000 no hazardous waste disposal site shall be
19 located (1) within 1 1/2 miles of the corporate limits as
20 defined on June 30, 1978, of any municipality without the
21 approval of the governing body of the municipality in an
22 official action; or (2) within 1000 feet of an existing
23 private well or the existing source of a public water supply
24 measured from the boundary of the actual active permitted site
25 and excluding existing private wells on the property of the
26 permit applicant. The provisions of this subsection do not

1 apply to publicly owned sewage works or the disposal or
2 utilization of sludge from publicly owned sewage works.

3 (m) Transfer interest in any land which has been used as a
4 hazardous waste disposal site without written notification to
5 the Agency of the transfer and to the transferee of the
6 conditions imposed by the Agency upon its use under subsection
7 (g) of Section 39.

8 (n) Use any land which has been used as a hazardous waste
9 disposal site except in compliance with conditions imposed by
10 the Agency under subsection (g) of Section 39.

11 (o) Conduct a sanitary landfill operation which is
12 required to have a permit under subsection (d) of this
13 Section, in a manner which results in any of the following
14 conditions:

15 (1) refuse in standing or flowing waters;

16 (2) leachate flows entering waters of the State;

17 (3) leachate flows exiting the landfill confines (as
18 determined by the boundaries established for the landfill
19 by a permit issued by the Agency);

20 (4) open burning of refuse in violation of Section 9
21 of this Act;

22 (5) uncovered refuse remaining from any previous
23 operating day or at the conclusion of any operating day,
24 unless authorized by permit;

25 (6) failure to provide final cover within time limits
26 established by Board regulations;

- 1 (7) acceptance of wastes without necessary permits;
- 2 (8) scavenging as defined by Board regulations;
- 3 (9) deposition of refuse in any unpermitted portion of
- 4 the landfill;
- 5 (10) acceptance of a special waste without a required
- 6 manifest;
- 7 (11) failure to submit reports required by permits or
- 8 Board regulations;
- 9 (12) failure to collect and contain litter from the
- 10 site by the end of each operating day;
- 11 (13) failure to submit any cost estimate for the site
- 12 or any performance bond or other security for the site as
- 13 required by this Act or Board rules.

14 The prohibitions specified in this subsection (o) shall be
15 enforceable by the Agency either by administrative citation
16 under Section 31.1 of this Act or as otherwise provided by this
17 Act. The specific prohibitions in this subsection do not limit
18 the power of the Board to establish regulations or standards
19 applicable to sanitary landfills.

20 (p) In violation of subdivision (a) of this Section, cause
21 or allow the open dumping of any waste in a manner which
22 results in any of the following occurrences at the dump site:

- 23 (1) litter;
- 24 (2) scavenging;
- 25 (3) open burning;
- 26 (4) deposition of waste in standing or flowing waters;

- 1 (5) proliferation of disease vectors;
- 2 (6) standing or flowing liquid discharge from the dump
3 site;
- 4 (7) deposition of:
- 5 (i) general construction or demolition debris as
6 defined in Section 3.160(a) of this Act; or
- 7 (ii) clean construction or demolition debris as
8 defined in Section 3.160(b) of this Act.

9 The prohibitions specified in this subsection (p) shall be
10 enforceable by the Agency either by administrative citation
11 under Section 31.1 of this Act or as otherwise provided by this
12 Act. The specific prohibitions in this subsection do not limit
13 the power of the Board to establish regulations or standards
14 applicable to open dumping.

15 (q) Conduct a landscape waste composting operation without
16 an Agency permit, provided, however, that no permit shall be
17 required for any person:

18 (1) conducting a landscape waste composting operation
19 for landscape wastes generated by such person's own
20 activities which are stored, treated, or disposed of
21 within the site where such wastes are generated; or

22 (1.5) conducting a landscape waste composting
23 operation that (i) has no more than 25 cubic yards of
24 landscape waste, composting additives, composting
25 material, or end-product compost on-site at any one time
26 and (ii) is not engaging in commercial activity; or

1 (2) applying landscape waste or composted landscape
2 waste at agronomic rates; or

3 (2.5) operating a landscape waste composting facility
4 at a site having 10 or more occupied non-farm residences
5 within 1/2 mile of its boundaries, if the facility meets
6 all of the following criteria:

7 (A) the composting facility is operated by the
8 farmer on property on which the composting material is
9 utilized, and the composting facility constitutes no
10 more than 2% of the site's total acreage;

11 (A-5) any composting additives that the composting
12 facility accepts and uses at the facility are
13 necessary to provide proper conditions for composting
14 and do not exceed 10% of the total composting material
15 at the facility at any one time;

16 (B) the property on which the composting facility
17 is located, and any associated property on which the
18 compost is used, is principally and diligently devoted
19 to the production of agricultural crops and is not
20 owned, leased, or otherwise controlled by any waste
21 hauler or generator of nonagricultural compost
22 materials, and the operator of the composting facility
23 is not an employee, partner, shareholder, or in any
24 way connected with or controlled by any such waste
25 hauler or generator;

26 (C) all compost generated by the composting

1 facility is applied at agronomic rates and used as
2 mulch, fertilizer, or soil conditioner on land
3 actually farmed by the person operating the composting
4 facility, and the finished compost is not stored at
5 the composting site for a period longer than 18 months
6 prior to its application as mulch, fertilizer, or soil
7 conditioner;

8 (D) no fee is charged for the acceptance of
9 materials to be composted at the facility; and

10 (E) the owner or operator, by January 1, 2014 (or
11 the January 1 following commencement of operation,
12 whichever is later) and January 1 of each year
13 thereafter, registers the site with the Agency, (ii)
14 reports to the Agency on the volume of composting
15 material received and used at the site; (iii)
16 certifies to the Agency that the site complies with
17 the requirements set forth in subparagraphs (A),
18 (A-5), (B), (C), and (D) of this paragraph (2.5); and
19 (iv) certifies to the Agency that all composting
20 material was placed more than 200 feet from the
21 nearest potable water supply well, was placed outside
22 the boundary of the 10-year floodplain or on a part of
23 the site that is floodproofed, was placed at least 1/4
24 mile from the nearest residence (other than a
25 residence located on the same property as the
26 facility) or a lesser distance from the nearest

1 residence (other than a residence located on the same
2 property as the facility) if the municipality in which
3 the facility is located has by ordinance approved a
4 lesser distance than 1/4 mile, and was placed more
5 than 5 feet above the water table; any ordinance
6 approving a residential setback of less than 1/4 mile
7 that is used to meet the requirements of this
8 subparagraph (E) of paragraph (2.5) of this subsection
9 must specifically reference this paragraph; or

10 (3) operating a landscape waste composting facility on
11 a farm, if the facility meets all of the following
12 criteria:

13 (A) the composting facility is operated by the
14 farmer on property on which the composting material is
15 utilized, and the composting facility constitutes no
16 more than 2% of the property's total acreage, except
17 that the Board may allow a higher percentage for
18 individual sites where the owner or operator has
19 demonstrated to the Board that the site's soil
20 characteristics or crop needs require a higher rate;

21 (A-1) the composting facility accepts from other
22 agricultural operations for composting with landscape
23 waste no materials other than uncontaminated and
24 source-separated (i) crop residue and other
25 agricultural plant residue generated from the
26 production and harvesting of crops and other customary

1 farm practices, including, but not limited to, stalks,
2 leaves, seed pods, husks, bagasse, and roots and (ii)
3 plant-derived animal bedding, such as straw or
4 sawdust, that is free of manure and was not made from
5 painted or treated wood;

6 (A-2) any composting additives that the composting
7 facility accepts and uses at the facility are
8 necessary to provide proper conditions for composting
9 and do not exceed 10% of the total composting material
10 at the facility at any one time;

11 (B) the property on which the composting facility
12 is located, and any associated property on which the
13 compost is used, is principally and diligently devoted
14 to the production of agricultural crops and is not
15 owned, leased or otherwise controlled by any waste
16 hauler or generator of nonagricultural compost
17 materials, and the operator of the composting facility
18 is not an employee, partner, shareholder, or in any
19 way connected with or controlled by any such waste
20 hauler or generator;

21 (C) all compost generated by the composting
22 facility is applied at agronomic rates and used as
23 mulch, fertilizer or soil conditioner on land actually
24 farmed by the person operating the composting
25 facility, and the finished compost is not stored at
26 the composting site for a period longer than 18 months

1 prior to its application as mulch, fertilizer, or soil
2 conditioner;

3 (D) the owner or operator, by January 1 of each
4 year, (i) registers the site with the Agency, (ii)
5 reports to the Agency on the volume of composting
6 material received and used at the site, (iii)
7 certifies to the Agency that the site complies with
8 the requirements set forth in subparagraphs (A),
9 (A-1), (A-2), (B), and (C) of this paragraph (q) (3),
10 and (iv) certifies to the Agency that all composting
11 material:

12 (I) was placed more than 200 feet from the
13 nearest potable water supply well;

14 (II) was placed outside the boundary of the
15 10-year floodplain or on a part of the site that is
16 floodproofed;

17 (III) was placed either (aa) at least 1/4 mile
18 from the nearest residence (other than a residence
19 located on the same property as the facility) and
20 there are not more than 10 occupied non-farm
21 residences within 1/2 mile of the boundaries of
22 the site on the date of application or (bb) a
23 lesser distance from the nearest residence (other
24 than a residence located on the same property as
25 the facility) provided that the municipality or
26 county in which the facility is located has by

1 ordinance approved a lesser distance than 1/4 mile
2 and there are not more than 10 occupied non-farm
3 residences within 1/2 mile of the boundaries of
4 the site on the date of application; and

5 (IV) was placed more than 5 feet above the
6 water table.

7 Any ordinance approving a residential setback of
8 less than 1/4 mile that is used to meet the
9 requirements of this subparagraph (D) must
10 specifically reference this subparagraph.

11 For the purposes of this subsection (q), "agronomic rates"
12 means the application of not more than 20 tons per acre per
13 year, except that the Board may allow a higher rate for
14 individual sites where the owner or operator has demonstrated
15 to the Board that the site's soil characteristics or crop
16 needs require a higher rate.

17 (r) Cause or allow the storage or disposal of coal
18 combustion waste unless:

19 (1) such waste is stored or disposed of at a site or
20 facility for which a permit has been obtained or is not
21 otherwise required under subsection (d) of this Section;
22 or

23 (2) such waste is stored or disposed of as a part of
24 the design and reclamation of a site or facility which is
25 an abandoned mine site in accordance with the Abandoned
26 Mined Lands and Water Reclamation Act; or

1 (3) such waste is stored or disposed of at a site or
2 facility which is operating under NPDES and Subtitle D
3 permits issued by the Agency pursuant to regulations
4 adopted by the Board for mine-related water pollution and
5 permits issued pursuant to the federal Surface Mining
6 Control and Reclamation Act of 1977 (P.L. 95-87) or the
7 rules and regulations thereunder or any law or rule or
8 regulation adopted by the State of Illinois pursuant
9 thereto, and the owner or operator of the facility agrees
10 to accept the waste; and either:

11 (i) such waste is stored or disposed of in
12 accordance with requirements applicable to refuse
13 disposal under regulations adopted by the Board for
14 mine-related water pollution and pursuant to NPDES and
15 Subtitle D permits issued by the Agency under such
16 regulations; or

17 (ii) the owner or operator of the facility
18 demonstrates all of the following to the Agency, and
19 the facility is operated in accordance with the
20 demonstration as approved by the Agency: (1) the
21 disposal area will be covered in a manner that will
22 support continuous vegetation, (2) the facility will
23 be adequately protected from wind and water erosion,
24 (3) the pH will be maintained so as to prevent
25 excessive leaching of metal ions, and (4) adequate
26 containment or other measures will be provided to

1 protect surface water and groundwater from
2 contamination at levels prohibited by this Act, the
3 Illinois Groundwater Protection Act, or regulations
4 adopted pursuant thereto.

5 Notwithstanding any other provision of this Title, the
6 disposal of coal combustion waste pursuant to item (2) or (3)
7 of this subdivision (r) shall be exempt from the other
8 provisions of this Title V, and notwithstanding the provisions
9 of Title X of this Act, the Agency is authorized to grant
10 experimental permits which include provision for the disposal
11 of wastes from the combustion of coal and other materials
12 pursuant to items (2) and (3) of this subdivision (r).

13 (s) After April 1, 1989, offer for transportation,
14 transport, deliver, receive or accept special waste for which
15 a manifest is required, unless the manifest indicates that the
16 fee required under Section 22.8 of this Act has been paid.

17 (t) Cause or allow a lateral expansion of a municipal
18 solid waste landfill unit on or after October 9, 1993, without
19 a permit modification, granted by the Agency, that authorizes
20 the lateral expansion.

21 (u) Conduct any vegetable by-product treatment, storage,
22 disposal or transportation operation in violation of any
23 regulation, standards or permit requirements adopted by the
24 Board under this Act. However, no permit shall be required
25 under this Title V for the land application of vegetable
26 by-products conducted pursuant to Agency permit issued under

1 Title III of this Act to the generator of the vegetable
2 by-products. In addition, vegetable by-products may be
3 transported in this State without a special waste hauling
4 permit, and without the preparation and carrying of a
5 manifest.

6 (v) (Blank).

7 (w) Conduct any generation, transportation, or recycling
8 of construction or demolition debris, clean or general, or
9 uncontaminated soil generated during construction, remodeling,
10 repair, and demolition of utilities, structures, and roads
11 that is not commingled with any waste, without the maintenance
12 of documentation identifying the hauler, generator, place of
13 origin of the debris or soil, the weight or volume of the
14 debris or soil, and the location, owner, and operator of the
15 facility where the debris or soil was transferred, disposed,
16 recycled, or treated. This documentation must be maintained by
17 the generator, transporter, or recycler for 3 years. This
18 subsection (w) shall not apply to (1) a permitted pollution
19 control facility that transfers or accepts construction or
20 demolition debris, clean or general, or uncontaminated soil
21 for final disposal, recycling, or treatment, (2) a public
22 utility (as that term is defined in the Public Utilities Act)
23 or a municipal utility, (3) the Illinois Department of
24 Transportation, or (4) a municipality or a county highway
25 department, with the exception of any municipality or county
26 highway department located within a county having a population

1 of over 3,000,000 inhabitants or located in a county that is
2 contiguous to a county having a population of over 3,000,000
3 inhabitants; but it shall apply to an entity that contracts
4 with a public utility, a municipal utility, the Illinois
5 Department of Transportation, or a municipality or a county
6 highway department. The terms "generation" and "recycling", as
7 used in this subsection, do not apply to clean construction or
8 demolition debris when (i) used as fill material below grade
9 outside of a setback zone if covered by sufficient
10 uncontaminated soil to support vegetation within 30 days of
11 the completion of filling or if covered by a road or structure,
12 (ii) solely broken concrete without protruding metal bars is
13 used for erosion control, or (iii) milled asphalt or crushed
14 concrete is used as aggregate in construction of the shoulder
15 of a roadway. The terms "generation" and "recycling", as used
16 in this subsection, do not apply to uncontaminated soil that
17 is not commingled with any waste when (i) used as fill material
18 below grade or contoured to grade, or (ii) used at the site of
19 generation.

20 (Source: P.A. 101-171, eff. 7-30-19; 102-216, eff. 1-1-22;
21 102-310, eff. 8-6-21; 102-558, eff. 8-20-21; revised
22 10-14-21.)

23 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

24 Sec. 22.15. Solid Waste Management Fund; fees.

25 (a) There is hereby created within the State Treasury a

1 special fund to be known as the Solid Waste Management Fund, to
2 be constituted from the fees collected by the State pursuant
3 to this Section, from repayments of loans made from the Fund
4 for solid waste projects, from registration fees collected
5 pursuant to the Consumer Electronics Recycling Act, and from
6 amounts transferred into the Fund pursuant to Public Act
7 100-433. Moneys received by either the Agency or the
8 Department of Commerce and Economic Opportunity in repayment
9 of loans made pursuant to the Illinois Solid Waste Management
10 Act shall be deposited into the General Revenue Fund.

11 (b) The Agency shall assess and collect a fee in the amount
12 set forth herein from the owner or operator of each sanitary
13 landfill permitted or required to be permitted by the Agency
14 to dispose of solid waste if the sanitary landfill is located
15 off the site where such waste was produced and if such sanitary
16 landfill is owned, controlled, and operated by a person other
17 than the generator of such waste. The Agency shall deposit all
18 fees collected into the Solid Waste Management Fund. If a site
19 is contiguous to one or more landfills owned or operated by the
20 same person, the volumes permanently disposed of by each
21 landfill shall be combined for purposes of determining the fee
22 under this subsection. Beginning on July 1, 2018, and on the
23 first day of each month thereafter during fiscal years 2019
24 through 2022, the State Comptroller shall direct and State
25 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000
26 per fiscal year from the Solid Waste Management Fund to the

1 General Revenue Fund.

2 (1) If more than 150,000 cubic yards of non-hazardous
3 solid waste is permanently disposed of at a site in a
4 calendar year, the owner or operator shall either pay a
5 fee of 95 cents per cubic yard or, alternatively, the
6 owner or operator may weigh the quantity of the solid
7 waste permanently disposed of with a device for which
8 certification has been obtained under the Weights and
9 Measures Act and pay a fee of \$2.00 per ton of solid waste
10 permanently disposed of. In no case shall the fee
11 collected or paid by the owner or operator under this
12 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

13 (2) If more than 100,000 cubic yards but not more than
14 150,000 cubic yards of non-hazardous waste is permanently
15 disposed of at a site in a calendar year, the owner or
16 operator shall pay a fee of \$52,630.

17 (3) If more than 50,000 cubic yards but not more than
18 100,000 cubic yards of non-hazardous solid waste is
19 permanently disposed of at a site in a calendar year, the
20 owner or operator shall pay a fee of \$23,790.

21 (4) If more than 10,000 cubic yards but not more than
22 50,000 cubic yards of non-hazardous solid waste is
23 permanently disposed of at a site in a calendar year, the
24 owner or operator shall pay a fee of \$7,260.

25 (5) If not more than 10,000 cubic yards of
26 non-hazardous solid waste is permanently disposed of at a

1 site in a calendar year, the owner or operator shall pay a
2 fee of \$1050.

3 (c) (Blank).

4 (d) The Agency shall establish rules relating to the
5 collection of the fees authorized by this Section. Such rules
6 shall include, but not be limited to:

7 (1) necessary records identifying the quantities of
8 solid waste received or disposed;

9 (2) the form and submission of reports to accompany
10 the payment of fees to the Agency;

11 (3) the time and manner of payment of fees to the
12 Agency, which payments shall not be more often than
13 quarterly; and

14 (4) procedures setting forth criteria establishing
15 when an owner or operator may measure by weight or volume
16 during any given quarter or other fee payment period.

17 (e) Pursuant to appropriation, all monies in the Solid
18 Waste Management Fund shall be used by the Agency for the
19 purposes set forth in this Section and in the Illinois Solid
20 Waste Management Act, including for the costs of fee
21 collection and administration, and for the administration of
22 (1) the Consumer Electronics Recycling Act and (2) until
23 January 1, 2020, the Electronic Products Recycling and Reuse
24 Act.

25 (f) The Agency is authorized to enter into such agreements
26 and to promulgate such rules as are necessary to carry out its

1 duties under this Section and the Illinois Solid Waste
2 Management Act.

3 (g) On the first day of January, April, July, and October
4 of each year, beginning on July 1, 1996, the State Comptroller
5 and Treasurer shall transfer \$500,000 from the Solid Waste
6 Management Fund to the Hazardous Waste Fund. Moneys
7 transferred under this subsection (g) shall be used only for
8 the purposes set forth in item (1) of subsection (d) of Section
9 22.2.

10 (h) The Agency is authorized to provide financial
11 assistance to units of local government for the performance of
12 inspecting, investigating and enforcement activities pursuant
13 to Section 4(r) at nonhazardous solid waste disposal sites.

14 (i) The Agency is authorized to conduct household waste
15 collection and disposal programs.

16 (j) A unit of local government, as defined in the Local
17 Solid Waste Disposal Act, in which a solid waste disposal
18 facility is located may establish a fee, tax, or surcharge
19 with regard to the permanent disposal of solid waste. All
20 fees, taxes, and surcharges collected under this subsection
21 shall be utilized for solid waste management purposes,
22 including long-term monitoring and maintenance of landfills,
23 planning, implementation, inspection, enforcement and other
24 activities consistent with the Solid Waste Management Act and
25 the Local Solid Waste Disposal Act, or for any other
26 environment-related purpose, including, but not limited to, an

1 environment-related public works project, but not for the
2 construction of a new pollution control facility other than a
3 household hazardous waste facility. However, the total fee,
4 tax or surcharge imposed by all units of local government
5 under this subsection (j) upon the solid waste disposal
6 facility shall not exceed:

7 (1) 60¢ per cubic yard if more than 150,000 cubic
8 yards of non-hazardous solid waste is permanently disposed
9 of at the site in a calendar year, unless the owner or
10 operator weighs the quantity of the solid waste received
11 with a device for which certification has been obtained
12 under the Weights and Measures Act, in which case the fee
13 shall not exceed \$1.27 per ton of solid waste permanently
14 disposed of.

15 (2) \$33,350 if more than 100,000 cubic yards, but not
16 more than 150,000 cubic yards, of non-hazardous waste is
17 permanently disposed of at the site in a calendar year.

18 (3) \$15,500 if more than 50,000 cubic yards, but not
19 more than 100,000 cubic yards, of non-hazardous solid
20 waste is permanently disposed of at the site in a calendar
21 year.

22 (4) \$4,650 if more than 10,000 cubic yards, but not
23 more than 50,000 cubic yards, of non-hazardous solid waste
24 is permanently disposed of at the site in a calendar year.

25 (5) \$650 if not more than 10,000 cubic yards of
26 non-hazardous solid waste is permanently disposed of at

1 the site in a calendar year.

2 The corporate authorities of the unit of local government
3 may use proceeds from the fee, tax, or surcharge to reimburse a
4 highway commissioner whose road district lies wholly or
5 partially within the corporate limits of the unit of local
6 government for expenses incurred in the removal of
7 nonhazardous, nonfluid municipal waste that has been dumped on
8 public property in violation of a State law or local
9 ordinance.

10 For the disposal of solid waste from general construction
11 or demolition debris recovery facilities as defined in
12 subsection (a-1) of Section 3.160, the total fee, tax, or
13 surcharge imposed by all units of local government under this
14 subsection (j) upon the solid waste disposal facility shall
15 not exceed 50% of the applicable amount set forth above. A unit
16 of local government, as defined in the Local Solid Waste
17 Disposal Act, in which a general construction or demolition
18 debris recovery facility is located may establish a fee, tax,
19 or surcharge on the general construction or demolition debris
20 recovery facility with regard to the permanent disposal of
21 solid waste by the general construction or demolition debris
22 recovery facility at a solid waste disposal facility, provided
23 that such fee, tax, or surcharge shall not exceed 50% of the
24 applicable amount set forth above, based on the total amount
25 of solid waste transported from the general construction or
26 demolition debris recovery facility for disposal at solid

1 waste disposal facilities, and the unit of local government
2 and fee shall be subject to all other requirements of this
3 subsection (j).

4 A county or Municipal Joint Action Agency that imposes a
5 fee, tax, or surcharge under this subsection may use the
6 proceeds thereof to reimburse a municipality that lies wholly
7 or partially within its boundaries for expenses incurred in
8 the removal of nonhazardous, nonfluid municipal waste that has
9 been dumped on public property in violation of a State law or
10 local ordinance.

11 If the fees are to be used to conduct a local sanitary
12 landfill inspection or enforcement program, the unit of local
13 government must enter into a written delegation agreement with
14 the Agency pursuant to subsection (r) of Section 4. The unit of
15 local government and the Agency shall enter into such a
16 written delegation agreement within 60 days after the
17 establishment of such fees. At least annually, the Agency
18 shall conduct an audit of the expenditures made by units of
19 local government from the funds granted by the Agency to the
20 units of local government for purposes of local sanitary
21 landfill inspection and enforcement programs, to ensure that
22 the funds have been expended for the prescribed purposes under
23 the grant.

24 The fees, taxes or surcharges collected under this
25 subsection (j) shall be placed by the unit of local government
26 in a separate fund, and the interest received on the moneys in

1 the fund shall be credited to the fund. The monies in the fund
2 may be accumulated over a period of years to be expended in
3 accordance with this subsection.

4 A unit of local government, as defined in the Local Solid
5 Waste Disposal Act, shall prepare and post on its website, in
6 April of each year, a report that details spending plans for
7 monies collected in accordance with this subsection. The
8 report will at a minimum include the following:

9 (1) The total monies collected pursuant to this
10 subsection.

11 (2) The most current balance of monies collected
12 pursuant to this subsection.

13 (3) An itemized accounting of all monies expended for
14 the previous year pursuant to this subsection.

15 (4) An estimation of monies to be collected for the
16 following 3 years pursuant to this subsection.

17 (5) A narrative detailing the general direction and
18 scope of future expenditures for one, 2 and 3 years.

19 The exemptions granted under Sections 22.16 and 22.16a,
20 and under subsection (k) of this Section, shall be applicable
21 to any fee, tax or surcharge imposed under this subsection
22 (j); except that the fee, tax or surcharge authorized to be
23 imposed under this subsection (j) may be made applicable by a
24 unit of local government to the permanent disposal of solid
25 waste after December 31, 1986, under any contract lawfully
26 executed before June 1, 1986 under which more than 150,000

1 cubic yards (or 50,000 tons) of solid waste is to be
2 permanently disposed of, even though the waste is exempt from
3 the fee imposed by the State under subsection (b) of this
4 Section pursuant to an exemption granted under Section 22.16.

5 (k) In accordance with the findings and purposes of the
6 Illinois Solid Waste Management Act, beginning January 1, 1989
7 the fee under subsection (b) and the fee, tax or surcharge
8 under subsection (j) shall not apply to:

9 (1) waste which is hazardous waste;

10 (2) waste which is pollution control waste;

11 (3) waste from recycling, reclamation or reuse
12 processes which have been approved by the Agency as being
13 designed to remove any contaminant from wastes so as to
14 render such wastes reusable, provided that the process
15 renders at least 50% of the waste reusable; the exemption
16 set forth in this paragraph (3) of this subsection (k)
17 shall not apply to general construction or demolition
18 debris recovery facilities as defined in subsection (a-1)
19 of Section 3.160;

20 (4) non-hazardous solid waste that is received at a
21 sanitary landfill and composted or recycled through a
22 process permitted by the Agency; or

23 (5) any landfill which is permitted by the Agency to
24 receive only demolition or construction debris or
25 landscape waste.

26 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;

1 102-16, eff. 6-17-21; 102-310, eff. 8-6-21; 102-444, eff.
2 8-20-21; revised 9-28-21.)

3 (415 ILCS 5/22.59)

4 Sec. 22.59. CCR surface impoundments.

5 (a) The General Assembly finds that:

6 (1) the State of Illinois has a long-standing policy
7 to restore, protect, and enhance the environment,
8 including the purity of the air, land, and waters,
9 including groundwaters, of this State;

10 (2) a clean environment is essential to the growth and
11 well-being of this State;

12 (3) CCR generated by the electric generating industry
13 has caused groundwater contamination and other forms of
14 pollution at active and inactive plants throughout this
15 State;

16 (4) environmental laws should be supplemented to
17 ensure consistent, responsible regulation of all existing
18 CCR surface impoundments; and

19 (5) meaningful participation of State residents,
20 especially vulnerable populations who may be affected by
21 regulatory actions, is critical to ensure that
22 environmental justice considerations are incorporated in
23 the development of, decision-making related to, and
24 implementation of environmental laws and rulemaking that
25 protects and improves the well-being of communities in

1 this State that bear disproportionate burdens imposed by
2 environmental pollution.

3 Therefore, the purpose of this Section is to promote a
4 healthful environment, including clean water, air, and land,
5 meaningful public involvement, and the responsible disposal
6 and storage of coal combustion residuals, so as to protect
7 public health and to prevent pollution of the environment of
8 this State.

9 The provisions of this Section shall be liberally
10 construed to carry out the purposes of this Section.

11 (b) No person shall:

12 (1) cause or allow the discharge of any contaminants
13 from a CCR surface impoundment into the environment so as
14 to cause, directly or indirectly, a violation of this
15 Section or any regulations or standards adopted by the
16 Board under this Section, either alone or in combination
17 with contaminants from other sources;

18 (2) construct, install, modify, operate, or close any
19 CCR surface impoundment without a permit granted by the
20 Agency, or so as to violate any conditions imposed by such
21 permit, any provision of this Section or any regulations
22 or standards adopted by the Board under this Section;

23 (3) cause or allow, directly or indirectly, the
24 discharge, deposit, injection, dumping, spilling, leaking,
25 or placing of any CCR upon the land in a place and manner
26 so as to cause or tend to cause a violation of this Section

1 or any regulations or standards adopted by the Board under
2 this Section; or

3 (4) construct, install, modify, or close a CCR surface
4 impoundment in accordance with a permit issued under this
5 Act without certifying to the Agency that all contractors,
6 subcontractors, and installers utilized to construct,
7 install, modify, or close a CCR surface impoundment are
8 participants in:

9 (A) a training program that is approved by and
10 registered with the United States Department of
11 Labor's Employment and Training Administration and
12 that includes instruction in erosion control and
13 environmental remediation; and

14 (B) a training program that is approved by and
15 registered with the United States Department of
16 Labor's Employment and Training Administration and
17 that includes instruction in the operation of heavy
18 equipment and excavation.

19 Nothing in this paragraph (4) shall be construed to
20 require providers of construction-related professional
21 services to participate in a training program approved by
22 and registered with the United States Department of
23 Labor's Employment and Training Administration.

24 In this paragraph (4), "construction-related
25 professional services" includes, but is not limited to,
26 those services within the scope of: (i) the practice of

1 architecture as regulated under the Illinois Architecture
2 Practice Act of 1989; (ii) professional engineering as
3 defined in Section 4 of the Professional Engineering
4 Practice Act of 1989; (iii) the practice of a structural
5 engineer as defined in Section 4 of the Structural
6 Engineering Practice Act of 1989; or (iv) land surveying
7 under the Illinois Professional Land Surveyor Act of 1989.

8 (c) (Blank).

9 (d) Before commencing closure of a CCR surface
10 impoundment, in accordance with Board rules, the owner of a
11 CCR surface impoundment must submit to the Agency for approval
12 a closure alternatives analysis that analyzes all closure
13 methods being considered and that otherwise satisfies all
14 closure requirements adopted by the Board under this Act.
15 Complete removal of CCR, as specified by the Board's rules,
16 from the CCR surface impoundment must be considered and
17 analyzed. Section 3.405 does not apply to the Board's rules
18 specifying complete removal of CCR. The selected closure
19 method must ensure compliance with regulations adopted by the
20 Board pursuant to this Section.

21 (e) Owners or operators of CCR surface impoundments who
22 have submitted a closure plan to the Agency before May 1, 2019,
23 and who have completed closure prior to 24 months after July
24 30, 2019 (the effective date of Public Act 101-171) shall not
25 be required to obtain a construction permit for the surface
26 impoundment closure under this Section.

1 (f) Except for the State, its agencies and institutions, a
2 unit of local government, or not-for-profit electric
3 cooperative as defined in Section 3.4 of the Electric Supplier
4 Act, any person who owns or operates a CCR surface impoundment
5 in this State shall post with the Agency a performance bond or
6 other security for the purpose of: (i) ensuring closure of the
7 CCR surface impoundment and post-closure care in accordance
8 with this Act and its rules; and (ii) ensuring remediation of
9 releases from the CCR surface impoundment. The only acceptable
10 forms of financial assurance are: a trust fund, a surety bond
11 guaranteeing payment, a surety bond guaranteeing performance,
12 or an irrevocable letter of credit.

13 (1) The cost estimate for the post-closure care of a
14 CCR surface impoundment shall be calculated using a
15 30-year post-closure care period or such longer period as
16 may be approved by the Agency under Board or federal
17 rules.

18 (2) The Agency is authorized to enter into such
19 contracts and agreements as it may deem necessary to carry
20 out the purposes of this Section. Neither the State, nor
21 the Director, nor any State employee shall be liable for
22 any damages or injuries arising out of or resulting from
23 any action taken under this Section.

24 (3) The Agency shall have the authority to approve or
25 disapprove any performance bond or other security posted
26 under this subsection. Any person whose performance bond

1 or other security is disapproved by the Agency may contest
2 the disapproval as a permit denial appeal pursuant to
3 Section 40.

4 (g) The Board shall adopt rules establishing construction
5 permit requirements, operating permit requirements, design
6 standards, reporting, financial assurance, and closure and
7 post-closure care requirements for CCR surface impoundments.
8 Not later than 8 months after July 30, 2019 (the effective date
9 of Public Act 101-171) the Agency shall propose, and not later
10 than one year after receipt of the Agency's proposal the Board
11 shall adopt, rules under this Section. The Board shall not be
12 deemed in noncompliance with the rulemaking deadline due to
13 delays in adopting rules as a result of the Joint Commission on
14 Administrative Rules oversight process. The rules must, at a
15 minimum:

16 (1) be at least as protective and comprehensive as the
17 federal regulations or amendments thereto promulgated by
18 the Administrator of the United States Environmental
19 Protection Agency in Subpart D of 40 CFR 257 governing CCR
20 surface impoundments;

21 (2) specify the minimum contents of CCR surface
22 impoundment construction and operating permit
23 applications, including the closure alternatives analysis
24 required under subsection (d);

25 (3) specify which types of permits include
26 requirements for closure, post-closure, remediation and

1 all other requirements applicable to CCR surface
2 impoundments;

3 (4) specify when permit applications for existing CCR
4 surface impoundments must be submitted, taking into
5 consideration whether the CCR surface impoundment must
6 close under the RCRA;

7 (5) specify standards for review and approval by the
8 Agency of CCR surface impoundment permit applications;

9 (6) specify meaningful public participation procedures
10 for the issuance of CCR surface impoundment construction
11 and operating permits, including, but not limited to,
12 public notice of the submission of permit applications, an
13 opportunity for the submission of public comments, an
14 opportunity for a public hearing prior to permit issuance,
15 and a summary and response of the comments prepared by the
16 Agency;

17 (7) prescribe the type and amount of the performance
18 bonds or other securities required under subsection (f),
19 and the conditions under which the State is entitled to
20 collect moneys from such performance bonds or other
21 securities;

22 (8) specify a procedure to identify areas of
23 environmental justice concern in relation to CCR surface
24 impoundments;

25 (9) specify a method to prioritize CCR surface
26 impoundments required to close under RCRA if not otherwise

1 specified by the United States Environmental Protection
2 Agency, so that the CCR surface impoundments with the
3 highest risk to public health and the environment, and
4 areas of environmental justice concern are given first
5 priority;

6 (10) define when complete removal of CCR is achieved
7 and specify the standards for responsible removal of CCR
8 from CCR surface impoundments, including, but not limited
9 to, dust controls and the protection of adjacent surface
10 water and groundwater; and

11 (11) describe the process and standards for
12 identifying a specific alternative source of groundwater
13 pollution when the owner or operator of the CCR surface
14 impoundment believes that groundwater contamination on the
15 site is not from the CCR surface impoundment.

16 (h) Any owner of a CCR surface impoundment that generates
17 CCR and sells or otherwise provides coal combustion byproducts
18 pursuant to Section 3.135 shall, every 12 months, post on its
19 publicly available website a report specifying the volume or
20 weight of CCR, in cubic yards or tons, that it sold or provided
21 during the past 12 months.

22 (i) The owner of a CCR surface impoundment shall post all
23 closure plans, permit applications, and supporting
24 documentation, as well as any Agency approval of the plans or
25 applications on its publicly available website.

26 (j) The owner or operator of a CCR surface impoundment

1 shall pay the following fees:

2 (1) An initial fee to the Agency within 6 months after
3 July 30, 2019 (the effective date of Public Act 101-171)
4 of:

5 \$50,000 for each closed CCR surface impoundment;

6 and

7 \$75,000 for each CCR surface impoundment that have
8 not completed closure.

9 (2) Annual fees to the Agency, beginning on July 1,
10 2020, of:

11 \$25,000 for each CCR surface impoundment that has
12 not completed closure; and

13 \$15,000 for each CCR surface impoundment that has
14 completed closure, but has not completed post-closure
15 care.

16 (k) All fees collected by the Agency under subsection (j)
17 shall be deposited into the Environmental Protection Permit
18 and Inspection Fund.

19 (l) The Coal Combustion Residual Surface Impoundment
20 Financial Assurance Fund is created as a special fund in the
21 State treasury. Any moneys forfeited to the State of Illinois
22 from any performance bond or other security required under
23 this Section shall be placed in the Coal Combustion Residual
24 Surface Impoundment Financial Assurance Fund and shall, upon
25 approval by the Governor and the Director, be used by the
26 Agency for the purposes for which such performance bond or

1 other security was issued. The Coal Combustion Residual
2 Surface Impoundment Financial Assurance Fund is not subject to
3 the provisions of subsection (c) of Section 5 of the State
4 Finance Act.

5 (m) The provisions of this Section shall apply, without
6 limitation, to all existing CCR surface impoundments and any
7 CCR surface impoundments constructed after July 30, 2019 (the
8 effective date of Public Act 101-171), except to the extent
9 prohibited by the Illinois or United States Constitutions.

10 (Source: P.A. 101-171, eff. 7-30-19; 102-16, eff. 6-17-21;
11 102-137, eff. 7-23-21; 102-309, eff. 8-6-21; 102-558, eff.
12 8-20-21; 102-662, eff. 9-15-21; revised 10-14-21.)

13 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

14 Sec. 39. Issuance of permits; procedures.

15 (a) When the Board has by regulation required a permit for
16 the construction, installation, or operation of any type of
17 facility, equipment, vehicle, vessel, or aircraft, the
18 applicant shall apply to the Agency for such permit and it
19 shall be the duty of the Agency to issue such a permit upon
20 proof by the applicant that the facility, equipment, vehicle,
21 vessel, or aircraft will not cause a violation of this Act or
22 of regulations hereunder. The Agency shall adopt such
23 procedures as are necessary to carry out its duties under this
24 Section. In making its determinations on permit applications
25 under this Section the Agency may consider prior adjudications

1 of noncompliance with this Act by the applicant that involved
2 a release of a contaminant into the environment. In granting
3 permits, the Agency may impose reasonable conditions
4 specifically related to the applicant's past compliance
5 history with this Act as necessary to correct, detect, or
6 prevent noncompliance. The Agency may impose such other
7 conditions as may be necessary to accomplish the purposes of
8 this Act, and as are not inconsistent with the regulations
9 promulgated by the Board hereunder. Except as otherwise
10 provided in this Act, a bond or other security shall not be
11 required as a condition for the issuance of a permit. If the
12 Agency denies any permit under this Section, the Agency shall
13 transmit to the applicant within the time limitations of this
14 Section specific, detailed statements as to the reasons the
15 permit application was denied. Such statements shall include,
16 but not be limited to, the following:

17 (i) the Sections of this Act which may be violated if
18 the permit were granted;

19 (ii) the provision of the regulations, promulgated
20 under this Act, which may be violated if the permit were
21 granted;

22 (iii) the specific type of information, if any, which
23 the Agency deems the applicant did not provide the Agency;
24 and

25 (iv) a statement of specific reasons why the Act and
26 the regulations might not be met if the permit were

1 granted.

2 If there is no final action by the Agency within 90 days
3 after the filing of the application for permit, the applicant
4 may deem the permit issued; except that this time period shall
5 be extended to 180 days when (1) notice and opportunity for
6 public hearing are required by State or federal law or
7 regulation, (2) the application which was filed is for any
8 permit to develop a landfill subject to issuance pursuant to
9 this subsection, or (3) the application that was filed is for a
10 MSWLF unit required to issue public notice under subsection
11 (p) of Section 39. The 90-day and 180-day time periods for the
12 Agency to take final action do not apply to NPDES permit
13 applications under subsection (b) of this Section, to RCRA
14 permit applications under subsection (d) of this Section, to
15 UIC permit applications under subsection (e) of this Section,
16 or to CCR surface impoundment applications under subsection
17 (y) of this Section.

18 The Agency shall publish notice of all final permit
19 determinations for development permits for MSWLF units and for
20 significant permit modifications for lateral expansions for
21 existing MSWLF units one time in a newspaper of general
22 circulation in the county in which the unit is or is proposed
23 to be located.

24 After January 1, 1994 and until July 1, 1998, operating
25 permits issued under this Section by the Agency for sources of
26 air pollution permitted to emit less than 25 tons per year of

1 any combination of regulated air pollutants, as defined in
2 Section 39.5 of this Act, shall be required to be renewed only
3 upon written request by the Agency consistent with applicable
4 provisions of this Act and regulations promulgated hereunder.
5 Such operating permits shall expire 180 days after the date of
6 such a request. The Board shall revise its regulations for the
7 existing State air pollution operating permit program
8 consistent with this provision by January 1, 1994.

9 After June 30, 1998, operating permits issued under this
10 Section by the Agency for sources of air pollution that are not
11 subject to Section 39.5 of this Act and are not required to
12 have a federally enforceable State operating permit shall be
13 required to be renewed only upon written request by the Agency
14 consistent with applicable provisions of this Act and its
15 rules. Such operating permits shall expire 180 days after the
16 date of such a request. Before July 1, 1998, the Board shall
17 revise its rules for the existing State air pollution
18 operating permit program consistent with this paragraph and
19 shall adopt rules that require a source to demonstrate that it
20 qualifies for a permit under this paragraph.

21 (b) The Agency may issue NPDES permits exclusively under
22 this subsection for the discharge of contaminants from point
23 sources into navigable waters, all as defined in the Federal
24 Water Pollution Control Act, as now or hereafter amended,
25 within the jurisdiction of the State, or into any well.

26 All NPDES permits shall contain those terms and

1 conditions, including, but not limited to, schedules of
2 compliance, which may be required to accomplish the purposes
3 and provisions of this Act.

4 The Agency may issue general NPDES permits for discharges
5 from categories of point sources which are subject to the same
6 permit limitations and conditions. Such general permits may be
7 issued without individual applications and shall conform to
8 regulations promulgated under Section 402 of the Federal Water
9 Pollution Control Act, as now or hereafter amended.

10 The Agency may include, among such conditions, effluent
11 limitations and other requirements established under this Act,
12 Board regulations, the Federal Water Pollution Control Act, as
13 now or hereafter amended, and regulations pursuant thereto,
14 and schedules for achieving compliance therewith at the
15 earliest reasonable date.

16 The Agency shall adopt filing requirements and procedures
17 which are necessary and appropriate for the issuance of NPDES
18 permits, and which are consistent with the Act or regulations
19 adopted by the Board, and with the Federal Water Pollution
20 Control Act, as now or hereafter amended, and regulations
21 pursuant thereto.

22 The Agency, subject to any conditions which may be
23 prescribed by Board regulations, may issue NPDES permits to
24 allow discharges beyond deadlines established by this Act or
25 by regulations of the Board without the requirement of a
26 variance, subject to the Federal Water Pollution Control Act,

1 as now or hereafter amended, and regulations pursuant thereto.

2 (c) Except for those facilities owned or operated by
3 sanitary districts organized under the Metropolitan Water
4 Reclamation District Act, no permit for the development or
5 construction of a new pollution control facility may be
6 granted by the Agency unless the applicant submits proof to
7 the Agency that the location of the facility has been approved
8 by the county board of the county if in an unincorporated area,
9 or the governing body of the municipality when in an
10 incorporated area, in which the facility is to be located in
11 accordance with Section 39.2 of this Act. For purposes of this
12 subsection (c), and for purposes of Section 39.2 of this Act,
13 the appropriate county board or governing body of the
14 municipality shall be the county board of the county or the
15 governing body of the municipality in which the facility is to
16 be located as of the date when the application for siting
17 approval is filed.

18 In the event that siting approval granted pursuant to
19 Section 39.2 has been transferred to a subsequent owner or
20 operator, that subsequent owner or operator may apply to the
21 Agency for, and the Agency may grant, a development or
22 construction permit for the facility for which local siting
23 approval was granted. Upon application to the Agency for a
24 development or construction permit by that subsequent owner or
25 operator, the permit applicant shall cause written notice of
26 the permit application to be served upon the appropriate

1 county board or governing body of the municipality that
2 granted siting approval for that facility and upon any party
3 to the siting proceeding pursuant to which siting approval was
4 granted. In that event, the Agency shall conduct an evaluation
5 of the subsequent owner or operator's prior experience in
6 waste management operations in the manner conducted under
7 subsection (i) of Section 39 of this Act.

8 Beginning August 20, 1993, if the pollution control
9 facility consists of a hazardous or solid waste disposal
10 facility for which the proposed site is located in an
11 unincorporated area of a county with a population of less than
12 100,000 and includes all or a portion of a parcel of land that
13 was, on April 1, 1993, adjacent to a municipality having a
14 population of less than 5,000, then the local siting review
15 required under this subsection (c) in conjunction with any
16 permit applied for after that date shall be performed by the
17 governing body of that adjacent municipality rather than the
18 county board of the county in which the proposed site is
19 located; and for the purposes of that local siting review, any
20 references in this Act to the county board shall be deemed to
21 mean the governing body of that adjacent municipality;
22 provided, however, that the provisions of this paragraph shall
23 not apply to any proposed site which was, on April 1, 1993,
24 owned in whole or in part by another municipality.

25 In the case of a pollution control facility for which a
26 development permit was issued before November 12, 1981, if an

1 operating permit has not been issued by the Agency prior to
2 August 31, 1989 for any portion of the facility, then the
3 Agency may not issue or renew any development permit nor issue
4 an original operating permit for any portion of such facility
5 unless the applicant has submitted proof to the Agency that
6 the location of the facility has been approved by the
7 appropriate county board or municipal governing body pursuant
8 to Section 39.2 of this Act.

9 After January 1, 1994, if a solid waste disposal facility,
10 any portion for which an operating permit has been issued by
11 the Agency, has not accepted waste disposal for 5 or more
12 consecutive calendar years, before that facility may accept
13 any new or additional waste for disposal, the owner and
14 operator must obtain a new operating permit under this Act for
15 that facility unless the owner and operator have applied to
16 the Agency for a permit authorizing the temporary suspension
17 of waste acceptance. The Agency may not issue a new operation
18 permit under this Act for the facility unless the applicant
19 has submitted proof to the Agency that the location of the
20 facility has been approved or re-approved by the appropriate
21 county board or municipal governing body under Section 39.2 of
22 this Act after the facility ceased accepting waste.

23 Except for those facilities owned or operated by sanitary
24 districts organized under the Metropolitan Water Reclamation
25 District Act, and except for new pollution control facilities
26 governed by Section 39.2, and except for fossil fuel mining

1 facilities, the granting of a permit under this Act shall not
2 relieve the applicant from meeting and securing all necessary
3 zoning approvals from the unit of government having zoning
4 jurisdiction over the proposed facility.

5 Before beginning construction on any new sewage treatment
6 plant or sludge drying site to be owned or operated by a
7 sanitary district organized under the Metropolitan Water
8 Reclamation District Act for which a new permit (rather than
9 the renewal or amendment of an existing permit) is required,
10 such sanitary district shall hold a public hearing within the
11 municipality within which the proposed facility is to be
12 located, or within the nearest community if the proposed
13 facility is to be located within an unincorporated area, at
14 which information concerning the proposed facility shall be
15 made available to the public, and members of the public shall
16 be given the opportunity to express their views concerning the
17 proposed facility.

18 The Agency may issue a permit for a municipal waste
19 transfer station without requiring approval pursuant to
20 Section 39.2 provided that the following demonstration is
21 made:

22 (1) the municipal waste transfer station was in
23 existence on or before January 1, 1979 and was in
24 continuous operation from January 1, 1979 to January 1,
25 1993;

26 (2) the operator submitted a permit application to the

1 Agency to develop and operate the municipal waste transfer
2 station during April of 1994;

3 (3) the operator can demonstrate that the county board
4 of the county, if the municipal waste transfer station is
5 in an unincorporated area, or the governing body of the
6 municipality, if the station is in an incorporated area,
7 does not object to resumption of the operation of the
8 station; and

9 (4) the site has local zoning approval.

10 (d) The Agency may issue RCRA permits exclusively under
11 this subsection to persons owning or operating a facility for
12 the treatment, storage, or disposal of hazardous waste as
13 defined under this Act. Subsection (y) of this Section, rather
14 than this subsection (d), shall apply to permits issued for
15 CCR surface impoundments.

16 All RCRA permits shall contain those terms and conditions,
17 including, but not limited to, schedules of compliance, which
18 may be required to accomplish the purposes and provisions of
19 this Act. The Agency may include among such conditions
20 standards and other requirements established under this Act,
21 Board regulations, the Resource Conservation and Recovery Act
22 of 1976 (P.L. 94-580), as amended, and regulations pursuant
23 thereto, and may include schedules for achieving compliance
24 therewith as soon as possible. The Agency shall require that a
25 performance bond or other security be provided as a condition
26 for the issuance of a RCRA permit.

1 In the case of a permit to operate a hazardous waste or PCB
2 incinerator as defined in subsection (k) of Section 44, the
3 Agency shall require, as a condition of the permit, that the
4 operator of the facility perform such analyses of the waste to
5 be incinerated as may be necessary and appropriate to ensure
6 the safe operation of the incinerator.

7 The Agency shall adopt filing requirements and procedures
8 which are necessary and appropriate for the issuance of RCRA
9 permits, and which are consistent with the Act or regulations
10 adopted by the Board, and with the Resource Conservation and
11 Recovery Act of 1976 (P.L. 94-580), as amended, and
12 regulations pursuant thereto.

13 The applicant shall make available to the public for
14 inspection all documents submitted by the applicant to the
15 Agency in furtherance of an application, with the exception of
16 trade secrets, at the office of the county board or governing
17 body of the municipality. Such documents may be copied upon
18 payment of the actual cost of reproduction during regular
19 business hours of the local office. The Agency shall issue a
20 written statement concurrent with its grant or denial of the
21 permit explaining the basis for its decision.

22 (e) The Agency may issue UIC permits exclusively under
23 this subsection to persons owning or operating a facility for
24 the underground injection of contaminants as defined under
25 this Act.

26 All UIC permits shall contain those terms and conditions,

1 including, but not limited to, schedules of compliance, which
2 may be required to accomplish the purposes and provisions of
3 this Act. The Agency may include among such conditions
4 standards and other requirements established under this Act,
5 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
6 as amended, and regulations pursuant thereto, and may include
7 schedules for achieving compliance therewith. The Agency shall
8 require that a performance bond or other security be provided
9 as a condition for the issuance of a UIC permit.

10 The Agency shall adopt filing requirements and procedures
11 which are necessary and appropriate for the issuance of UIC
12 permits, and which are consistent with the Act or regulations
13 adopted by the Board, and with the Safe Drinking Water Act
14 (P.L. 93-523), as amended, and regulations pursuant thereto.

15 The applicant shall make available to the public for
16 inspection, all documents submitted by the applicant to the
17 Agency in furtherance of an application, with the exception of
18 trade secrets, at the office of the county board or governing
19 body of the municipality. Such documents may be copied upon
20 payment of the actual cost of reproduction during regular
21 business hours of the local office. The Agency shall issue a
22 written statement concurrent with its grant or denial of the
23 permit explaining the basis for its decision.

24 (f) In making any determination pursuant to Section 9.1 of
25 this Act:

26 (1) The Agency shall have authority to make the

1 determination of any question required to be determined by
2 the Clean Air Act, as now or hereafter amended, this Act,
3 or the regulations of the Board, including the
4 determination of the Lowest Achievable Emission Rate,
5 Maximum Achievable Control Technology, or Best Available
6 Control Technology, consistent with the Board's
7 regulations, if any.

8 (2) The Agency shall adopt requirements as necessary
9 to implement public participation procedures, including,
10 but not limited to, public notice, comment, and an
11 opportunity for hearing, which must accompany the
12 processing of applications for PSD permits. The Agency
13 shall briefly describe and respond to all significant
14 comments on the draft permit raised during the public
15 comment period or during any hearing. The Agency may group
16 related comments together and provide one unified response
17 for each issue raised.

18 (3) Any complete permit application submitted to the
19 Agency under this subsection for a PSD permit shall be
20 granted or denied by the Agency not later than one year
21 after the filing of such completed application.

22 (4) The Agency shall, after conferring with the
23 applicant, give written notice to the applicant of its
24 proposed decision on the application, including the terms
25 and conditions of the permit to be issued and the facts,
26 conduct, or other basis upon which the Agency will rely to

1 support its proposed action.

2 (g) The Agency shall include as conditions upon all
3 permits issued for hazardous waste disposal sites such
4 restrictions upon the future use of such sites as are
5 reasonably necessary to protect public health and the
6 environment, including permanent prohibition of the use of
7 such sites for purposes which may create an unreasonable risk
8 of injury to human health or to the environment. After
9 administrative and judicial challenges to such restrictions
10 have been exhausted, the Agency shall file such restrictions
11 of record in the Office of the Recorder of the county in which
12 the hazardous waste disposal site is located.

13 (h) A hazardous waste stream may not be deposited in a
14 permitted hazardous waste site unless specific authorization
15 is obtained from the Agency by the generator and disposal site
16 owner and operator for the deposit of that specific hazardous
17 waste stream. The Agency may grant specific authorization for
18 disposal of hazardous waste streams only after the generator
19 has reasonably demonstrated that, considering technological
20 feasibility and economic reasonableness, the hazardous waste
21 cannot be reasonably recycled for reuse, nor incinerated or
22 chemically, physically, or biologically treated so as to
23 neutralize the hazardous waste and render it nonhazardous. In
24 granting authorization under this Section, the Agency may
25 impose such conditions as may be necessary to accomplish the
26 purposes of the Act and are consistent with this Act and

1 regulations promulgated by the Board hereunder. If the Agency
2 refuses to grant authorization under this Section, the
3 applicant may appeal as if the Agency refused to grant a
4 permit, pursuant to the provisions of subsection (a) of
5 Section 40 of this Act. For purposes of this subsection (h),
6 the term "generator" has the meaning given in Section 3.205 of
7 this Act, unless: (1) the hazardous waste is treated,
8 incinerated, or partially recycled for reuse prior to
9 disposal, in which case the last person who treats,
10 incinerates, or partially recycles the hazardous waste prior
11 to disposal is the generator; or (2) the hazardous waste is
12 from a response action, in which case the person performing
13 the response action is the generator. This subsection (h) does
14 not apply to any hazardous waste that is restricted from land
15 disposal under 35 Ill. Adm. Code 728.

16 (i) Before issuing any RCRA permit, any permit for a waste
17 storage site, sanitary landfill, waste disposal site, waste
18 transfer station, waste treatment facility, waste incinerator,
19 or any waste-transportation operation, any permit or interim
20 authorization for a clean construction or demolition debris
21 fill operation, or any permit required under subsection (d-5)
22 of Section 55, the Agency shall conduct an evaluation of the
23 prospective owner's or operator's prior experience in waste
24 management operations, clean construction or demolition debris
25 fill operations, and tire storage site management. The Agency
26 may deny such a permit, or deny or revoke interim

1 authorization, if the prospective owner or operator or any
2 employee or officer of the prospective owner or operator has a
3 history of:

4 (1) repeated violations of federal, State, or local
5 laws, regulations, standards, or ordinances in the
6 operation of waste management facilities or sites, clean
7 construction or demolition debris fill operation
8 facilities or sites, or tire storage sites; or

9 (2) conviction in this or another State of any crime
10 which is a felony under the laws of this State, or
11 conviction of a felony in a federal court; or conviction
12 in this or another state or federal court of any of the
13 following crimes: forgery, official misconduct, bribery,
14 perjury, or knowingly submitting false information under
15 any environmental law, regulation, or permit term or
16 condition; or

17 (3) proof of gross carelessness or incompetence in
18 handling, storing, processing, transporting, or disposing
19 of waste, clean construction or demolition debris, or used
20 or waste tires, or proof of gross carelessness or
21 incompetence in using clean construction or demolition
22 debris as fill.

23 (i-5) Before issuing any permit or approving any interim
24 authorization for a clean construction or demolition debris
25 fill operation in which any ownership interest is transferred
26 between January 1, 2005, and the effective date of the

1 prohibition set forth in Section 22.52 of this Act, the Agency
2 shall conduct an evaluation of the operation if any previous
3 activities at the site or facility may have caused or allowed
4 contamination of the site. It shall be the responsibility of
5 the owner or operator seeking the permit or interim
6 authorization to provide to the Agency all of the information
7 necessary for the Agency to conduct its evaluation. The Agency
8 may deny a permit or interim authorization if previous
9 activities at the site may have caused or allowed
10 contamination at the site, unless such contamination is
11 authorized under any permit issued by the Agency.

12 (j) The issuance under this Act of a permit to engage in
13 the surface mining of any resources other than fossil fuels
14 shall not relieve the permittee from its duty to comply with
15 any applicable local law regulating the commencement,
16 location, or operation of surface mining facilities.

17 (k) A development permit issued under subsection (a) of
18 Section 39 for any facility or site which is required to have a
19 permit under subsection (d) of Section 21 shall expire at the
20 end of 2 calendar years from the date upon which it was issued,
21 unless within that period the applicant has taken action to
22 develop the facility or the site. In the event that review of
23 the conditions of the development permit is sought pursuant to
24 Section 40 or 41, or permittee is prevented from commencing
25 development of the facility or site by any other litigation
26 beyond the permittee's control, such two-year period shall be

1 deemed to begin on the date upon which such review process or
2 litigation is concluded.

3 (1) No permit shall be issued by the Agency under this Act
4 for construction or operation of any facility or site located
5 within the boundaries of any setback zone established pursuant
6 to this Act, where such construction or operation is
7 prohibited.

8 (m) The Agency may issue permits to persons owning or
9 operating a facility for composting landscape waste. In
10 granting such permits, the Agency may impose such conditions
11 as may be necessary to accomplish the purposes of this Act, and
12 as are not inconsistent with applicable regulations
13 promulgated by the Board. Except as otherwise provided in this
14 Act, a bond or other security shall not be required as a
15 condition for the issuance of a permit. If the Agency denies
16 any permit pursuant to this subsection, the Agency shall
17 transmit to the applicant within the time limitations of this
18 subsection specific, detailed statements as to the reasons the
19 permit application was denied. Such statements shall include
20 but not be limited to the following:

21 (1) the Sections of this Act that may be violated if
22 the permit were granted;

23 (2) the specific regulations promulgated pursuant to
24 this Act that may be violated if the permit were granted;

25 (3) the specific information, if any, the Agency deems
26 the applicant did not provide in its application to the

1 Agency; and

2 (4) a statement of specific reasons why the Act and
3 the regulations might be violated if the permit were
4 granted.

5 If no final action is taken by the Agency within 90 days
6 after the filing of the application for permit, the applicant
7 may deem the permit issued. Any applicant for a permit may
8 waive the 90-day limitation by filing a written statement with
9 the Agency.

10 The Agency shall issue permits for such facilities upon
11 receipt of an application that includes a legal description of
12 the site, a topographic map of the site drawn to the scale of
13 200 feet to the inch or larger, a description of the operation,
14 including the area served, an estimate of the volume of
15 materials to be processed, and documentation that:

16 (1) the facility includes a setback of at least 200
17 feet from the nearest potable water supply well;

18 (2) the facility is located outside the boundary of
19 the 10-year floodplain or the site will be floodproofed;

20 (3) the facility is located so as to minimize
21 incompatibility with the character of the surrounding
22 area, including at least a 200 foot setback from any
23 residence, and in the case of a facility that is developed
24 or the permitted composting area of which is expanded
25 after November 17, 1991, the composting area is located at
26 least 1/8 mile from the nearest residence (other than a

1 residence located on the same property as the facility);

2 (4) the design of the facility will prevent any
3 compost material from being placed within 5 feet of the
4 water table, will adequately control runoff from the site,
5 and will collect and manage any leachate that is generated
6 on the site;

7 (5) the operation of the facility will include
8 appropriate dust and odor control measures, limitations on
9 operating hours, appropriate noise control measures for
10 shredding, chipping and similar equipment, management
11 procedures for composting, containment and disposal of
12 non-compostable wastes, procedures to be used for
13 terminating operations at the site, and recordkeeping
14 sufficient to document the amount of materials received,
15 composted, and otherwise disposed of; and

16 (6) the operation will be conducted in accordance with
17 any applicable rules adopted by the Board.

18 The Agency shall issue renewable permits of not longer
19 than 10 years in duration for the composting of landscape
20 wastes, as defined in Section 3.155 of this Act, based on the
21 above requirements.

22 The operator of any facility permitted under this
23 subsection (m) must submit a written annual statement to the
24 Agency on or before April 1 of each year that includes an
25 estimate of the amount of material, in tons, received for
26 composting.

1 (n) The Agency shall issue permits jointly with the
2 Department of Transportation for the dredging or deposit of
3 material in Lake Michigan in accordance with Section 18 of the
4 Rivers, Lakes, and Streams Act.

5 (o) (Blank).✝

6 (p) (1) Any person submitting an application for a permit
7 for a new MSWLF unit or for a lateral expansion under
8 subsection (t) of Section 21 of this Act for an existing MSWLF
9 unit that has not received and is not subject to local siting
10 approval under Section 39.2 of this Act shall publish notice
11 of the application in a newspaper of general circulation in
12 the county in which the MSWLF unit is or is proposed to be
13 located. The notice must be published at least 15 days before
14 submission of the permit application to the Agency. The notice
15 shall state the name and address of the applicant, the
16 location of the MSWLF unit or proposed MSWLF unit, the nature
17 and size of the MSWLF unit or proposed MSWLF unit, the nature
18 of the activity proposed, the probable life of the proposed
19 activity, the date the permit application will be submitted,
20 and a statement that persons may file written comments with
21 the Agency concerning the permit application within 30 days
22 after the filing of the permit application unless the time
23 period to submit comments is extended by the Agency.

24 When a permit applicant submits information to the Agency
25 to supplement a permit application being reviewed by the
26 Agency, the applicant shall not be required to reissue the

1 notice under this subsection.

2 (2) The Agency shall accept written comments concerning
3 the permit application that are postmarked no later than 30
4 days after the filing of the permit application, unless the
5 time period to accept comments is extended by the Agency.

6 (3) Each applicant for a permit described in part (1) of
7 this subsection shall file a copy of the permit application
8 with the county board or governing body of the municipality in
9 which the MSWLF unit is or is proposed to be located at the
10 same time the application is submitted to the Agency. The
11 permit application filed with the county board or governing
12 body of the municipality shall include all documents submitted
13 to or to be submitted to the Agency, except trade secrets as
14 determined under Section 7.1 of this Act. The permit
15 application and other documents on file with the county board
16 or governing body of the municipality shall be made available
17 for public inspection during regular business hours at the
18 office of the county board or the governing body of the
19 municipality and may be copied upon payment of the actual cost
20 of reproduction.

21 (q) Within 6 months after July 12, 2011 (the effective
22 date of Public Act 97-95), the Agency, in consultation with
23 the regulated community, shall develop a web portal to be
24 posted on its website for the purpose of enhancing review and
25 promoting timely issuance of permits required by this Act. At
26 a minimum, the Agency shall make the following information

1 available on the web portal:

2 (1) Checklists and guidance relating to the completion
3 of permit applications, developed pursuant to subsection
4 (s) of this Section, which may include, but are not
5 limited to, existing instructions for completing the
6 applications and examples of complete applications. As the
7 Agency develops new checklists and develops guidance, it
8 shall supplement the web portal with those materials.

9 (2) Within 2 years after July 12, 2011 (the effective
10 date of Public Act 97-95), permit application forms or
11 portions of permit applications that can be completed and
12 saved electronically, and submitted to the Agency
13 electronically with digital signatures.

14 (3) Within 2 years after July 12, 2011 (the effective
15 date of Public Act 97-95), an online tracking system where
16 an applicant may review the status of its pending
17 application, including the name and contact information of
18 the permit analyst assigned to the application. Until the
19 online tracking system has been developed, the Agency
20 shall post on its website semi-annual permitting
21 efficiency tracking reports that include statistics on the
22 timeframes for Agency action on the following types of
23 permits received after July 12, 2011 (the effective date
24 of Public Act 97-95): air construction permits, new NPDES
25 permits and associated water construction permits, and
26 modifications of major NPDES permits and associated water

1 construction permits. The reports must be posted by
2 February 1 and August 1 each year and shall include:

3 (A) the number of applications received for each
4 type of permit, the number of applications on which
5 the Agency has taken action, and the number of
6 applications still pending; and

7 (B) for those applications where the Agency has
8 not taken action in accordance with the timeframes set
9 forth in this Act, the date the application was
10 received and the reasons for any delays, which may
11 include, but shall not be limited to, (i) the
12 application being inadequate or incomplete, (ii)
13 scientific or technical disagreements with the
14 applicant, USEPA, or other local, state, or federal
15 agencies involved in the permitting approval process,
16 (iii) public opposition to the permit, or (iv) Agency
17 staffing shortages. To the extent practicable, the
18 tracking report shall provide approximate dates when
19 cause for delay was identified by the Agency, when the
20 Agency informed the applicant of the problem leading
21 to the delay, and when the applicant remedied the
22 reason for the delay.

23 (r) Upon the request of the applicant, the Agency shall
24 notify the applicant of the permit analyst assigned to the
25 application upon its receipt.

26 (s) The Agency is authorized to prepare and distribute

1 guidance documents relating to its administration of this
2 Section and procedural rules implementing this Section.
3 Guidance documents prepared under this subsection shall not be
4 considered rules and shall not be subject to the Illinois
5 Administrative Procedure Act. Such guidance shall not be
6 binding on any party.

7 (t) Except as otherwise prohibited by federal law or
8 regulation, any person submitting an application for a permit
9 may include with the application suggested permit language for
10 Agency consideration. The Agency is not obligated to use the
11 suggested language or any portion thereof in its permitting
12 decision. If requested by the permit applicant, the Agency
13 shall meet with the applicant to discuss the suggested
14 language.

15 (u) If requested by the permit applicant, the Agency shall
16 provide the permit applicant with a copy of the draft permit
17 prior to any public review period.

18 (v) If requested by the permit applicant, the Agency shall
19 provide the permit applicant with a copy of the final permit
20 prior to its issuance.

21 (w) An air pollution permit shall not be required due to
22 emissions of greenhouse gases, as specified by Section 9.15 of
23 this Act.

24 (x) If, before the expiration of a State operating permit
25 that is issued pursuant to subsection (a) of this Section and
26 contains federally enforceable conditions limiting the

1 potential to emit of the source to a level below the major
2 source threshold for that source so as to exclude the source
3 from the Clean Air Act Permit Program, the Agency receives a
4 complete application for the renewal of that permit, then all
5 of the terms and conditions of the permit shall remain in
6 effect until final administrative action has been taken on the
7 application for the renewal of the permit.

8 (y) The Agency may issue permits exclusively under this
9 subsection to persons owning or operating a CCR surface
10 impoundment subject to Section 22.59.

11 (z) If a mass animal mortality event is declared by the
12 Department of Agriculture in accordance with the Animal
13 Mortality Act:

14 (1) the owner or operator responsible for the disposal
15 of dead animals is exempted from the following:

16 (i) obtaining a permit for the construction,
17 installation, or operation of any type of facility or
18 equipment issued in accordance with subsection (a) of
19 this Section;

20 (ii) obtaining a permit for open burning in
21 accordance with the rules adopted by the Board; and

22 (iii) registering the disposal of dead animals as
23 an eligible small source with the Agency in accordance
24 with Section 9.14 of this Act;

25 (2) as applicable, the owner or operator responsible
26 for the disposal of dead animals is required to obtain the

1 following permits:

2 (i) an NPDES permit in accordance with subsection
3 (b) of this Section;

4 (ii) a PSD permit or an NA NSR permit in accordance
5 with Section 9.1 of this Act;

6 (iii) a lifetime State operating permit or a
7 federally enforceable State operating permit, in
8 accordance with subsection (a) of this Section; or

9 (iv) a CAAPP permit, in accordance with Section
10 39.5 of this Act.

11 All CCR surface impoundment permits shall contain those
12 terms and conditions, including, but not limited to, schedules
13 of compliance, which may be required to accomplish the
14 purposes and provisions of this Act, Board regulations, the
15 Illinois Groundwater Protection Act and regulations pursuant
16 thereto, and the Resource Conservation and Recovery Act and
17 regulations pursuant thereto, and may include schedules for
18 achieving compliance therewith as soon as possible.

19 The Board shall adopt filing requirements and procedures
20 that are necessary and appropriate for the issuance of CCR
21 surface impoundment permits and that are consistent with this
22 Act or regulations adopted by the Board, and with the RCRA, as
23 amended, and regulations pursuant thereto.

24 The applicant shall make available to the public for
25 inspection all documents submitted by the applicant to the
26 Agency in furtherance of an application, with the exception of

1 trade secrets, on its public internet website as well as at the
2 office of the county board or governing body of the
3 municipality where CCR from the CCR surface impoundment will
4 be permanently disposed. Such documents may be copied upon
5 payment of the actual cost of reproduction during regular
6 business hours of the local office.

7 The Agency shall issue a written statement concurrent with
8 its grant or denial of the permit explaining the basis for its
9 decision.

10 (Source: P.A. 101-171, eff. 7-30-19; 102-216, eff. 1-1-22;
11 102-558, eff. 8-20-21; revised 12-1-21.)

12 Section 550. The Electric Vehicle Rebate Act is amended by
13 changing Section 15 as follows:

14 (415 ILCS 120/15)

15 Sec. 15. Rulemaking. The Agency shall promulgate rules as
16 necessary and dedicate sufficient resources to implement
17 Section 27 of this Act. Such rules shall be consistent with
18 applicable provisions of the Clean Air Act and any regulations
19 promulgated pursuant thereto. The Secretary of State may
20 promulgate rules to implement Section 35 of this Act. ~~Agency~~

21 (Source: P.A. 102-444, eff. 8-20-21; 102-662, eff. 9-15-21;
22 revised 10-14-21.)

23 Section 555. The Firearm Owners Identification Card Act is

1 amended by changing Sections 1.1, 3, 3.1, 4, 5, 6, 8, 8.3, 9.5,
2 10, 11, and 13.2 as follows:

3 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

4 Sec. 1.1. For purposes of this Act:

5 "Addicted to narcotics" means a person who has been:

6 (1) convicted of an offense involving the use or
7 possession of cannabis, a controlled substance, or
8 methamphetamine within the past year; or

9 (2) determined by the Illinois State Police to be
10 addicted to narcotics based upon federal law or federal
11 guidelines.

12 "Addicted to narcotics" does not include possession or use
13 of a prescribed controlled substance under the direction and
14 authority of a physician or other person authorized to
15 prescribe the controlled substance when the controlled
16 substance is used in the prescribed manner.

17 "Adjudicated as a person with a mental disability" means
18 the person is the subject of a determination by a court, board,
19 commission or other lawful authority that the person, as a
20 result of marked subnormal intelligence, or mental illness,
21 mental impairment, incompetency, condition, or disease:

22 (1) presents a clear and present danger to himself,
23 herself, or to others;

24 (2) lacks the mental capacity to manage his or her own
25 affairs or is adjudicated a person with a disability as

1 defined in Section 11a-2 of the Probate Act of 1975;

2 (3) is not guilty in a criminal case by reason of
3 insanity, mental disease or defect;

4 (3.5) is guilty but mentally ill, as provided in
5 Section 5-2-6 of the Unified Code of Corrections;

6 (4) is incompetent to stand trial in a criminal case;

7 (5) is not guilty by reason of lack of mental
8 responsibility under Articles 50a and 72b of the Uniform
9 Code of Military Justice, 10 U.S.C. 850a, 876b;

10 (6) is a sexually violent person under subsection (f)
11 of Section 5 of the Sexually Violent Persons Commitment
12 Act;

13 (7) is a sexually dangerous person under the Sexually
14 Dangerous Persons Act;

15 (8) is unfit to stand trial under the Juvenile Court
16 Act of 1987;

17 (9) is not guilty by reason of insanity under the
18 Juvenile Court Act of 1987;

19 (10) is subject to involuntary admission as an
20 inpatient as defined in Section 1-119 of the Mental Health
21 and Developmental Disabilities Code;

22 (11) is subject to involuntary admission as an
23 outpatient as defined in Section 1-119.1 of the Mental
24 Health and Developmental Disabilities Code;

25 (12) is subject to judicial admission as set forth in
26 Section 4-500 of the Mental Health and Developmental

1 Disabilities Code; or

2 (13) is subject to the provisions of the Interstate
3 Agreements on Sexually Dangerous Persons Act.

4 "Clear and present danger" means a person who:

5 (1) communicates a serious threat of physical violence
6 against a reasonably identifiable victim or poses a clear
7 and imminent risk of serious physical injury to himself,
8 herself, or another person as determined by a physician,
9 clinical psychologist, or qualified examiner; or

10 (2) demonstrates threatening physical or verbal
11 behavior, such as violent, suicidal, or assaultive
12 threats, actions, or other behavior, as determined by a
13 physician, clinical psychologist, qualified examiner,
14 school administrator, or law enforcement official.

15 "Clinical psychologist" has the meaning provided in
16 Section 1-103 of the Mental Health and Developmental
17 Disabilities Code.

18 "Controlled substance" means a controlled substance or
19 controlled substance analog as defined in the Illinois
20 Controlled Substances Act.

21 "Counterfeit" means to copy or imitate, without legal
22 authority, with intent to deceive.

23 "Federally licensed firearm dealer" means a person who is
24 licensed as a federal firearms dealer under Section 923 of the
25 federal Gun Control Act of 1968 (18 U.S.C. 923).

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

4 (1) any pneumatic gun, spring gun, paint ball gun, or
5 B-B gun which expels a single globular projectile not
6 exceeding .18 inch in diameter or which has a maximum
7 muzzle velocity of less than 700 feet per second;

8 (1.1) any pneumatic gun, spring gun, paint ball gun,
9 or B-B gun which expels breakable paint balls containing
10 washable marking colors;

11 (2) any device used exclusively for signaling or
12 safety and required or recommended by the United States
13 Coast Guard or the Interstate Commerce Commission;

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

17 (4) an antique firearm (other than a machine-gun)
18 which, although designed as a weapon, the Illinois State
19 Police finds by reason of the date of its manufacture,
20 value, design, and other characteristics is primarily a
21 collector's item and is not likely to be used as a weapon.

22 "Firearm ammunition" means any self-contained cartridge or
23 shotgun shell, by whatever name known, which is designed to be
24 used or adaptable to use in a firearm; excluding, however:

25 (1) any ammunition exclusively designed for use with a
26 device used exclusively for signaling ~~signalling~~ or safety

1 and required or recommended by the United States Coast
2 Guard or the Interstate Commerce Commission; and

3 (2) any ammunition designed exclusively for use with a
4 stud or rivet driver or other similar industrial
5 ammunition.

6 "Gun show" means an event or function:

7 (1) at which the sale and transfer of firearms is the
8 regular and normal course of business and where 50 or more
9 firearms are displayed, offered, or exhibited for sale,
10 transfer, or exchange; or

11 (2) at which not less than 10 gun show vendors
12 display, offer, or exhibit for sale, sell, transfer, or
13 exchange firearms.

14 "Gun show" includes the entire premises provided for an
15 event or function, including parking areas for the event or
16 function, that is sponsored to facilitate the purchase, sale,
17 transfer, or exchange of firearms as described in this
18 Section. Nothing in this definition shall be construed to
19 exclude a gun show held in conjunction with competitive
20 shooting events at the World Shooting Complex sanctioned by a
21 national governing body in which the sale or transfer of
22 firearms is authorized under subparagraph (5) of paragraph (g)
23 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

24 Unless otherwise expressly stated, "gun show" does not
25 include training or safety classes, competitive shooting
26 events, such as rifle, shotgun, or handgun matches, trap,

1 skeet, or sporting clays shoots, dinners, banquets, raffles,
2 or any other event where the sale or transfer of firearms is
3 not the primary course of business.

4 "Gun show promoter" means a person who organizes or
5 operates a gun show.

6 "Gun show vendor" means a person who exhibits, sells,
7 offers for sale, transfers, or exchanges any firearms at a gun
8 show, regardless of whether the person arranges with a gun
9 show promoter for a fixed location from which to exhibit,
10 sell, offer for sale, transfer, or exchange any firearm.

11 "Involuntarily admitted" has the meaning as prescribed in
12 Sections 1-119 and 1-119.1 of the Mental Health and
13 Developmental Disabilities Code.

14 "Mental health facility" means any licensed private
15 hospital or hospital affiliate, institution, or facility, or
16 part thereof, and any facility, or part thereof, operated by
17 the State or a political subdivision thereof which provides
18 ~~provide~~ treatment of persons with mental illness and includes
19 all hospitals, institutions, clinics, evaluation facilities,
20 mental health centers, colleges, universities, long-term care
21 facilities, and nursing homes, or parts thereof, which provide
22 treatment of persons with mental illness whether or not the
23 primary purpose is to provide treatment of persons with mental
24 illness.

25 "National governing body" means a group of persons who
26 adopt rules and formulate policy on behalf of a national

1 firearm sporting organization.

2 "Patient" means:

3 (1) a person who is admitted as an inpatient or
4 resident of a public or private mental health facility for
5 mental health treatment under Chapter III of the Mental
6 Health and Developmental Disabilities Code as an informal
7 admission, a voluntary admission, a minor admission, an
8 emergency admission, or an involuntary admission, unless
9 the treatment was solely for an alcohol abuse disorder; or

10 (2) a person who voluntarily or involuntarily receives
11 mental health treatment as an out-patient or is otherwise
12 provided services by a public or private mental health
13 facility, and who poses a clear and present danger to
14 himself, herself, or ~~to~~ others.

15 "Person with a developmental disability" means a person
16 with a disability which is attributable to any other condition
17 which results in impairment similar to that caused by an
18 intellectual disability and which requires services similar to
19 those required by persons with intellectual disabilities. The
20 disability must originate before the age of 18 years, be
21 expected to continue indefinitely, and constitute a
22 substantial disability. This disability results, in the
23 professional opinion of a physician, clinical psychologist, or
24 qualified examiner, in significant functional limitations in 3
25 or more of the following areas of major life activity:

26 (i) self-care;

- 1 (ii) receptive and expressive language;
2 (iii) learning;
3 (iv) mobility; or
4 (v) self-direction.

5 "Person with an intellectual disability" means a person
6 with a significantly subaverage general intellectual
7 functioning which exists concurrently with impairment in
8 adaptive behavior and which originates before the age of 18
9 years.

10 "Physician" has the meaning as defined in Section 1-120 of
11 the Mental Health and Developmental Disabilities Code.

12 "Protective order" means any orders of protection issued
13 under the Illinois Domestic Violence Act of 1986, stalking no
14 contact orders issued under the Stalking No Contact Order Act,
15 civil no contact orders issued under the Civil No Contact
16 Order Act, and firearms restraining orders issued under the
17 Firearms Restraining Order Act.

18 "Qualified examiner" has the meaning provided in Section
19 1-122 of the Mental Health and Developmental Disabilities
20 Code.

21 "Sanctioned competitive shooting event" means a shooting
22 contest officially recognized by a national or state shooting
23 sport association, and includes any sight-in or practice
24 conducted in conjunction with the event.

25 "School administrator" means the person required to report
26 under the School Administrator Reporting of Mental Health

1 Clear and Present Danger Determinations Law.

2 "Stun gun or taser" has the meaning ascribed to it in
3 Section 24-1 of the Criminal Code of 2012.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
5 revised 10-6-21.)

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 (Text of Section before amendment by P.A. 102-237)

8 Sec. 3. (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays
12 either: (1) a currently valid Firearm Owner's Identification
13 Card which has previously been issued in his or her name by the
14 Illinois State Police under the provisions of this Act; or (2)
15 a currently valid license to carry a concealed firearm which
16 has previously been issued in his or her name by the Illinois
17 State Police under the Firearm Concealed Carry Act. In
18 addition, all firearm, stun gun, and taser transfers by
19 federally licensed firearm dealers are subject to Section 3.1.

20 (a-5) Any person who is not a federally licensed firearm
21 dealer and who desires to transfer or sell a firearm while that
22 person is on the grounds of a gun show must, before selling or
23 transferring the firearm, request the Illinois State Police to
24 conduct a background check on the prospective recipient of the
25 firearm in accordance with Section 3.1.

1 (a-10) Notwithstanding item (2) of subsection (a) of this
2 Section, any person who is not a federally licensed firearm
3 dealer and who desires to transfer or sell a firearm or
4 firearms to any person who is not a federally licensed firearm
5 dealer shall, before selling or transferring the firearms,
6 contact the Illinois State Police with the transferee's or
7 purchaser's Firearm Owner's Identification Card number to
8 determine the validity of the transferee's or purchaser's
9 Firearm Owner's Identification Card. This subsection shall not
10 be effective until January 1, 2014. The Illinois State Police
11 may adopt rules concerning the implementation of this
12 subsection. The Illinois State Police shall provide the seller
13 or transferor an approval number if the purchaser's Firearm
14 Owner's Identification Card is valid. Approvals issued by the
15 Illinois State Police Department ~~Department~~ for the purchase of a firearm
16 pursuant to this subsection are valid for 30 days from the date
17 of issue.

18 (a-15) The provisions of subsection (a-10) of this Section
19 do not apply to:

20 (1) transfers that occur at the place of business of a
21 federally licensed firearm dealer, if the federally
22 licensed firearm dealer conducts a background check on the
23 prospective recipient of the firearm in accordance with
24 Section 3.1 of this Act and follows all other applicable
25 federal, State, and local laws as if he or she were the
26 seller or transferor of the firearm, although the dealer

1 is not required to accept the firearm into his or her
2 inventory. The purchaser or transferee may be required by
3 the federally licensed firearm dealer to pay a fee not to
4 exceed \$10 per firearm, which the dealer may retain as
5 compensation for performing the functions required under
6 this paragraph, plus the applicable fees authorized by
7 Section 3.1;

8 (2) transfers as a bona fide gift to the transferor's
9 husband, wife, son, daughter, stepson, stepdaughter,
10 father, mother, stepfather, stepmother, brother, sister,
11 nephew, niece, uncle, aunt, grandfather, grandmother,
12 grandson, granddaughter, father-in-law, mother-in-law,
13 son-in-law, or daughter-in-law;

14 (3) transfers by persons acting pursuant to operation
15 of law or a court order;

16 (4) transfers on the grounds of a gun show under
17 subsection (a-5) of this Section;

18 (5) the delivery of a firearm by its owner to a
19 gunsmith for service or repair, the return of the firearm
20 to its owner by the gunsmith, or the delivery of a firearm
21 by a gunsmith to a federally licensed firearms dealer for
22 service or repair and the return of the firearm to the
23 gunsmith;

24 (6) temporary transfers that occur while in the home
25 of the unlicensed transferee, if the unlicensed transferee
26 is not otherwise prohibited from possessing firearms and

1 the unlicensed transferee reasonably believes that
2 possession of the firearm is necessary to prevent imminent
3 death or great bodily harm to the unlicensed transferee;

4 (7) transfers to a law enforcement or corrections
5 agency or a law enforcement or corrections officer acting
6 within the course and scope of his or her official duties;

7 (8) transfers of firearms that have been rendered
8 permanently inoperable to a nonprofit historical society,
9 museum, or institutional collection; and

10 (9) transfers to a person who is exempt from the
11 requirement of possessing a Firearm Owner's Identification
12 Card under Section 2 of this Act.

13 (a-20) The Illinois State Police shall develop an
14 Internet-based system for individuals to determine the
15 validity of a Firearm Owner's Identification Card prior to the
16 sale or transfer of a firearm. The Illinois State Police
17 ~~Department~~ shall have the Internet-based system completed and
18 available for use by July 1, 2015. The Illinois State Police
19 ~~Department~~ shall adopt rules not inconsistent with this
20 Section to implement this system.

21 (b) Any person within this State who transfers or causes
22 to be transferred any firearm, stun gun, or taser shall keep a
23 record of such transfer for a period of 10 years from the date
24 of transfer. Such record shall contain the date of the
25 transfer; the description, serial number or other information
26 identifying the firearm, stun gun, or taser if no serial

1 number is available; and, if the transfer was completed within
2 this State, the transferee's Firearm Owner's Identification
3 Card number and any approval number or documentation provided
4 by the Illinois State Police pursuant to subsection (a-10) of
5 this Section; if the transfer was not completed within this
6 State, the record shall contain the name and address of the
7 transferee. On or after January 1, 2006, the record shall
8 contain the date of application for transfer of the firearm.
9 On demand of a peace officer such transferor shall produce for
10 inspection such record of transfer. If the transfer or sale
11 took place at a gun show, the record shall include the unique
12 identification number. Failure to record the unique
13 identification number or approval number is a petty offense.
14 For transfers of a firearm, stun gun, or taser made on or after
15 January 18, 2019 (the effective date of Public Act 100-1178)
16 ~~this amendatory Act of the 100th General Assembly~~, failure by
17 the private seller to maintain the transfer records in
18 accordance with this Section is a Class A misdemeanor for the
19 first offense and a Class 4 felony for a second or subsequent
20 offense. A transferee shall not be criminally liable under
21 this Section provided that he or she provides the Illinois
22 State Police with the transfer records in accordance with
23 procedures established by the Illinois State Police
24 ~~Department~~. The Illinois State Police ~~Department~~ shall
25 establish, by rule, a standard form on its website.

26 (b-5) Any resident may purchase ammunition from a person

1 within or outside of Illinois if shipment is by United States
2 mail or by a private express carrier authorized by federal law
3 to ship ammunition. Any resident purchasing ammunition within
4 or outside the State of Illinois must provide the seller with a
5 copy of his or her valid Firearm Owner's Identification Card
6 or valid concealed carry license and either his or her
7 Illinois driver's license or Illinois State Identification
8 Card prior to the shipment of the ammunition. The ammunition
9 may be shipped only to an address on either of those 2
10 documents.

11 (c) The provisions of this Section regarding the transfer
12 of firearm ammunition shall not apply to those persons
13 specified in paragraph (b) of Section 2 of this Act.

14 (Source: P.A. 102-538, eff. 8-20-21; revised 10-13-21.)

15 (Text of Section after amendment by P.A. 102-237)

16 Sec. 3. (a) Except as provided in Section 3a, no person may
17 knowingly transfer, or cause to be transferred, any firearm,
18 firearm ammunition, stun gun, or taser to any person within
19 this State unless the transferee with whom he deals displays
20 either: (1) a currently valid Firearm Owner's Identification
21 Card which has previously been issued in his or her name by the
22 Illinois State Police under the provisions of this Act; or (2)
23 a currently valid license to carry a concealed firearm which
24 has previously been issued in his or her name by the Illinois
25 State Police under the Firearm Concealed Carry Act. In

1 addition, all firearm, stun gun, and taser transfers by
2 federally licensed firearm dealers are subject to Section 3.1.

3 (a-5) Any person who is not a federally licensed firearm
4 dealer and who desires to transfer or sell a firearm while that
5 person is on the grounds of a gun show must, before selling or
6 transferring the firearm, request the Illinois State Police to
7 conduct a background check on the prospective recipient of the
8 firearm in accordance with Section 3.1.

9 (a-10) Notwithstanding item (2) of subsection (a) of this
10 Section, any person who is not a federally licensed firearm
11 dealer and who desires to transfer or sell a firearm or
12 firearms to any person who is not a federally licensed firearm
13 dealer shall, before selling or transferring the firearms,
14 contact a federal firearm license dealer under paragraph (1)
15 of subsection (a-15) of this Section to conduct the transfer
16 or the Illinois State Police with the transferee's or
17 purchaser's Firearm Owner's Identification Card number to
18 determine the validity of the transferee's or purchaser's
19 Firearm Owner's Identification Card under State and federal
20 law, including the National Instant Criminal Background Check
21 System. This subsection shall not be effective until January
22 1, 2024. Until that date the transferor shall contact the
23 Illinois State Police with the transferee's or purchaser's
24 Firearm Owner's Identification Card number to determine the
25 validity of the card. The Illinois State Police may adopt
26 rules concerning the implementation of this subsection. The

1 Illinois State Police shall provide the seller or transferor
2 an approval number if the purchaser's Firearm Owner's
3 Identification Card is valid. Approvals issued by the Illinois
4 State Police ~~Department~~ for the purchase of a firearm pursuant
5 to this subsection are valid for 30 days from the date of
6 issue.

7 (a-15) The provisions of subsection (a-10) of this Section
8 do not apply to:

9 (1) transfers that occur at the place of business of a
10 federally licensed firearm dealer, if the federally
11 licensed firearm dealer conducts a background check on the
12 prospective recipient of the firearm in accordance with
13 Section 3.1 of this Act and follows all other applicable
14 federal, State, and local laws as if he or she were the
15 seller or transferor of the firearm, although the dealer
16 is not required to accept the firearm into his or her
17 inventory. The purchaser or transferee may be required by
18 the federally licensed firearm dealer to pay a fee not to
19 exceed \$25 per firearm, which the dealer may retain as
20 compensation for performing the functions required under
21 this paragraph, plus the applicable fees authorized by
22 Section 3.1;

23 (2) transfers as a bona fide gift to the transferor's
24 husband, wife, son, daughter, stepson, stepdaughter,
25 father, mother, stepfather, stepmother, brother, sister,
26 nephew, niece, uncle, aunt, grandfather, grandmother,

1 grandson, granddaughter, father-in-law, mother-in-law,
2 son-in-law, or daughter-in-law;

3 (3) transfers by persons acting pursuant to operation
4 of law or a court order;

5 (4) transfers on the grounds of a gun show under
6 subsection (a-5) of this Section;

7 (5) the delivery of a firearm by its owner to a
8 gunsmith for service or repair, the return of the firearm
9 to its owner by the gunsmith, or the delivery of a firearm
10 by a gunsmith to a federally licensed firearms dealer for
11 service or repair and the return of the firearm to the
12 gunsmith;

13 (6) temporary transfers that occur while in the home
14 of the unlicensed transferee, if the unlicensed transferee
15 is not otherwise prohibited from possessing firearms and
16 the unlicensed transferee reasonably believes that
17 possession of the firearm is necessary to prevent imminent
18 death or great bodily harm to the unlicensed transferee;

19 (7) transfers to a law enforcement or corrections
20 agency or a law enforcement or corrections officer acting
21 within the course and scope of his or her official duties;

22 (8) transfers of firearms that have been rendered
23 permanently inoperable to a nonprofit historical society,
24 museum, or institutional collection; and

25 (9) transfers to a person who is exempt from the
26 requirement of possessing a Firearm Owner's Identification

1 Card under Section 2 of this Act.

2 (a-20) The Illinois State Police shall develop an
3 Internet-based system for individuals to determine the
4 validity of a Firearm Owner's Identification Card prior to the
5 sale or transfer of a firearm. The Illinois State Police
6 ~~Department~~ shall have the Internet-based system updated and
7 available for use by January 1, 2024. The Illinois State
8 Police shall adopt rules not inconsistent with this Section to
9 implement this system; but no rule shall allow the Illinois
10 State Police to retain records in contravention of State and
11 federal law.

12 (a-25) On or before January 1, 2022, the Illinois State
13 Police shall develop an Internet-based system upon which the
14 serial numbers of firearms that have been reported stolen are
15 available for public access for individuals to ensure any
16 firearms are not reported stolen prior to the sale or transfer
17 of a firearm under this Section. The Illinois State Police
18 shall have the Internet-based system completed and available
19 for use by July 1, 2022. The Illinois State Police ~~Department~~
20 shall adopt rules not inconsistent with this Section to
21 implement this system.

22 (b) Any person within this State who transfers or causes
23 to be transferred any firearm, stun gun, or taser shall keep a
24 record of such transfer for a period of 10 years from the date
25 of transfer. Any person within this State who receives any
26 firearm, stun gun, or taser pursuant to subsection (a-10)

1 shall provide a record of the transfer within 10 days of the
2 transfer to a federally licensed firearm dealer and shall not
3 be required to maintain a transfer record. The federally
4 licensed firearm dealer shall maintain the transfer record for
5 20 years from the date of receipt. A federally licensed
6 firearm dealer may charge a fee not to exceed \$25 to retain the
7 record. The record shall be provided and maintained in either
8 an electronic or paper format. The federally licensed firearm
9 dealer shall not be liable for the accuracy of any information
10 in the transfer record submitted pursuant to this Section.
11 Such records shall contain the date of the transfer; the
12 description, serial number or other information identifying
13 the firearm, stun gun, or taser if no serial number is
14 available; and, if the transfer was completed within this
15 State, the transferee's Firearm Owner's Identification Card
16 number and any approval number or documentation provided by
17 the Illinois State Police pursuant to subsection (a-10) of
18 this Section; if the transfer was not completed within this
19 State, the record shall contain the name and address of the
20 transferee. On or after January 1, 2006, the record shall
21 contain the date of application for transfer of the firearm.
22 On demand of a peace officer such transferor shall produce for
23 inspection such record of transfer. For any transfer pursuant
24 to subsection (a-10) of this Section, on the demand of a peace
25 officer, such transferee shall identify the federally licensed
26 firearm dealer maintaining the transfer record. If the

1 transfer or sale took place at a gun show, the record shall
2 include the unique identification number. Failure to record
3 the unique identification number or approval number is a petty
4 offense. For transfers of a firearm, stun gun, or taser made on
5 or after January 18, 2019 (the effective date of Public Act
6 100-1178) ~~this amendatory Act of the 100th General Assembly,~~
7 failure by the private seller to maintain the transfer records
8 in accordance with this Section, or failure by a transferee
9 pursuant to subsection a-10 of this Section to identify the
10 federally licensed firearm dealer maintaining the transfer
11 record, is a Class A misdemeanor for the first offense and a
12 Class 4 felony for a second or subsequent offense occurring
13 within 10 years of the first offense and the second offense was
14 committed after conviction of the first offense. Whenever any
15 person who has not previously been convicted of any violation
16 of subsection (a-5), the court may grant supervision pursuant
17 to and consistent with the limitations of Section 5-6-1 of the
18 Unified Code of Corrections. A transferee or transferor shall
19 not be criminally liable under this Section provided that he
20 or she provides the Illinois State Police with the transfer
21 records in accordance with procedures established by the
22 Illinois State Police Department. The Illinois State Police
23 ~~Department~~ shall establish, by rule, a standard form on its
24 website.

25 (b-5) Any resident may purchase ammunition from a person
26 within or outside of Illinois if shipment is by United States

1 mail or by a private express carrier authorized by federal law
2 to ship ammunition. Any resident purchasing ammunition within
3 or outside the State of Illinois must provide the seller with a
4 copy of his or her valid Firearm Owner's Identification Card
5 or valid concealed carry license and either his or her
6 Illinois driver's license or Illinois State Identification
7 Card prior to the shipment of the ammunition. The ammunition
8 may be shipped only to an address on either of those 2
9 documents.

10 (c) The provisions of this Section regarding the transfer
11 of firearm ammunition shall not apply to those persons
12 specified in paragraph (b) of Section 2 of this Act.

13 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
14 revised 10-13-21.)

15 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

16 Sec. 3.1. Firearm Transfer Inquiry Program.

17 (a) The Illinois State Police shall provide a dial up
18 telephone system or utilize other existing technology which
19 shall be used by any federally licensed firearm dealer, gun
20 show promoter, or gun show vendor who is to transfer a firearm,
21 stun gun, or taser under the provisions of this Act. The
22 Illinois State Police may utilize existing technology which
23 allows the caller to be charged a fee not to exceed \$2. Fees
24 collected by the Illinois State Police shall be deposited in
25 the State Police Firearm Services Fund and used to provide the

1 service.

2 (b) Upon receiving a request from a federally licensed
3 firearm dealer, gun show promoter, or gun show vendor, the
4 Illinois State Police shall immediately approve, or, within
5 the time period established by Section 24-3 of the Criminal
6 Code of 2012 regarding the delivery of firearms, stun guns,
7 and tasers, notify the inquiring dealer, gun show promoter, or
8 gun show vendor of any objection that would disqualify the
9 transferee from acquiring or possessing a firearm, stun gun,
10 or taser. In conducting the inquiry, the Illinois State Police
11 shall initiate and complete an automated search of its
12 criminal history record information files and those of the
13 Federal Bureau of Investigation, including the National
14 Instant Criminal Background Check System, and of the files of
15 the Department of Human Services relating to mental health and
16 developmental disabilities to obtain any felony conviction or
17 patient hospitalization information which would disqualify a
18 person from obtaining or require revocation of a currently
19 valid Firearm Owner's Identification Card.

20 (b-5) By January 1, 2023, the Illinois State Police shall
21 by rule provide a process for the automatic renewal of the
22 Firearm Owner's Identification Card of a person at the time of
23 an inquiry in subsection (b). Persons eligible for this
24 process must have a set of fingerprints on file with their
25 applications ~~application~~ under either subsection (a-25) of
26 Section 4 or the Firearm Concealed Carry Act.

1 (c) If receipt of a firearm would not violate Section 24-3
2 of the Criminal Code of 2012, federal law, or this Act, the
3 Illinois State Police shall:

4 (1) assign a unique identification number to the
5 transfer; and

6 (2) provide the licensee, gun show promoter, or gun
7 show vendor with the number.

8 (d) Approvals issued by the Illinois State Police for the
9 purchase of a firearm are valid for 30 days from the date of
10 issue.

11 (e) (1) The Illinois State Police must act as the Illinois
12 Point of Contact for the National Instant Criminal Background
13 Check System.

14 (2) The Illinois State Police and the Department of Human
15 Services shall, in accordance with State and federal law
16 regarding confidentiality, enter into a memorandum of
17 understanding with the Federal Bureau of Investigation for the
18 purpose of implementing the National Instant Criminal
19 Background Check System in the State. The Illinois State
20 Police shall report the name, date of birth, and physical
21 description of any person prohibited from possessing a firearm
22 pursuant to the Firearm Owners Identification Card Act or 18
23 U.S.C. 922(g) and (n) to the National Instant Criminal
24 Background Check System Index, Denied Persons Files.

25 (3) The Illinois State Police shall provide notice of the
26 disqualification of a person under subsection (b) of this

1 Section or the revocation of a person's Firearm Owner's
2 Identification Card under Section 8 or Section 8.2 of this
3 Act, and the reason for the disqualification or revocation, to
4 all law enforcement agencies with jurisdiction to assist with
5 the seizure of the person's Firearm Owner's Identification
6 Card.

7 (f) The Illinois State Police shall adopt rules not
8 inconsistent with this Section to implement this system.

9 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
10 revised 10-13-21.)

11 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

12 Sec. 4. Application for Firearm Owner's Identification
13 Cards.

14 (a) Each applicant for a Firearm Owner's Identification
15 Card must:

16 (1) Submit an application as made available by the
17 Illinois State Police; and

18 (2) Submit evidence to the Illinois State Police that:

19 (i) This subparagraph (i) applies through the
20 180th day following July 12, 2019 (the effective date
21 of Public Act 101-80) ~~this amendatory Act of the 101st~~
22 ~~General Assembly~~. He or she is 21 years of age or over,
23 or if he or she is under 21 years of age that he or she
24 has the written consent of his or her parent or legal
25 guardian to possess and acquire firearms and firearm

1 ammunition and that he or she has never been convicted
2 of a misdemeanor other than a traffic offense or
3 adjudged delinquent, provided, however, that such
4 parent or legal guardian is not an individual
5 prohibited from having a Firearm Owner's
6 Identification Card and files an affidavit with the
7 Department as prescribed by the Department stating
8 that he or she is not an individual prohibited from
9 having a Card;

10 (i-5) This subparagraph (i-5) applies on and after
11 the 181st day following July 12, 2019 (the effective
12 date of Public Act 101-80) ~~this amendatory Act of the~~
13 ~~101st General Assembly~~. He or she is 21 years of age or
14 over, or if he or she is under 21 years of age that he
15 or she has never been convicted of a misdemeanor other
16 than a traffic offense or adjudged delinquent and is
17 an active duty member of the United States Armed
18 Forces or has the written consent of his or her parent
19 or legal guardian to possess and acquire firearms and
20 firearm ammunition, provided, however, that such
21 parent or legal guardian is not an individual
22 prohibited from having a Firearm Owner's
23 Identification Card and files an affidavit with the
24 Illinois State Police Department as prescribed by the
25 Illinois State Police Department stating that he or
26 she is not an individual prohibited from having a Card

1 or the active duty member of the United States Armed
2 Forces under 21 years of age annually submits proof to
3 the Illinois State Police, in a manner prescribed by
4 the Illinois State Police ~~Department~~;

5 (ii) He or she has not been convicted of a felony
6 under the laws of this or any other jurisdiction;

7 (iii) He or she is not addicted to narcotics;

8 (iv) He or she has not been a patient in a mental
9 health facility within the past 5 years or, if he or
10 she has been a patient in a mental health facility more
11 than 5 years ago submit the certification required
12 under subsection (u) of Section 8 of this Act;

13 (v) He or she is not a person with an intellectual
14 disability;

15 (vi) He or she is not an alien who is unlawfully
16 present in the United States under the laws of the
17 United States;

18 (vii) He or she is not subject to an existing order
19 of protection prohibiting him or her from possessing a
20 firearm;

21 (viii) He or she has not been convicted within the
22 past 5 years of battery, assault, aggravated assault,
23 violation of an order of protection, or a
24 substantially similar offense in another jurisdiction,
25 in which a firearm was used or possessed;

26 (ix) He or she has not been convicted of domestic

1 battery, aggravated domestic battery, or a
2 substantially similar offense in another jurisdiction
3 committed before, on or after January 1, 2012 (the
4 effective date of Public Act 97-158). If the applicant
5 knowingly and intelligently waives the right to have
6 an offense described in this clause (ix) tried by a
7 jury, and by guilty plea or otherwise, results in a
8 conviction for an offense in which a domestic
9 relationship is not a required element of the offense
10 but in which a determination of the applicability of
11 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of
12 the Code of Criminal Procedure of 1963, an entry by the
13 court of a judgment of conviction for that offense
14 shall be grounds for denying the issuance of a Firearm
15 Owner's Identification Card under this Section;

16 (x) (Blank);

17 (xi) He or she is not an alien who has been
18 admitted to the United States under a non-immigrant
19 visa (as that term is defined in Section 101(a)(26) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(26))), or that he or she is an alien who has
22 been lawfully admitted to the United States under a
23 non-immigrant visa if that alien is:

24 (1) admitted to the United States for lawful
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States
3 Government or the Government's mission to an
4 international organization having its
5 headquarters in the United States; or

6 (B) en route to or from another country to
7 which that alien is accredited;

8 (3) an official of a foreign government or
9 distinguished foreign visitor who has been so
10 designated by the Department of State;

11 (4) a foreign law enforcement officer of a
12 friendly foreign government entering the United
13 States on official business; or

14 (5) one who has received a waiver from the
15 Attorney General of the United States pursuant to
16 18 U.S.C. 922 (y) (3);

17 (xii) He or she is not a minor subject to a
18 petition filed under Section 5-520 of the Juvenile
19 Court Act of 1987 alleging that the minor is a
20 delinquent minor for the commission of an offense that
21 if committed by an adult would be a felony;

22 (xiii) He or she is not an adult who had been
23 adjudicated a delinquent minor under the Juvenile
24 Court Act of 1987 for the commission of an offense that
25 if committed by an adult would be a felony;

26 (xiv) He or she is a resident of the State of

1 Illinois;

2 (xv) He or she has not been adjudicated as a person
3 with a mental disability;

4 (xvi) He or she has not been involuntarily
5 admitted into a mental health facility; and

6 (xvii) He or she is not a person with a
7 developmental disability; and

8 (3) Upon request by the Illinois State Police, sign a
9 release on a form prescribed by the Illinois State Police
10 waiving any right to confidentiality and requesting the
11 disclosure to the Illinois State Police of limited mental
12 health institution admission information from another
13 state, the District of Columbia, any other territory of
14 the United States, or a foreign nation concerning the
15 applicant for the sole purpose of determining whether the
16 applicant is or was a patient in a mental health
17 institution and disqualified because of that status from
18 receiving a Firearm Owner's Identification Card. No mental
19 health care or treatment records may be requested. The
20 information received shall be destroyed within one year of
21 receipt.

22 (a-5) Each applicant for a Firearm Owner's Identification
23 Card who is over the age of 18 shall furnish to the Illinois
24 State Police either his or her Illinois driver's license
25 number or Illinois Identification Card number, except as
26 provided in subsection (a-10).

1 (a-10) Each applicant for a Firearm Owner's Identification
2 Card, who is employed as a law enforcement officer, an armed
3 security officer in Illinois, or by the United States Military
4 permanently assigned in Illinois and who is not an Illinois
5 resident, shall furnish to the Illinois State Police his or
6 her driver's license number or state identification card
7 number from his or her state of residence. The Illinois State
8 Police may adopt rules to enforce the provisions of this
9 subsection (a-10).

10 (a-15) If an applicant applying for a Firearm Owner's
11 Identification Card moves from the residence address named in
12 the application, he or she shall immediately notify in a form
13 and manner prescribed by the Illinois State Police of that
14 change of address.

15 (a-20) Each applicant for a Firearm Owner's Identification
16 Card shall furnish to the Illinois State Police his or her
17 photograph. An applicant who is 21 years of age or older
18 seeking a religious exemption to the photograph requirement
19 must furnish with the application an approved copy of United
20 States Department of the Treasury Internal Revenue Service
21 Form 4029. In lieu of a photograph, an applicant regardless of
22 age seeking a religious exemption to the photograph
23 requirement shall submit fingerprints on a form and manner
24 prescribed by the Illinois State Police ~~Department~~ with his or
25 her application.

26 (a-25) Beginning January 1, 2023, each applicant for the

1 issuance of a Firearm Owner's Identification Card may include
2 a full set of his or her fingerprints in electronic format to
3 the Illinois State Police, unless the applicant has previously
4 provided a full set of his or her fingerprints to the Illinois
5 State Police under this Act or the Firearm Concealed Carry
6 Act.

7 The fingerprints must be transmitted through a live scan
8 fingerprint vendor licensed by the Department of Financial and
9 Professional Regulation. The fingerprints shall be checked
10 against the fingerprint records now and hereafter filed in the
11 Illinois State Police and Federal Bureau of Investigation
12 criminal history records databases, including all available
13 State and local criminal history record information files.

14 The Illinois State Police shall charge applicants a
15 one-time fee for conducting the criminal history record check,
16 which shall be deposited into the State Police Services Fund
17 and shall not exceed the actual cost of the State and national
18 criminal history record check.

19 (a-26) The Illinois State Police shall research, explore,
20 and report to the General Assembly by January 1, 2022 on the
21 feasibility of permitting voluntarily submitted fingerprints
22 obtained for purposes other than Firearm Owner's
23 Identification Card enforcement that are contained in the
24 Illinois State Police database for purposes of this Act.

25 (b) Each application form shall include the following
26 statement printed in bold type: "Warning: Entering false

1 information on an application for a Firearm Owner's
2 Identification Card is punishable as a Class 2 felony in
3 accordance with subsection (d-5) of Section 14 of the Firearm
4 Owners Identification Card Act.".

5 (c) Upon such written consent, pursuant to Section 4,
6 paragraph (a)(2)(i), the parent or legal guardian giving the
7 consent shall be liable for any damages resulting from the
8 applicant's use of firearms or firearm ammunition.

9 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
10 102-538, eff. 8-20-21; revised 10-12-21.)

11 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

12 Sec. 5. Application and renewal.

13 (a) The Illinois State Police shall either approve or deny
14 all applications within 30 days from the date they are
15 received, except as provided in subsections (b) and (c), and
16 every applicant found qualified under Section 8 of this Act by
17 the Illinois State Police ~~Department~~ shall be entitled to a
18 Firearm Owner's Identification Card upon the payment of a \$10
19 fee and applicable processing fees. The processing fees shall
20 be limited to charges by the State Treasurer for using the
21 electronic online payment system. Any applicant who is an
22 active duty member of the Armed Forces of the United States, a
23 member of the Illinois National Guard, or a member of the
24 Reserve Forces of the United States is exempt from the
25 application fee. \$5 of each fee derived from the issuance of a

1 Firearm Owner's Identification Card or renewals~~7~~ thereof~~7~~
2 shall be deposited in the State Police Firearm Services Fund
3 and \$5 into the State Police Revocation Enforcement Fund.

4 (b) Renewal applications shall be approved or denied
5 within 60 business days, provided the applicant submitted his
6 or her renewal application prior to the expiration of his or
7 her Firearm Owner's Identification Card. If a renewal
8 application has been submitted prior to the expiration date of
9 the applicant's Firearm Owner's Identification Card, the
10 Firearm Owner's Identification Card shall remain valid while
11 the Illinois State Police ~~Department~~ processes the
12 application, unless the person is subject to or becomes
13 subject to revocation under this Act. The cost for a renewal
14 application shall be \$10~~7~~ and may include applicable
15 processing fees, which shall be limited to charges by the
16 State Treasurer for using the electronic online payment
17 system, which shall be deposited into the State Police Firearm
18 Services Fund.

19 (c) If the Firearm Owner's Identification Card of a
20 licensee under the Firearm Concealed Carry Act expires during
21 the term of the licensee's concealed carry license, the
22 Firearm Owner's Identification Card and the license remain
23 valid and the licensee does not have to renew his or her
24 Firearm Owner's Identification Card during the duration of the
25 concealed carry license. Unless the Illinois State Police has
26 reason to believe the licensee is no longer eligible for the

1 card, the Illinois State Police may automatically renew the
2 licensee's Firearm Owner's Identification Card and send a
3 renewed Firearm Owner's Identification Card to the licensee.

4 (d) The Illinois State Police may adopt rules concerning
5 the use of voluntarily submitted fingerprints, as allowed by
6 State and federal law.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
8 revised 10-13-21.)

9 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

10 Sec. 6. Contents of Firearm Owner's Identification Card.

11 (a) A Firearm Owner's Identification Card, issued by the
12 Illinois State Police at such places as the Director of the
13 Illinois State Police shall specify, shall contain the
14 applicant's name, residence, date of birth, sex, physical
15 description, recent photograph, except as provided in
16 subsection (c-5), and signature. Each Firearm Owner's
17 Identification Card must have the Firearm Owner's
18 Identification Card number boldly and conspicuously displayed
19 on the face of the card. Each Firearm Owner's Identification
20 Card must have printed on it the following: "CAUTION - This
21 card does not permit bearer to UNLAWFULLY carry or use
22 firearms." Before December 1, 2002, the Department of State
23 Police may use a person's digital photograph and signature
24 from his or her Illinois driver's license or Illinois
25 Identification Card, if available. On and after December 1,

1 2002, the Illinois State Police (formerly the Department of
2 State Police) ~~Department~~ shall use a person's digital
3 photograph and signature from his or her Illinois driver's
4 license or Illinois Identification Card, if available. The
5 Illinois State Police ~~Department~~ shall decline to use a
6 person's digital photograph or signature if the digital
7 photograph or signature is the result of or associated with
8 fraudulent or erroneous data, unless otherwise provided by
9 law.

10 (b) A person applying for a Firearm Owner's Identification
11 Card shall consent to the Illinois State Police using the
12 applicant's digital driver's license or Illinois
13 Identification Card photograph, if available, and signature on
14 the applicant's Firearm Owner's Identification Card. The
15 Secretary of State shall allow the Illinois State Police
16 access to the photograph and signature for the purpose of
17 identifying the applicant and issuing to the applicant a
18 Firearm Owner's Identification Card.

19 (c) The Secretary of State shall conduct a study to
20 determine the cost and feasibility of creating a method of
21 adding an identifiable code, background, or other means on the
22 driver's license or Illinois Identification Card to show that
23 an individual is not disqualified from owning or possessing a
24 firearm under State or federal law. The Secretary shall report
25 the findings of this study August 17, 2002 (12 months after the
26 effective date of Public Act 92-442) ~~this amendatory Act of~~

1 ~~the 92nd General Assembly.~~

2 (c-5) If a person qualifies for a photograph exemption, in
3 lieu of a photograph, the Firearm Owner's Identification Card
4 shall contain a copy of the card holder's fingerprints. Each
5 Firearm Owner's Identification Card described in this
6 subsection (c-5) must have printed on it the following: "This
7 card is only valid for firearm purchases through a federally
8 licensed firearms dealer when presented with photographic
9 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

10 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
11 revised 10-14-21.)

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

13 Sec. 8. Grounds for denial and revocation. The Illinois
14 State Police has authority to deny an application for or to
15 revoke and seize a Firearm Owner's Identification Card
16 previously issued under this Act only if the Illinois State
17 Police Department finds that the applicant or the person to
18 whom such card was issued is or was at the time of issuance:

19 (a) A person under 21 years of age who has been
20 convicted of a misdemeanor other than a traffic offense or
21 adjudged delinquent;

22 (b) This subsection (b) applies through the 180th day
23 following July 12, 2019 (the effective date of Public Act
24 101-80) ~~this amendatory Act of the 101st General Assembly.~~

25 A person under 21 years of age who does not have the

1 written consent of his parent or guardian to acquire and
2 possess firearms and firearm ammunition, or whose parent
3 or guardian has revoked such written consent, or where
4 such parent or guardian does not qualify to have a Firearm
5 Owner's Identification Card;

6 (b-5) This subsection (b-5) applies on and after the
7 181st day following July 12, 2019 (the effective date of
8 Public Act 101-80) ~~this amendatory Act of the 101st~~
9 ~~General Assembly~~. A person under 21 years of age who is not
10 an active duty member of the United States Armed Forces
11 and does not have the written consent of his or her parent
12 or guardian to acquire and possess firearms and firearm
13 ammunition, or whose parent or guardian has revoked such
14 written consent, or where such parent or guardian does not
15 qualify to have a Firearm Owner's Identification Card;

16 (c) A person convicted of a felony under the laws of
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental health
20 facility within the past 5 years or a person who has been a
21 patient in a mental health facility more than 5 years ago
22 who has not received the certification required under
23 subsection (u) of this Section. An active law enforcement
24 officer employed by a unit of government or a Department
25 of Corrections employee authorized to possess firearms who
26 is denied, revoked, or has his or her Firearm Owner's

1 Identification Card seized under this subsection (e) may
2 obtain relief as described in subsection (c-5) of Section
3 10 of this Act if the officer or employee did not act in a
4 manner threatening to the officer or employee, another
5 person, or the public as determined by the treating
6 clinical psychologist or physician, and the officer or
7 employee seeks mental health treatment;

8 (f) A person whose mental condition is of such a
9 nature that it poses a clear and present danger to the
10 applicant, any other person or persons, or the community;

11 (g) A person who has an intellectual disability;

12 (h) A person who intentionally makes a false statement
13 in the Firearm Owner's Identification Card application;

14 (i) An alien who is unlawfully present in the United
15 States under the laws of the United States;

16 (i-5) An alien who has been admitted to the United
17 States under a non-immigrant visa (as that term is defined
18 in Section 101(a)(26) of the Immigration and Nationality
19 Act (8 U.S.C. 1101(a)(26))), except that this subsection
20 (i-5) does not apply to any alien who has been lawfully
21 admitted to the United States under a non-immigrant visa
22 if that alien is:

23 (1) admitted to the United States for lawful
24 hunting or sporting purposes;

25 (2) an official representative of a foreign
26 government who is:

1 (A) accredited to the United States Government
2 or the Government's mission to an international
3 organization having its headquarters in the United
4 States; or

5 (B) en route to or from another country to
6 which that alien is accredited;

7 (3) an official of a foreign government or
8 distinguished foreign visitor who has been so
9 designated by the Department of State;

10 (4) a foreign law enforcement officer of a
11 friendly foreign government entering the United States
12 on official business; or

13 (5) one who has received a waiver from the
14 Attorney General of the United States pursuant to 18
15 U.S.C. 922(y)(3);

16 (j) (Blank);

17 (k) A person who has been convicted within the past 5
18 years of battery, assault, aggravated assault, violation
19 of an order of protection, or a substantially similar
20 offense in another jurisdiction, in which a firearm was
21 used or possessed;

22 (l) A person who has been convicted of domestic
23 battery, aggravated domestic battery, or a substantially
24 similar offense in another jurisdiction committed before,
25 on or after January 1, 2012 (the effective date of Public
26 Act 97-158). If the applicant or person who has been

1 previously issued a Firearm Owner's Identification Card
2 under this Act knowingly and intelligently waives the
3 right to have an offense described in this paragraph (l)
4 tried by a jury, and by guilty plea or otherwise, results
5 in a conviction for an offense in which a domestic
6 relationship is not a required element of the offense but
7 in which a determination of the applicability of 18 U.S.C.
8 922(g)(9) is made under Section 112A-11.1 of the Code of
9 Criminal Procedure of 1963, an entry by the court of a
10 judgment of conviction for that offense shall be grounds
11 for denying an application for and for revoking and
12 seizing a Firearm Owner's Identification Card previously
13 issued to the person under this Act;

14 (m) (Blank);

15 (n) A person who is prohibited from acquiring or
16 possessing firearms or firearm ammunition by any Illinois
17 State statute or by federal law;

18 (o) A minor subject to a petition filed under Section
19 5-520 of the Juvenile Court Act of 1987 alleging that the
20 minor is a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony;

22 (p) An adult who had been adjudicated a delinquent
23 minor under the Juvenile Court Act of 1987 for the
24 commission of an offense that if committed by an adult
25 would be a felony;

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of
2 Section 4;

3 (r) A person who has been adjudicated as a person with
4 a mental disability;

5 (s) A person who has been found to have a
6 developmental disability;

7 (t) A person involuntarily admitted into a mental
8 health facility; or

9 (u) A person who has had his or her Firearm Owner's
10 Identification Card revoked or denied under subsection (e)
11 of this Section or item (iv) of paragraph (2) of
12 subsection (a) of Section 4 of this Act because he or she
13 was a patient in a mental health facility as provided in
14 subsection (e) of this Section, shall not be permitted to
15 obtain a Firearm Owner's Identification Card, after the
16 5-year period has lapsed, unless he or she has received a
17 mental health evaluation by a physician, clinical
18 psychologist, or qualified examiner as those terms are
19 defined in the Mental Health and Developmental
20 Disabilities Code, and has received a certification that
21 he or she is not a clear and present danger to himself,
22 herself, or others. The physician, clinical psychologist,
23 or qualified examiner making the certification and his or
24 her employer shall not be held criminally, civilly, or
25 professionally liable for making or not making the
26 certification required under this subsection, except for

1 willful or wanton misconduct. This subsection does not
2 apply to a person whose firearm possession rights have
3 been restored through administrative or judicial action
4 under Section 10 or 11 of this Act.

5 Upon revocation of a person's Firearm Owner's
6 Identification Card, the Illinois State Police shall provide
7 notice to the person and the person shall comply with Section
8 9.5 of this Act.

9 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
10 102-645, eff. 1-1-22; revised 10-14-21.)

11 (430 ILCS 65/8.3)

12 Sec. 8.3. Suspension of Firearm Owner's Identification
13 Card. The Illinois State Police may suspend the Firearm
14 Owner's Identification Card of a person whose Firearm Owner's
15 Identification Card is subject to revocation and seizure under
16 this Act for the duration of the disqualification if the
17 disqualification is not a permanent grounds for revocation of
18 a Firearm Owner's Identification Card under this Act. The
19 Illinois State Police may adopt rules necessary to implement
20 this Section.

21 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
22 revised 10-15-21.)

23 (430 ILCS 65/9.5)

24 Sec. 9.5. Revocation of Firearm Owner's Identification

1 Card.

2 (a) A person who receives a revocation notice under
3 Section 9 of this Act shall, within 48 hours of receiving
4 notice of the revocation:

5 (1) surrender his or her Firearm Owner's
6 Identification Card to the local law enforcement agency
7 where the person resides or to the Illinois State Police;
8 and

9 (2) complete a Firearm Disposition Record on a form
10 prescribed by the Illinois State Police and place his or
11 her firearms in the location or with the person reported
12 in the Firearm Disposition Record. The form shall require
13 the person to disclose:

14 (A) the make, model, and serial number of each
15 firearm owned by or under the custody and control of
16 the revoked person;

17 (B) the location where each firearm will be
18 maintained during the prohibited term;

19 (C) if any firearm will be transferred to the
20 custody of another person, the name, address and
21 Firearm Owner's Identification Card number of the
22 transferee; and

23 (D) to whom his or her Firearm Owner's
24 Identification Card was surrendered.

25 Once completed, the person shall retain a copy and
26 provide a copy of the Firearm Disposition Record to the

1 Illinois State Police.

2 (b) Upon confirming through the portal created under
3 Section 2605-304 of the Illinois ~~Department of~~ State Police
4 Law of the Civil Administrative Code of Illinois that the
5 Firearm Owner's Identification Card has been revoked by the
6 Illinois State Police, surrendered cards shall be destroyed by
7 the law enforcement agency receiving the cards. If a card has
8 not been revoked, the card shall be returned to the
9 cardholder. ~~Illinois~~

10 (b-5) If a court orders the surrender of a Firearms
11 Owner's Identification Card and accepts receipt of the Card,
12 the court shall destroy the Card and direct the person whose
13 Firearm Owner's Identification Card has been surrendered to
14 comply with paragraph (2) of subsection (a).

15 (b-10) If the person whose Firearm Owner's Identification
16 Card has been revoked has either lost or destroyed the Card,
17 the person must still comply with paragraph (2) of subsection
18 (a).

19 (b-15) A notation shall be made in the portal created
20 under Section 2605-304 of the Illinois ~~Department of~~ State
21 Police Law of the Civil Administrative Code of Illinois that
22 the revoked Firearm Owner's Identification Card has been
23 destroyed.

24 (c) If the person whose Firearm Owner's Identification
25 Card has been revoked fails to comply with the requirements of
26 this Section, the sheriff or law enforcement agency where the

1 person resides may petition the circuit court to issue a
2 warrant to search for and seize the Firearm Owner's
3 Identification Card and firearms in the possession or under
4 the custody or control of the person whose Firearm Owner's
5 Identification Card has been revoked.

6 (d) A violation of subsection (a) of this Section is a
7 Class A misdemeanor.

8 (e) The observation of a Firearm Owner's Identification
9 Card in the possession of a person whose Firearm Owner's
10 Identification Card has been revoked constitutes a sufficient
11 basis for the arrest of that person for violation of this
12 Section.

13 (f) Within 30 days after July 9, 2013 (the effective date
14 of Public Act 98-63) ~~this amendatory Act of the 98th General~~
15 ~~Assembly~~, the Illinois State Police shall provide written
16 notice of the requirements of this Section to persons whose
17 Firearm Owner's Identification Cards have been revoked,
18 suspended, or expired and who have failed to surrender their
19 cards to the Illinois State Police ~~Department~~.

20 (g) A person whose Firearm Owner's Identification Card has
21 been revoked and who received notice under subsection (f)
22 shall comply with the requirements of this Section within 48
23 hours of receiving notice.

24 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
25 revised 10-15-21.)

1 (430 ILCS 65/10) (from Ch. 38, par. 83-10)
2 Sec. 10. Appeals; hearing; relief from firearm
3 prohibitions.

4 (a) Whenever an application for a Firearm Owner's
5 Identification Card is denied or whenever such a Card is
6 revoked or seized as provided for in Section 8 of this Act, the
7 aggrieved party may (1) file a record challenge with the
8 Director regarding the record upon which the decision to deny
9 or revoke the Firearm Owner's Identification Card was based
10 under subsection (a-5); or (2) appeal to the Director of the
11 Illinois State Police through December 31, 2022, or beginning
12 January 1, 2023, the Firearm Owner's Identification Card
13 Review Board for a hearing seeking relief from such denial or
14 revocation unless the denial or revocation was based upon a
15 forcible felony, stalking, aggravated stalking, domestic
16 battery, any violation of the Illinois Controlled Substances
17 Act, the Methamphetamine Control and Community Protection Act,
18 or the Cannabis Control Act that is classified as a Class 2 or
19 greater felony, any felony violation of Article 24 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, or any
21 adjudication as a delinquent minor for the commission of an
22 offense that if committed by an adult would be a felony, in
23 which case the aggrieved party may petition the circuit court
24 in writing in the county of his or her residence for a hearing
25 seeking relief from such denial or revocation.

26 (a-5) There is created a Firearm Owner's Identification

1 Card Review Board to consider any appeal under subsection (a)
2 beginning January 1, 2023, other than an appeal directed to
3 the circuit court and except when the applicant is challenging
4 the record upon which the decision to deny or revoke was based
5 as provided in subsection (a-10).

6 (0.05) In furtherance of the policy of this Act that
7 the Board shall exercise its powers and duties in an
8 independent manner, subject to the provisions of this Act
9 but free from the direction, control, or influence of any
10 other agency or department of State government. All
11 expenses and liabilities incurred by the Board in the
12 performance of its responsibilities hereunder shall be
13 paid from funds which shall be appropriated to the Board
14 by the General Assembly for the ordinary and contingent
15 expenses of the Board.

16 (1) The Board shall consist of 7 members appointed by
17 the Governor, with the advice and consent of the Senate,
18 with 3 members residing within the First Judicial District
19 and one member residing within each of the 4 remaining
20 Judicial Districts. No more than 4 members shall be
21 members of the same political party. The Governor shall
22 designate one member as the chairperson. The Board shall
23 consist of:

24 (A) one member with at least 5 years of service as
25 a federal or State judge;

26 (B) one member with at least 5 years of experience

1 serving as an attorney with the United States
2 Department of Justice, or as a State's Attorney or
3 Assistant State's Attorney;

4 (C) one member with at least 5 years of experience
5 serving as a State or federal public defender or
6 assistant public defender;

7 (D) three members with at least 5 years of
8 experience as a federal, State, or local law
9 enforcement agent or as an employee with investigative
10 experience or duties related to criminal justice under
11 the United States Department of Justice, Drug
12 Enforcement Administration, Department of Homeland
13 Security, Federal Bureau of Investigation, or a State
14 or local law enforcement agency; and

15 (E) one member with at least 5 years of experience
16 as a licensed physician or clinical psychologist with
17 expertise in the diagnosis and treatment of mental
18 illness.

19 (2) The terms of the members initially appointed after
20 January 1, 2022 (the effective date of Public Act 102-237)
21 ~~this amendatory Act of the 102nd General Assembly~~ shall be
22 as follows: one of the initial members shall be appointed
23 for a term of one year, 3 shall be appointed for terms of 2
24 years, and 3 shall be appointed for terms of 4 years.
25 Thereafter, members shall hold office for 4 years, with
26 terms expiring on the second Monday in January immediately

1 following the expiration of their terms and every 4 years
2 thereafter. Members may be reappointed. Vacancies in the
3 office of member shall be filled in the same manner as the
4 original appointment, for the remainder of the unexpired
5 term. The Governor may remove a member for incompetence,
6 neglect of duty, malfeasance, or inability to serve.
7 Members shall receive compensation in an amount equal to
8 the compensation of members of the Executive Ethics
9 Commission and may be reimbursed, from funds appropriated
10 for such a purpose, for reasonable expenses actually
11 incurred in the performance of their Board duties. The
12 Illinois State Police shall designate an employee to serve
13 as Executive Director of the Board and provide logistical
14 and administrative assistance to the Board.

15 (3) The Board shall meet at least quarterly each year
16 and at the call of the chairperson as often as necessary to
17 consider appeals of decisions made with respect to
18 applications for a Firearm Owner's Identification Card
19 under this Act. If necessary to ensure the participation
20 of a member, the Board shall allow a member to participate
21 in a Board meeting by electronic communication. Any member
22 participating electronically shall be deemed present for
23 purposes of establishing a quorum and voting.

24 (4) The Board shall adopt rules for the review of
25 appeals and the conduct of hearings. The Board shall
26 maintain a record of its decisions and all materials

1 considered in making its decisions. All Board decisions
2 and voting records shall be kept confidential and all
3 materials considered by the Board shall be exempt from
4 inspection except upon order of a court.

5 (5) In considering an appeal, the Board shall review
6 the materials received concerning the denial or revocation
7 by the Illinois State Police. By a vote of at least 4
8 members, the Board may request additional information from
9 the Illinois State Police or the applicant or the
10 testimony of the Illinois State Police or the applicant.
11 The Board may require that the applicant submit electronic
12 fingerprints to the Illinois State Police for an updated
13 background check if the Board determines it lacks
14 sufficient information to determine eligibility. The Board
15 may consider information submitted by the Illinois State
16 Police, a law enforcement agency, or the applicant. The
17 Board shall review each denial or revocation and determine
18 by a majority of members whether an applicant should be
19 granted relief under subsection (c).

20 (6) The Board shall by order issue summary decisions.
21 The Board shall issue a decision within 45 days of
22 receiving all completed appeal documents from the Illinois
23 State Police and the applicant. However, the Board need
24 not issue a decision within 45 days if:

25 (A) the Board requests information from the
26 applicant, including, but not limited to, electronic

1 fingerprints to be submitted to the Illinois State
2 Police, in accordance with paragraph (5) of this
3 subsection, in which case the Board shall make a
4 decision within 30 days of receipt of the required
5 information from the applicant;

6 (B) the applicant agrees, in writing, to allow the
7 Board additional time to consider an appeal; or

8 (C) the Board notifies the applicant and the
9 Illinois State Police that the Board needs an
10 additional 30 days to issue a decision. The Board may
11 only issue 2 extensions under this subparagraph (C).
12 The Board's notification to the applicant and the
13 Illinois State Police shall include an explanation for
14 the extension.

15 (7) If the Board determines that the applicant is
16 eligible for relief under subsection (c), the Board shall
17 notify the applicant and the Illinois State Police that
18 relief has been granted and the Illinois State Police
19 shall issue the Card.

20 (8) Meetings of the Board shall not be subject to the
21 Open Meetings Act and records of the Board shall not be
22 subject to the Freedom of Information Act.

23 (9) The Board shall report monthly to the Governor and
24 the General Assembly on the number of appeals received and
25 provide details of the circumstances in which the Board
26 has determined to deny Firearm Owner's Identification

1 Cards under this subsection (a-5). The report shall not
2 contain any identifying information about the applicants.

3 (a-10) Whenever an applicant or cardholder is not seeking
4 relief from a firearms prohibition under subsection (c) but
5 rather does not believe the applicant is appropriately denied
6 or revoked and is challenging the record upon which the
7 decision to deny or revoke the Firearm Owner's Identification
8 Card was based, or whenever the Illinois State Police fails to
9 act on an application within 30 days of its receipt, the
10 applicant shall file such challenge with the Director. The
11 Director shall render a decision within 60 business days of
12 receipt of all information supporting the challenge. The
13 Illinois State Police shall adopt rules for the review of a
14 record challenge.

15 (b) At least 30 days before any hearing in the circuit
16 court, the petitioner shall serve the relevant State's
17 Attorney with a copy of the petition. The State's Attorney may
18 object to the petition and present evidence. At the hearing,
19 the court shall determine whether substantial justice has been
20 done. Should the court determine that substantial justice has
21 not been done, the court shall issue an order directing the
22 Illinois State Police to issue a Card. However, the court
23 shall not issue the order if the petitioner is otherwise
24 prohibited from obtaining, possessing, or using a firearm
25 under federal law.

26 (c) Any person prohibited from possessing a firearm under

1 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
2 acquiring a Firearm Owner's Identification Card under Section
3 8 of this Act may apply to the Firearm Owner's Identification
4 Card Review Board ~~the Illinois~~ or petition the circuit court
5 in the county where the petitioner resides, whichever is
6 applicable in accordance with subsection (a) of this Section,
7 requesting relief from such prohibition and the Board or court
8 may grant such relief if it is established by the applicant to
9 the court's or the Board's satisfaction that:

10 (0.05) when in the circuit court, the State's Attorney
11 has been served with a written copy of the petition at
12 least 30 days before any such hearing in the circuit court
13 and at the hearing the State's Attorney was afforded an
14 opportunity to present evidence and object to the
15 petition;

16 (1) the applicant has not been convicted of a forcible
17 felony under the laws of this State or any other
18 jurisdiction within 20 years of the applicant's
19 application for a Firearm Owner's Identification Card, or
20 at least 20 years have passed since the end of any period
21 of imprisonment imposed in relation to that conviction;

22 (2) the circumstances regarding a criminal conviction,
23 where applicable, the applicant's criminal history and his
24 reputation are such that the applicant will not be likely
25 to act in a manner dangerous to public safety;

26 (3) granting relief would not be contrary to the

1 public interest; and

2 (4) granting relief would not be contrary to federal
3 law.

4 (c-5) (1) An active law enforcement officer employed by a
5 unit of government or a Department of Corrections employee
6 authorized to possess firearms who is denied, revoked, or has
7 his or her Firearm Owner's Identification Card seized under
8 subsection (e) of Section 8 of this Act may apply to the
9 Firearm Owner's Identification Card Review Board ~~the Illinois~~
10 requesting relief if the officer or employee did not act in a
11 manner threatening to the officer or employee, another person,
12 or the public as determined by the treating clinical
13 psychologist or physician, and as a result of his or her work
14 is referred by the employer for or voluntarily seeks mental
15 health evaluation or treatment by a licensed clinical
16 psychologist, psychiatrist, or qualified examiner, and:

17 (A) the officer or employee has not received treatment
18 involuntarily at a mental health facility, regardless of
19 the length of admission; or has not been voluntarily
20 admitted to a mental health facility for more than 30 days
21 and not for more than one incident within the past 5 years;
22 and

23 (B) the officer or employee has not left the mental
24 institution against medical advice.

25 (2) The Firearm Owner's Identification Card Review Board
26 ~~the Illinois~~ shall grant expedited relief to active law

1 enforcement officers and employees described in paragraph (1)
2 of this subsection (c-5) upon a determination by the Board
3 that the officer's or employee's possession of a firearm does
4 not present a threat to themselves, others, or public safety.
5 The Board shall act on the request for relief within 30
6 business days of receipt of:

7 (A) a notarized statement from the officer or employee
8 in the form prescribed by the Board detailing the
9 circumstances that led to the hospitalization;

10 (B) all documentation regarding the admission,
11 evaluation, treatment and discharge from the treating
12 licensed clinical psychologist or psychiatrist of the
13 officer;

14 (C) a psychological fitness for duty evaluation of the
15 person completed after the time of discharge; and

16 (D) written confirmation in the form prescribed by the
17 Board from the treating licensed clinical psychologist or
18 psychiatrist that the provisions set forth in paragraph
19 (1) of this subsection (c-5) have been met, the person
20 successfully completed treatment, and their professional
21 opinion regarding the person's ability to possess
22 firearms.

23 (3) Officers and employees eligible for the expedited
24 relief in paragraph (2) of this subsection (c-5) have the
25 burden of proof on eligibility and must provide all
26 information required. The Board may not consider granting

1 expedited relief until the proof and information is received.

2 (4) "Clinical psychologist", "psychiatrist", and
3 "qualified examiner" shall have the same meaning as provided
4 in Chapter I of the Mental Health and Developmental
5 Disabilities Code.

6 (c-10) (1) An applicant, who is denied, revoked, or has
7 his or her Firearm Owner's Identification Card seized under
8 subsection (e) of Section 8 of this Act based upon a
9 determination of a developmental disability or an intellectual
10 disability may apply to the Firearm Owner's Identification
11 Card Review Board ~~the Illinois~~ requesting relief.

12 (2) The Board shall act on the request for relief within 60
13 business days of receipt of written certification, in the form
14 prescribed by the Board, from a physician or clinical
15 psychologist, or qualified examiner, that the aggrieved
16 party's developmental disability or intellectual disability
17 condition is determined by a physician, clinical psychologist,
18 or qualified to be mild. If a fact-finding conference is
19 scheduled to obtain additional information concerning the
20 circumstances of the denial or revocation, the 60 business
21 days the Director has to act shall be tolled until the
22 completion of the fact-finding conference.

23 (3) The Board may grant relief if the aggrieved party's
24 developmental disability or intellectual disability is mild as
25 determined by a physician, clinical psychologist, or qualified
26 examiner and it is established by the applicant to the Board's

1 satisfaction that:

2 (A) granting relief would not be contrary to the
3 public interest; and

4 (B) granting relief would not be contrary to federal
5 law.

6 (4) The Board may not grant relief if the condition is
7 determined by a physician, clinical psychologist, or qualified
8 examiner to be moderate, severe, or profound.

9 (5) The changes made to this Section by Public Act 99-29
10 apply to requests for relief pending on or before July 10, 2015
11 (the effective date of Public Act 99-29), except that the
12 60-day period for the Director to act on requests pending
13 before the effective date shall begin on July 10, 2015 (the
14 effective date of Public Act 99-29). All appeals as provided
15 in subsection (a-5)~~7~~ pending on January 1, 2023~~7~~ shall be
16 considered by the Board.

17 (d) When a minor is adjudicated delinquent for an offense
18 which if committed by an adult would be a felony, the court
19 shall notify the Illinois State Police.

20 (e) The court shall review the denial of an application or
21 the revocation of a Firearm Owner's Identification Card of a
22 person who has been adjudicated delinquent for an offense that
23 if committed by an adult would be a felony if an application
24 for relief has been filed at least 10 years after the
25 adjudication of delinquency and the court determines that the
26 applicant should be granted relief from disability to obtain a

1 Firearm Owner's Identification Card. If the court grants
2 relief, the court shall notify the Illinois State Police that
3 the disability has been removed and that the applicant is
4 eligible to obtain a Firearm Owner's Identification Card.

5 (f) Any person who is subject to the disabilities of 18
6 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
7 of 1968 because of an adjudication or commitment that occurred
8 under the laws of this State or who was determined to be
9 subject to the provisions of subsections (e), (f), or (g) of
10 Section 8 of this Act may apply to the Illinois State Police
11 requesting relief from that prohibition. The Board shall grant
12 the relief if it is established by a preponderance of the
13 evidence that the person will not be likely to act in a manner
14 dangerous to public safety and that granting relief would not
15 be contrary to the public interest. In making this
16 determination, the Board shall receive evidence concerning (i)
17 the circumstances regarding the firearms disabilities from
18 which relief is sought; (ii) the petitioner's mental health
19 and criminal history records, if any; (iii) the petitioner's
20 reputation, developed at a minimum through character witness
21 statements, testimony, or other character evidence; and (iv)
22 changes in the petitioner's condition or circumstances since
23 the disqualifying events relevant to the relief sought. If
24 relief is granted under this subsection or by order of a court
25 under this Section, the Director shall as soon as practicable
26 but in no case later than 15 business days, update, correct,

1 modify, or remove the person's record in any database that the
2 Illinois State Police makes available to the National Instant
3 Criminal Background Check System and notify the United States
4 Attorney General that the basis for the record being made
5 available no longer applies. The Illinois State Police shall
6 adopt rules for the administration of this Section.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
8 102-645, eff. 1-1-22; revised 10-15-21.)

9 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

10 Sec. 11. Judicial review of final administrative
11 decisions.

12 (a) All final administrative decisions of the Firearm
13 Owner's Identification Card Review Board under this Act,
14 except final administrative decisions of the Firearm Owner's
15 Identification Card Review Board ~~the Illinois~~ to deny a
16 person's application for relief under subsection (f) of
17 Section 10 of this Act, shall be subject to judicial review
18 under the provisions of the Administrative Review Law, and all
19 amendments and modifications thereof, and the rules adopted
20 pursuant thereto. The term "administrative decision" is
21 defined as in Section 3-101 of the Code of Civil Procedure.

22 (b) Any final administrative decision by the Firearm
23 Owner's Identification Card Review Board ~~the Illinois~~ to deny
24 a person's application for relief under subsection (f) of
25 Section 10 of this Act is subject to de novo judicial review by

1 the circuit court, and any party may offer evidence that is
2 otherwise proper and admissible without regard to whether that
3 evidence is part of the administrative record.

4 (c) The Firearm Owner's Identification Card Review Board
5 ~~the Illinois~~ shall submit a report to the General Assembly on
6 March 1 of each year, beginning March 1, 1991, listing all
7 final decisions by a court of this State upholding, reversing,
8 or reversing in part any administrative decision made by the
9 Illinois State Police.

10 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
11 revised 11-2-21.)

12 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

13 Sec. 13.2. Renewal; name, photograph, or address change;
14 replacement card. The Illinois State Police shall, 180 days
15 prior to the expiration of a Firearm Owner's Identification
16 Card, forward by first class mail or by other means provided in
17 Section 7.5 to each person whose card is to expire a
18 notification of the expiration of the card and instructions
19 for renewal. It is the obligation of the holder of a Firearm
20 Owner's Identification Card to notify the Illinois State
21 Police of any address change since the issuance of the Firearm
22 Owner's Identification Card. The Illinois State Police may
23 update the applicant and card holder's ~~holders~~ address based
24 upon records in the Secretary of State Driver's License or
25 Illinois identification card records of applicants who do not

1 have driver's licenses. Any person whose legal name has
2 changed from the name on the card that he or she has been
3 previously issued must apply for a corrected card within 30
4 calendar days after the change. The cost for an updated or
5 corrected card shall be \$5. The cost for replacement of a card
6 which has been lost, destroyed, or stolen shall be \$5 if the
7 loss, destruction, or theft of the card is reported to the
8 Illinois State Police. The fees collected under this Section
9 shall be deposited into the State Police Firearm Services
10 Fund.

11 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
12 revised 10-12-21.)

13 Section 560. The Firearm Concealed Carry Act is amended by
14 changing Sections 10, 20, 30, 50, 55, and 70 as follows:

15 (430 ILCS 66/10)

16 Sec. 10. Issuance of licenses to carry a concealed
17 firearm.

18 (a) The Illinois State Police shall issue a license to
19 carry a concealed firearm under this Act to an applicant who:

20 (1) meets the qualifications of Section 25 of this
21 Act;

22 (2) has provided the application and documentation
23 required in Section 30 of this Act;

24 (3) has submitted the requisite fees; and

1 (4) does not pose a danger to himself, herself, or
2 others, or a threat to public safety as determined by the
3 Concealed Carry Licensing Review Board in accordance with
4 Section 20.

5 (b) The Illinois State Police shall issue a renewal,
6 corrected, or duplicate license as provided in this Act.

7 (c) A license shall be valid throughout the State for a
8 period of 5 years from the date of issuance. A license shall
9 permit the licensee to:

10 (1) carry a loaded or unloaded concealed firearm,
11 fully concealed or partially concealed, on or about his or
12 her person; and

13 (2) keep or carry a loaded or unloaded concealed
14 firearm on or about his or her person within a vehicle.

15 (d) The Illinois State Police shall make applications for
16 a license available no later than 180 days after July 9, 2013
17 (the effective date of this Act). The Illinois State Police
18 shall establish rules for the availability and submission of
19 applications in accordance with this Act.

20 (e) An application for a license submitted to the Illinois
21 State Police that contains all the information and materials
22 required by this Act, including the requisite fee, shall be
23 deemed completed. Except as otherwise provided in this Act, no
24 later than 90 days after receipt of a completed application,
25 the Illinois State Police shall issue or deny the applicant a
26 license. The Illinois State Police shall notify the applicant

1 for a concealed carry license~~7~~ electronically~~7~~ to confirm if
2 all the required information and materials have been received.
3 If an applicant for a concealed carry license submits his or
4 her application electronically, the Illinois State Police
5 shall notify the applicant electronically if his or her
6 application is missing information or materials.

7 (f) The Illinois State Police shall deny the applicant a
8 license if the applicant fails to meet the requirements under
9 this Act or the Illinois State Police receives a determination
10 from the Board that the applicant is ineligible for a license.
11 The Illinois State Police must notify the applicant stating
12 the grounds for the denial. The notice of denial must inform
13 the applicant of his or her right to an appeal through
14 administrative and judicial review.

15 (g) A licensee shall possess a license at all times the
16 licensee carries a concealed firearm except:

17 (1) when the licensee is carrying or possessing a
18 concealed firearm on his or her land or in his or her
19 abode, legal dwelling, or fixed place of business, or on
20 the land or in the legal dwelling of another person as an
21 invitee with that person's permission;

22 (2) when the person is authorized to carry a firearm
23 under Section 24-2 of the Criminal Code of 2012, except
24 subsection (a-5) of that Section; or

25 (3) when the handgun is broken down in a
26 non-functioning state, is not immediately accessible, or

1 is unloaded and enclosed in a case.

2 (h) If an officer of a law enforcement agency initiates an
3 investigative stop, including, but not limited to, a traffic
4 stop, of a licensee or a non-resident carrying a concealed
5 firearm under subsection (e) of Section 40 of this Act, upon
6 the request of the officer the licensee or non-resident shall
7 disclose to the officer that he or she is in possession of a
8 concealed firearm under this Act, or present the license upon
9 the request of the officer if he or she is a licensee or
10 present upon the request of the officer evidence under
11 paragraph (2) of subsection (e) of Section 40 of this Act that
12 he or she is a non-resident qualified to carry under that
13 subsection. The disclosure requirement under this subsection
14 (h) is satisfied if the licensee presents his or her license to
15 the officer or the non-resident presents to the officer
16 evidence under paragraph (2) of subsection (e) of Section 40
17 of this Act that he or she is qualified to carry under that
18 subsection. Upon the request of the officer, the licensee or
19 non-resident shall also identify the location of the concealed
20 firearm and permit the officer to safely secure the firearm
21 for the duration of the investigative stop. During a traffic
22 stop, any passenger within the vehicle who is a licensee or a
23 non-resident carrying under subsection (e) of Section 40 of
24 this Act must comply with the requirements of this subsection
25 (h).

26 (h-1) If a licensee carrying a firearm or a non-resident

1 carrying a firearm in a vehicle under subsection (e) of
2 Section 40 of this Act is contacted by a law enforcement
3 officer or emergency services personnel, the law enforcement
4 officer or emergency services personnel may secure the firearm
5 or direct that it be secured during the duration of the contact
6 if the law enforcement officer or emergency services personnel
7 determines that it is necessary for the safety of any person
8 present, including the law enforcement officer or emergency
9 services personnel. The licensee or nonresident shall submit
10 to the order to secure the firearm. When the law enforcement
11 officer or emergency services personnel have determined that
12 the licensee or non-resident is not a threat to the safety of
13 any person present, including the law enforcement officer or
14 emergency services personnel, and if the licensee or
15 non-resident is physically and mentally capable of possessing
16 the firearm, the law enforcement officer or emergency services
17 personnel shall return the firearm to the licensee or
18 non-resident before releasing him or her from the scene and
19 breaking contact. If the licensee or non-resident is
20 transported for treatment to another location, the firearm
21 shall be turned over to any peace officer. The peace officer
22 shall provide a receipt which includes the make, model,
23 caliber, and serial number of the firearm.

24 (i) The Illinois State Police shall maintain a database of
25 license applicants and licensees. The database shall be
26 available to all federal, State, and local law enforcement

1 agencies, State's Attorneys, the Attorney General, and
2 authorized court personnel. Within 180 days after July 9, 2013
3 (the effective date of this Act), the database shall be
4 searchable and provide all information included in the
5 application, including the applicant's previous addresses
6 within the 10 years prior to the license application and any
7 information related to violations of this Act. No law
8 enforcement agency, State's Attorney, Attorney General, or
9 member or staff of the judiciary shall provide any information
10 to a requester who is not entitled to it by law.

11 (j) No later than 10 days after receipt of a completed
12 application, the Illinois State Police shall enter the
13 relevant information about the applicant into the database
14 under subsection (i) of this Section which is accessible by
15 law enforcement agencies.

16 (k) The Illinois State Police shall continuously monitor
17 relevant State and federal databases for firearms prohibitors
18 and correlate those records with concealed carry license
19 holders to ensure compliance with this Act, or State and
20 federal law. The Illinois State Police may adopt rules to
21 implement this subsection.

22 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
23 revised 10-13-21.)

24 (430 ILCS 66/20)

25 Sec. 20. Concealed Carry Licensing Review Board.

1 (a) There is hereby created within the Illinois State
2 Police a Concealed Carry Licensing Review Board to consider
3 any objection to an applicant's eligibility to obtain a
4 license under this Act submitted by a law enforcement agency
5 or the Illinois State Police under Section 15 of this Act. The
6 Board shall consist of 7 commissioners to be appointed by the
7 Governor, with the advice and consent of the Senate, with 3
8 commissioners residing within the First Judicial District and
9 one commissioner residing within each of the 4 remaining
10 Judicial Districts. No more than 4 commissioners shall be
11 members of the same political party. The Governor shall
12 designate one commissioner as the Chairperson. The Board shall
13 consist of:

14 (1) one commissioner with at least 5 years of service
15 as a federal judge;

16 (2) 2 commissioners with at least 5 years of
17 experience serving as an attorney with the United States
18 Department of Justice;

19 (3) 3 commissioners with at least 5 years of
20 experience as a federal agent or employee with
21 investigative experience or duties related to criminal
22 justice under the United States Department of Justice,
23 Drug Enforcement Administration, Department of Homeland
24 Security, or Federal Bureau of Investigation; and

25 (4) one member with at least 5 years of experience as a
26 licensed physician or clinical psychologist with expertise

1 in the diagnosis and treatment of mental illness.

2 (b) The initial terms of the commissioners shall end on
3 January 12, 2015. Notwithstanding any provision in this
4 Section to the contrary, the term of office of each
5 commissioner of the Concealed Carry Licensing Review Board is
6 abolished on January 1, 2022 (the effective date of Public Act
7 102-237) ~~this amendatory Act of the 102nd General Assembly~~.
8 The terms of the commissioners appointed on or after January
9 1, 2022 (the effective date of Public Act 102-237) ~~this~~
10 ~~amendatory Act of the 102nd General Assembly~~ shall be as
11 follows: one of the initial members shall be appointed for a
12 term of one year, 3 shall be appointed for terms of 2 years,
13 and 3 shall be appointed for terms of 4 years. Thereafter, the
14 commissioners shall hold office for 4 years, with terms
15 expiring on the second Monday in January of the fourth year.
16 Commissioners may be reappointed. Vacancies in the office of
17 commissioner shall be filled in the same manner as the
18 original appointment, for the remainder of the unexpired term.
19 The Governor may remove a commissioner for incompetence,
20 neglect of duty, malfeasance, or inability to serve.
21 Commissioners shall receive compensation in an amount equal to
22 the compensation of members of the Executive Ethics Commission
23 and may be reimbursed for reasonable expenses actually
24 incurred in the performance of their Board duties, from funds
25 appropriated for that purpose.

26 (c) The Board shall meet at the call of the chairperson as

1 often as necessary to consider objections to applications for
2 a license under this Act. If necessary to ensure the
3 participation of a commissioner, the Board shall allow a
4 commissioner to participate in a Board meeting by electronic
5 communication. Any commissioner participating electronically
6 shall be deemed present for purposes of establishing a quorum
7 and voting.

8 (d) The Board shall adopt rules for the review of
9 objections and the conduct of hearings. The Board shall
10 maintain a record of its decisions and all materials
11 considered in making its decisions. All Board decisions and
12 voting records shall be kept confidential and all materials
13 considered by the Board shall be exempt from inspection except
14 upon order of a court.

15 (e) In considering an objection of a law enforcement
16 agency or the Illinois State Police, the Board shall review
17 the materials received with the objection from the law
18 enforcement agency or the Illinois State Police. By a vote of
19 at least 4 commissioners, the Board may request additional
20 information from the law enforcement agency, Illinois State
21 Police, or the applicant, or the testimony of the law
22 enforcement agency, Illinois State Police, or the applicant.
23 The Board may require that the applicant submit electronic
24 fingerprints to the Illinois State Police for an updated
25 background check where the Board determines it lacks
26 sufficient information to determine eligibility. The Board may

1 only consider information submitted by the Illinois State
2 Police, a law enforcement agency, or the applicant. The Board
3 shall review each objection and determine by a majority of
4 commissioners whether an applicant is eligible for a license.

5 (f) The Board shall issue a decision within 30 days of
6 receipt of the objection from the Illinois State Police.
7 However, the Board need not issue a decision within 30 days if:

8 (1) the Board requests information from the applicant,
9 including but not limited to electronic fingerprints to be
10 submitted to the Illinois State Police, in accordance with
11 subsection (e) of this Section, in which case the Board
12 shall make a decision within 30 days of receipt of the
13 required information from the applicant;

14 (2) the applicant agrees, in writing, to allow the
15 Board additional time to consider an objection; or

16 (3) the Board notifies the applicant and the Illinois
17 State Police that the Board needs an additional 30 days to
18 issue a decision.

19 (g) If the Board determines by a preponderance of the
20 evidence that the applicant poses a danger to himself or
21 herself or others, or is a threat to public safety, then the
22 Board shall affirm the objection of the law enforcement agency
23 or the Illinois State Police and shall notify the Illinois
24 State Police that the applicant is ineligible for a license.
25 If the Board does not determine by a preponderance of the
26 evidence that the applicant poses a danger to himself or

1 herself or others, or is a threat to public safety, then the
2 Board shall notify the Illinois State Police that the
3 applicant is eligible for a license.

4 (h) Meetings of the Board shall not be subject to the Open
5 Meetings Act and records of the Board shall not be subject to
6 the Freedom of Information Act.

7 (i) The Board shall report monthly to the Governor and the
8 General Assembly on the number of objections received and
9 provide details of the circumstances in which the Board has
10 determined to deny licensure based on law enforcement or
11 Illinois State Police objections under Section 15 of this Act.
12 The report shall not contain any identifying information about
13 the applicants.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 revised 10-12-21.)

16 (430 ILCS 66/30)

17 Sec. 30. Contents of license application.

18 (a) The license application shall be in writing, under
19 penalty of perjury, on a standard form adopted by the Illinois
20 State Police and shall be accompanied by the documentation
21 required in this Section and the applicable fee. Each
22 application form shall include the following statement printed
23 in bold type: "Warning: Entering false information on this
24 form is punishable as perjury under Section 32-2 of the
25 Criminal Code of 2012."

1 (b) The application shall contain the following:

2 (1) the applicant's name, current address, date and
3 year of birth, place of birth, height, weight, hair color,
4 eye color, maiden name or any other name the applicant has
5 used or identified with, and any address where the
6 applicant resided for more than 30 days within the 10
7 years preceding the date of the license application;

8 (2) the applicant's valid driver's license number or
9 valid state identification card number;

10 (3) a waiver of the applicant's privacy and
11 confidentiality rights and privileges under all federal
12 and state laws, including those limiting access to
13 juvenile court, criminal justice, psychological, or
14 psychiatric records or records relating to any
15 institutionalization of the applicant, and an affirmative
16 request that a person having custody of any of these
17 records provide it or information concerning it to the
18 Illinois State Police. The waiver only applies to records
19 sought in connection with determining whether the
20 applicant qualifies for a license to carry a concealed
21 firearm under this Act, or whether the applicant remains
22 in compliance with the Firearm Owners Identification Card
23 Act;

24 (4) an affirmation that the applicant possesses a
25 currently valid Firearm Owner's Identification Card and
26 card number if possessed or notice the applicant is

1 applying for a Firearm Owner's Identification Card in
2 conjunction with the license application;

3 (5) an affirmation that the applicant has not been
4 convicted or found guilty of:

5 (A) a felony;

6 (B) a misdemeanor involving the use or threat of
7 physical force or violence to any person within the 5
8 years preceding the date of the application; or

9 (C) 2 or more violations related to driving while
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or any combination
12 thereof, within the 5 years preceding the date of the
13 license application; ~~and~~

14 (6) whether the applicant has failed a drug test for a
15 drug for which the applicant did not have a prescription,
16 within the previous year, and if so, the provider of the
17 test, the specific substance involved, and the date of the
18 test;

19 (7) written consent for the Illinois State Police to
20 review and use the applicant's Illinois digital driver's
21 license or Illinois identification card photograph and
22 signature;

23 (8) unless submitted under subsection (a-25) of
24 Section 4 of the Firearm Owners Identification Card Act, a
25 full set of fingerprints submitted to the Illinois State
26 Police in electronic format, provided the Illinois State

1 Police may accept an application submitted without a set
2 of fingerprints, in which case the Illinois State Police
3 shall be granted 30 days in addition to the 90 days
4 provided under subsection (e) of Section 10 of this Act to
5 issue or deny a license;

6 (9) a head and shoulder color photograph in a size
7 specified by the Illinois State Police taken within the 30
8 days preceding the date of the license application; and

9 (10) a photocopy of any certificates or other evidence
10 of compliance with the training requirements under this
11 Act.

12 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
13 revised 10-12-21.)

14 (430 ILCS 66/50)

15 Sec. 50. License renewal.

16 (a) This subsection (a) applies through the 180th day
17 following July 12, 2019 (the effective date of Public Act
18 101-80) ~~this amendatory Act of the 101st General Assembly~~. The
19 Illinois State Police shall, 180 days prior to the expiration
20 of a concealed carry license, notify each person whose license
21 is to expire a notification of the expiration of the license
22 and instructions for renewal. Applications for renewal of a
23 license shall be made to the Illinois State Police. A license
24 shall be renewed for a period of 5 years upon receipt of a
25 completed renewal application, completion of 3 hours of

1 training required under Section 75 of this Act, payment of the
2 applicable renewal fee, and completion of an investigation
3 under Section 35 of this Act. The renewal application shall
4 contain the information required in Section 30 of this Act,
5 except that the applicant need not resubmit a full set of
6 fingerprints.

7 (b) This subsection (b) applies on and after the 181st day
8 following July 12, 2019 (the effective date of Public Act
9 101-80) ~~this amendatory Act of the 101st General Assembly.~~

10 Applications for renewal of a license shall be made to the
11 Illinois State Police. A license shall be renewed for a period
12 of 5 years from the date of expiration on the applicant's
13 current license upon the receipt of a completed renewal
14 application, completion of 3 hours of training required under
15 Section 75 of this Act, payment of the applicable renewal fee,
16 and completion of an investigation under Section 35 of this
17 Act. The renewal application shall contain the information
18 required in Section 30 of this Act, except that the applicant
19 need not resubmit a full set of fingerprints.

20 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
21 102-538, eff. 8-20-21; revised 10-15-21.)

22 (430 ILCS 66/55)

23 Sec. 55. Change of address or name; lost, destroyed, or
24 stolen licenses.

25 (a) A licensee shall notify the Illinois State Police

1 within 30 days of moving or changing residence or any change of
2 name. The licensee shall submit the requisite fee and the
3 Illinois State Police may require a notarized statement that
4 the licensee has changed his or her residence or his or her
5 name, including the prior and current address or name and the
6 date the applicant moved or changed his or her name.

7 (b) A licensee shall notify the Illinois State Police
8 within 10 days of discovering that a license has been lost,
9 destroyed, or stolen. A lost, destroyed, or stolen license is
10 invalid. To request a replacement license, the licensee shall
11 submit:

12 (1) a written or electronic acknowledgment that the
13 licensee no longer possesses the license, and that it was
14 lost, destroyed, or stolen;

15 (2) if applicable, a copy of a police report stating
16 that the license was stolen; and

17 (3) the requisite fee.

18 (c) A violation of this Section is a petty offense with a
19 fine of \$150 which shall be deposited into the Mental Health
20 Reporting Fund.

21 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
22 revised 10-15-21.)

23 (430 ILCS 66/70)

24 Sec. 70. Violations.

25 (a) A license issued or renewed under this Act shall be

1 revoked if, at any time, the licensee is found to be ineligible
2 for a license under this Act or the licensee no longer meets
3 the eligibility requirements of the Firearm Owners
4 Identification Card Act.

5 (b) A license shall be suspended if an order of
6 protection, including an emergency order of protection,
7 plenary order of protection, or interim order of protection
8 under Article 112A of the Code of Criminal Procedure of 1963 or
9 under the Illinois Domestic Violence Act of 1986, or if a
10 firearms restraining order, including an emergency firearms
11 restraining order, under the Firearms Restraining Order Act,
12 is issued against a licensee for the duration of the order, or
13 if the Illinois State Police is made aware of a similar order
14 issued against the licensee in any other jurisdiction. If an
15 order of protection is issued against a licensee, the licensee
16 shall surrender the license, as applicable, to the court at
17 the time the order is entered or to the law enforcement agency
18 or entity serving process at the time the licensee is served
19 the order. The court, law enforcement agency, or entity
20 responsible for serving the order of protection shall notify
21 the Illinois State Police within 7 days and transmit the
22 license to the Illinois State Police.

23 (c) A license is invalid upon expiration of the license,
24 unless the licensee has submitted an application to renew the
25 license, and the applicant is otherwise eligible to possess a
26 license under this Act.

1 (d) A licensee shall not carry a concealed firearm while
2 under the influence of alcohol, other drug or drugs,
3 intoxicating compound or combination of compounds, or any
4 combination thereof, under the standards set forth in
5 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

6 A licensee in violation of this subsection (d) shall be
7 guilty of a Class A misdemeanor for a first or second violation
8 and a Class 4 felony for a third violation. The Illinois State
9 Police may suspend a license for up to 6 months for a second
10 violation and shall permanently revoke a license for a third
11 violation.

12 (e) Except as otherwise provided, a licensee in violation
13 of this Act shall be guilty of a Class B misdemeanor. A second
14 or subsequent violation is a Class A misdemeanor. The Illinois
15 State Police may suspend a license for up to 6 months for a
16 second violation and shall permanently revoke a license for 3
17 or more violations of Section 65 of this Act. Any person
18 convicted of a violation under this Section shall pay a \$150
19 fee to be deposited into the Mental Health Reporting Fund,
20 plus any applicable court costs or fees.

21 (f) A licensee convicted or found guilty of a violation of
22 this Act who has a valid license and is otherwise eligible to
23 carry a concealed firearm shall only be subject to the
24 penalties under this Section and shall not be subject to the
25 penalties under Section 21-6, paragraph (4), (8), or (10) of
26 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)

1 of paragraph (3) of subsection (a) of Section 24-1.6 of the
2 Criminal Code of 2012. Except as otherwise provided in this
3 subsection, nothing in this subsection prohibits the licensee
4 from being subjected to penalties for violations other than
5 those specified in this Act.

6 (g) A licensee whose license is revoked, suspended, or
7 denied shall, within 48 hours of receiving notice of the
8 revocation, suspension, or denial, surrender his or her
9 concealed carry license to the local law enforcement agency
10 where the person resides. The local law enforcement agency
11 shall provide the licensee a receipt and transmit the
12 concealed carry license to the Illinois State Police. If the
13 licensee whose concealed carry license has been revoked,
14 suspended, or denied fails to comply with the requirements of
15 this subsection, the law enforcement agency where the person
16 resides may petition the circuit court to issue a warrant to
17 search for and seize the concealed carry license in the
18 possession and under the custody or control of the licensee
19 whose concealed carry license has been revoked, suspended, or
20 denied. The observation of a concealed carry license in the
21 possession of a person whose license has been revoked,
22 suspended, or denied constitutes a sufficient basis for the
23 arrest of that person for violation of this subsection. A
24 violation of this subsection is a Class A misdemeanor.

25 (h) Except as otherwise provided in subsection (h-5), a
26 license issued or renewed under this Act shall be revoked if,

1 at any time, the licensee is found ineligible for a Firearm
2 Owner's Identification Card, or the licensee no longer
3 possesses a valid Firearm Owner's Identification Card. If the
4 Firearm Owner's Identification Card is expired or suspended
5 rather than denied or revoked, the license may be suspended
6 for a period of up to one year to allow the licensee to
7 reinstate his or her Firearm Owner's Identification Card. The
8 Illinois State Police shall adopt rules to enforce this
9 subsection. A licensee whose license is revoked under this
10 subsection (h) shall surrender his or her concealed carry
11 license as provided for in subsection (g) of this Section.

12 This subsection shall not apply to a person who has filed
13 an application with the Illinois State Police for renewal of a
14 Firearm Owner's Identification Card and who is not otherwise
15 ineligible to obtain a Firearm Owner's Identification Card.

16 (h-5) If the Firearm Owner's Identification Card of a
17 licensee under this Act expires during the term of the license
18 issued under this Act, the license and the Firearm Owner's
19 Identification Card remain valid, and the Illinois State
20 Police may automatically renew the licensee's Firearm Owner's
21 Identification Card as provided in subsection (c) of Section 5
22 of the Firearm Owners Identification Card Act.

23 (i) A certified firearms instructor who knowingly provides
24 or offers to provide a false certification that an applicant
25 has completed firearms training as required under this Act is
26 guilty of a Class A misdemeanor. A person guilty of a violation

1 of this subsection (i) is not eligible for court supervision.
2 The Illinois State Police shall permanently revoke the
3 firearms instructor certification of a person convicted under
4 this subsection (i).

5 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
6 revised 10-15-21.)

7 Section 565. The Firearms Restraining Order Act is amended
8 by changing Sections 35 and 40 as follows:

9 (430 ILCS 67/35)

10 (Text of Section before amendment by P.A. 102-345)

11 Sec. 35. Ex parte orders and emergency hearings.

12 (a) A petitioner may request an emergency firearms
13 restraining order by filing an affidavit or verified pleading
14 alleging that the respondent poses an immediate and present
15 danger of causing personal injury to himself, herself, or
16 another by having in his or her custody or control,
17 purchasing, possessing, or receiving a firearm. The petition
18 shall also describe the type and location of any firearm or
19 firearms presently believed by the petitioner to be possessed
20 or controlled by the respondent.

21 (b) If the respondent is alleged to pose an immediate and
22 present danger of causing personal injury to an intimate
23 partner, or an intimate partner is alleged to have been the
24 target of a threat or act of violence by the respondent, the

1 petitioner shall make a good faith effort to provide notice to
2 any and all intimate partners of the respondent. The notice
3 must include that the petitioner intends to petition the court
4 for an emergency firearms restraining order, and, if the
5 petitioner is a law enforcement officer, referral to relevant
6 domestic violence or stalking advocacy or counseling
7 resources, if appropriate. The petitioner shall attest to
8 having provided the notice in the filed affidavit or verified
9 pleading. If, after making a good faith effort, the petitioner
10 is unable to provide notice to any or all intimate partners,
11 the affidavit or verified pleading should describe what
12 efforts were made.

13 (c) Every person who files a petition for an emergency
14 firearms restraining order, knowing the information provided
15 to the court at any hearing or in the affidavit or verified
16 pleading to be false, is guilty of perjury under Section 32-2
17 of the Criminal Code of 2012.

18 (d) An emergency firearms restraining order shall be
19 issued on an ex parte basis, that is, without notice to the
20 respondent.

21 (e) An emergency hearing held on an ex parte basis shall be
22 held the same day that the petition is filed or the next day
23 that the court is in session.

24 (f) If a circuit or associate judge finds probable cause
25 to believe that the respondent poses an immediate and present
26 danger of causing personal injury to himself, herself, or

1 another by having in his or her custody or control,
2 purchasing, possessing, or receiving a firearm, the circuit or
3 associate judge shall issue an emergency order.

4 (f-5) If the court issues an emergency firearms
5 restraining order, it shall, upon a finding of probable cause
6 that the respondent possesses firearms, issue a search warrant
7 directing a law enforcement agency to seize the respondent's
8 firearms. The court may, as part of that warrant, direct the
9 law enforcement agency to search the respondent's residence
10 and other places where the court finds there is probable cause
11 to believe he or she is likely to possess the firearms.

12 (g) An emergency firearms restraining order shall require:

13 (1) the respondent to refrain from having in his or
14 her custody or control, purchasing, possessing, or
15 receiving additional firearms for the duration of the
16 order under Section 8.2 of the Firearm Owners
17 Identification Card Act; and

18 (2) the respondent to comply with Section 9.5 of the
19 Firearm Owners Identification Card Act and subsection (g)
20 of Section 70 of the Firearm Concealed Carry Act ~~Illinois~~.

21 (h) Except as otherwise provided in subsection (h-5) of
22 this Section, upon expiration of the period of safekeeping, if
23 the firearms or Firearm Owner's Identification Card and
24 concealed carry license cannot be returned to the respondent
25 because the respondent cannot be located, fails to respond to
26 requests to retrieve the firearms, or is not lawfully eligible

1 to possess a firearm, upon petition from the local law
2 enforcement agency, the court may order the local law
3 enforcement agency to destroy the firearms, use the firearms
4 for training purposes, or use the firearms for any other
5 application as deemed appropriate by the local law enforcement
6 agency.

7 (h-5) On or before January 1, 2022, a respondent whose
8 Firearm Owner's Identification Card has been revoked or
9 suspended may petition the court, if the petitioner is present
10 in court or has notice of the respondent's petition, to
11 transfer the respondent's firearm to a person who is lawfully
12 able to possess the firearm if the person does not reside at
13 the same address as the respondent. Notice of the petition
14 shall be served upon the person protected by the emergency
15 firearms restraining order. While the order is in effect, the
16 transferee who receives the respondent's firearms must swear
17 or affirm by affidavit that he or she shall not transfer the
18 firearm to the respondent or to anyone residing in the same
19 residence as the respondent.

20 (h-6) If a person other than the respondent claims title
21 to any firearms surrendered under this Section, he or she may
22 petition the court, if the petitioner is present in court or
23 has notice of the petition, to have the firearm returned to him
24 or her. If the court determines that person to be the lawful
25 owner of the firearm, the firearm shall be returned to him or
26 her, provided that:

1 (1) the firearm is removed from the respondent's
2 custody, control, or possession and the lawful owner
3 agrees to store the firearm in a manner such that the
4 respondent does not have access to or control of the
5 firearm; and

6 (2) the firearm is not otherwise unlawfully possessed
7 by the owner.

8 The person petitioning for the return of his or her
9 firearm must swear or affirm by affidavit that he or she: (i)
10 is the lawful owner of the firearm; (ii) shall not transfer the
11 firearm to the respondent; and (iii) will store the firearm in
12 a manner that the respondent does not have access to or control
13 of the firearm.

14 (i) In accordance with subsection (e) of this Section, the
15 court shall schedule a full hearing as soon as possible, but no
16 longer than 14 days from the issuance of an ex parte firearms
17 restraining order, to determine if a 6-month firearms
18 restraining order shall be issued. The court may extend an ex
19 parte order as needed, but not to exceed 14 days, to effectuate
20 service of the order or if necessary to continue protection.
21 The court may extend the order for a greater length of time by
22 mutual agreement of the parties.

23 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
24 102-538, eff. 8-20-21; revised 11-9-21.)

25 (Text of Section after amendment by P.A. 102-345)

1 Sec. 35. Ex parte orders and emergency hearings.

2 (a) A petitioner may request an emergency firearms
3 restraining order by filing an affidavit or verified pleading
4 alleging that the respondent poses an immediate and present
5 danger of causing personal injury to himself, herself, or
6 another by having in his or her custody or control,
7 purchasing, possessing, or receiving a firearm, ammunition, or
8 firearm parts that could be assembled to make an operable
9 firearm. The petition shall also describe the type and
10 location of any firearm or firearms, ammunition, or firearm
11 parts that could be assembled to make an operable firearm
12 presently believed by the petitioner to be possessed or
13 controlled by the respondent.

14 (b) If the respondent is alleged to pose an immediate and
15 present danger of causing personal injury to an intimate
16 partner, or an intimate partner is alleged to have been the
17 target of a threat or act of violence by the respondent, the
18 petitioner shall make a good faith effort to provide notice to
19 any and all intimate partners of the respondent. The notice
20 must include that the petitioner intends to petition the court
21 for an emergency firearms restraining order, and, if the
22 petitioner is a law enforcement officer, referral to relevant
23 domestic violence or stalking advocacy or counseling
24 resources, if appropriate. The petitioner shall attest to
25 having provided the notice in the filed affidavit or verified
26 pleading. If, after making a good faith effort, the petitioner

1 is unable to provide notice to any or all intimate partners,
2 the affidavit or verified pleading should describe what
3 efforts were made.

4 (c) Every person who files a petition for an emergency
5 firearms restraining order, knowing the information provided
6 to the court at any hearing or in the affidavit or verified
7 pleading to be false, is guilty of perjury under Section 32-2
8 of the Criminal Code of 2012.

9 (d) An emergency firearms restraining order shall be
10 issued on an ex parte basis, that is, without notice to the
11 respondent.

12 (e) An emergency hearing held on an ex parte basis shall be
13 held the same day that the petition is filed or the next day
14 that the court is in session.

15 (f) If a circuit or associate judge finds probable cause
16 to believe that the respondent poses an immediate and present
17 danger of causing personal injury to himself, herself, or
18 another by having in his or her custody or control,
19 purchasing, possessing, or receiving a firearm, ammunition, or
20 firearm parts that could be assembled to make an operable
21 firearm, the circuit or associate judge shall issue an
22 emergency order.

23 (f-5) If the court issues an emergency firearms
24 restraining order, it shall, upon a finding of probable cause
25 that the respondent possesses firearms, ammunition, or firearm
26 parts that could be assembled to make an operable firearm,

1 issue a search warrant directing a law enforcement agency to
2 seize the respondent's firearms, ammunition, and firearm parts
3 that could be assembled to make an operable firearm. The court
4 may, as part of that warrant, direct the law enforcement
5 agency to search the respondent's residence and other places
6 where the court finds there is probable cause to believe he or
7 she is likely to possess the firearms, ammunition, or firearm
8 parts that could be assembled to make an operable firearm. A
9 return of the search warrant shall be filed by the law
10 enforcement agency within 4 days thereafter, setting forth the
11 time, date, and location that the search warrant was executed
12 and what items, if any, were seized.

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, ammunition, or firearm
17 parts that could be assembled to make an operable firearm,
18 or removing firearm parts that could be assembled to make
19 an operable firearm for the duration of the order under
20 Section 8.2 of the Firearm Owners Identification Card Act;
21 and

22 (2) the respondent to comply with Section 9.5 of the
23 Firearm Owners Identification Card Act and subsection (g)
24 of Section 70 of the Firearm Concealed Carry Act ~~Illinois,~~
25 ~~ammunition, and firearm parts that could be assembled to~~
26 ~~make an operable firearm.~~

1 (h) Except as otherwise provided in subsection (h-5) of
2 this Section, upon expiration of the period of safekeeping, if
3 the firearms, ammunition, and firearm parts that could be
4 assembled to make an operable firearm or Firearm Owner's
5 Identification Card and concealed carry license cannot be
6 returned to the respondent because the respondent cannot be
7 located, fails to respond to requests to retrieve the
8 firearms, or is not lawfully eligible to possess a firearm,
9 ammunition, or firearm parts that could be assembled to make
10 an operable firearm, upon petition from the local law
11 enforcement agency, the court may order the local law
12 enforcement agency to destroy the firearms, ammunition, and
13 firearm parts that could be assembled to make an operable
14 firearm, use the firearms, ammunition, and firearm parts that
15 could be assembled to make an operable firearm for training
16 purposes, or use the firearms, ammunition, and firearm parts
17 that could be assembled to make an operable firearm for any
18 other application as deemed appropriate by the local law
19 enforcement agency.

20 (h-5) On or before January 1, 2022, a respondent whose
21 Firearm Owner's Identification Card has been revoked or
22 suspended may petition the court, if the petitioner is present
23 in court or has notice of the respondent's petition, to
24 transfer the respondent's firearm, ammunition, and firearm
25 parts that could be assembled to make an operable firearm to a
26 person who is lawfully able to possess the firearm,

1 ammunition, and firearm parts that could be assembled to make
2 an operable firearm if the person does not reside at the same
3 address as the respondent. Notice of the petition shall be
4 served upon the person protected by the emergency firearms
5 restraining order. While the order is in effect, the
6 transferee who receives the respondent's firearms, ammunition,
7 and firearm parts that could be assembled to make an operable
8 firearm must swear or affirm by affidavit that he or she shall
9 not transfer the firearm, ammunition, and firearm parts that
10 could be assembled to make an operable firearm to the
11 respondent or to anyone residing in the same residence as the
12 respondent.

13 (h-6) If a person other than the respondent claims title
14 to any firearms, ammunition, and firearm parts that could be
15 assembled to make an operable firearm surrendered under this
16 Section, he or she may petition the court, if the petitioner is
17 present in court or has notice of the petition, to have the
18 firearm, ammunition, and firearm parts that could be assembled
19 to make an operable firearm returned to him or her. If the
20 court determines that person to be the lawful owner of the
21 firearm, ammunition, and firearm parts that could be assembled
22 to make an operable firearm, the firearm, ammunition, and
23 firearm parts that could be assembled to make an operable
24 firearm shall be returned to him or her, provided that:

25 (1) the firearm, ammunition, and firearm parts that
26 could be assembled to make an operable firearm are removed

1 from the respondent's custody, control, or possession and
2 the lawful owner agrees to store the firearm, ammunition,
3 and firearm parts that could be assembled to make an
4 operable firearm in a manner such that the respondent does
5 not have access to or control of the firearm, ammunition,
6 and firearm parts that could be assembled to make an
7 operable firearm; and

8 (2) the firearm, ammunition, and firearm parts that
9 could be assembled to make an operable firearm are not
10 otherwise unlawfully possessed by the owner.

11 The person petitioning for the return of his or her
12 firearm, ammunition, and firearm parts that could be assembled
13 to make an operable firearm must swear or affirm by affidavit
14 that he or she: (i) is the lawful owner of the firearm,
15 ammunition, and firearm parts that could be assembled to make
16 an operable firearm; (ii) shall not transfer the firearm,
17 ammunition, and firearm parts that could be assembled to make
18 an operable firearm to the respondent; and (iii) will store
19 the firearm, ammunition, and firearm parts that could be
20 assembled to make an operable firearm in a manner that the
21 respondent does not have access to or control of the firearm,
22 ammunition, and firearm parts that could be assembled to make
23 an operable firearm.

24 (i) In accordance with subsection (e) of this Section, the
25 court shall schedule a full hearing as soon as possible, but no
26 longer than 14 days from the issuance of an ex parte firearms

1 restraining order, to determine if a 6-month firearms
2 restraining order shall be issued. The court may extend an ex
3 parte order as needed, but not to exceed 14 days, to effectuate
4 service of the order or if necessary to continue protection.
5 The court may extend the order for a greater length of time by
6 mutual agreement of the parties.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
8 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; revised 11-9-21.)

9 (430 ILCS 67/40)

10 (Text of Section before amendment by P.A. 102-237)

11 Sec. 40. Six-month orders.

12 (a) A petitioner may request a 6-month firearms
13 restraining order by filing an affidavit or verified pleading
14 alleging that the respondent poses a significant danger of
15 causing personal injury to himself, herself, or another in the
16 near future by having in his or her custody or control,
17 purchasing, possessing, or receiving a firearm. The petition
18 shall also describe the number, types, and locations of any
19 firearms presently believed by the petitioner to be possessed
20 or controlled by the respondent.

21 (b) If the respondent is alleged to pose a significant
22 danger of causing personal injury to an intimate partner, or
23 an intimate partner is alleged to have been the target of a
24 threat or act of violence by the respondent, the petitioner
25 shall make a good faith effort to provide notice to any and all

1 intimate partners of the respondent. The notice must include
2 that the petitioner intends to petition the court for a
3 6-month firearms restraining order, and, if the petitioner is
4 a law enforcement officer, referral to relevant domestic
5 violence or stalking advocacy or counseling resources, if
6 appropriate. The petitioner shall attest to having provided
7 the notice in the filed affidavit or verified pleading. If,
8 after making a good faith effort, the petitioner is unable to
9 provide notice to any or all intimate partners, the affidavit
10 or verified pleading should describe what efforts were made.

11 (c) Every person who files a petition for a 6-month
12 firearms restraining order, knowing the information provided
13 to the court at any hearing or in the affidavit or verified
14 pleading to be false, is guilty of perjury under Section 32-2
15 of the Criminal Code of 2012.

16 (d) Upon receipt of a petition for a 6-month firearms
17 restraining order, the court shall order a hearing within 30
18 days.

19 (e) In determining whether to issue a firearms restraining
20 order under this Section, the court shall consider evidence
21 including, but not limited to, the following:

22 (1) The unlawful and reckless use, display, or
23 brandishing of a firearm by the respondent.

24 (2) The history of use, attempted use, or threatened
25 use of physical force by the respondent against another
26 person.

1 (3) Any prior arrest of the respondent for a felony
2 offense.

3 (4) Evidence of the abuse of controlled substances or
4 alcohol by the respondent.

5 (5) A recent threat of violence or act of violence by
6 the respondent directed toward himself, herself, or
7 another.

8 (6) A violation of an emergency order of protection
9 issued under Section 217 of the Illinois Domestic Violence
10 Act of 1986 or Section 112A-17 of the Code of Criminal
11 Procedure of 1963 or of an order of protection issued
12 under Section 214 of the Illinois Domestic Violence Act of
13 1986 or Section 112A-14 of the Code of Criminal Procedure
14 of 1963.

15 (7) A pattern of violent acts or violent threats,
16 including, but not limited to, threats of violence or acts
17 of violence by the respondent directed toward himself,
18 herself, or another.

19 (f) At the hearing, the petitioner shall have the burden
20 of proving, by clear and convincing evidence, that the
21 respondent poses a significant danger of personal injury to
22 himself, herself, or another by having in his or her custody or
23 control, purchasing, possessing, or receiving a firearm.

24 (g) If the court finds that there is clear and convincing
25 evidence to issue a firearms restraining order, the court
26 shall issue a firearms restraining order that shall be in

1 effect for 6 months subject to renewal under Section 45 of this
2 Act or termination under that Section.

3 (g-5) If the court issues a 6-month firearms restraining
4 order, it shall, upon a finding of probable cause that the
5 respondent possesses firearms, issue a search warrant
6 directing a law enforcement agency to seize the respondent's
7 firearms. The court may, as part of that warrant, direct the
8 law enforcement agency to search the respondent's residence
9 and other places where the court finds there is probable cause
10 to believe he or she is likely to possess the firearms.

11 (h) A 6-month firearms restraining order shall require:

12 (1) the respondent to refrain from having in his or
13 her custody or control, purchasing, possessing, or
14 receiving additional firearms for the duration of the
15 order under Section 8.2 of the Firearm Owners
16 Identification Card Act; and

17 (2) the respondent to comply with Section 9.5 of the
18 Firearm Owners Identification Card Act and subsection (g)
19 of Section 70 of the Firearm Concealed Carry Act. ~~Illinois~~

20 (i) Except as otherwise provided in subsection (i-5) of
21 this Section, upon expiration of the period of safekeeping, if
22 the firearms or Firearm Owner's Identification Card cannot be
23 returned to the respondent because the respondent cannot be
24 located, fails to respond to requests to retrieve the
25 firearms, or is not lawfully eligible to possess a firearm,
26 upon petition from the local law enforcement agency, the court

1 may order the local law enforcement agency to destroy the
2 firearms, use the firearms for training purposes, or use the
3 firearms for any other application as deemed appropriate by
4 the local law enforcement agency.

5 (i-5) A respondent whose Firearm Owner's Identification
6 Card has been revoked or suspended may petition the court, if
7 the petitioner is present in court or has notice of the
8 respondent's petition, to transfer the respondent's firearm to
9 a person who is lawfully able to possess the firearm if the
10 person does not reside at the same address as the respondent.
11 Notice of the petition shall be served upon the person
12 protected by the emergency firearms restraining order. While
13 the order is in effect, the transferee who receives the
14 respondent's firearms must swear or affirm by affidavit that
15 he or she shall not transfer the firearm to the respondent or
16 to anyone residing in the same residence as the respondent.

17 (i-6) If a person other than the respondent claims title
18 to any firearms surrendered under this Section, he or she may
19 petition the court, if the petitioner is present in court or
20 has notice of the petition, to have the firearm returned to him
21 or her. If the court determines that person to be the lawful
22 owner of the firearm, the firearm shall be returned to him or
23 her, provided that:

24 (1) the firearm is removed from the respondent's
25 custody, control, or possession and the lawful owner
26 agrees to store the firearm in a manner such that the

1 respondent does not have access to or control of the
2 firearm; and

3 (2) the firearm is not otherwise unlawfully possessed
4 by the owner.

5 The person petitioning for the return of his or her
6 firearm must swear or affirm by affidavit that he or she: (i)
7 is the lawful owner of the firearm; (ii) shall not transfer the
8 firearm to the respondent; and (iii) will store the firearm in
9 a manner that the respondent does not have access to or control
10 of the firearm.

11 (j) If the court does not issue a firearms restraining
12 order at the hearing, the court shall dissolve any emergency
13 firearms restraining order then in effect.

14 (k) When the court issues a firearms restraining order
15 under this Section, the court shall inform the respondent that
16 he or she is entitled to one hearing during the period of the
17 order to request a termination of the order, under Section 45
18 of this Act, and shall provide the respondent with a form to
19 request a hearing.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
21 102-538, eff. 8-20-21; revised 11-3-21.)

22 (Text of Section after amendment by P.A. 102-345)

23 Sec. 40. Six-month orders.

24 (a) A petitioner may request a 6-month firearms
25 restraining order by filing an affidavit or verified pleading

1 alleging that the respondent poses a significant danger of
2 causing personal injury to himself, herself, or another in the
3 near future by having in his or her custody or control,
4 purchasing, possessing, or receiving a firearm, ammunition,
5 and firearm parts that could be assembled to make an operable
6 firearm. The petition shall also describe the number, types,
7 and locations of any firearms, ammunition, and firearm parts
8 that could be assembled to make an operable firearm presently
9 believed by the petitioner to be possessed or controlled by
10 the respondent.

11 (b) If the respondent is alleged to pose a significant
12 danger of causing personal injury to an intimate partner, or
13 an intimate partner is alleged to have been the target of a
14 threat or act of violence by the respondent, the petitioner
15 shall make a good faith effort to provide notice to any and all
16 intimate partners of the respondent. The notice must include
17 that the petitioner intends to petition the court for a
18 6-month firearms restraining order, and, if the petitioner is
19 a law enforcement officer, referral to relevant domestic
20 violence or stalking advocacy or counseling resources, if
21 appropriate. The petitioner shall attest to having provided
22 the notice in the filed affidavit or verified pleading. If,
23 after making a good faith effort, the petitioner is unable to
24 provide notice to any or all intimate partners, the affidavit
25 or verified pleading should describe what efforts were made.

26 (c) Every person who files a petition for a 6-month

1 firearms restraining order, knowing the information provided
2 to the court at any hearing or in the affidavit or verified
3 pleading to be false, is guilty of perjury under Section 32-2
4 of the Criminal Code of 2012.

5 (d) Upon receipt of a petition for a 6-month firearms
6 restraining order, the court shall order a hearing within 30
7 days.

8 (e) In determining whether to issue a firearms restraining
9 order under this Section, the court shall consider evidence
10 including, but not limited to, the following:

11 (1) The unlawful and reckless use, display, or
12 brandishing of a firearm, ammunition, and firearm parts
13 that could be assembled to make an operable firearm by the
14 respondent.

15 (2) The history of use, attempted use, or threatened
16 use of physical force by the respondent against another
17 person.

18 (3) Any prior arrest of the respondent for a felony
19 offense.

20 (4) Evidence of the abuse of controlled substances or
21 alcohol by the respondent.

22 (5) A recent threat of violence or act of violence by
23 the respondent directed toward himself, herself, or
24 another.

25 (6) A violation of an emergency order of protection
26 issued under Section 217 of the Illinois Domestic Violence

1 Act of 1986 or Section 112A-17 of the Code of Criminal
2 Procedure of 1963 or of an order of protection issued
3 under Section 214 of the Illinois Domestic Violence Act of
4 1986 or Section 112A-14 of the Code of Criminal Procedure
5 of 1963.

6 (7) A pattern of violent acts or violent threats,
7 including, but not limited to, threats of violence or acts
8 of violence by the respondent directed toward himself,
9 herself, or another.

10 (f) At the hearing, the petitioner shall have the burden
11 of proving, by clear and convincing evidence, that the
12 respondent poses a significant danger of personal injury to
13 himself, herself, or another by having in his or her custody or
14 control, purchasing, possessing, or receiving a firearm,
15 ammunition, and firearm parts that could be assembled to make
16 an operable firearm.

17 (g) If the court finds that there is clear and convincing
18 evidence to issue a firearms restraining order, the court
19 shall issue a firearms restraining order that shall be in
20 effect for 6 months subject to renewal under Section 45 of this
21 Act or termination under that Section.

22 (g-5) If the court issues a 6-month firearms restraining
23 order, it shall, upon a finding of probable cause that the
24 respondent possesses firearms, ammunition, and firearm parts
25 that could be assembled to make an operable firearm, issue a
26 search warrant directing a law enforcement agency to seize the

1 respondent's firearms, ammunition, and firearm parts that
2 could be assembled to make an operable firearm. The court may,
3 as part of that warrant, direct the law enforcement agency to
4 search the respondent's residence and other places where the
5 court finds there is probable cause to believe he or she is
6 likely to possess the firearms, ammunition, and firearm parts
7 that could be assembled to make an operable firearm. A return
8 of the search warrant shall be filed by the law enforcement
9 agency within 4 days thereafter, setting forth the time, date,
10 and location that the search warrant was executed and what
11 items, if any, were seized.

12 (h) A 6-month firearms restraining order shall require:

13 (1) the respondent to refrain from having in his or
14 her custody or control, purchasing, possessing, or
15 receiving additional firearms, ammunition, and firearm
16 parts that could be assembled to make an operable firearm
17 for the duration of the order under Section 8.2 of the
18 Firearm Owners Identification Card Act; and

19 (2) the respondent to comply with Section 9.5 of the
20 Firearm Owners Identification Card Act and subsection (g)
21 of Section 70 of the Firearm Concealed Carry Act,
22 ~~ammunition, and firearm parts that could be assembled to~~
23 ~~make an operable firearm. Illinois, ammunition, and~~
24 ~~firearm parts that could be assembled to make an operable~~
25 ~~firearm~~

26 (i) Except as otherwise provided in subsection (i-5) of

1 this Section, upon expiration of the period of safekeeping, if
2 the firearms, ammunition, and firearm parts that could be
3 assembled to make an operable firearm or Firearm Owner's
4 Identification Card cannot be returned to the respondent
5 because the respondent cannot be located, fails to respond to
6 requests to retrieve the firearms, ammunition, and firearm
7 parts that could be assembled to make an operable firearm, or
8 is not lawfully eligible to possess a firearm, ammunition, and
9 firearm parts that could be assembled to make an operable
10 firearm, upon petition from the local law enforcement agency,
11 the court may order the local law enforcement agency to
12 destroy the firearms, ammunition, and firearm parts that could
13 be assembled to make an operable firearm, use the firearms,
14 ammunition, and firearm parts that could be assembled to make
15 an operable firearm for training purposes, or use the
16 firearms, ammunition, and firearm parts that could be
17 assembled to make an operable firearm for any other
18 application as deemed appropriate by the local law enforcement
19 agency.

20 (i-5) A respondent whose Firearm Owner's Identification
21 Card has been revoked or suspended may petition the court, if
22 the petitioner is present in court or has notice of the
23 respondent's petition, to transfer the respondent's firearm,
24 ammunition, and firearm parts that could be assembled to make
25 an operable firearm to a person who is lawfully able to possess
26 the firearm, ammunition, and firearm parts that could be

1 assembled to make an operable firearm if the person does not
2 reside at the same address as the respondent. Notice of the
3 petition shall be served upon the person protected by the
4 emergency firearms restraining order. While the order is in
5 effect, the transferee who receives the respondent's firearms,
6 ammunition, and firearm parts that could be assembled to make
7 an operable firearm must swear or affirm by affidavit that he
8 or she shall not transfer the firearm, ammunition, and firearm
9 parts that could be assembled to make an operable firearm to
10 the respondent or to anyone residing in the same residence as
11 the respondent.

12 (i-6) If a person other than the respondent claims title
13 to any firearms, ammunition, and firearm parts that could be
14 assembled to make an operable firearm surrendered under this
15 Section, he or she may petition the court, if the petitioner is
16 present in court or has notice of the petition, to have the
17 firearm, ammunition, and firearm parts that could be assembled
18 to make an operable firearm returned to him or her. If the
19 court determines that person to be the lawful owner of the
20 firearm, ammunition, and firearm parts that could be assembled
21 to make an operable firearm, the firearm, ammunition, and
22 firearm parts that could be assembled to make an operable
23 firearm shall be returned to him or her, provided that:

24 (1) the firearm, ammunition, and firearm parts that
25 could be assembled to make an operable firearm are removed
26 from the respondent's custody, control, or possession and

1 the lawful owner agrees to store the firearm, ammunition,
2 and firearm parts that could be assembled to make an
3 operable firearm in a manner such that the respondent does
4 not have access to or control of the firearm, ammunition,
5 and firearm parts that could be assembled to make an
6 operable firearm; and

7 (2) the firearm, ammunition, and firearm parts that
8 could be assembled to make an operable firearm are not
9 otherwise unlawfully possessed by the owner.

10 The person petitioning for the return of his or her
11 firearm, ammunition, and firearm parts that could be assembled
12 to make an operable firearm must swear or affirm by affidavit
13 that he or she: (i) is the lawful owner of the firearm,
14 ammunition, and firearm parts that could be assembled to make
15 an operable firearm; (ii) shall not transfer the firearm,
16 ammunition, and firearm parts that could be assembled to make
17 an operable firearm to the respondent; and (iii) will store
18 the firearm, ammunition, and firearm parts that could be
19 assembled to make an operable firearm in a manner that the
20 respondent does not have access to or control of the firearm,
21 ammunition, and firearm parts that could be assembled to make
22 an operable firearm.

23 (j) If the court does not issue a firearms restraining
24 order at the hearing, the court shall dissolve any emergency
25 firearms restraining order then in effect.

26 (k) When the court issues a firearms restraining order

1 under this Section, the court shall inform the respondent that
2 he or she is entitled to one hearing during the period of the
3 order to request a termination of the order, under Section 45
4 of this Act, and shall provide the respondent with a form to
5 request a hearing.

6 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
7 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; revised 11-3-21.)

8 Section 570. The Wildlife Code is amended by changing
9 Section 3.3 as follows:

10 (520 ILCS 5/3.3) (from Ch. 61, par. 3.3)

11 Sec. 3.3. Trapping license required. Before any person
12 shall trap any of the mammals protected by this Act, for which
13 an open trapping season has been established, he shall first
14 procure a trapping license from the Department to do so. No
15 traps shall be placed in the field, set or unset, prior to the
16 opening day of the trapping season.

17 Traps used in the taking of such mammals shall be marked or
18 tagged with metal tags or inscribed in lettering giving the
19 name and address of the owner or the customer identification
20 number issued by the Department, and absence of such mark or
21 tag shall be prima facie evidence that such trap or traps are
22 illegally used and the trap or traps shall be confiscated and
23 disposed of as directed by the Department.

24 Before any person 18 years of age or older shall trap,

1 attempt to trap, or sell the green hides of any mammal of the
2 species defined as fur-bearing mammals by Section 2.2 for
3 which an open season is established under this Act, he shall
4 first have procured a State Habitat Stamp.

5 Beginning January 1, 2016, no trapping license shall be
6 issued to any person born on or after January 1, 1998 unless he
7 or she presents to the authorized issuer of the license
8 evidence that he or she has a certificate of competency
9 provided for in this Section.

10 The Department of Natural Resources shall authorize
11 personnel of the Department, or volunteer instructors, found
12 by the Department to be competent, to provide instruction in
13 courses on trapping techniques and ethical trapping behavior
14 as needed throughout the State, which courses shall be at
15 least 8 hours in length. Persons so authorized shall provide
16 instruction in such courses to individuals at no charge, and
17 shall issue to individuals successfully completing such
18 courses certificates of competency in basic trapping
19 techniques. The Department shall cooperate in establishing
20 such courses with any reputable association or organization
21 which has as one of its objectives the promotion of the ethical
22 use of legal fur harvesting devices and techniques. The
23 Department shall furnish information on the requirements of
24 the trapper education program to be distributed free of charge
25 to applicants for trapping licenses by the persons appointed
26 and authorized to issue licenses.

1 The owners residing on, or bona fide tenants of farm
2 lands, and their children actually residing on such lands,
3 shall have the right to trap mammals protected by this Act, for
4 which an open trapping season has been established, upon such
5 lands, without procuring licenses, provided that such mammals
6 are taken during the periods of time and with such devices as
7 are permitted by this Act.

8 Any person on active duty in the Armed Forces or any person
9 with a disability who is a resident of Illinois, may trap any
10 of the species protected by Section 2.2, during such times,
11 with such devices, and by such methods as are permitted by this
12 Act, without procuring a trapping license. For the purposes of
13 this Section, a person is considered a person with a
14 disability if he or she has a Type 1 or Type 4, Class 2
15 disability as defined in Section 4A of the Illinois
16 Identification Card Act. For purposes of this Section, an
17 Illinois Person with a Disability Identification Card issued
18 pursuant to the Illinois Identification Card Act indicating
19 that the person thereon named has a Type 1 or Type 4, Class 2
20 disability shall be adequate documentation of such a
21 disability.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-524, eff. 8-20-21;
23 revised 11-29-21.)

24 Section 575. The Illinois Vehicle Code is amended by
25 changing Sections 3-117.1, 3-699.14, 5-102, 5-402.1, 6-106.1,

1 6-107.5, 6-206, 6-508, 11-212, 11-907, 11-1201.1, 13-108,
2 13-109.1, 15-102, 15-305, 16-103, and 16-105 as follows:

3 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

4 Sec. 3-117.1. When junking certificates or salvage
5 certificates must be obtained.

6 (a) Except as provided in Chapter 4 and Section 3-117.3 of
7 this Code, a person who possesses a junk vehicle shall within
8 15 days cause the certificate of title, salvage certificate,
9 certificate of purchase, or a similarly acceptable
10 out-of-state document of ownership to be surrendered to the
11 Secretary of State along with an application for a junking
12 certificate, except as provided in Section 3-117.2, whereupon
13 the Secretary of State shall issue to such a person a junking
14 certificate, which shall authorize the holder thereof to
15 possess, transport, or, by an endorsement, transfer ownership
16 in such junked vehicle, and a certificate of title shall not
17 again be issued for such vehicle. The owner of a junk vehicle
18 is not required to surrender the certificate of title under
19 this subsection if (i) there is no lienholder on the
20 certificate of title or (ii) the owner of the junk vehicle has
21 a valid lien release from the lienholder releasing all
22 interest in the vehicle and the owner applying for the junk
23 certificate matches the current record on the certificate of
24 title file for the vehicle.

25 A licensee who possesses a junk vehicle and a Certificate

1 of Title, Salvage Certificate, Certificate of Purchase, or a
2 similarly acceptable out-of-state document of ownership for
3 such junk vehicle, may transport the junk vehicle to another
4 licensee prior to applying for or obtaining a junking
5 certificate, by executing a uniform invoice. The licensee
6 transferor shall furnish a copy of the uniform invoice to the
7 licensee transferee at the time of transfer. In any case, the
8 licensee transferor shall apply for a junking certificate in
9 conformance with Section 3-117.1 of this Chapter. The
10 following information shall be contained on a uniform invoice:

11 (1) The business name, address_L and dealer license
12 number of the person disposing of the vehicle, junk
13 vehicle_L or vehicle cowl;

14 (2) The name and address of the person acquiring the
15 vehicle, junk vehicle_L or vehicle cowl_T and_L if that
16 person is a dealer, the Illinois or out-of-state dealer
17 license number of that dealer;

18 (3) The date of the disposition of the vehicle, junk
19 vehicle_L or vehicle cowl;

20 (4) The year, make, model, color_L and description of
21 each vehicle, junk vehicle_L or vehicle cowl disposed of by
22 such person;

23 (5) The manufacturer's vehicle identification number,
24 Secretary of State identification number_L or Illinois
25 State Police number_T for each vehicle, junk vehicle_L or
26 vehicle cowl part disposed of by such person;

1 (6) The printed name and legible signature of the
2 person or agent disposing of the vehicle, junk vehicle, or
3 vehicle cowl; and

4 (7) The printed name and legible signature of the
5 person accepting delivery of the vehicle, junk vehicle, or
6 vehicle cowl.

7 The Secretary of State may certify a junking manifest in a
8 form prescribed by the Secretary of State that reflects those
9 vehicles for which junking certificates have been applied or
10 issued. A junking manifest may be issued to any person and it
11 shall constitute evidence of ownership for the vehicle listed
12 upon it. A junking manifest may be transferred only to a person
13 licensed under Section 5-301 of this Code as a scrap
14 processor. A junking manifest will allow the transportation of
15 those vehicles to a scrap processor prior to receiving the
16 junk certificate from the Secretary of State.

17 (b) An application for a salvage certificate shall be
18 submitted to the Secretary of State in any of the following
19 situations:

20 (1) When an insurance company makes a payment of
21 damages on a total loss claim for a vehicle, the insurance
22 company shall be deemed to be the owner of such vehicle and
23 the vehicle shall be considered to be salvage except that
24 ownership of (i) a vehicle that has incurred only hail
25 damage that does not affect the operational safety of the
26 vehicle or (ii) any vehicle 9 model years of age or older

1 may, by agreement between the registered owner and the
2 insurance company, be retained by the registered owner of
3 such vehicle. The insurance company shall promptly deliver
4 or mail within 20 days the certificate of title along with
5 proper application and fee to the Secretary of State, and
6 a salvage certificate shall be issued in the name of the
7 insurance company. Notwithstanding the foregoing, an
8 insurer making payment of damages on a total loss claim
9 for the theft of a vehicle shall not be required to apply
10 for a salvage certificate unless the vehicle is recovered
11 and has incurred damage that initially would have caused
12 the vehicle to be declared a total loss by the insurer.

13 (1.1) When a vehicle of a self-insured company is to
14 be sold in the State of Illinois and has sustained damaged
15 by collision, fire, theft, rust corrosion, or other means
16 so that the self-insured company determines the vehicle to
17 be a total loss, or if the cost of repairing the damage,
18 including labor, would be greater than 70% of its fair
19 market value without that damage, the vehicle shall be
20 considered salvage. The self-insured company shall
21 promptly deliver the certificate of title along with
22 proper application and fee to the Secretary of State, and
23 a salvage certificate shall be issued in the name of the
24 self-insured company. A self-insured company making
25 payment of damages on a total loss claim for the theft of a
26 vehicle may exchange the salvage certificate for a

1 certificate of title if the vehicle is recovered without
2 damage. In such a situation, the self-insured shall fill
3 out and sign a form prescribed by the Secretary of State
4 which contains an affirmation under penalty of perjury
5 that the vehicle was recovered without damage and the
6 Secretary of State may, by rule, require photographs to be
7 submitted.

8 (2) When a vehicle the ownership of which has been
9 transferred to any person through a certificate of
10 purchase from acquisition of the vehicle at an auction,
11 other dispositions as set forth in Sections 4-208 and
12 4-209 of this Code, or a lien arising under Section
13 18a-501 of this Code shall be deemed salvage or junk at the
14 option of the purchaser. The person acquiring such vehicle
15 in such manner shall promptly deliver or mail, within 20
16 days after the acquisition of the vehicle, the certificate
17 of purchase, the proper application and fee, and, if the
18 vehicle is an abandoned mobile home under the Abandoned
19 Mobile Home Act, a certification from a local law
20 enforcement agency that the vehicle was purchased or
21 acquired at a public sale under the Abandoned Mobile Home
22 Act to the Secretary of State and a salvage certificate or
23 junking certificate shall be issued in the name of that
24 person. The salvage certificate or junking certificate
25 issued by the Secretary of State under this Section shall
26 be free of any lien that existed against the vehicle prior

1 to the time the vehicle was acquired by the applicant
2 under this Code.

3 (3) A vehicle which has been repossessed by a
4 lienholder shall be considered to be salvage only when the
5 repossessed vehicle, on the date of repossession by the
6 lienholder, has sustained damage by collision, fire,
7 theft, rust corrosion, or other means so that the cost of
8 repairing such damage, including labor, would be greater
9 than 50% of its fair market value without such damage. If
10 the lienholder determines that such vehicle is damaged in
11 excess of 50% of such fair market value, the lienholder
12 shall, before sale, transfer, or assignment of the
13 vehicle, make application for a salvage certificate, and
14 shall submit with such application the proper fee and
15 evidence of possession. If the facts required to be shown
16 in subsection (f) of Section 3-114 are satisfied, the
17 Secretary of State shall issue a salvage certificate in
18 the name of the lienholder making the application. In any
19 case wherein the vehicle repossessed is not damaged in
20 excess of 50% of its fair market value, the lienholder
21 shall comply with the requirements of subsections (f),
22 (f-5), and (f-10) of Section 3-114, except that the
23 affidavit of repossession made by or on behalf of the
24 lienholder shall also contain an affirmation under penalty
25 of perjury that the vehicle on the date of sale is not
26 damaged in excess of 50% of its fair market value. If the

1 facts required to be shown in subsection (f) of Section
2 3-114 are satisfied, the Secretary of State shall issue a
3 certificate of title as set forth in Section 3-116 of this
4 Code. The Secretary of State may by rule or regulation
5 require photographs to be submitted.

6 (4) A vehicle which is a part of a fleet of more than 5
7 commercial vehicles registered in this State or any other
8 state or registered proportionately among several states
9 shall be considered to be salvage when such vehicle has
10 sustained damage by collision, fire, theft, rust,
11 corrosion or similar means so that the cost of repairing
12 such damage, including labor, would be greater than 50% of
13 the fair market value of the vehicle without such damage.
14 If the owner of a fleet vehicle desires to sell, transfer,
15 or assign his interest in such vehicle to a person within
16 this State other than an insurance company licensed to do
17 business within this State, and the owner determines that
18 such vehicle, at the time of the proposed sale, transfer
19 or assignment is damaged in excess of 50% of its fair
20 market value, the owner shall, before such sale, transfer
21 or assignment, make application for a salvage certificate.
22 The application shall contain with it evidence of
23 possession of the vehicle. If the fleet vehicle at the
24 time of its sale, transfer, or assignment is not damaged
25 in excess of 50% of its fair market value, the owner shall
26 so state in a written affirmation on a form prescribed by

1 the Secretary of State by rule or regulation. The
2 Secretary of State may by rule or regulation require
3 photographs to be submitted. Upon sale, transfer or
4 assignment of the fleet vehicle the owner shall mail the
5 affirmation to the Secretary of State.

6 (5) A vehicle that has been submerged in water to the
7 point that rising water has reached over the door sill and
8 has entered the passenger or trunk compartment is a "flood
9 vehicle". A flood vehicle shall be considered to be
10 salvage only if the vehicle has sustained damage so that
11 the cost of repairing the damage, including labor, would
12 be greater than 50% of the fair market value of the vehicle
13 without that damage. The salvage certificate issued under
14 this Section shall indicate the word "flood", and the word
15 "flood" shall be conspicuously entered on subsequent
16 titles for the vehicle. A person who possesses or acquires
17 a flood vehicle that is not damaged in excess of 50% of its
18 fair market value shall make application for title in
19 accordance with Section 3-116 of this Code, designating
20 the vehicle as "flood" in a manner prescribed by the
21 Secretary of State. The certificate of title issued shall
22 indicate the word "flood", and the word "flood" shall be
23 conspicuously entered on subsequent titles for the
24 vehicle.

25 (6) When any licensed rebuilder, repairer, new or used
26 vehicle dealer, or remittance agent has submitted an

1 application for title to a vehicle (other than an
2 application for title to a rebuilt vehicle) that he or she
3 knows or reasonably should have known to have sustained
4 damages in excess of 50% of the vehicle's fair market
5 value without that damage; provided, however, that any
6 application for a salvage certificate for a vehicle
7 recovered from theft and acquired from an insurance
8 company shall be made as required by paragraph (1) of this
9 subsection (b).

10 (c) Any person who without authority acquires, sells,
11 exchanges, gives away, transfers or destroys or offers to
12 acquire, sell, exchange, give away, transfer or destroy the
13 certificate of title to any vehicle which is a junk or salvage
14 vehicle shall be guilty of a Class 3 felony.

15 (d) Except as provided under subsection (a), any person
16 who knowingly fails to surrender to the Secretary of State a
17 certificate of title, salvage certificate, certificate of
18 purchase or a similarly acceptable out-of-state document of
19 ownership as required under the provisions of this Section is
20 guilty of a Class A misdemeanor for a first offense and a Class
21 4 felony for a subsequent offense; except that a person
22 licensed under this Code who violates paragraph (5) of
23 subsection (b) of this Section is guilty of a business offense
24 and shall be fined not less than \$1,000 nor more than \$5,000
25 for a first offense and is guilty of a Class 4 felony for a
26 second or subsequent violation.

1 (e) Any vehicle which is salvage or junk may not be driven
2 or operated on roads and highways within this State. A
3 violation of this subsection is a Class A misdemeanor. A
4 salvage vehicle displaying valid special plates issued under
5 Section 3-601(b) of this Code, which is being driven to or from
6 an inspection conducted under Section 3-308 of this Code, is
7 exempt from the provisions of this subsection. A salvage
8 vehicle for which a short term permit has been issued under
9 Section 3-307 of this Code is exempt from the provisions of
10 this subsection for the duration of the permit.

11 (Source: P.A. 101-81, eff. 7-12-19; 102-319, eff. 1-1-22;
12 102-538, eff. 8-20-21; revised 9-22-21.)

13 (625 ILCS 5/3-699.14)

14 Sec. 3-699.14. Universal special license plates.

15 (a) In addition to any other special license plate, the
16 Secretary, upon receipt of all applicable fees and
17 applications made in the form prescribed by the Secretary, may
18 issue Universal special license plates to residents of
19 Illinois on behalf of organizations that have been authorized
20 by the General Assembly to issue decals for Universal special
21 license plates. Appropriate documentation, as determined by
22 the Secretary, shall accompany each application. Authorized
23 organizations shall be designated by amendment to this
24 Section. When applying for a Universal special license plate
25 the applicant shall inform the Secretary of the name of the

1 authorized organization from which the applicant will obtain a
2 decal to place on the plate. The Secretary shall make a record
3 of that organization and that organization shall remain
4 affiliated with that plate until the plate is surrendered,
5 revoked, or otherwise cancelled. The authorized organization
6 may charge a fee to offset the cost of producing and
7 distributing the decal, but that fee shall be retained by the
8 authorized organization and shall be separate and distinct
9 from any registration fees charged by the Secretary. No decal,
10 sticker, or other material may be affixed to a Universal
11 special license plate other than a decal authorized by the
12 General Assembly in this Section or a registration renewal
13 sticker. The special plates issued under this Section shall be
14 affixed only to passenger vehicles of the first division,
15 including motorcycles and autocycles, or motor vehicles of the
16 second division weighing not more than 8,000 pounds. Plates
17 issued under this Section shall expire according to the
18 multi-year procedure under Section 3-414.1 of this Code.

19 (b) The design, color, and format of the Universal special
20 license plate shall be wholly within the discretion of the
21 Secretary. Universal special license plates are not required
22 to designate "Land of Lincoln", as prescribed in subsection
23 (b) of Section 3-412 of this Code. The design shall allow for
24 the application of a decal to the plate. Organizations
25 authorized by the General Assembly to issue decals for
26 Universal special license plates shall comply with rules

1 adopted by the Secretary governing the requirements for and
2 approval of Universal special license plate decals. The
3 Secretary may, in his or her discretion, allow Universal
4 special license plates to be issued as vanity or personalized
5 plates in accordance with Section 3-405.1 of this Code. The
6 Secretary of State must make a version of the special
7 registration plates authorized under this Section in a form
8 appropriate for motorcycles and autocycles.

9 (c) When authorizing a Universal special license plate,
10 the General Assembly shall set forth whether an additional fee
11 is to be charged for the plate and, if a fee is to be charged,
12 the amount of the fee and how the fee is to be distributed.
13 When necessary, the authorizing language shall create a
14 special fund in the State treasury into which fees may be
15 deposited for an authorized Universal special license plate.
16 Additional fees may only be charged if the fee is to be paid
17 over to a State agency or to a charitable entity that is in
18 compliance with the registration and reporting requirements of
19 the Charitable Trust Act and the Solicitation for Charity Act.
20 Any charitable entity receiving fees for the sale of Universal
21 special license plates shall annually provide the Secretary of
22 State a letter of compliance issued by the Attorney General
23 verifying that the entity is in compliance with the Charitable
24 Trust Act and the Solicitation for Charity Act.

25 (d) Upon original issuance and for each registration
26 renewal period, in addition to the appropriate registration

1 fee, if applicable, the Secretary shall collect any additional
2 fees, if required, for issuance of Universal special license
3 plates. The fees shall be collected on behalf of the
4 organization designated by the applicant when applying for the
5 plate. All fees collected shall be transferred to the State
6 agency on whose behalf the fees were collected, or paid into
7 the special fund designated in the law authorizing the
8 organization to issue decals for Universal special license
9 plates. All money in the designated fund shall be distributed
10 by the Secretary subject to appropriation by the General
11 Assembly.

12 (e) The following organizations may issue decals for
13 Universal special license plates with the original and renewal
14 fees and fee distribution as follows:

15 (1) The Illinois Department of Natural Resources.

16 (A) Original issuance: \$25; with \$10 to the
17 Roadside Monarch Habitat Fund and \$15 to the Secretary
18 of State Special License Plate Fund.

19 (B) Renewal: \$25; with \$23 to the Roadside Monarch
20 Habitat Fund and \$2 to the Secretary of State Special
21 License Plate Fund.

22 (2) Illinois Veterans' Homes.

23 (A) Original issuance: \$26, which shall be
24 deposited into the Illinois Veterans' Homes Fund.

25 (B) Renewal: \$26, which shall be deposited into
26 the Illinois Veterans' Homes Fund.

1 (3) The Illinois Department of Human Services for
2 volunteerism decals.

3 (A) Original issuance: \$25, which shall be
4 deposited into the Secretary of State Special License
5 Plate Fund.

6 (B) Renewal: \$25, which shall be deposited into
7 the Secretary of State Special License Plate Fund.

8 (4) The Illinois Department of Public Health.

9 (A) Original issuance: \$25; with \$10 to the
10 Prostate Cancer Awareness Fund and \$15 to the
11 Secretary of State Special License Plate Fund.

12 (B) Renewal: \$25; with \$23 to the Prostate Cancer
13 Awareness Fund and \$2 to the Secretary of State
14 Special License Plate Fund.

15 (5) Horsemen's Council of Illinois.

16 (A) Original issuance: \$25; with \$10 to the
17 Horsemen's Council of Illinois Fund and \$15 to the
18 Secretary of State Special License Plate Fund.

19 (B) Renewal: \$25; with \$23 to the Horsemen's
20 Council of Illinois Fund and \$2 to the Secretary of
21 State Special License Plate Fund.

22 (6) K9s for Veterans, NFP.

23 (A) Original issuance: \$25; with \$10 to the
24 Post-Traumatic Stress Disorder Awareness Fund and \$15
25 to the Secretary of State Special License Plate Fund.

26 (B) Renewal: \$25; with \$23 to the Post-Traumatic

1 Stress Disorder Awareness Fund and \$2 to the Secretary
2 of State Special License Plate Fund.

3 (7) The International Association of Machinists and
4 Aerospace Workers.

5 (A) Original issuance: \$35; with \$20 to the Guide
6 Dogs of America Fund and \$15 to the Secretary of State
7 Special License Plate Fund.

8 (B) Renewal: \$25; with \$23 going to the Guide Dogs
9 of America Fund and \$2 to the Secretary of State
10 Special License Plate Fund.

11 (8) Local Lodge 701 of the International Association
12 of Machinists and Aerospace Workers.

13 (A) Original issuance: \$35; with \$10 to the Guide
14 Dogs of America Fund, \$10 to the Mechanics Training
15 Fund, and \$15 to the Secretary of State Special
16 License Plate Fund.

17 (B) Renewal: \$30; with \$13 to the Guide Dogs of
18 America Fund, \$15 to the Mechanics Training Fund, and
19 \$2 to the Secretary of State Special License Plate
20 Fund.

21 (9) Illinois Department of Human Services.

22 (A) Original issuance: \$25; with \$10 to the
23 Theresa Tracy Trot - Illinois CancerCare Foundation
24 Fund and \$15 to the Secretary of State Special License
25 Plate Fund.

26 (B) Renewal: \$25; with \$23 to the Theresa Tracy

1 Trot - Illinois CancerCare Foundation Fund and \$2 to
2 the Secretary of State Special License Plate Fund.

3 (10) The Illinois Department of Human Services for
4 developmental disabilities awareness decals.

5 (A) Original issuance: \$25; with \$10 to the
6 Developmental Disabilities Awareness Fund and \$15 to
7 the Secretary of State Special License Plate Fund.

8 (B) Renewal: \$25; with \$23 to the Developmental
9 Disabilities Awareness Fund and \$2 to the Secretary of
10 State Special License Plate Fund.

11 (11) The Illinois Department of Human Services for
12 pediatric cancer awareness decals.

13 (A) Original issuance: \$25; with \$10 to the
14 Pediatric Cancer Awareness Fund and \$15 to the
15 Secretary of State Special License Plate Fund.

16 (B) Renewal: \$25; with \$23 to the Pediatric Cancer
17 Awareness Fund and \$2 to the Secretary of State
18 Special License Plate Fund.

19 (12) The Department of Veterans' Affairs for Fold of
20 Honor decals.

21 (A) Original issuance: \$25; with \$10 to the Folds
22 of Honor Foundation Fund and \$15 to the Secretary of
23 State Special License Plate Fund.

24 (B) Renewal: \$25; with \$23 to the Folds of Honor
25 Foundation Fund and \$2 to the Secretary of State
26 Special License Plate Fund.

1 (13) ~~(12)~~ The Illinois chapters of the Experimental
2 Aircraft Association for aviation enthusiast decals.

3 (A) Original issuance: \$25; with \$10 to the
4 Experimental Aircraft Association Fund and \$15 to the
5 Secretary of State Special License Plate Fund.

6 (B) Renewal: \$25; with \$23 to the Experimental
7 Aircraft Association Fund and \$2 to the Secretary of
8 State Special License Plate Fund.

9 (14) ~~(12)~~ The Illinois Department of Human Services
10 for Child Abuse Council of the Quad Cities decals.

11 (A) Original issuance: \$25; with \$10 to the Child
12 Abuse Council of the Quad Cities Fund and \$15 to the
13 Secretary of State Special License Plate Fund.

14 (B) Renewal: \$25; with \$23 to the Child Abuse
15 Council of the Quad Cities Fund and \$2 to the Secretary
16 of State Special License Plate Fund.

17 (15) ~~(12)~~ The Illinois Department of Public Health for
18 health care worker decals.

19 (A) Original issuance: \$25; with \$10 to the
20 Illinois Health Care Workers Benefit Fund, and \$15 to
21 the Secretary of State Special License Plate Fund.

22 (B) Renewal: \$25; with \$23 to the Illinois Health
23 Care Workers Benefit Fund and \$2 to the Secretary of
24 State Special License Plate Fund.

25 (f) The following funds are created as special funds in
26 the State treasury:

1 (1) The Roadside Monarch Habitat Fund. All money in
2 the Roadside Monarch Habitat Fund shall be paid as grants
3 to the Illinois Department of Natural Resources to fund
4 roadside monarch and other pollinator habitat development,
5 enhancement, and restoration projects in this State.

6 (2) The Prostate Cancer Awareness Fund. All money in
7 the Prostate Cancer Awareness Fund shall be paid as grants
8 to the Prostate Cancer Foundation of Chicago.

9 (3) The Horsemen's Council of Illinois Fund. All money
10 in the Horsemen's Council of Illinois Fund shall be paid
11 as grants to the Horsemen's Council of Illinois.

12 (4) The Post-Traumatic Stress Disorder Awareness Fund.
13 All money in the Post-Traumatic Stress Disorder Awareness
14 Fund shall be paid as grants to K9s for Veterans, NFP for
15 support, education, and awareness of veterans with
16 post-traumatic stress disorder.

17 (5) The Guide Dogs of America Fund. All money in the
18 Guide Dogs of America Fund shall be paid as grants to the
19 International Guiding Eyes, Inc., doing business as Guide
20 Dogs of America.

21 (6) The Mechanics Training Fund. All money in the
22 Mechanics Training Fund shall be paid as grants to the
23 Mechanics Local 701 Training Fund.

24 (7) The Theresa Tracy Trot - Illinois CancerCare
25 Foundation Fund. All money in the Theresa Tracy Trot -
26 Illinois CancerCare Foundation Fund shall be paid to the

1 Illinois CancerCare Foundation for the purpose of
2 furthering pancreatic cancer research.

3 (8) The Developmental Disabilities Awareness Fund. All
4 money in the Developmental Disabilities Awareness Fund
5 shall be paid as grants to the Illinois Department of
6 Human Services to fund legal aid groups to assist with
7 guardianship fees for private citizens willing to become
8 guardians for individuals with developmental disabilities
9 but who are unable to pay the legal fees associated with
10 becoming a guardian.

11 (9) The Pediatric Cancer Awareness Fund. All money in
12 the Pediatric Cancer Awareness Fund shall be paid as
13 grants to the Cancer Center at Illinois for pediatric
14 cancer treatment and research.

15 (10) The Folds of Honor Foundation Fund. All money in
16 the Folds of Honor Foundation Fund shall be paid as grants
17 to the Folds of Honor Foundation to aid in providing
18 educational scholarships to military families.

19 (11) ~~(10)~~ The Experimental Aircraft Association Fund.
20 All money in the Experimental Aircraft Association Fund
21 shall be paid, subject to appropriation by the General
22 Assembly and distribution by the Secretary, as grants to
23 promote recreational aviation.

24 (12) ~~(10)~~ The Child Abuse Council of the Quad Cities
25 Fund. All money in the Child Abuse Council of the Quad
26 Cities Fund shall be paid as grants to benefit the Child

1 Abuse Council of the Quad Cities.

2 (13) ~~(10)~~ The Illinois Health Care Workers Benefit
3 Fund. All money in the Illinois Health Care Workers
4 Benefit Fund shall be paid as grants to the Trinity Health
5 Foundation for the benefit of health care workers,
6 doctors, nurses, and others who work in the health care
7 industry in this State.

8 (Source: P.A. 101-248, eff. 1-1-20; 101-256, eff. 1-1-20;
9 101-276, eff. 8-9-19; 101-282, eff. 1-1-20; 101-372, eff.
10 1-1-20; 102-383, eff. 1-1-22; 102-422, eff. 8-20-21; 102-423,
11 eff. 8-20-21; 102-515, eff. 1-1-22; 102-558, eff. 8-20-21;
12 revised 9-22-21.)

13 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

14 Sec. 5-102. Used vehicle dealers must be licensed.

15 (a) No person, other than a licensed new vehicle dealer,
16 shall engage in the business of selling or dealing in, on
17 consignment or otherwise, 5 or more used vehicles of any make
18 during the year (except house trailers as authorized by
19 paragraph (j) of this Section and rebuilt salvage vehicles
20 sold by their rebuilders to persons licensed under this
21 Chapter), or act as an intermediary, agent or broker for any
22 licensed dealer or vehicle purchaser (other than as a
23 salesperson) or represent or advertise that he is so engaged
24 or intends to so engage in such business unless licensed to do
25 so by the Secretary of State under the provisions of this

1 Section.

2 (b) An application for a used vehicle dealer's license
3 shall be filed with the Secretary of State, duly verified by
4 oath, in such form as the Secretary of State may by rule or
5 regulation prescribe and shall contain:

6 1. The name and type of business organization
7 established and additional places of business, if any, in
8 this State.

9 2. If the applicant is a corporation, a list of its
10 officers, directors, and shareholders having a ten percent
11 or greater ownership interest in the corporation, setting
12 forth the residence address of each; if the applicant is a
13 sole proprietorship, a partnership, an unincorporated
14 association, a trust, or any similar form of business
15 organization, the names and residence address of the
16 proprietor or of each partner, member, officer, director,
17 trustee, or manager.

18 3. A statement that the applicant has been approved
19 for registration under the Retailers' Occupation Tax Act
20 by the Department of Revenue. However, this requirement
21 does not apply to a dealer who is already licensed
22 hereunder with the Secretary of State, and who is merely
23 applying for a renewal of his license. As evidence of this
24 fact, the application shall be accompanied by a
25 certification from the Department of Revenue showing that
26 the Department has approved the applicant for registration

1 under the Retailers' Occupation Tax Act.

2 4. A statement that the applicant has complied with
3 the appropriate liability insurance requirement. A
4 Certificate of Insurance in a solvent company authorized
5 to do business in the State of Illinois shall be included
6 with each application covering each location at which he
7 proposes to act as a used vehicle dealer. The policy must
8 provide liability coverage in the minimum amounts of
9 \$100,000 for bodily injury to, or death of, any person,
10 \$300,000 for bodily injury to, or death of, two or more
11 persons in any one accident, and \$50,000 for damage to
12 property. Such policy shall expire not sooner than
13 December 31 of the year for which the license was issued or
14 renewed. The expiration of the insurance policy shall not
15 terminate the liability under the policy arising during
16 the period for which the policy was filed. Trailer and
17 mobile home dealers are exempt from this requirement.

18 If the permitted user has a liability insurance policy
19 that provides automobile liability insurance coverage of
20 at least \$100,000 for bodily injury to or the death of any
21 person, \$300,000 for bodily injury to or the death of any 2
22 or more persons in any one accident, and \$50,000 for
23 damage to property, then the permitted user's insurer
24 shall be the primary insurer and the dealer's insurer
25 shall be the secondary insurer. If the permitted user does
26 not have a liability insurance policy that provides

1 automobile liability insurance coverage of at least
2 \$100,000 for bodily injury to or the death of any person,
3 \$300,000 for bodily injury to or the death of any 2 or more
4 persons in any one accident, and \$50,000 for damage to
5 property, or does not have any insurance at all, then the
6 dealer's insurer shall be the primary insurer and the
7 permitted user's insurer shall be the secondary insurer.

8 When a permitted user is "test driving" a used vehicle
9 dealer's automobile, the used vehicle dealer's insurance
10 shall be primary and the permitted user's insurance shall
11 be secondary.

12 As used in this paragraph 4, a "permitted user" is a
13 person who, with the permission of the used vehicle dealer
14 or an employee of the used vehicle dealer, drives a
15 vehicle owned and held for sale or lease by the used
16 vehicle dealer which the person is considering to purchase
17 or lease, in order to evaluate the performance,
18 reliability, or condition of the vehicle. The term
19 "permitted user" also includes a person who, with the
20 permission of the used vehicle dealer, drives a vehicle
21 owned or held for sale or lease by the used vehicle dealer
22 for loaner purposes while the user's vehicle is being
23 repaired or evaluated.

24 As used in this paragraph 4, "test driving" occurs
25 when a permitted user who, with the permission of the used
26 vehicle dealer or an employee of the used vehicle dealer,

1 drives a vehicle owned and held for sale or lease by a used
2 vehicle dealer that the person is considering to purchase
3 or lease, in order to evaluate the performance,
4 reliability, or condition of the vehicle.

5 As used in this paragraph 4, "loaner purposes" means
6 when a person who, with the permission of the used vehicle
7 dealer, drives a vehicle owned or held for sale or lease by
8 the used vehicle dealer while the user's vehicle is being
9 repaired or evaluated.

10 5. An application for a used vehicle dealer's license
11 shall be accompanied by the following license fees:

12 (A) \$1,000 for applicant's established place of
13 business, and \$50 for each additional place of
14 business, if any, to which the application pertains;
15 however, if the application is made after June 15 of
16 any year, the license fee shall be \$500 for
17 applicant's established place of business plus \$25 for
18 each additional place of business, if any, to which
19 the application pertains. License fees shall be
20 returnable only in the event that the application is
21 denied by the Secretary of State. Of the money
22 received by the Secretary of State as license fees
23 under this subparagraph (A) for the 2004 licensing
24 year and thereafter, 95% shall be deposited into the
25 General Revenue Fund.

26 (B) Except for dealers selling 25 or fewer

1 automobiles or as provided in subsection (h) of
2 Section 5-102.7 of this Code, an Annual Dealer
3 Recovery Fund Fee in the amount of \$500 for the
4 applicant's established place of business, and \$50 for
5 each additional place of business, if any, to which
6 the application pertains; but if the application is
7 made after June 15 of any year, the fee shall be \$250
8 for the applicant's established place of business plus
9 \$25 for each additional place of business, if any, to
10 which the application pertains. For a license renewal
11 application, the fee shall be based on the amount of
12 automobiles sold in the past year according to the
13 following formula:

14 (1) \$0 for dealers selling 25 or less
15 automobiles;

16 (2) \$150 for dealers selling more than 25 but
17 less than 200 automobiles;

18 (3) \$300 for dealers selling 200 or more
19 automobiles but less than 300 automobiles; and

20 (4) \$500 for dealers selling 300 or more
21 automobiles.

22 License fees shall be returnable only in the event
23 that the application is denied by the Secretary of
24 State. Moneys received under this subparagraph (B)
25 shall be deposited into the Dealer Recovery Trust
26 Fund.

1 6. A statement that the applicant's officers,
2 directors, shareholders having a 10% or greater ownership
3 interest therein, proprietor, partner, member, officer,
4 director, trustee, manager, or other principals in the
5 business have not committed in the past 3 years any one
6 violation as determined in any civil, criminal, or
7 administrative proceedings of any one of the following
8 Acts:

9 (A) The Anti-Theft Laws of the Illinois Vehicle
10 Code;

11 (B) The Certificate of Title Laws of the Illinois
12 Vehicle Code;

13 (C) The Offenses against Registration and
14 Certificates of Title Laws of the Illinois Vehicle
15 Code;

16 (D) The Dealers, Transporters, Wreckers and
17 Rebuilders Laws of the Illinois Vehicle Code;

18 (E) Section 21-2 of the ~~Illinois~~ Criminal Code of
19 1961 or the Criminal Code of 2012, Criminal Trespass
20 to Vehicles; or

21 (F) The Retailers' Occupation Tax Act.

22 7. A statement that the applicant's officers,
23 directors, shareholders having a 10% or greater ownership
24 interest therein, proprietor, partner, member, officer,
25 director, trustee, manager, or other principals in the
26 business have not committed in any calendar year 3 or more

1 violations, as determined in any civil, ~~or~~ criminal, or
2 administrative proceedings, of any one or more of the
3 following Acts:

4 (A) The Consumer Finance Act;

5 (B) The Consumer Installment Loan Act;

6 (C) The Retail Installment Sales Act;

7 (D) The Motor Vehicle Retail Installment Sales
8 Act;

9 (E) The Interest Act;

10 (F) The Illinois Wage Assignment Act;

11 (G) Part 8 of Article XII of the Code of Civil
12 Procedure; or

13 (H) The Consumer Fraud and Deceptive Business
14 Practices Act.

15 7.5. A statement that, within 10 years of application,
16 each officer, director, shareholder having a 10% or
17 greater ownership interest therein, proprietor, partner,
18 member, officer, director, trustee, manager, or other
19 principal in the business of the applicant has not
20 committed, as determined in any civil, criminal, or
21 administrative proceeding, in any calendar year one or
22 more forcible felonies under the Criminal Code of 1961 or
23 the Criminal Code of 2012, or a violation of either or both
24 Article 16 or 17 of the Criminal Code of 1961 or a
25 violation of either or both Article 16 or 17 of the
26 Criminal Code of 2012, Article 29B of the Criminal Code of

1 1961 or the Criminal Code of 2012, or a similar
2 out-of-state offense. For the purposes of this paragraph,
3 "forcible felony" has the meaning provided in Section 2-8
4 of the Criminal Code of 2012.

5 8. A bond or Certificate of Deposit in the amount of
6 \$50,000 for each location at which the applicant intends
7 to act as a used vehicle dealer. The bond shall be for the
8 term of the license, or its renewal, for which application
9 is made, and shall expire not sooner than December 31 of
10 the year for which the license was issued or renewed. The
11 bond shall run to the People of the State of Illinois, with
12 surety by a bonding or insurance company authorized to do
13 business in this State. It shall be conditioned upon the
14 proper transmittal of all title and registration fees and
15 taxes (excluding taxes under the Retailers' Occupation Tax
16 Act) accepted by the applicant as a used vehicle dealer.

17 9. Such other information concerning the business of
18 the applicant as the Secretary of State may by rule or
19 regulation prescribe.

20 10. A statement that the applicant understands Chapter
21 1 through Chapter 5 of this Code.

22 11. A copy of the certification from the prelicensing
23 education program.

24 12. The full name, address, and contact information of
25 each of the dealer's agents or legal representatives who
26 is an Illinois resident and liable for the performance of

1 the dealership.

2 (c) Any change which renders no longer accurate any
3 information contained in any application for a used vehicle
4 dealer's license shall be amended within 30 days after the
5 occurrence of each change on such form as the Secretary of
6 State may prescribe by rule or regulation, accompanied by an
7 amendatory fee of \$2.

8 (d) Anything in this Chapter to the contrary
9 notwithstanding, no person shall be licensed as a used vehicle
10 dealer unless such person maintains an established place of
11 business as defined in this Chapter.

12 (e) The Secretary of State shall, within a reasonable time
13 after receipt, examine an application submitted to him under
14 this Section. Unless the Secretary makes a determination that
15 the application submitted to him does not conform to this
16 Section or that grounds exist for a denial of the application
17 under Section 5-501 of this Chapter, he must grant the
18 applicant an original used vehicle dealer's license in writing
19 for his established place of business and a supplemental
20 license in writing for each additional place of business in
21 such form as he may prescribe by rule or regulation which shall
22 include the following:

23 1. The name of the person licensed;

24 2. If a corporation, the name and address of its
25 officers or if a sole proprietorship, a partnership, an
26 unincorporated association or any similar form of business

1 organization, the name and address of the proprietor or of
2 each partner, member, officer, director, trustee, or
3 manager;

4 3. In case of an original license, the established
5 place of business of the licensee;

6 4. In the case of a supplemental license, the
7 established place of business of the licensee and the
8 additional place of business to which such supplemental
9 license pertains;

10 5. The full name, address, and contact information of
11 each of the dealer's agents or legal representatives who
12 is an Illinois resident and liable for the performance of
13 the dealership.

14 (f) The appropriate instrument evidencing the license or a
15 certified copy thereof, provided by the Secretary of State
16 shall be kept posted, conspicuously, in the established place
17 of business of the licensee and in each additional place of
18 business, if any, maintained by such licensee.

19 (g) Except as provided in subsection (h) of this Section,
20 all used vehicle dealer's licenses granted under this Section
21 expire by operation of law on December 31 of the calendar year
22 for which they are granted unless sooner revoked or cancelled
23 under Section 5-501 of this Chapter.

24 (h) A used vehicle dealer's license may be renewed upon
25 application and payment of the fee required herein, and
26 submission of proof of coverage by an approved bond under the

1 "Retailers' Occupation Tax Act" or proof that applicant is not
2 subject to such bonding requirements, as in the case of an
3 original license, but in case an application for the renewal
4 of an effective license is made during the month of December,
5 the effective license shall remain in force until the
6 application for renewal is granted or denied by the Secretary
7 of State.

8 (i) All persons licensed as a used vehicle dealer are
9 required to furnish each purchaser of a motor vehicle:

10 1. A certificate of title properly assigned to the
11 purchaser;

12 2. A statement verified under oath that all
13 identifying numbers on the vehicle agree with those on the
14 certificate of title;

15 3. A bill of sale properly executed on behalf of such
16 person;

17 4. A copy of the Uniform Invoice-transaction reporting
18 return referred to in Section 5-402 of this Chapter;

19 5. In the case of a rebuilt vehicle, a copy of the
20 Disclosure of Rebuilt Vehicle Status; and

21 6. In the case of a vehicle for which the warranty has
22 been reinstated, a copy of the warranty.

23 (j) A real estate broker holding a valid certificate of
24 registration issued pursuant to "The Real Estate Brokers and
25 Salesmen License Act" may engage in the business of selling or
26 dealing in house trailers not his own without being licensed

1 as a used vehicle dealer under this Section; however such
2 broker shall maintain a record of the transaction including
3 the following:

- 4 (1) the name and address of the buyer and seller,
- 5 (2) the date of sale,
- 6 (3) a description of the mobile home, including the
7 vehicle identification number, make, model, and year, and
- 8 (4) the Illinois certificate of title number.

9 The foregoing records shall be available for inspection by
10 any officer of the Secretary of State's Office at any
11 reasonable hour.

12 (k) Except at the time of sale or repossession of the
13 vehicle, no person licensed as a used vehicle dealer may issue
14 any other person a newly created key to a vehicle unless the
15 used vehicle dealer makes a color photocopy or electronic scan
16 of the driver's license or State identification card of the
17 person requesting or obtaining the newly created key. The used
18 vehicle dealer must retain the photocopy or scan for 30 days.

19 A used vehicle dealer who violates this subsection (k) is
20 guilty of a petty offense. Violation of this subsection (k) is
21 not cause to suspend, revoke, cancel, or deny renewal of the
22 used vehicle dealer's license.

23 (l) Used vehicle dealers licensed under this Section shall
24 provide the Secretary of State a register for the sale at
25 auction of each salvage or junk certificate vehicle. Each
26 register shall include the following information:

- 1 1. The year, make, model, style, and color of the
2 vehicle;
- 3 2. The vehicle's manufacturer's identification number
4 or, if applicable, the Secretary of State or Illinois
5 State Police identification number;
- 6 3. The date of acquisition of the vehicle;
- 7 4. The name and address of the person from whom the
8 vehicle was acquired;
- 9 5. The name and address of the person to whom any
10 vehicle was disposed, the person's Illinois license number
11 or if the person is an out-of-state salvage vehicle buyer,
12 the license number from the state or jurisdiction where
13 the buyer is licensed; and
- 14 6. The purchase price of the vehicle.

15 The register shall be submitted to the Secretary of State
16 via written or electronic means within 10 calendar days from
17 the date of the auction.

18 (m) If a licensee under this Section voluntarily
19 surrenders a license to the Illinois Secretary of State Police
20 or a representative of the Secretary of State Vehicle Services
21 Department due to the licensee's inability to adhere to
22 recordkeeping provisions, or the inability to properly issue
23 certificates of title or registrations under this Code, or the
24 Secretary revokes a license under this Section, then the
25 licensee and the licensee's agent, designee, or legal
26 representative, if applicable, may not be named on a new

1 application for a licensee under this Section or under this
2 Chapter, nor is the licensee or the licensee's agent,
3 designee, or legal representative permitted to work for
4 another licensee under this Chapter in a recordkeeping,
5 management, or financial position or as an employee who
6 handles certificate of title and registration documents and
7 applications.

8 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
9 102-538, eff. 8-20-21; revised 10-15-21.)

10 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

11 Sec. 5-402.1. Use of Secretary of State Uniform Invoice
12 for Essential Parts.

13 (a) Except for scrap processors, every person licensed or
14 required to be licensed under Section 5-101, 5-101.1, 5-102,
15 5-102.8, or 5-301 of this Code shall issue, in a form the
16 Secretary of State may by rule or regulation prescribe, a
17 Uniform Invoice, which may also act as a bill of sale, with
18 respect to each transaction in which he disposes of an
19 essential part other than quarter panels and transmissions of
20 vehicles of the first division. Such Invoice shall be made out
21 at the time of the disposition of the essential part. If the
22 licensee disposes of several essential parts in the same
23 transaction, the licensee may issue one Uniform Invoice
24 covering all essential parts disposed of in that transaction.

25 (b) The following information shall be contained on the

1 Uniform Invoice:

2 (1) the business name, address, and dealer license
3 number of the person disposing of the essential part;

4 (2) the name and address of the person acquiring the
5 essential part, and if that person is a dealer, the
6 Illinois or out-of-state dealer license number of that
7 dealer;

8 (3) the date of the disposition of the essential part;

9 (4) the year, make, model, color, and description of
10 each essential part disposed of by the person;

11 (5) the manufacturer's vehicle identification number,
12 Secretary of State identification number, or Illinois
13 State Police identification number, for each essential
14 part disposed of by the person;

15 (6) the printed name and legible signature of the
16 person or agent disposing of the essential part; and

17 (7) if the person is a dealer the printed name and
18 legible signature of the dealer or his agent or employee
19 accepting delivery of the essential part.

20 (c) Except for scrap processors, and except as set forth
21 in subsection (d) of this Section, whenever a person licensed
22 or required to be licensed by Section 5-101, 5-101.1, 5-102,
23 or 5-301 accepts delivery of an essential part, other than
24 quarter panels and transmissions of vehicles of the first
25 division, that person shall, at the time of the acceptance or
26 delivery, comply with the following procedures:

1 (1) Before acquiring or accepting delivery of any
2 essential part, the licensee or his authorized agent or
3 employee shall inspect the part to determine whether the
4 vehicle identification number, Secretary of State
5 identification number, Illinois State Police
6 identification number, or identification plate or sticker
7 attached to or stamped on any part being acquired or
8 delivered has been removed, falsified, altered, defaced,
9 destroyed, or tampered with. If the licensee or his agent
10 or employee determines that the vehicle identification
11 number, Secretary of State identification number, Illinois
12 State Police identification number, identification plate
13 or identification sticker containing an identification
14 number, or Federal Certificate label of an essential part
15 has been removed, falsified, altered, defaced, destroyed,
16 or tampered with, the licensee or agent shall not accept
17 or receive that part.

18 If that part was physically acquired by or delivered
19 to a licensee or his agent or employee while that
20 licensee, agent, or employee was outside this State, that
21 licensee or agent or employee shall not bring that
22 essential part into this State or cause it to be brought
23 into this State.

24 (2) If the person disposing of or delivering the
25 essential part to the licensee is a licensed in-state or
26 out-of-state dealer, the licensee or his agent or

1 employee, after inspecting the essential part as required
2 by paragraph (1) of this subsection (c), shall examine the
3 Uniform Invoice, or bill of sale, as the case may be, to
4 ensure that it contains all the information required to be
5 provided by persons disposing of essential parts as set
6 forth in subsection (b) of this Section. If the Uniform
7 Invoice or bill of sale does not contain all the
8 information required to be listed by subsection (b) of
9 this Section, the dealer disposing of or delivering such
10 part or his agent or employee shall record such additional
11 information or other needed modifications on the Uniform
12 Invoice or bill of sale or, if needed, an attachment
13 thereto. The dealer or his agent or employee delivering
14 the essential part shall initial all additions or
15 modifications to the Uniform Invoice or bill of sale and
16 legibly print his name at the bottom of each document
17 containing his initials. If the transaction involves a
18 bill of sale rather than a Uniform Invoice, the licensee
19 or his agent or employee accepting delivery of or
20 acquiring the essential part shall affix his printed name
21 and legible signature on the space on the bill of sale
22 provided for his signature or, if no space is provided, on
23 the back of the bill of sale. If the dealer or his agent or
24 employee disposing of or delivering the essential part
25 cannot or does not provide all the information required by
26 subsection (b) of this Section, the licensee or his agent

1 or employee shall not accept or receive any essential part
2 for which that required information is not provided. If
3 such essential part for which the information required is
4 not fully provided was physically acquired while the
5 licensee or his agent or employee was outside this State,
6 the licensee or his agent or employee shall not bring that
7 essential part into this State or cause it to be brought
8 into this State.

9 (3) If the person disposing of the essential part is
10 not a licensed dealer, the licensee or his agent or
11 employee shall, after inspecting the essential part as
12 required by paragraph (1) of subsection (c) of this
13 Section verify the identity of the person disposing of the
14 essential part by examining 2 sources of identification,
15 one of which shall be either a driver's license or state
16 identification card. The licensee or his agent or employee
17 shall then prepare a Uniform Invoice listing all the
18 information required to be provided by subsection (b) of
19 this Section. In the space on the Uniform Invoice provided
20 for the dealer license number of the person disposing of
21 the part, the licensee or his agent or employee shall list
22 the numbers taken from the documents of identification
23 provided by the person disposing of the part. The person
24 disposing of the part shall affix his printed name and
25 legible signature on the space on the Uniform Invoice
26 provided for the person disposing of the essential part

1 and the licensee or his agent or employee acquiring the
2 part shall affix his printed name and legible signature on
3 the space provided on the Uniform Invoice for the person
4 acquiring the essential part. If the person disposing of
5 the essential part cannot or does not provide all the
6 information required to be provided by this paragraph, or
7 does not present 2 satisfactory forms of identification,
8 the licensee or his agent or employee shall not acquire
9 that essential part.

10 (d) If an essential part other than quarter panels and
11 transmissions of vehicles of the first division was delivered
12 by a licensed commercial delivery service delivering such part
13 on behalf of a licensed dealer, the person required to comply
14 with subsection (c) of this Section may conduct the inspection
15 of that part required by paragraph (1) of subsection (c) and
16 examination of the Uniform Invoice or bill of sale required by
17 paragraph (2) of subsection (c) of this Section immediately
18 after the acceptance of the part.

19 (1) If the inspection of the essential part pursuant
20 to paragraph (1) of subsection (c) reveals that the
21 vehicle identification number, Secretary of State
22 identification number, Illinois State Police
23 identification number, identification plate or sticker
24 containing an identification number, or Federal
25 Certificate label of an essential part has been removed,
26 falsified, altered, defaced, destroyed, or tampered with,

1 the licensee or his agent shall immediately record such
2 fact on the Uniform Invoice or bill of sale, assign the
3 part an inventory or stock number, place such inventory or
4 stock number on both the essential part and the Uniform
5 Invoice or bill of sale, and record the date of the
6 inspection of the part on the Uniform Invoice or bill of
7 sale. The licensee shall, within 7 days of such
8 inspection, return such part to the dealer from whom it
9 was acquired.

10 (2) If the examination of the Uniform Invoice or bill
11 of sale pursuant to paragraph (2) of subsection (c)
12 reveals that any of the information required to be listed
13 by subsection (b) of this Section is missing, the licensee
14 or person required to be licensed shall immediately assign
15 a stock or inventory number to such part, place such stock
16 or inventory number on both the essential part and the
17 Uniform Invoice or bill of sale, and record the date of
18 examination on the Uniform Invoice or bill of sale. The
19 licensee or person required to be licensed shall acquire
20 the information missing from the Uniform Invoice or bill
21 of sale within 7 days of the examination of such Uniform
22 Invoice or bill of sale. Such information may be received
23 by telephone conversation with the dealer from whom the
24 part was acquired. If the dealer provides the missing
25 information the licensee shall record such information on
26 the Uniform Invoice or bill of sale along with the name of

1 the person providing the information. If the dealer does
2 not provide the required information within the
3 aforementioned 7-day ~~7-day~~ period, the licensee shall
4 return the part to that dealer.

5 (e) Except for scrap processors, all persons licensed or
6 required to be licensed who acquire or dispose of essential
7 parts other than quarter panels and transmissions of vehicles
8 of the first division shall retain a copy of the Uniform
9 Invoice required to be made by subsections (a), (b), and (c) of
10 this Section for a period of 3 years.

11 (f) Except for scrap processors, any person licensed or
12 required to be licensed under Section ~~Sections~~ 5-101, 5-102, and
13 or 5-301 who knowingly fails to record on a Uniform Invoice any
14 of the information or entries required to be recorded by
15 subsections (a), (b), and (c) of this Section, or who
16 knowingly places false entries or other misleading information
17 on such Uniform Invoice, or who knowingly fails to retain for 3
18 years a copy of a Uniform Invoice reflecting transactions
19 required to be recorded by subsections (a), (b), and (c) of
20 this Section, or who knowingly acquires or disposes of
21 essential parts without receiving, issuing, or executing a
22 Uniform Invoice reflecting that transaction as required by
23 subsections (a), (b), and (c) of this Section, or who brings or
24 causes to be brought into this State essential parts for which
25 the information required to be recorded on a Uniform Invoice
26 is not recorded as prohibited by subsection (c) of this

1 Section, or who knowingly fails to comply with the provisions
2 of this Section in any other manner shall be guilty of a Class
3 2 felony. Each violation shall constitute a separate and
4 distinct offense and a separate count may be brought in the
5 same indictment or information for each essential part for
6 which a record was not kept as required by this Section or for
7 which the person failed to comply with other provisions of
8 this Section.

9 (g) The records required to be kept by this Section may be
10 examined by a person or persons making a lawful inspection of
11 the licensee's premises pursuant to Section 5-403.

12 (h) The records required to be kept by this Section shall
13 be retained by the licensee at his principal place of business
14 for a period of 3 years.

15 (i) The requirements of this Section shall not apply to
16 the disposition of an essential part other than a cowl which
17 has been damaged or altered to a state in which it can no
18 longer be returned to a usable condition and which is being
19 sold or transferred to a scrap processor or for delivery to a
20 scrap processor.

21 (Source: P.A. 101-505, eff. 1-1-20; 102-318, eff. 1-1-22;
22 102-538, eff. 8-20-21; revised 9-21-21.)

23 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

24 Sec. 6-106.1. School bus driver permit.

25 (a) The Secretary of State shall issue a school bus driver

1 permit to those applicants who have met all the requirements
2 of the application and screening process under this Section to
3 insure the welfare and safety of children who are transported
4 on school buses throughout the State of Illinois. Applicants
5 shall obtain the proper application required by the Secretary
6 of State from their prospective or current employer and submit
7 the completed application to the prospective or current
8 employer along with the necessary fingerprint submission as
9 required by the Illinois State Police to conduct fingerprint
10 based criminal background checks on current and future
11 information available in the state system and current
12 information available through the Federal Bureau of
13 Investigation's system. Applicants who have completed the
14 fingerprinting requirements shall not be subjected to the
15 fingerprinting process when applying for subsequent permits or
16 submitting proof of successful completion of the annual
17 refresher course. Individuals who on July 1, 1995 (the
18 effective date of Public Act 88-612) possess a valid school
19 bus driver permit that has been previously issued by the
20 appropriate Regional School Superintendent are not subject to
21 the fingerprinting provisions of this Section as long as the
22 permit remains valid and does not lapse. The applicant shall
23 be required to pay all related application and fingerprinting
24 fees as established by rule including, but not limited to, the
25 amounts established by the Illinois State Police and the
26 Federal Bureau of Investigation to process fingerprint based

1 criminal background investigations. All fees paid for
2 fingerprint processing services under this Section shall be
3 deposited into the State Police Services Fund for the cost
4 incurred in processing the fingerprint based criminal
5 background investigations. All other fees paid under this
6 Section shall be deposited into the Road Fund for the purpose
7 of defraying the costs of the Secretary of State in
8 administering this Section. All applicants must:

9 1. be 21 years of age or older;

10 2. possess a valid and properly classified driver's
11 license issued by the Secretary of State;

12 3. possess a valid driver's license, which has not
13 been revoked, suspended, or canceled for 3 years
14 immediately prior to the date of application, or have not
15 had his or her commercial motor vehicle driving privileges
16 disqualified within the 3 years immediately prior to the
17 date of application;

18 4. successfully pass a written test, administered by
19 the Secretary of State, on school bus operation, school
20 bus safety, and special traffic laws relating to school
21 buses and submit to a review of the applicant's driving
22 habits by the Secretary of State at the time the written
23 test is given;

24 5. demonstrate ability to exercise reasonable care in
25 the operation of school buses in accordance with rules
26 promulgated by the Secretary of State;

1 6. demonstrate physical fitness to operate school
2 buses by submitting the results of a medical examination,
3 including tests for drug use for each applicant not
4 subject to such testing pursuant to federal law, conducted
5 by a licensed physician, a licensed advanced practice
6 registered nurse, or a licensed physician assistant within
7 90 days of the date of application according to standards
8 promulgated by the Secretary of State;

9 7. affirm under penalties of perjury that he or she
10 has not made a false statement or knowingly concealed a
11 material fact in any application for permit;

12 8. have completed an initial classroom course,
13 including first aid procedures, in school bus driver
14 safety as promulgated by the Secretary of State; and after
15 satisfactory completion of said initial course an annual
16 refresher course; such courses and the agency or
17 organization conducting such courses shall be approved by
18 the Secretary of State; failure to complete the annual
19 refresher course, shall result in cancellation of the
20 permit until such course is completed;

21 9. not have been under an order of court supervision
22 for or convicted of 2 or more serious traffic offenses, as
23 defined by rule, within one year prior to the date of
24 application that may endanger the life or safety of any of
25 the driver's passengers within the duration of the permit
26 period;

1 10. not have been under an order of court supervision
2 for or convicted of reckless driving, aggravated reckless
3 driving, driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or
5 any combination thereof, or reckless homicide resulting
6 from the operation of a motor vehicle within 3 years of the
7 date of application;

8 11. not have been convicted of committing or
9 attempting to commit any one or more of the following
10 offenses: (i) those offenses defined in Sections 8-1,
11 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
12 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
14 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
15 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
16 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
17 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
18 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
19 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
20 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,
21 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
22 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,
23 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
24 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
25 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
26 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,

1 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
2 of Section 24-3, and those offenses contained in Article
3 29D of the Criminal Code of 1961 or the Criminal Code of
4 2012; (ii) those offenses defined in the Cannabis Control
5 Act except those offenses defined in subsections (a) and
6 (b) of Section 4, and subsection (a) of Section 5 of the
7 Cannabis Control Act; (iii) those offenses defined in the
8 Illinois Controlled Substances Act; (iv) those offenses
9 defined in the Methamphetamine Control and Community
10 Protection Act; ~~and~~ (v) any offense committed or attempted
11 in any other state or against the laws of the United
12 States, which if committed or attempted in this State
13 would be punishable as one or more of the foregoing
14 offenses; (vi) the offenses defined in Section 4.1 and 5.1
15 of the Wrongs to Children Act or Section 11-9.1A of the
16 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
17 those offenses defined in Section 6-16 of the Liquor
18 Control Act of 1934; and (viii) those offenses defined in
19 the Methamphetamine Precursor Control Act;

20 12. not have been repeatedly involved as a driver in
21 motor vehicle collisions or been repeatedly convicted of
22 offenses against laws and ordinances regulating the
23 movement of traffic, to a degree which indicates lack of
24 ability to exercise ordinary and reasonable care in the
25 safe operation of a motor vehicle or disrespect for the
26 traffic laws and the safety of other persons upon the

1 highway;

2 13. not have, through the unlawful operation of a
3 motor vehicle, caused an accident resulting in the death
4 of any person;

5 14. not have, within the last 5 years, been adjudged
6 to be afflicted with or suffering from any mental
7 disability or disease;

8 15. consent, in writing, to the release of results of
9 reasonable suspicion drug and alcohol testing under
10 Section 6-106.1c of this Code by the employer of the
11 applicant to the Secretary of State; and

12 16. not have been convicted of committing or
13 attempting to commit within the last 20 years: (i) an
14 offense defined in subsection (c) of Section 4, subsection
15 (b) of Section 5, and subsection (a) of Section 8 of the
16 Cannabis Control Act; or (ii) any offenses in any other
17 state or against the laws of the United States that, if
18 committed or attempted in this State, would be punishable
19 as one or more of the foregoing offenses.

20 (b) A school bus driver permit shall be valid for a period
21 specified by the Secretary of State as set forth by rule. It
22 shall be renewable upon compliance with subsection (a) of this
23 Section.

24 (c) A school bus driver permit shall contain the holder's
25 driver's license number, legal name, residence address, zip
26 code, and date of birth, a brief description of the holder and

1 a space for signature. The Secretary of State may require a
2 suitable photograph of the holder.

3 (d) The employer shall be responsible for conducting a
4 pre-employment interview with prospective school bus driver
5 candidates, distributing school bus driver applications and
6 medical forms to be completed by the applicant, and submitting
7 the applicant's fingerprint cards to the Illinois State Police
8 that are required for the criminal background investigations.
9 The employer shall certify in writing to the Secretary of
10 State that all pre-employment conditions have been
11 successfully completed including the successful completion of
12 an Illinois specific criminal background investigation through
13 the Illinois State Police and the submission of necessary
14 fingerprints to the Federal Bureau of Investigation for
15 criminal history information available through the Federal
16 Bureau of Investigation system. The applicant shall present
17 the certification to the Secretary of State at the time of
18 submitting the school bus driver permit application.

19 (e) Permits shall initially be provisional upon receiving
20 certification from the employer that all pre-employment
21 conditions have been successfully completed, and upon
22 successful completion of all training and examination
23 requirements for the classification of the vehicle to be
24 operated, the Secretary of State shall provisionally issue a
25 School Bus Driver Permit. The permit shall remain in a
26 provisional status pending the completion of the Federal

1 Bureau of Investigation's criminal background investigation
2 based upon fingerprinting specimens submitted to the Federal
3 Bureau of Investigation by the Illinois State Police. The
4 Federal Bureau of Investigation shall report the findings
5 directly to the Secretary of State. The Secretary of State
6 shall remove the bus driver permit from provisional status
7 upon the applicant's successful completion of the Federal
8 Bureau of Investigation's criminal background investigation.

9 (f) A school bus driver permit holder shall notify the
10 employer and the Secretary of State if he or she is issued an
11 order of court supervision for or convicted in another state
12 of an offense that would make him or her ineligible for a
13 permit under subsection (a) of this Section. The written
14 notification shall be made within 5 days of the entry of the
15 order of court supervision or conviction. Failure of the
16 permit holder to provide the notification is punishable as a
17 petty offense for a first violation and a Class B misdemeanor
18 for a second or subsequent violation.

19 (g) Cancellation; suspension; notice and procedure.

20 (1) The Secretary of State shall cancel a school bus
21 driver permit of an applicant whose criminal background
22 investigation discloses that he or she is not in
23 compliance with the provisions of subsection (a) of this
24 Section.

25 (2) The Secretary of State shall cancel a school bus
26 driver permit when he or she receives notice that the

1 permit holder fails to comply with any provision of this
2 Section or any rule promulgated for the administration of
3 this Section.

4 (3) The Secretary of State shall cancel a school bus
5 driver permit if the permit holder's restricted commercial
6 or commercial driving privileges are withdrawn or
7 otherwise invalidated.

8 (4) The Secretary of State may not issue a school bus
9 driver permit for a period of 3 years to an applicant who
10 fails to obtain a negative result on a drug test as
11 required in item 6 of subsection (a) of this Section or
12 under federal law.

13 (5) The Secretary of State shall forthwith suspend a
14 school bus driver permit for a period of 3 years upon
15 receiving notice that the holder has failed to obtain a
16 negative result on a drug test as required in item 6 of
17 subsection (a) of this Section or under federal law.

18 (6) The Secretary of State shall suspend a school bus
19 driver permit for a period of 3 years upon receiving
20 notice from the employer that the holder failed to perform
21 the inspection procedure set forth in subsection (a) or
22 (b) of Section 12-816 of this Code.

23 (7) The Secretary of State shall suspend a school bus
24 driver permit for a period of 3 years upon receiving
25 notice from the employer that the holder refused to submit
26 to an alcohol or drug test as required by Section 6-106.1c

1 or has submitted to a test required by that Section which
2 disclosed an alcohol concentration of more than 0.00 or
3 disclosed a positive result on a National Institute on
4 Drug Abuse five-drug panel, utilizing federal standards
5 set forth in 49 CFR 40.87.

6 The Secretary of State shall notify the State
7 Superintendent of Education and the permit holder's
8 prospective or current employer that the applicant has (1) has
9 failed a criminal background investigation or (2) is no longer
10 eligible for a school bus driver permit; and of the related
11 cancellation of the applicant's provisional school bus driver
12 permit. The cancellation shall remain in effect pending the
13 outcome of a hearing pursuant to Section 2-118 of this Code.
14 The scope of the hearing shall be limited to the issuance
15 criteria contained in subsection (a) of this Section. A
16 petition requesting a hearing shall be submitted to the
17 Secretary of State and shall contain the reason the individual
18 feels he or she is entitled to a school bus driver permit. The
19 permit holder's employer shall notify in writing to the
20 Secretary of State that the employer has certified the removal
21 of the offending school bus driver from service prior to the
22 start of that school bus driver's next workshift. An employing
23 school board that fails to remove the offending school bus
24 driver from service is subject to the penalties defined in
25 Section 3-14.23 of the School Code. A school bus contractor
26 who violates a provision of this Section is subject to the

1 penalties defined in Section 6-106.11.

2 All valid school bus driver permits issued under this
3 Section prior to January 1, 1995, shall remain effective until
4 their expiration date unless otherwise invalidated.

5 (h) When a school bus driver permit holder who is a service
6 member is called to active duty, the employer of the permit
7 holder shall notify the Secretary of State, within 30 days of
8 notification from the permit holder, that the permit holder
9 has been called to active duty. Upon notification pursuant to
10 this subsection, (i) the Secretary of State shall characterize
11 the permit as inactive until a permit holder renews the permit
12 as provided in subsection (i) of this Section, and (ii) if a
13 permit holder fails to comply with the requirements of this
14 Section while called to active duty, the Secretary of State
15 shall not characterize the permit as invalid.

16 (i) A school bus driver permit holder who is a service
17 member returning from active duty must, within 90 days, renew
18 a permit characterized as inactive pursuant to subsection (h)
19 of this Section by complying with the renewal requirements of
20 subsection (b) of this Section.

21 (j) For purposes of subsections (h) and (i) of this
22 Section:

23 "Active duty" means active duty pursuant to an executive
24 order of the President of the United States, an act of the
25 Congress of the United States, or an order of the Governor.

26 "Service member" means a member of the Armed Services or

1 reserve forces of the United States or a member of the Illinois
2 National Guard.

3 (k) A private carrier employer of a school bus driver
4 permit holder, having satisfied the employer requirements of
5 this Section, shall be held to a standard of ordinary care for
6 intentional acts committed in the course of employment by the
7 bus driver permit holder. This subsection (k) shall in no way
8 limit the liability of the private carrier employer for
9 violation of any provision of this Section or for the
10 negligent hiring or retention of a school bus driver permit
11 holder.

12 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
13 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised
14 10-13-21.)

15 (625 ILCS 5/6-107.5)

16 Sec. 6-107.5. Adult Driver Education Course.

17 (a) The Secretary shall establish by rule the curriculum
18 and designate the materials to be used in an adult driver
19 education course. The course shall be at least 6 hours in
20 length and shall include instruction on traffic laws; highway
21 signs, signals, and markings that regulate, warn, or direct
22 traffic; issues commonly associated with motor vehicle
23 accidents including poor decision-making, risk taking,
24 impaired driving, distraction, speed, failure to use a safety
25 belt, driving at night, failure to yield the right-of-way,

1 texting while driving, using wireless communication devices,
2 and alcohol and drug awareness; and instruction on law
3 enforcement procedures during traffic stops, including actions
4 that a motorist should take during a traffic stop and
5 appropriate interactions with law enforcement officers. The
6 curriculum shall not require the operation of a motor vehicle.

7 (b) The Secretary shall certify course providers. The
8 requirements to be a certified course provider, the process
9 for applying for certification, and the procedure for
10 decertifying a course provider shall be established by rule.

11 (b-5) In order to qualify for certification as an adult
12 driver education course provider, each applicant must
13 authorize an investigation that includes a fingerprint-based
14 background check to determine if the applicant has ever been
15 convicted of a criminal offense and, if so, the disposition of
16 any conviction. This authorization shall indicate the scope of
17 the inquiry and the agencies that may be contacted. Upon
18 receiving this authorization, the Secretary of State may
19 request and receive information and assistance from any
20 federal, State, or local governmental agency as part of the
21 authorized investigation. Each applicant shall submit his or
22 her fingerprints to the Illinois State Police in the form and
23 manner prescribed by the Illinois State Police. These
24 fingerprints shall be checked against fingerprint records now
25 and hereafter filed in the Illinois State Police and Federal
26 Bureau of Investigation criminal history record databases. The

1 Illinois State Police shall charge applicants a fee for
2 conducting the criminal history record check, which shall be
3 deposited into the State Police Services Fund and shall not
4 exceed the actual cost of the State and national criminal
5 history record check. The Illinois State Police shall furnish,
6 pursuant to positive identification, records of Illinois
7 criminal convictions to the Secretary and shall forward the
8 national criminal history record information to the Secretary.
9 Applicants shall pay any other fingerprint-related fees.
10 Unless otherwise prohibited by law, the information derived
11 from the investigation, including the source of the
12 information and any conclusions or recommendations derived
13 from the information by the Secretary of State, shall be
14 provided to the applicant upon request to the Secretary of
15 State prior to any final action by the Secretary of State on
16 the application. Any criminal conviction information obtained
17 by the Secretary of State shall be confidential and may not be
18 transmitted outside the Office of the Secretary of State,
19 except as required by this subsection (b-5), and may not be
20 transmitted to anyone within the Office of the Secretary of
21 State except as needed for the purpose of evaluating the
22 applicant. At any administrative hearing held under Section
23 2-118 of this Code relating to the denial, cancellation,
24 suspension, or revocation of certification of an adult driver
25 education course provider, the Secretary of State may utilize
26 at that hearing any criminal history, criminal conviction, and

1 disposition information obtained under this subsection (b-5).
2 The information obtained from the investigation may be
3 maintained by the Secretary of State or any agency to which the
4 information was transmitted. Only information and standards
5 which bear a reasonable and rational relation to the
6 performance of providing adult driver education shall be used
7 by the Secretary of State. Any employee of the Secretary of
8 State who gives or causes to be given away any confidential
9 information concerning any criminal convictions or disposition
10 of criminal convictions of an applicant shall be guilty of a
11 Class A misdemeanor unless release of the information is
12 authorized by this Section.

13 (c) The Secretary may permit a course provider to offer
14 the course online, if the Secretary is satisfied the course
15 provider has established adequate procedures for verifying:

16 (1) the identity of the person taking the course
17 online; and

18 (2) the person completes the entire course.

19 (d) The Secretary shall establish a method of electronic
20 verification of a student's successful completion of the
21 course.

22 (e) The fee charged by the course provider must bear a
23 reasonable relationship to the cost of the course. The
24 Secretary shall post on the Secretary of State's website a
25 list of approved course providers, the fees charged by the
26 providers, and contact information for each provider.

1 (f) In addition to any other fee charged by the course
2 provider, the course provider shall collect a fee of \$5 from
3 each student to offset the costs incurred by the Secretary in
4 administering this program. The \$5 shall be submitted to the
5 Secretary within 14 days of the day on which it was collected.
6 All such fees received by the Secretary shall be deposited in
7 the Secretary of State Driver Services Administration Fund.
8 (Source: P.A. 102-455, eff. 1-1-22; 102-538, eff. 8-20-21;
9 revised 10-12-21.)

10 (625 ILCS 5/6-206)

11 Sec. 6-206. Discretionary authority to suspend or revoke
12 license or permit; right to a hearing.

13 (a) The Secretary of State is authorized to suspend or
14 revoke the driving privileges of any person without
15 preliminary hearing upon a showing of the person's records or
16 other sufficient evidence that the person:

17 1. Has committed an offense for which mandatory
18 revocation of a driver's license or permit is required
19 upon conviction;

20 2. Has been convicted of not less than 3 offenses
21 against traffic regulations governing the movement of
22 vehicles committed within any 12-month period. No
23 revocation or suspension shall be entered more than 6
24 months after the date of last conviction;

25 3. Has been repeatedly involved as a driver in motor

1 vehicle collisions or has been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree that indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 4. Has by the unlawful operation of a motor vehicle
9 caused or contributed to an accident resulting in injury
10 requiring immediate professional treatment in a medical
11 facility or doctor's office to any person, except that any
12 suspension or revocation imposed by the Secretary of State
13 under the provisions of this subsection shall start no
14 later than 6 months after being convicted of violating a
15 law or ordinance regulating the movement of traffic, which
16 violation is related to the accident, or shall start not
17 more than one year after the date of the accident,
18 whichever date occurs later;

19 5. Has permitted an unlawful or fraudulent use of a
20 driver's license, identification card, or permit;

21 6. Has been lawfully convicted of an offense or
22 offenses in another state, including the authorization
23 contained in Section 6-203.1, which if committed within
24 this State would be grounds for suspension or revocation;

25 7. Has refused or failed to submit to an examination
26 provided for by Section 6-207 or has failed to pass the

1 examination;

2 8. Is ineligible for a driver's license or permit
3 under the provisions of Section 6-103;

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

8 10. Has possessed, displayed, or attempted to
9 fraudulently use any license, identification card, or
10 permit not issued to the person;

11 11. Has operated a motor vehicle upon a highway of
12 this State when the person's driving privilege or
13 privilege to obtain a driver's license or permit was
14 revoked or suspended unless the operation was authorized
15 by a monitoring device driving permit, judicial driving
16 permit issued prior to January 1, 2009, probationary
17 license to drive, or restricted driving permit issued
18 under this Code;

19 12. Has submitted to any portion of the application
20 process for another person or has obtained the services of
21 another person to submit to any portion of the application
22 process for the purpose of obtaining a license,
23 identification card, or permit for some other person;

24 13. Has operated a motor vehicle upon a highway of
25 this State when the person's driver's license or permit
26 was invalid under the provisions of Sections 6-107.1 and

1 6-110;

2 14. Has committed a violation of Section 6-301,
3 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
4 14B of the Illinois Identification Card Act;

5 15. Has been convicted of violating Section 21-2 of
6 the Criminal Code of 1961 or the Criminal Code of 2012
7 relating to criminal trespass to vehicles if the person
8 exercised actual physical control over the vehicle during
9 the commission of the offense, in which case the
10 suspension shall be for one year;

11 16. Has been convicted of violating Section 11-204 of
12 this Code relating to fleeing from a peace officer;

13 17. Has refused to submit to a test, or tests, as
14 required under Section 11-501.1 of this Code and the
15 person has not sought a hearing as provided for in Section
16 11-501.1;

17 18. (Blank);

18 19. Has committed a violation of paragraph (a) or (b)
19 of Section 6-101 relating to driving without a driver's
20 license;

21 20. Has been convicted of violating Section 6-104
22 relating to classification of driver's license;

23 21. Has been convicted of violating Section 11-402 of
24 this Code relating to leaving the scene of an accident
25 resulting in damage to a vehicle in excess of \$1,000, in
26 which case the suspension shall be for one year;

1 22. Has used a motor vehicle in violating paragraph
2 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
3 the Criminal Code of 1961 or the Criminal Code of 2012
4 relating to unlawful use of weapons, in which case the
5 suspension shall be for one year;

6 23. Has, as a driver, been convicted of committing a
7 violation of paragraph (a) of Section 11-502 of this Code
8 for a second or subsequent time within one year of a
9 similar violation;

10 24. Has been convicted by a court-martial or punished
11 by non-judicial punishment by military authorities of the
12 United States at a military installation in Illinois or in
13 another state of or for a traffic-related offense that is
14 the same as or similar to an offense specified under
15 Section 6-205 or 6-206 of this Code;

16 25. Has permitted any form of identification to be
17 used by another in the application process in order to
18 obtain or attempt to obtain a license, identification
19 card, or permit;

20 26. Has altered or attempted to alter a license or has
21 possessed an altered license, identification card, or
22 permit;

23 27. (Blank);

24 28. Has been convicted for a first time of the illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled
2 Substances Act, any cannabis prohibited under the Cannabis
3 Control Act, or any methamphetamine prohibited under the
4 Methamphetamine Control and Community Protection Act, in
5 which case the person's driving privileges shall be
6 suspended for one year. Any defendant found guilty of this
7 offense while operating a motor vehicle shall have an
8 entry made in the court record by the presiding judge that
9 this offense did occur while the defendant was operating a
10 motor vehicle and order the clerk of the court to report
11 the violation to the Secretary of State;

12 29. Has been convicted of the following offenses that
13 were committed while the person was operating or in actual
14 physical control, as a driver, of a motor vehicle:
15 criminal sexual assault, predatory criminal sexual assault
16 of a child, aggravated criminal sexual assault, criminal
17 sexual abuse, aggravated criminal sexual abuse, juvenile
18 pimping, soliciting for a juvenile prostitute, promoting
19 juvenile prostitution as described in subdivision (a)(1),
20 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, and the manufacture,
22 sale or delivery of controlled substances or instruments
23 used for illegal drug use or abuse in which case the
24 driver's driving privileges shall be suspended for one
25 year;

26 30. Has been convicted a second or subsequent time for

1 any combination of the offenses named in paragraph 29 of
2 this subsection, in which case the person's driving
3 privileges shall be suspended for 5 years;

4 31. Has refused to submit to a test as required by
5 Section 11-501.6 of this Code or Section 5-16c of the Boat
6 Registration and Safety Act or has submitted to a test
7 resulting in an alcohol concentration of 0.08 or more or
8 any amount of a drug, substance, or compound resulting
9 from the unlawful use or consumption of cannabis as listed
10 in the Cannabis Control Act, a controlled substance as
11 listed in the Illinois Controlled Substances Act, an
12 intoxicating compound as listed in the Use of Intoxicating
13 Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act, in
15 which case the penalty shall be as prescribed in Section
16 6-208.1;

17 32. Has been convicted of Section 24-1.2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012
19 relating to the aggravated discharge of a firearm if the
20 offender was located in a motor vehicle at the time the
21 firearm was discharged, in which case the suspension shall
22 be for 3 years;

23 33. Has as a driver, who was less than 21 years of age
24 on the date of the offense, been convicted a first time of
25 a violation of paragraph (a) of Section 11-502 of this
26 Code or a similar provision of a local ordinance;

1 34. Has committed a violation of Section 11-1301.5 of
2 this Code or a similar provision of a local ordinance;

3 35. Has committed a violation of Section 11-1301.6 of
4 this Code or a similar provision of a local ordinance;

5 36. Is under the age of 21 years at the time of arrest
6 and has been convicted of not less than 2 offenses against
7 traffic regulations governing the movement of vehicles
8 committed within any 24-month period. No revocation or
9 suspension shall be entered more than 6 months after the
10 date of last conviction;

11 37. Has committed a violation of subsection (c) of
12 Section 11-907 of this Code that resulted in damage to the
13 property of another or the death or injury of another;

14 38. Has been convicted of a violation of Section 6-20
15 of the Liquor Control Act of 1934 or a similar provision of
16 a local ordinance and the person was an occupant of a motor
17 vehicle at the time of the violation;

18 39. Has committed a second or subsequent violation of
19 Section 11-1201 of this Code;

20 40. Has committed a violation of subsection (a-1) of
21 Section 11-908 of this Code;

22 41. Has committed a second or subsequent violation of
23 Section 11-605.1 of this Code, a similar provision of a
24 local ordinance, or a similar violation in any other state
25 within 2 years of the date of the previous violation, in
26 which case the suspension shall be for 90 days;

1 42. Has committed a violation of subsection (a-1) of
2 Section 11-1301.3 of this Code or a similar provision of a
3 local ordinance;

4 43. Has received a disposition of court supervision
5 for a violation of subsection (a), (d), or (e) of Section
6 6-20 of the Liquor Control Act of 1934 or a similar
7 provision of a local ordinance and the person was an
8 occupant of a motor vehicle at the time of the violation,
9 in which case the suspension shall be for a period of 3
10 months;

11 44. Is under the age of 21 years at the time of arrest
12 and has been convicted of an offense against traffic
13 regulations governing the movement of vehicles after
14 having previously had his or her driving privileges
15 suspended or revoked pursuant to subparagraph 36 of this
16 Section;

17 45. Has, in connection with or during the course of a
18 formal hearing conducted under Section 2-118 of this Code:
19 (i) committed perjury; (ii) submitted fraudulent or
20 falsified documents; (iii) submitted documents that have
21 been materially altered; or (iv) submitted, as his or her
22 own, documents that were in fact prepared or composed for
23 another person;

24 46. Has committed a violation of subsection (j) of
25 Section 3-413 of this Code;

26 47. Has committed a violation of subsection (a) of

1 Section 11-502.1 of this Code;

2 48. Has submitted a falsified or altered medical
3 examiner's certificate to the Secretary of State or
4 provided false information to obtain a medical examiner's
5 certificate;

6 49. Has been convicted of a violation of Section
7 11-1002 or 11-1002.5 that resulted in a Type A injury to
8 another, in which case the driving privileges of the
9 person shall be suspended for 12 months; or

10 50. Has committed a violation of subsection (b-5) of
11 Section 12-610.2 that resulted in great bodily harm,
12 permanent disability, or disfigurement, in which case the
13 driving privileges of the person shall be suspended for 12
14 months. ~~or 50~~

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's license,
17 any traffic ticket issued when the person's driver's license
18 is deposited in lieu of bail, a suspension notice issued by the
19 Secretary of State, a duplicate or corrected driver's license,
20 a probationary driver's license, or a temporary driver's
21 license.

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be,
26 provided that a certified copy of a stay order of a court is

1 filed with the Secretary of State. If the conviction is
2 affirmed on appeal, the date of the conviction shall relate
3 back to the time the original judgment of conviction was
4 entered and the 6-month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or
6 permit of any person as authorized in this Section, the
7 Secretary of State shall immediately notify the person in
8 writing of the revocation or suspension. The notice to be
9 deposited in the United States mail, postage prepaid, to the
10 last known address of the person.

11 2. If the Secretary of State suspends the driver's license
12 of a person under subsection 2 of paragraph (a) of this
13 Section, a person's privilege to operate a vehicle as an
14 occupation shall not be suspended, provided an affidavit is
15 properly completed, the appropriate fee received, and a permit
16 issued prior to the effective date of the suspension, unless 5
17 offenses were committed, at least 2 of which occurred while
18 operating a commercial vehicle in connection with the driver's
19 regular occupation. All other driving privileges shall be
20 suspended by the Secretary of State. Any driver prior to
21 operating a vehicle for occupational purposes only must submit
22 the affidavit on forms to be provided by the Secretary of State
23 setting forth the facts of the person's occupation. The
24 affidavit shall also state the number of offenses committed
25 while operating a vehicle in connection with the driver's
26 regular occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed
2 affidavit, the Secretary of State shall issue the driver a
3 permit to operate a vehicle in connection with the driver's
4 regular occupation only. Unless the permit is issued by the
5 Secretary of State prior to the date of suspension, the
6 privilege to drive any motor vehicle shall be suspended as set
7 forth in the notice that was mailed under this Section. If an
8 affidavit is received subsequent to the effective date of this
9 suspension, a permit may be issued for the remainder of the
10 suspension period.

11 The provisions of this subparagraph shall not apply to any
12 driver required to possess a CDL for the purpose of operating a
13 commercial motor vehicle.

14 Any person who falsely states any fact in the affidavit
15 required herein shall be guilty of perjury under Section 6-302
16 and upon conviction thereof shall have all driving privileges
17 revoked without further rights.

18 3. At the conclusion of a hearing under Section 2-118 of
19 this Code, the Secretary of State shall either rescind or
20 continue an order of revocation or shall substitute an order
21 of suspension; or, good cause appearing therefor, rescind,
22 continue, change, or extend the order of suspension. If the
23 Secretary of State does not rescind the order, the Secretary
24 may upon application, to relieve undue hardship (as defined by
25 the rules of the Secretary of State), issue a restricted
26 driving permit granting the privilege of driving a motor

1 vehicle between the petitioner's residence and petitioner's
2 place of employment or within the scope of the petitioner's
3 employment-related duties, or to allow the petitioner to
4 transport himself or herself, or a family member of the
5 petitioner's household to a medical facility, to receive
6 necessary medical care, to allow the petitioner to transport
7 himself or herself to and from alcohol or drug remedial or
8 rehabilitative activity recommended by a licensed service
9 provider, or to allow the petitioner to transport himself or
10 herself or a family member of the petitioner's household to
11 classes, as a student, at an accredited educational
12 institution, or to allow the petitioner to transport children,
13 elderly persons, or persons with disabilities who do not hold
14 driving privileges and are living in the petitioner's
15 household to and from daycare. The petitioner must demonstrate
16 that no alternative means of transportation is reasonably
17 available and that the petitioner will not endanger the public
18 safety or welfare.

19 (A) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating
21 Section 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense, or
23 Section 9-3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, where the use of alcohol or other drugs is
25 recited as an element of the offense, or a similar
26 out-of-state offense, or a combination of these offenses,

1 arising out of separate occurrences, that person, if
2 issued a restricted driving permit, may not operate a
3 vehicle unless it has been equipped with an ignition
4 interlock device as defined in Section 1-129.1.

5 (B) If a person's license or permit is revoked or
6 suspended 2 or more times due to any combination of:

7 (i) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense or Section
10 9-3 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, where the use of alcohol or other drugs is
12 recited as an element of the offense, or a similar
13 out-of-state offense; or

14 (ii) a statutory summary suspension or revocation
15 under Section 11-501.1; or

16 (iii) a suspension under Section 6-203.1;

17 arising out of separate occurrences; that person, if
18 issued a restricted driving permit, may not operate a
19 vehicle unless it has been equipped with an ignition
20 interlock device as defined in Section 1-129.1.

21 (B-5) If a person's license or permit is revoked or
22 suspended due to a conviction for a violation of
23 subparagraph (C) or (F) of paragraph (1) of subsection (d)
24 of Section 11-501 of this Code, or a similar provision of a
25 local ordinance or similar out-of-state offense, that
26 person, if issued a restricted driving permit, may not

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the
4 use of an ignition interlock device must pay to the
5 Secretary of State DUI Administration Fund an amount not
6 to exceed \$30 per month. The Secretary shall establish by
7 rule the amount and the procedures, terms, and conditions
8 relating to these fees.

9 (D) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against
11 operating a motor vehicle that is not equipped with an
12 ignition interlock device does not apply to the operation
13 of an occupational vehicle owned or leased by that
14 person's employer when used solely for employment
15 purposes. For any person who, within a 5-year period, is
16 convicted of a second or subsequent offense under Section
17 11-501 of this Code, or a similar provision of a local
18 ordinance or similar out-of-state offense, this employment
19 exemption does not apply until either a one-year period
20 has elapsed during which that person had his or her
21 driving privileges revoked or a one-year period has
22 elapsed during which that person had a restricted driving
23 permit which required the use of an ignition interlock
24 device on every motor vehicle owned or operated by that
25 person.

26 (E) In each case the Secretary may issue a restricted

1 driving permit for a period deemed appropriate, except
2 that all permits shall expire no later than 2 years from
3 the date of issuance. A restricted driving permit issued
4 under this Section shall be subject to cancellation,
5 revocation, and suspension by the Secretary of State in
6 like manner and for like cause as a driver's license
7 issued under this Code may be cancelled, revoked, or
8 suspended; except that a conviction upon one or more
9 offenses against laws or ordinances regulating the
10 movement of traffic shall be deemed sufficient cause for
11 the revocation, suspension, or cancellation of a
12 restricted driving permit. The Secretary of State may, as
13 a condition to the issuance of a restricted driving
14 permit, require the applicant to participate in a
15 designated driver remedial or rehabilitative program. The
16 Secretary of State is authorized to cancel a restricted
17 driving permit if the permit holder does not successfully
18 complete the program.

19 (F) A person subject to the provisions of paragraph 4
20 of subsection (b) of Section 6-208 of this Code may make
21 application for a restricted driving permit at a hearing
22 conducted under Section 2-118 of this Code after the
23 expiration of 5 years from the effective date of the most
24 recent revocation or after 5 years from the date of
25 release from a period of imprisonment resulting from a
26 conviction of the most recent offense, whichever is later,

1 provided the person, in addition to all other requirements
2 of the Secretary, shows by clear and convincing evidence:

3 (i) a minimum of 3 years of uninterrupted
4 abstinence from alcohol and the unlawful use or
5 consumption of cannabis under the Cannabis Control
6 Act, a controlled substance under the Illinois
7 Controlled Substances Act, an intoxicating compound
8 under the Use of Intoxicating Compounds Act, or
9 methamphetamine under the Methamphetamine Control and
10 Community Protection Act; and

11 (ii) the successful completion of any
12 rehabilitative treatment and involvement in any
13 ongoing rehabilitative activity that may be
14 recommended by a properly licensed service provider
15 according to an assessment of the person's alcohol or
16 drug use under Section 11-501.01 of this Code.

17 In determining whether an applicant is eligible for a
18 restricted driving permit under this subparagraph (F), the
19 Secretary may consider any relevant evidence, including,
20 but not limited to, testimony, affidavits, records, and
21 the results of regular alcohol or drug tests. Persons
22 subject to the provisions of paragraph 4 of subsection (b)
23 of Section 6-208 of this Code and who have been convicted
24 of more than one violation of paragraph (3), paragraph
25 (4), or paragraph (5) of subsection (a) of Section 11-501
26 of this Code shall not be eligible to apply for a

1 restricted driving permit under this subparagraph (F).

2 A restricted driving permit issued under this
3 subparagraph (F) shall provide that the holder may only
4 operate motor vehicles equipped with an ignition interlock
5 device as required under paragraph (2) of subsection (c)
6 of Section 6-205 of this Code and subparagraph (A) of
7 paragraph 3 of subsection (c) of this Section. The
8 Secretary may revoke a restricted driving permit or amend
9 the conditions of a restricted driving permit issued under
10 this subparagraph (F) if the holder operates a vehicle
11 that is not equipped with an ignition interlock device, or
12 for any other reason authorized under this Code.

13 A restricted driving permit issued under this
14 subparagraph (F) shall be revoked, and the holder barred
15 from applying for or being issued a restricted driving
16 permit in the future, if the holder is convicted of a
17 violation of Section 11-501 of this Code, a similar
18 provision of a local ordinance, or a similar offense in
19 another state.

20 (c-3) In the case of a suspension under paragraph 43 of
21 subsection (a), reports received by the Secretary of State
22 under this Section shall, except during the actual time the
23 suspension is in effect, be privileged information and for use
24 only by the courts, police officers, prosecuting authorities,
25 the driver licensing administrator of any other state, the
26 Secretary of State, or the parent or legal guardian of a driver

1 under the age of 18. However, beginning January 1, 2008, if the
2 person is a CDL holder, the suspension shall also be made
3 available to the driver licensing administrator of any other
4 state, the U.S. Department of Transportation, and the affected
5 driver or motor carrier or prospective motor carrier upon
6 request.

7 (c-4) In the case of a suspension under paragraph 43 of
8 subsection (a), the Secretary of State shall notify the person
9 by mail that his or her driving privileges and driver's
10 license will be suspended one month after the date of the
11 mailing of the notice.

12 (c-5) The Secretary of State may, as a condition of the
13 reissuance of a driver's license or permit to an applicant
14 whose driver's license or permit has been suspended before he
15 or she reached the age of 21 years pursuant to any of the
16 provisions of this Section, require the applicant to
17 participate in a driver remedial education course and be
18 retested under Section 6-109 of this Code.

19 (d) This Section is subject to the provisions of the
20 Driver License Compact.

21 (e) The Secretary of State shall not issue a restricted
22 driving permit to a person under the age of 16 years whose
23 driving privileges have been suspended or revoked under any
24 provisions of this Code.

25 (f) In accordance with 49 C.F.R. 384, the Secretary of
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a
2 CDL whose driving privileges have been suspended, revoked,
3 cancelled, or disqualified under any provisions of this Code.
4 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
5 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
6 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)

7 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)
8 Sec. 6-508. Commercial Driver's License (CDL);
9 qualification ~~(CDL)~~ ~~qualification~~ standards.

10 (a) Testing.

11 (1) General. No person shall be issued an original or
12 renewal CDL unless that person is domiciled in this State
13 or is applying for a non-domiciled CDL under Sections
14 6-509 and 6-510 of this Code. The Secretary shall cause to
15 be administered such tests as the Secretary deems
16 necessary to meet the requirements of 49 CFR ~~C.F.R.~~ Part
17 383, subparts F, G, H, and J.

18 (1.5) Effective July 1, 2014, no person shall be
19 issued an original CDL or an upgraded CDL that requires a
20 skills test unless that person has held a CLP, for a
21 minimum of 14 calendar days, for the classification of
22 vehicle and endorsement, if any, for which the person is
23 seeking a CDL.

24 (2) Third party testing. The Secretary of State may
25 authorize a "third party tester", pursuant to 49 CFR

1 ~~C.F.R.~~ 383.75 and 49 CFR ~~C.F.R.~~ 384.228 and 384.229, to
2 administer the skills test or tests specified by the
3 Federal Motor Carrier Safety Administration pursuant to
4 the Commercial Motor Vehicle Safety Act of 1986 and any
5 appropriate federal rule.

6 (3) (i) Effective February 7, 2020, unless the person
7 is exempted by 49 CFR 380.603, no person shall be issued an
8 original (first time issuance) CDL, an upgraded CDL or a
9 school bus (S), passenger (P), or hazardous Materials (H)
10 endorsement unless the person has successfully completed
11 entry-level driver training (ELDT) taught by a training
12 provider listed on the federal Training Provider Registry.

13 (ii) Persons who obtain a CLP before February 7, 2020
14 are not required to complete ELDT if the person obtains a
15 CDL before the CLP or renewed CLP expires.

16 (iii) Except for persons seeking the H endorsement,
17 persons must complete the theory and behind-the-wheel
18 (range and public road) portions of ELDT within one year
19 of completing the first portion.

20 (iv) The Secretary shall adopt rules to implement this
21 subsection.

22 (b) Waiver of Skills Test. The Secretary of State may
23 waive the skills test specified in this Section for a driver
24 applicant for a commercial driver license who meets the
25 requirements of 49 CFR ~~C.F.R.~~ 383.77. The Secretary of State
26 shall waive the skills tests specified in this Section for a

1 driver applicant who has military commercial motor vehicle
2 experience, subject to the requirements of 49 CFR ~~C.F.R.~~
3 383.77.

4 (b-1) No person shall be issued a CDL unless the person
5 certifies to the Secretary one of the following types of
6 driving operations in which he or she will be engaged:

7 (1) non-excepted interstate;

8 (2) non-excepted intrastate;

9 (3) excepted interstate; or

10 (4) excepted intrastate.

11 (b-2) (Blank).

12 (c) Limitations on issuance of a CDL. A CDL shall not be
13 issued to a person while the person is subject to a
14 disqualification from driving a commercial motor vehicle, or
15 unless otherwise permitted by this Code, while the person's
16 driver's license is suspended, revoked, or cancelled in any
17 state, or any territory or province of Canada; nor may a CLP or
18 CDL be issued to a person who has a CLP or CDL issued by any
19 other state, or foreign jurisdiction, nor may a CDL be issued
20 to a person who has an Illinois CLP unless the person first
21 surrenders all of these licenses or permits. However, a person
22 may hold an Illinois CLP and an Illinois CDL providing the CLP
23 is necessary to train or practice for an endorsement or
24 vehicle classification not present on the current CDL. No CDL
25 shall be issued to or renewed for a person who does not meet
26 the requirement of 49 CFR 391.41(b)(11). The requirement may

1 be met with the aid of a hearing aid.

2 (c-1) The Secretary may issue a CDL with a school bus
3 driver endorsement to allow a person to drive the type of bus
4 described in subsection (d-5) of Section 6-104 of this Code.
5 The CDL with a school bus driver endorsement may be issued only
6 to a person meeting the following requirements:

7 (1) the person has submitted his or her fingerprints
8 to the Illinois State Police in the form and manner
9 prescribed by the Illinois State Police. These
10 fingerprints shall be checked against the fingerprint
11 records now and hereafter filed in the Illinois State
12 Police and Federal Bureau of Investigation criminal
13 history records databases;

14 (2) the person has passed a written test, administered
15 by the Secretary of State, on charter bus operation,
16 charter bus safety, and certain special traffic laws
17 relating to school buses determined by the Secretary of
18 State to be relevant to charter buses, and submitted to a
19 review of the driver applicant's driving habits by the
20 Secretary of State at the time the written test is given;

21 (3) the person has demonstrated physical fitness to
22 operate school buses by submitting the results of a
23 medical examination, including tests for drug use; and

24 (4) the person has not been convicted of committing or
25 attempting to commit any one or more of the following
26 offenses: (i) those offenses defined in Sections 8-1.2,

1 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
2 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
3 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
4 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
5 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
6 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
7 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
8 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,
9 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
10 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
11 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5,
12 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45,
13 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,
14 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
15 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
16 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
17 subsection (b) of Section 8-1, and in subdivisions (a)(1),
18 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)
19 of Section 12-3.05, and in subsection (a) and subsection
20 (b), clause (1), of Section 12-4, and in subsection (A),
21 clauses (a) and (b), of Section 24-3, and those offenses
22 contained in Article 29D of the Criminal Code of 1961 or
23 the Criminal Code of 2012; (ii) those offenses defined in
24 the Cannabis Control Act except those offenses defined in
25 subsections (a) and (b) of Section 4, and subsection (a)
26 of Section 5 of the Cannabis Control Act; (iii) those

1 offenses defined in the Illinois Controlled Substances
2 Act; (iv) those offenses defined in the Methamphetamine
3 Control and Community Protection Act; (v) any offense
4 committed or attempted in any other state or against the
5 laws of the United States, which if committed or attempted
6 in this State would be punishable as one or more of the
7 foregoing offenses; (vi) the offenses defined in Sections
8 4.1 and 5.1 of the Wrongs to Children Act or Section
9 11-9.1A of the Criminal Code of 1961 or the Criminal Code
10 of 2012; (vii) those offenses defined in Section 6-16 of
11 the Liquor Control Act of 1934; and (viii) those offenses
12 defined in the Methamphetamine Precursor Control Act.

13 The Illinois State Police shall charge a fee for
14 conducting the criminal history records check, which shall be
15 deposited into the State Police Services Fund and may not
16 exceed the actual cost of the records check.

17 (c-2) The Secretary shall issue a CDL with a school bus
18 endorsement to allow a person to drive a school bus as defined
19 in this Section. The CDL shall be issued according to the
20 requirements outlined in 49 CFR ~~C.F.R.~~ 383. A person may not
21 operate a school bus as defined in this Section without a
22 school bus endorsement. The Secretary of State may adopt rules
23 consistent with Federal guidelines to implement this
24 subsection (c-2).

25 (d) (Blank).

26 (Source: P.A. 101-185, eff. 1-1-20; 102-168, eff. 7-27-21;

1 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; revised
2 10-12-21.)

3 (625 ILCS 5/11-212)

4 Sec. 11-212. Traffic and pedestrian stop statistical
5 study.

6 (a) Whenever a State or local law enforcement officer
7 issues a uniform traffic citation or warning citation for an
8 alleged violation of the Illinois Vehicle Code, he or she
9 shall record at least the following:

10 (1) the name, address, gender, and the officer's
11 subjective determination of the race of the person
12 stopped; the person's race shall be selected from the
13 following list: American Indian or Alaska Native, Asian,
14 Black or African American, Hispanic or Latino, Native
15 Hawaiian or Other Pacific Islander, or White;

16 (2) the alleged traffic violation that led to the stop
17 of the motorist;

18 (3) the make and year of the vehicle stopped;

19 (4) the date and time of the stop, beginning when the
20 vehicle was stopped and ending when the driver is free to
21 leave or taken into physical custody;

22 (5) the location of the traffic stop;

23 (5.5) whether or not a consent search contemporaneous
24 to the stop was requested of the vehicle, driver,
25 passenger, or passengers; and, if so, whether consent was

1 given or denied;

2 (6) whether or not a search contemporaneous to the
3 stop was conducted of the vehicle, driver, passenger, or
4 passengers; and, if so, whether it was with consent or by
5 other means;

6 (6.2) whether or not a police dog performed a sniff of
7 the vehicle; and, if so, whether or not the dog alerted to
8 the presence of contraband; and, if so, whether or not an
9 officer searched the vehicle; and, if so, whether or not
10 contraband was discovered; and, if so, the type and amount
11 of contraband;

12 (6.5) whether or not contraband was found during a
13 search; and, if so, the type and amount of contraband
14 seized; and

15 (7) the name and badge number of the issuing officer.

16 (b) Whenever a State or local law enforcement officer
17 stops a motorist for an alleged violation of the Illinois
18 Vehicle Code and does not issue a uniform traffic citation or
19 warning citation for an alleged violation of the Illinois
20 Vehicle Code, he or she shall complete a uniform stop card,
21 which includes field contact cards, or any other existing form
22 currently used by law enforcement containing information
23 required pursuant to this Act, that records at least the
24 following:

25 (1) the name, address, gender, and the officer's
26 subjective determination of the race of the person

1 stopped; the person's race shall be selected from the
2 following list: American Indian or Alaska Native, Asian,
3 Black or African American, Hispanic or Latino, Native
4 Hawaiian or Other Pacific Islander, or White;

5 (2) the reason that led to the stop of the motorist;

6 (3) the make and year of the vehicle stopped;

7 (4) the date and time of the stop, beginning when the
8 vehicle was stopped and ending when the driver is free to
9 leave or taken into physical custody;

10 (5) the location of the traffic stop;

11 (5.5) whether or not a consent search contemporaneous
12 to the stop was requested of the vehicle, driver,
13 passenger, or passengers; and, if so, whether consent was
14 given or denied;

15 (6) whether or not a search contemporaneous to the
16 stop was conducted of the vehicle, driver, passenger, or
17 passengers; and, if so, whether it was with consent or by
18 other means;

19 (6.2) whether or not a police dog performed a sniff of
20 the vehicle; and, if so, whether or not the dog alerted to
21 the presence of contraband; and, if so, whether or not an
22 officer searched the vehicle; and, if so, whether or not
23 contraband was discovered; and, if so, the type and amount
24 of contraband;

25 (6.5) whether or not contraband was found during a
26 search; and, if so, the type and amount of contraband

1 seized; and

2 (7) the name and badge number of the issuing officer.

3 (b-5) For purposes of this subsection (b-5), "detention"
4 means all frisks, searches, summons, and arrests. Whenever a
5 law enforcement officer subjects a pedestrian to detention in
6 a public place, he or she shall complete a uniform pedestrian
7 stop card, which includes any existing form currently used by
8 law enforcement containing all the information required under
9 this Section, that records at least the following:

10 (1) the gender, and the officer's subjective
11 determination of the race of the person stopped; the
12 person's race shall be selected from the following list:
13 American Indian or Alaska Native, Asian, Black or African
14 American, Hispanic or Latino, Native Hawaiian or Other
15 Pacific Islander, or White;

16 (2) all the alleged reasons that led to the stop of the
17 person;

18 (3) the date and time of the stop;

19 (4) the location of the stop;

20 (5) whether or not a protective pat down or frisk was
21 conducted of the person; and, if so, all the alleged
22 reasons that led to the protective pat down or frisk, and
23 whether it was with consent or by other means;

24 (6) whether or not contraband was found during the
25 protective pat down or frisk; and, if so, the type and
26 amount of contraband seized;

1 (7) whether or not a search beyond a protective pat
2 down or frisk was conducted of the person or his or her
3 effects; and, if so, all the alleged reasons that led to
4 the search, and whether it was with consent or by other
5 means;

6 (8) whether or not contraband was found during the
7 search beyond a protective pat down or frisk; and, if so,
8 the type and amount of contraband seized;

9 (9) the disposition of the stop, such as a warning, a
10 ticket, a summons, or an arrest;

11 (10) if a summons or ticket was issued, or an arrest
12 made, a record of the violations, offenses, or crimes
13 alleged or charged; and

14 (11) the name and badge number of the officer who
15 conducted the detention.

16 This subsection (b-5) does not apply to searches or
17 inspections for compliance authorized under the Fish and
18 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
19 or searches or inspections during routine security screenings
20 at facilities or events.

21 (c) The Illinois Department of Transportation shall
22 provide a standardized law enforcement data compilation form
23 on its website.

24 (d) Every law enforcement agency shall, by March 1 with
25 regard to data collected during July through December of the
26 previous calendar year and by August 1 with regard to data

1 collected during January through June of the current calendar
2 year, compile the data described in subsections (a), (b), and
3 (b-5) on the standardized law enforcement data compilation
4 form provided by the Illinois Department of Transportation and
5 transmit the data to the Department.

6 (e) The Illinois Department of Transportation shall
7 analyze the data provided by law enforcement agencies required
8 by this Section and submit a report of the previous year's
9 findings to the Governor, the General Assembly, the Racial
10 Profiling Prevention and Data Oversight Board, and each law
11 enforcement agency no later than July 1 of each year. The
12 Illinois Department of Transportation may contract with an
13 outside entity for the analysis of the data provided. In
14 analyzing the data collected under this Section, the analyzing
15 entity shall scrutinize the data for evidence of statistically
16 significant aberrations. The following list, which is
17 illustrative, and not exclusive, contains examples of areas in
18 which statistically significant aberrations may be found:

19 (1) The percentage of minority drivers, passengers, or
20 pedestrians being stopped in a given area is substantially
21 higher than the proportion of the overall population in or
22 traveling through the area that the minority constitutes.

23 (2) A substantial number of false stops including
24 stops not resulting in the issuance of a traffic ticket or
25 the making of an arrest.

26 (3) A disparity between the proportion of citations

1 issued to minorities and proportion of minorities in the
2 population.

3 (4) A disparity among the officers of the same law
4 enforcement agency with regard to the number of minority
5 drivers, passengers, or pedestrians being stopped in a
6 given area.

7 (5) A disparity between the frequency of searches
8 performed on minority drivers or pedestrians and the
9 frequency of searches performed on non-minority drivers or
10 pedestrians.

11 (f) Any law enforcement officer identification information
12 and driver or pedestrian identification information that is
13 compiled by any law enforcement agency or the Illinois
14 Department of Transportation pursuant to this Act for the
15 purposes of fulfilling the requirements of this Section shall
16 be confidential and exempt from public inspection and copying,
17 as provided under Section 7 of the Freedom of Information Act,
18 and the information shall not be transmitted to anyone except
19 as needed to comply with this Section. This Section shall not
20 exempt those materials that, prior to the effective date of
21 this amendatory Act of the 93rd General Assembly, were
22 available under the Freedom of Information Act. This
23 subsection (f) shall not preclude law enforcement agencies
24 from reviewing data to perform internal reviews.

25 (g) Funding to implement this Section shall come from
26 federal highway safety funds available to Illinois, as

1 directed by the Governor.

2 (h) The Illinois Criminal Justice Information Authority,
3 in consultation with law enforcement agencies, officials, and
4 organizations, including Illinois chiefs of police, the
5 Illinois State Police, the Illinois Sheriffs Association, and
6 the Chicago Police Department, and community groups and other
7 experts, shall undertake a study to determine the best use of
8 technology to collect, compile, and analyze the traffic stop
9 statistical study data required by this Section. The
10 Department shall report its findings and recommendations to
11 the Governor and the General Assembly by March 1, 2022.

12 (h-1) The Traffic and Pedestrian Stop Data Use and
13 Collection Task Force is hereby created.

14 (1) The Task Force shall undertake a study to
15 determine the best use of technology to collect, compile,
16 and analyze the traffic stop statistical study data
17 required by this Section.

18 (2) The Task Force shall be an independent Task Force
19 under the Illinois Criminal Justice Information Authority
20 for administrative purposes, and shall consist of the
21 following members:

22 (A) 2 academics or researchers who have studied
23 issues related to traffic or pedestrian stop data
24 collection and have education or expertise in
25 statistics;

26 (B) one professor from an Illinois university who

1 specializes in policing and racial equity;

2 (C) one representative from the Illinois State
3 Police;

4 (D) one representative from the Chicago Police
5 Department;

6 (E) one representative from the Illinois Chiefs of
7 Police;

8 (F) one representative from the Illinois Sheriffs
9 Association;

10 (G) one representative from the Chicago Fraternal
11 Order of Police;

12 (H) one representative from the Illinois Fraternal
13 Order of Police;

14 (I) the Executive Director of the American Civil
15 Liberties Union of Illinois, or his or her designee;
16 and

17 (J) 5 representatives from different community
18 organizations who specialize in civil or human rights,
19 policing, or criminal justice reform work, and that
20 represent a range of minority interests or different
21 parts of the State.

22 (3) The Illinois Criminal Justice Information
23 Authority may consult, contract, work in conjunction with,
24 and obtain any information from any individual, agency,
25 association, or research institution deemed appropriate by
26 the Authority.

1 (4) The Task Force shall report its findings and
2 recommendations to the Governor and the General Assembly
3 by March 1, 2022 and every 3 years after.

4 (h-5) For purposes of this Section:

5 (1) "American Indian or Alaska Native" means a person
6 having origins in any of the original peoples of North and
7 South America, including Central America, and who
8 maintains tribal affiliation or community attachment.

9 (2) "Asian" means a person having origins in any of
10 the original peoples of the Far East, Southeast Asia, or
11 the Indian subcontinent, including, but not limited to,
12 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
13 the Philippine Islands, Thailand, and Vietnam.

14 (2.5) "Badge" means an officer's department issued
15 identification number associated with his or her position
16 as a police officer with that department.

17 (3) "Black or African American" means a person having
18 origins in any of the black racial groups of Africa.

19 (4) "Hispanic or Latino" means a person of Cuban,
20 Mexican, Puerto Rican, South or Central American, or other
21 Spanish culture or origin, regardless of race.

22 (5) "Native Hawaiian or Other Pacific Islander" means
23 a person having origins in any of the original peoples of
24 Hawaii, Guam, Samoa, or other Pacific Islands.

25 (6) "White" means a person having origins in any of
26 the original peoples of Europe, the Middle East, or North

1 Africa.

2 (i) (Blank).

3 (Source: P.A. 101-24, eff. 6-21-19; 102-465, eff. 1-1-22;
4 102-538, eff. 8-20-21; revised 9-21-21.)

5 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

6 Sec. 11-907. Operation of vehicles and streetcars on
7 approach of authorized emergency vehicles.

8 (a) Upon the immediate approach of an authorized emergency
9 vehicle making use of audible and visual signals meeting the
10 requirements of this Code or a police vehicle properly and
11 lawfully making use of an audible or visual signal:

12 (1) the driver of every other vehicle shall yield the
13 right-of-way and shall immediately drive to a position
14 parallel to, and as close as possible to, the right-hand
15 edge or curb of the highway clear of any intersection and
16 shall, if necessary to permit the safe passage of the
17 emergency vehicle, stop and remain in such position until
18 the authorized emergency vehicle has passed, unless
19 otherwise directed by a police officer; and

20 (2) the operator of every streetcar shall immediately
21 stop such car clear of any intersection and keep it in such
22 position until the authorized emergency vehicle has
23 passed, unless otherwise directed by a police officer.

24 (b) This Section shall not operate to relieve the driver
25 of an authorized emergency vehicle from the duty to drive with

1 due regard for the safety of all persons using the highway.

2 (c) Upon approaching a stationary authorized emergency
3 vehicle, when the authorized emergency vehicle is giving a
4 signal by displaying alternately flashing red, red and white,
5 blue, or red and blue lights or amber or yellow warning lights,
6 a person who drives an approaching vehicle shall:

7 (1) proceeding with due caution, yield the
8 right-of-way by making a lane change into a lane not
9 adjacent to that of the authorized emergency vehicle, if
10 possible with due regard to safety and traffic conditions,
11 if on a highway having at least 4 lanes with not less than
12 2 lanes proceeding in the same direction as the
13 approaching vehicle; or

14 (2) if changing lanes would be impossible or unsafe,
15 proceeding with due caution, reduce the speed of the
16 vehicle, maintaining a safe speed for road conditions and
17 leaving a safe distance until safely past the stationary
18 emergency vehicles.

19 The visual signal specified under this subsection (c)
20 given by an authorized emergency vehicle is an indication to
21 drivers of approaching vehicles that a hazardous condition is
22 present when circumstances are not immediately clear. Drivers
23 of vehicles approaching a stationary emergency vehicle in any
24 lane shall heed the warning of the signal, reduce the speed of
25 the vehicle, proceed with due caution, maintain a safe speed
26 for road conditions, be prepared to stop, and leave a safe

1 distance until safely passed the stationary emergency vehicle.

2 As used in this subsection (c), "authorized emergency
3 vehicle" includes any vehicle authorized by law to be equipped
4 with oscillating, rotating, or flashing lights under Section
5 12-215 of this Code, while the owner or operator of the vehicle
6 is engaged in his or her official duties.

7 (d) A person who violates subsection (c) of this Section
8 commits a business offense punishable by a fine of not less
9 than \$250 or more than \$10,000 for a first violation, and a
10 fine of not less than \$750 or more than \$10,000 for a second or
11 subsequent violation. It is a factor in aggravation if the
12 person committed the offense while in violation of Section
13 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the
14 penalties authorized by this subsection (d) for a violation of
15 subsection (c) of this Section that results in the death of
16 another person does not preclude imposition of appropriate
17 additional civil or criminal penalties. A person who violates
18 subsection (c) and the violation results in damage to another
19 vehicle commits a Class A misdemeanor. A person who violates
20 subsection (c) and the violation results in the injury or
21 death of another person commits a Class 4 felony.

22 (e) If a violation of subsection (c) of this Section
23 results in damage to the property of another person, in
24 addition to any other penalty imposed, the person's driving
25 privileges shall be suspended for a fixed period of not less
26 than 90 days and not more than one year.

1 (f) If a violation of subsection (c) of this Section
2 results in injury to another person, in addition to any other
3 penalty imposed, the person's driving privileges shall be
4 suspended for a fixed period of not less than 180 days and not
5 more than 2 years.

6 (g) If a violation of subsection (c) of this Section
7 results in the death of another person, in addition to any
8 other penalty imposed, the person's driving privileges shall
9 be suspended for 2 years.

10 (h) The Secretary of State shall, upon receiving a record
11 of a judgment entered against a person under subsection (c) of
12 this Section:

13 (1) suspend the person's driving privileges for the
14 mandatory period; or

15 (2) extend the period of an existing suspension by the
16 appropriate mandatory period.

17 (i) The Scott's Law Fund shall be a special fund in the
18 State treasury. Subject to appropriation by the General
19 Assembly and approval by the Director, the Director of the
20 State Police shall use all moneys in the Scott's Law Fund in
21 the Department's discretion to fund the production of
22 materials to educate drivers on approaching stationary
23 authorized emergency vehicles, to hire off-duty Department of
24 State Police for enforcement of this Section, and for other
25 law enforcement purposes the Director deems necessary in these
26 efforts.

1 (j) For violations of this Section issued by a county or
2 municipal police officer, the assessment shall be deposited
3 into the county's or municipality's Transportation Safety
4 Highway Hire-back Fund. The county shall use the moneys in its
5 Transportation Safety Highway Hire-back Fund to hire off-duty
6 county police officers to monitor construction or maintenance
7 zones in that county on highways other than interstate
8 highways. The county, in its discretion, may also use a
9 portion of the moneys in its Transportation Safety Highway
10 Hire-back Fund to purchase equipment for county law
11 enforcement and fund the production of materials to educate
12 drivers on construction zone safe driving habits and
13 approaching stationary authorized emergency vehicles.

14 (k) In addition to other penalties imposed by this
15 Section, the court may order a person convicted of a violation
16 of subsection (c) to perform community service as determined
17 by the court.

18 (Source: P.A. 101-173, eff. 1-1-20; 102-336, eff. 1-1-22;
19 102-338, eff. 1-1-22; revised 9-21-21.)

20 (625 ILCS 5/11-1201.1)

21 Sec. 11-1201.1. Automated railroad crossing enforcement
22 system.

23 (a) For the purposes of this Section, an automated
24 railroad grade crossing enforcement system is a system in a
25 municipality or county operated by a governmental agency that

1 produces a recorded image of a motor vehicle's violation of a
2 provision of this Code or local ordinance and is designed to
3 obtain a clear recorded image of the vehicle and vehicle's
4 license plate. The recorded image must also display the time,
5 date, and location of the violation.

6 As used in this Section, "recorded images" means images
7 recorded by an automated railroad grade crossing enforcement
8 system on:

9 (1) 2 or more photographs;

10 (2) 2 or more microphotographs;

11 (3) 2 or more electronic images; or

12 (4) a video recording showing the motor vehicle and,
13 on at least one image or portion of the recording, clearly
14 identifying the registration plate or digital registration
15 plate number of the motor vehicle.

16 (b) The Illinois Commerce Commission may, in cooperation
17 with a local law enforcement agency, establish in any county
18 or municipality an automated railroad grade crossing
19 enforcement system at any railroad grade crossing equipped
20 with a crossing gate designated by local authorities. Local
21 authorities desiring the establishment of an automated
22 railroad crossing enforcement system must initiate the process
23 by enacting a local ordinance requesting the creation of such
24 a system. After the ordinance has been enacted, and before any
25 additional steps toward the establishment of the system are
26 undertaken, the local authorities and the Commission must

1 agree to a plan for obtaining, from any combination of
2 federal, State, and local funding sources, the moneys required
3 for the purchase and installation of any necessary equipment.

4 (b-1) (Blank).✚

5 (c) For each violation of Section 11-1201 of this Code or a
6 local ordinance recorded by an automated railroad grade
7 crossing enforcement system, the county or municipality having
8 jurisdiction shall issue a written notice of the violation to
9 the registered owner of the vehicle as the alleged violator.
10 The notice shall be delivered to the registered owner of the
11 vehicle, by mail, no later than 90 days after the violation.

12 The notice shall include:

13 (1) the name and address of the registered owner of
14 the vehicle;

15 (2) the registration number of the motor vehicle
16 involved in the violation;

17 (3) the violation charged;

18 (4) the location where the violation occurred;

19 (5) the date and time of the violation;

20 (6) a copy of the recorded images;

21 (7) the amount of the civil penalty imposed and the
22 date by which the civil penalty should be paid;

23 (8) a statement that recorded images are evidence of a
24 violation of a railroad grade crossing;

25 (9) a warning that failure to pay the civil penalty or
26 to contest liability in a timely manner is an admission of

1 liability; and

2 (10) a statement that the person may elect to proceed

3 by:

4 (A) paying the fine; or

5 (B) challenging the charge in court, by mail, or

6 by administrative hearing.

7 (d) (Blank).

8 (d-1) (Blank).✂

9 (d-2) (Blank).✂

10 (e) Based on inspection of recorded images produced by an
11 automated railroad grade crossing enforcement system, a notice
12 alleging that the violation occurred shall be evidence of the
13 facts contained in the notice and admissible in any proceeding
14 alleging a violation under this Section.

15 (e-1) Recorded images made by an automated railroad grade
16 crossing enforcement system are confidential and shall be made
17 available only to the alleged violator and governmental and
18 law enforcement agencies for purposes of adjudicating a
19 violation of this Section, for statistical purposes, or for
20 other governmental purposes. Any recorded image evidencing a
21 violation of this Section, however, may be admissible in any
22 proceeding resulting from the issuance of the citation.

23 (e-2) The court or hearing officer may consider the
24 following in the defense of a violation:

25 (1) that the motor vehicle or registration plates or
26 digital registration plates of the motor vehicle were

1 stolen before the violation occurred and not under the
2 control of or in the possession of the owner at the time of
3 the violation;

4 (2) that the driver of the motor vehicle received a
5 Uniform Traffic Citation from a police officer at the time
6 of the violation for the same offense;

7 (3) any other evidence or issues provided by municipal
8 or county ordinance.

9 (e-3) To demonstrate that the motor vehicle or the
10 registration plates or digital registration plates were stolen
11 before the violation occurred and were not under the control
12 or possession of the owner at the time of the violation, the
13 owner must submit proof that a report concerning the stolen
14 motor vehicle or registration plates was filed with a law
15 enforcement agency in a timely manner.

16 (f) Rail crossings equipped with an automatic railroad
17 grade crossing enforcement system shall be posted with a sign
18 visible to approaching traffic stating that the railroad grade
19 crossing is being monitored, that citations will be issued,
20 and the amount of the fine for violation.

21 (g) The compensation paid for an automated railroad grade
22 crossing enforcement system must be based on the value of the
23 equipment or the services provided and may not be based on the
24 number of citations issued or the revenue generated by the
25 system.

26 (h) (Blank).+

1 (i) If any part or parts of this Section are held by a
2 court of competent jurisdiction to be unconstitutional, the
3 unconstitutionality shall not affect the validity of the
4 remaining parts of this Section. The General Assembly hereby
5 declares that it would have passed the remaining parts of this
6 Section if it had known that the other part or parts of this
7 Section would be declared unconstitutional.

8 (j) Penalty. A civil fine of \$250 shall be imposed for a
9 first violation of this Section, and a civil fine of \$500 shall
10 be imposed for a second or subsequent violation of this
11 Section.

12 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
13 revised 11-24-21.)

14 (625 ILCS 5/13-108) (from Ch. 95 1/2, par. 13-108)

15 Sec. 13-108. Hearing on complaint against official testing
16 station or official portable emissions testing company;
17 suspension or revocation of permit. If it appears to the
18 Department, either through its own investigation or upon
19 charges verified under oath, that any of the provisions of
20 this Chapter or the rules and regulations of the Department₇
21 are being violated, the Department₇ shall₄ after notice to the
22 person, firm₄ or corporation charged with such violation,
23 conduct a hearing. At least 10 days prior to the date of such
24 hearing the Department shall cause to be served upon the
25 person, firm₄ or corporation charged with such violation, a

1 copy of such charge or charges by registered mail or by the
2 personal service thereof, together with a notice specifying
3 the time and place of such hearing. At the time and place
4 specified in such notice, the person, firm, or corporation
5 charged with such violation shall be given an opportunity to
6 appear in person or by counsel and to be heard by the Secretary
7 of Transportation or an officer or employee of the Department
8 designated in writing by him to conduct such hearing. If it
9 appears from the hearing that such person, firm, or
10 corporation is guilty of the charge preferred against the
11 person, firm, or corporation ~~him or it~~, the Secretary of
12 Transportation may order the permit suspended or revoked, and
13 the bond forfeited. Any such revocation or suspension shall
14 not be a bar to subsequent arrest and prosecution for
15 violation of this Chapter.

16 (Source: P.A. 102-566, eff. 1-1-22; revised 11-24-21.)

17 (625 ILCS 5/13-109.1)

18 Sec. 13-109.1. Annual emission inspection tests;
19 standards; penalties; funds.

20 (a) For each diesel powered vehicle that (i) is registered
21 for a gross weight of more than 16,000 pounds, (ii) is
22 registered within an affected area, and (iii) is a 2 year or
23 older model year, an annual emission inspection test shall be
24 conducted at an official testing station or by an official
25 portable emissions testing company certified by the Illinois

1 Department of Transportation to perform diesel emission
2 inspections pursuant to the standards set forth in subsection
3 (b) of this Section. This annual emission inspection test may
4 be conducted in conjunction with a semi-annual safety test.

5 (a-5) (Blank).

6 (b) Diesel emission inspections conducted under this
7 Chapter 13 shall be conducted in accordance with the Society
8 of Automotive Engineers Recommended Practice J1667
9 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel
10 Powered Vehicles" and the cutpoint standards set forth in the
11 United States Environmental Protection Agency guidance
12 document "Guidance to States on Smoke Opacity Cutpoints to be
13 used with the SAE J1667 In-Use Smoke Test Procedure". Those
14 procedures and standards, as now in effect, are made a part of
15 this Code, in the same manner as though they were set out in
16 full in this Code.

17 Notwithstanding the above cutpoint standards, for motor
18 vehicles that are model years 1973 and older, until December
19 31, 2002, the level of peak smoke opacity shall not exceed 70
20 percent. Beginning January 1, 2003, for motor vehicles that
21 are model years 1973 and older, the level of peak smoke opacity
22 shall not exceed 55 percent.

23 (c) If the annual emission inspection under subsection (a)
24 reveals that the vehicle is not in compliance with the diesel
25 emission standards set forth in subsection (b) of this
26 Section, the operator of the official testing station or

1 official portable emissions testing company shall issue a
2 warning notice requiring correction of the violation. The
3 correction shall be made and the vehicle submitted to an
4 emissions retest at an official testing station or official
5 portable emissions testing company certified by the Department
6 to perform diesel emission inspections within 30 days from the
7 issuance of the warning notice requiring correction of the
8 violation.

9 If, within 30 days from the issuance of the warning
10 notice, the vehicle is not in compliance with the diesel
11 emission standards set forth in subsection (b) as determined
12 by an emissions retest at an official testing station or
13 through an official portable emissions testing company, the
14 certified emissions testing operator or the Department shall
15 place the vehicle out-of-service in accordance with the rules
16 promulgated by the Department. Operating a vehicle that has
17 been placed out-of-service under this subsection (c) is a
18 petty offense punishable by a \$1,000 fine. The vehicle must
19 pass a diesel emission inspection at an official testing
20 station before it is again placed in service. The Secretary of
21 State, Illinois State Police, and other law enforcement
22 officers shall enforce this Section. No emergency vehicle, as
23 defined in Section 1-105, may be placed out-of-service
24 pursuant to this Section.

25 The Department, an official testing station, or an
26 official portable emissions testing company may issue a

1 certificate of waiver subsequent to a reinspection of a
2 vehicle that failed the emissions inspection. Certificate of
3 waiver shall be issued upon determination that documented
4 proof demonstrates that emissions repair costs for the
5 noncompliant vehicle of at least \$3,000 have been spent in an
6 effort to achieve compliance with the emission standards set
7 forth in subsection (b). The Department of Transportation
8 shall adopt rules for the implementation of this subsection
9 including standards of documented proof as well as the
10 criteria by which a waiver shall be granted.

11 (c-5) (Blank).

12 (d) (Blank).

13 (Source: P.A. 102-538, eff. 8-20-21; 102-566, eff. 1-1-22;
14 revised 10-12-21.)

15 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

16 Sec. 15-102. Width of vehicles.

17 (a) On Class III and non-designated State and local
18 highways, the total outside width of any vehicle or load
19 thereon shall not exceed 8 feet 6 inches.

20 (b) Except during those times when, due to insufficient
21 light or unfavorable atmospheric conditions, persons and
22 vehicles on the highway are not clearly discernible at a
23 distance of 1000 feet, the following vehicles may exceed the 8
24 feet 6 inch limitation during the period from a half hour
25 before sunrise to a half hour after sunset:

1 (1) Loads of hay, straw or other similar farm products
2 provided that the load is not more than 12 feet wide.

3 (2) Implements of husbandry being transported on
4 another vehicle and the transporting vehicle while loaded.

5 The following requirements apply to the transportation
6 on another vehicle of an implement of husbandry wider than
7 8 feet 6 inches on the National System of Interstate and
8 Defense Highways or other highways in the system of State
9 highways:

10 (A) The driver of a vehicle transporting an
11 implement of husbandry that exceeds 8 feet 6 inches in
12 width shall obey all traffic laws and shall check the
13 roadways prior to making a movement in order to ensure
14 that adequate clearance is available for the movement.
15 It is prima facie evidence that the driver of a vehicle
16 transporting an implement of husbandry has failed to
17 check the roadway prior to making a movement if the
18 vehicle is involved in a collision with a bridge,
19 overpass, fixed structure, or properly placed traffic
20 control device or if the vehicle blocks traffic due to
21 its inability to proceed because of a bridge,
22 overpass, fixed structure, or properly placed traffic
23 control device.

24 (B) Flags shall be displayed so as to wave freely
25 at the extremities of overwidth objects and at the
26 extreme ends of all protrusions, projections, and

1 overhangs. All flags shall be clean, bright red flags
2 with no advertising, wording, emblem, or insignia
3 inscribed upon them and at least 18 inches square.

4 (C) "OVERSIZE LOAD" signs are mandatory on the
5 front and rear of all vehicles with loads over 10 feet
6 wide. These signs must have 12-inch high black letters
7 with a 2-inch stroke on a yellow sign that is 7 feet
8 wide by 18 inches high.

9 (D) One civilian escort vehicle is required for a
10 load that exceeds 14 feet 6 inches in width and 2
11 civilian escort vehicles are required for a load that
12 exceeds 16 feet in width on the National System of
13 Interstate and Defense Highways or other highways in
14 the system of State highways.

15 (E) The requirements for a civilian escort vehicle
16 and driver are as follows:

17 (1) The civilian escort vehicle shall be a
18 vehicle not exceeding a gross vehicle weight
19 rating of 26,000 pounds that is designed to afford
20 clear and unobstructed vision to both front and
21 rear.

22 (2) The escort vehicle driver must be properly
23 licensed to operate the vehicle.

24 (3) While in use, the escort vehicle must be
25 equipped with illuminated rotating, oscillating,
26 or flashing amber lights or flashing amber strobe

1 lights mounted on top that are of sufficient
2 intensity to be visible at 500 feet in normal
3 sunlight.

4 (4) "OVERSIZE LOAD" signs are mandatory on all
5 escort vehicles. The sign on an escort vehicle
6 shall have 8-inch high black letters on a yellow
7 sign that is 5 feet wide by 12 inches high.

8 (5) When only one escort vehicle is required
9 and it is operating on a two-lane highway, the
10 escort vehicle shall travel approximately 300 feet
11 ahead of the load. The rotating, oscillating, or
12 flashing lights or flashing amber strobe lights
13 and an "OVERSIZE LOAD" sign shall be displayed on
14 the escort vehicle and shall be visible from the
15 front. When only one escort vehicle is required
16 and it is operating on a multilane divided
17 highway, the escort vehicle shall travel
18 approximately 300 feet behind the load and the
19 sign and lights shall be visible from the rear.

20 (6) When 2 escort vehicles are required, one
21 escort shall travel approximately 300 feet ahead
22 of the load and the second escort shall travel
23 approximately 300 feet behind the load. The
24 rotating, oscillating, or flashing lights or
25 flashing amber strobe lights and an "OVERSIZE
26 LOAD" sign shall be displayed on the escort

1 vehicles and shall be visible from the front on
2 the lead escort and from the rear on the trailing
3 escort.

4 (7) When traveling within the corporate limits
5 of a municipality, the escort vehicle shall
6 maintain a reasonable and proper distance from the
7 oversize load, consistent with existing traffic
8 conditions.

9 (8) A separate escort shall be provided for
10 each load hauled.

11 (9) The driver of an escort vehicle shall obey
12 all traffic laws.

13 (10) The escort vehicle must be in safe
14 operational condition.

15 (11) The driver of the escort vehicle must be
16 in radio contact with the driver of the vehicle
17 carrying the oversize load.

18 (F) A transport vehicle while under load of more
19 than 8 feet 6 inches in width must be equipped with an
20 illuminated rotating, oscillating, or flashing amber
21 light or lights or a flashing amber strobe light or
22 lights mounted on the top of the cab that are of
23 sufficient intensity to be visible at 500 feet in
24 normal sunlight. If the load on the transport vehicle
25 blocks the visibility of the amber lighting from the
26 rear of the vehicle, the vehicle must also be equipped

1 with an illuminated rotating, oscillating, or flashing
2 amber light or lights or a flashing amber strobe light
3 or lights mounted on the rear of the load that are of
4 sufficient intensity to be visible at 500 feet in
5 normal sunlight.

6 (G) When a flashing amber light is required on the
7 transport vehicle under load and it is operating on a
8 two-lane highway, the transport vehicle shall display
9 to the rear at least one rotating, oscillating, or
10 flashing light or a flashing amber strobe light and an
11 "OVERSIZE LOAD" sign. When a flashing amber light is
12 required on the transport vehicle under load and it is
13 operating on a multilane divided highway, the sign and
14 light shall be visible from the rear.

15 (H) Maximum speed shall be 45 miles per hour on all
16 such moves or 5 miles per hour above the posted minimum
17 speed limit, whichever is greater, but the vehicle
18 shall not at any time exceed the posted maximum speed
19 limit.

20 (3) Portable buildings designed and used for
21 agricultural and livestock raising operations that are not
22 more than 14 feet wide and with not more than a one-foot ±
23 ~~foot~~ overhang along the left side of the hauling vehicle.
24 However, the buildings shall not be transported more than
25 10 miles and not on any route that is part of the National
26 System of Interstate and Defense Highways.

1 All buildings when being transported shall display at
2 least 2 red cloth flags, not less than 12 inches square,
3 mounted as high as practicable on the left and right side of
4 the building.

5 An Illinois State Police escort shall be required if it is
6 necessary for this load to use part of the left lane when
7 crossing any 2-laned ~~2-laned~~ State highway bridge.

8 (c) Vehicles propelled by electric power obtained from
9 overhead trolley wires operated wholly within the corporate
10 limits of a municipality are also exempt from the width
11 limitation.

12 (d) (Blank).

13 (d-1) A recreational vehicle, as defined in Section 1-169,
14 may exceed 8 feet 6 inches in width if:

15 (1) the excess width is attributable to appurtenances
16 that extend 6 inches or less beyond either side of the body
17 of the vehicle; and

18 (2) the roadway on which the vehicle is traveling has
19 marked lanes for vehicular traffic that are at least 11
20 feet in width.

21 As used in this subsection (d-1) and in subsection (d-2),
22 the term appurtenance includes (i) a retracted awning and its
23 support hardware and (ii) any appendage that is intended to be
24 an integral part of a recreational vehicle.

25 (d-2) A recreational vehicle that exceeds 8 feet 6 inches
26 in width as provided in subsection (d-1) may travel any

1 roadway of the State if the vehicle is being operated between a
2 roadway permitted under subsection (d-1) and:

3 (1) the location where the recreational vehicle is
4 garaged;

5 (2) the destination of the recreational vehicle; or

6 (3) a facility for food, fuel, repair, services, or
7 rest.

8 (e) A vehicle and load traveling upon the National System
9 of Interstate and Defense Highways or any other highway in the
10 system of State highways that has been designated as a Class I
11 or Class II highway by the Department, or any street or highway
12 designated by local authorities, may have a total outside
13 width of 8 feet 6 inches, provided that certain safety devices
14 that the Department determines as necessary for the safe and
15 efficient operation of motor vehicles shall not be included in
16 the calculation of width.

17 Section 5-35 of the Illinois Administrative Procedure Act
18 relating to procedures for rulemaking shall not apply to the
19 designation of highways under this paragraph (e).

20 (f) Mirrors required by Section 12-502 of this Code may
21 project up to 14 inches beyond each side of a bus and up to 6
22 inches beyond each side of any other vehicle, and that
23 projection shall not be deemed a violation of the width
24 restrictions of this Section.

25 (g) Any person who is convicted of violating this Section
26 is subject to the penalty as provided in paragraph (b) of

1 Section 15-113.

2 (h) Safety devices identified by the Department in
3 accordance with Section 12-812 shall not be deemed a violation
4 of the width restrictions of this Section.

5 (Source: P.A. 102-441, eff. 1-1-22; 102-538, eff. 8-20-21;
6 revised 9-22-21.)

7 (625 ILCS 5/15-305) (from Ch. 95 1/2, par. 15-305)

8 Sec. 15-305. Fees for legal weight but overdimension
9 vehicles, combinations, and loads ~~roads~~, other than house
10 trailer combinations. Fees for special permits to move
11 overdimension vehicles, combinations, and loads, other than
12 house trailer combinations, shall be paid by the applicant to
13 the Department at the following rates:

	90 Day	Annual
	Limited	Limited
	Single	Continuous
	Trip	Operation

18 (a) Overall width of 10 feet
19 or less, overall height of 14
20 feet 6 inches or less, and
21 overall length of 70

22 feet or less	\$100.00	\$400.00
23 For the first 90 miles	\$12.00	
24 From 90 miles to 180 miles	<u>\$15.00</u>	
25 From 180 miles to 270 miles	<u>\$18.00</u>	

1	For more than 270 miles	\$21.00		
2	(b) Overall width of 12 feet			
3	or less, overall height of 14			
4	feet 6 inches or less, and			
5	overall length			
6	of 85 feet or less		\$150.00	\$600.00
7	For the first 90 miles	\$15.00		
8	From 90 miles to 180 miles	\$20.00		
9	From 180 miles to 270 miles	\$25.00		
10	For more than 270 miles	\$30.00		
11	(c) Overall width of 14 feet			
12	or less, overall height of 15			
13	feet or less, and overall			
14	length of 100 feet or less			
15				
16		Single Trip		
17		Only		
18	For the first 90 miles	\$25.00		
19	From 90 miles to 180 miles	\$30.00		
20	From 180 miles to 270 miles	\$35.00		
21	For more than 270 miles	\$40.00		

1 (d) Overall width of 18 feet
 2 or less (authorized only
 3 under special conditions and
 4 for limited distances),
 5 overall height of 16 feet or
 6 less, and overall length of
 7 120 feet or less

8

9

Single Trip

10

Only

11

For the first 90 miles \$30.00

12

From 90 miles to 180 miles \$40.00

13

From 180 miles to 270 miles \$50.00

14

For more than 270 miles \$60.00

15

(e) Overall width of more

16

than 18 feet (authorized only

17

under special conditions and

18

for limited distances),

19

overall height more than 16

20

feet, and overall length more

21

than 120 feet

22

23

Single Trip

24

Only

25

For the first 90 miles \$50.00

26

From 90 miles to 180 miles \$75.00

1 From 180 miles to 270 miles \$100.00

2 For more than 270 miles \$125.00

3 Permits issued under this Section shall be for a vehicle,
4 or vehicle combination and load not exceeding legal weights,+
5 and, in the case of the limited continuous operation, shall be
6 for the same vehicle, vehicle combination,l or like load.

7 Escort requirements shall be as prescribed in the
8 Department's rules and regulations. Fees for the Illinois
9 State Police vehicle escort, when required, shall be in
10 addition to the permit fees.

11 (Source: P.A. 102-538, eff. 8-20-21; revised 11-24-21.)

12 (625 ILCS 5/16-103) (from Ch. 95 1/2, par. 16-103)

13 (Text of Section before amendment by P.A. 101-652)

14 Sec. 16-103. Arrest outside county where violation
15 committed.

16 Whenever a defendant is arrested upon a warrant charging a
17 violation of this Act in a county other than that in which such
18 warrant was issued, the arresting officer, immediately upon
19 the request of the defendant, shall take such defendant before
20 a circuit judge or associate circuit judge in the county in
21 which the arrest was made who shall admit the defendant to bail
22 for his appearance before the court named in the warrant. On
23 taking such bail,l the circuit judge or associate circuit judge
24 shall certify such fact on the warrant and deliver the warrant
25 and undertaking of bail or other security, or the drivers

1 license of such defendant if deposited, under the law relating
2 to such licenses, in lieu of such security, to the officer
3 having charge of the defendant. Such officer shall then
4 immediately discharge the defendant from arrest and without
5 delay deliver such warrant and such undertaking of bail, or
6 other security or drivers license to the court before which
7 the defendant is required to appear.

8 (Source: P.A. 77-1280.)

9 (Text of Section after amendment by P.A. 101-652)

10 Sec. 16-103. Arrest outside county where violation
11 committed.

12 Whenever a defendant is arrested upon a warrant charging a
13 violation of this Act in a county other than that in which such
14 warrant was issued, the arresting officer, immediately upon
15 the request of the defendant, shall take such defendant before
16 a circuit judge or associate circuit judge in the county in
17 which the arrest was made who shall admit the defendant to
18 pretrial release for his appearance before the court named in
19 the warrant. On setting the conditions of pretrial release,
20 the circuit judge or associate circuit judge shall certify
21 such fact on the warrant and deliver the warrant and
22 conditions of pretrial release, or the drivers license of such
23 defendant if deposited, under the law relating to such
24 licenses, in lieu of such security, to the officer having
25 charge of the defendant. Such officer shall then immediately

1 discharge the defendant from arrest and without delay deliver
2 such warrant and such acknowledgment by the defendant of his
3 or her receiving the conditions of pretrial release or drivers
4 license to the court before which the defendant is required to
5 appear.

6 (Source: P.A. 101-652, eff. 1-1-23; revised 11-24-21.)

7 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

8 Sec. 16-105. Disposition of fines and forfeitures.

9 (a) Except as provided in Section 15-113 of this Act and
10 except those amounts subject to disbursement by the circuit
11 clerk under the Criminal and Traffic Assessment Act, fines and
12 penalties recovered under the provisions of Chapters 3 through
13 17 and 18b inclusive of this Code shall be paid and used as
14 follows:

15 1. For offenses committed upon a highway within the
16 limits of a city, village, or incorporated town or under
17 the jurisdiction of any park district, to the treasurer of
18 the particular city, village, incorporated town, or park
19 district, if the violator was arrested by the authorities
20 of the city, village, incorporated town, or park district,
21 provided the police officers and officials of cities,
22 villages, incorporated towns, and park districts shall
23 seasonably prosecute for all fines and penalties under
24 this Code. If the violation is prosecuted by the
25 authorities of the county, any fines or penalties

1 recovered shall be paid to the county treasurer, except
2 that fines and penalties recovered from violations
3 arrested by the Illinois State Police shall be remitted to
4 the State Treasurer for deposit into the State Police Law
5 Enforcement Administration Fund. Provided further that if
6 the violator was arrested by the Illinois State Police,
7 fines and penalties recovered under the provisions of
8 paragraph (a) of Section 15-113 of this Code or paragraph
9 (e) of Section 15-316 of this Code shall be remitted
10 ~~Illinois~~ to the State Treasurer who shall deposit the
11 amount so remitted in the special fund in the State
12 treasury known as the Road Fund except that if the
13 violation is prosecuted by the State's Attorney, 10% of
14 the fine or penalty recovered shall be paid to the State's
15 Attorney as a fee of his office and the balance shall be
16 remitted to the State Treasurer ~~Illinois~~ for remittance to
17 and deposit by the State Treasurer as hereinabove
18 provided.

19 2. Except as provided in paragraph 4, for offenses
20 committed upon any highway outside the limits of a city,
21 village, incorporated town, or park district, to the
22 county treasurer of the county where the offense was
23 committed except if such offense was committed on a
24 highway maintained by or under the supervision of a
25 township, township district, or a road district to the
26 Treasurer thereof for deposit in the road and bridge fund

1 of such township or other district, except that fines and
2 penalties recovered from violations arrested by the
3 Illinois State Police shall be remitted to the State
4 Treasurer for deposit into the State Police Law
5 Enforcement Administration Fund; provided⁷ that fines and
6 penalties recovered under the provisions of paragraph (a)
7 of Section 15-113, paragraph (d) of Section 3-401, or
8 paragraph (e) of Section 15-316 of this Code shall be
9 remitted ~~Illinois~~ to the State Treasurer who shall deposit
10 the amount so remitted in the special fund in the State
11 treasury known as the Road Fund except that if the
12 violation is prosecuted by the State's Attorney, 10% of
13 the fine or penalty recovered shall be paid to the State's
14 Attorney as a fee of his office and the balance shall be
15 remitted to the State Treasurer ~~Illinois~~ for remittance to
16 and deposit by the State Treasurer as hereinabove
17 provided.

18 3. Notwithstanding subsections 1 and 2 of this
19 paragraph, for violations of overweight and overload
20 limits found in Sections 15-101 through 15-203 of this
21 Code, which are committed upon the highways belonging to
22 the Illinois State Toll Highway Authority, fines and
23 penalties shall be remitted to the Illinois State Toll
24 Highway Authority for deposit with the State Treasurer
25 into that special fund known as the Illinois State Toll
26 Highway Authority Fund, except that if the violation is

1 prosecuted by the State's Attorney, 10% of the fine or
2 penalty recovered shall be paid to the State's Attorney as
3 a fee of his office and the balance shall be remitted to
4 the Illinois State Toll Highway Authority for remittance
5 to and deposit by the State Treasurer as hereinabove
6 provided.

7 4. With regard to violations of overweight and
8 overload limits found in Sections 15-101 through 15-203 of
9 this Code committed by operators of vehicles registered as
10 Special Hauling Vehicles, for offenses committed upon a
11 highway within the limits of a city, village, or
12 incorporated town or under the jurisdiction of any park
13 district, all fines and penalties shall be paid over or
14 retained as required in paragraph 1. However, with regard
15 to the above offenses committed by operators of vehicles
16 registered as Special Hauling Vehicles upon any highway
17 outside the limits of a city, village, incorporated town,l
18 or park district, fines and penalties shall be paid over
19 or retained by the entity having jurisdiction over the
20 road or highway upon which the offense occurred, except
21 that if the violation is prosecuted by the State's
22 Attorney, 10% of the fine or penalty recovered shall be
23 paid to the State's Attorney as a fee of his office.

24 (b) Failure, refusal,l or neglect on the part of any
25 judicial or other officer or employee receiving or having
26 custody of any such fine or forfeiture either before or after a

1 deposit with the proper official as defined in paragraph (a)
2 of this Section, shall constitute misconduct in office and
3 shall be grounds for removal therefrom.

4 (Source: P.A. 102-145, eff. 7-23-21; 102-538, eff. 8-20-21;
5 revised 10-12-21.)

6 Section 580. The Snowmobile Registration and Safety Act is
7 amended by changing Section 5-7 as follows:

8 (625 ILCS 40/5-7)

9 (Text of Section before amendment by P.A. 101-652)

10 Sec. 5-7. Operating a snowmobile while under the influence
11 of alcohol or other drug or drugs, intoxicating compound or
12 compounds, or a combination of them; criminal penalties;
13 suspension of operating privileges.

14 (a) A person may not operate or be in actual physical
15 control of a snowmobile within this State while:

16 1. The alcohol concentration in that person's blood,
17 other bodily substance, or breath is a concentration at
18 which driving a motor vehicle is prohibited under
19 subdivision (1) of subsection (a) of Section 11-501 of the
20 Illinois Vehicle Code;

21 2. The person is under the influence of alcohol;

22 3. The person is under the influence of any other drug
23 or combination of drugs to a degree that renders that
24 person incapable of safely operating a snowmobile;

1 3.1. The person is under the influence of any
2 intoxicating compound or combination of intoxicating
3 compounds to a degree that renders the person incapable of
4 safely operating a snowmobile;

5 4. The person is under the combined influence of
6 alcohol and any other drug or drugs or intoxicating
7 compound or compounds to a degree that renders that person
8 incapable of safely operating a snowmobile;

9 4.3. The person who is not a CDL holder has a
10 tetrahydrocannabinol concentration in the person's whole
11 blood or other bodily substance at which driving a motor
12 vehicle is prohibited under subdivision (7) of subsection
13 (a) of Section 11-501 of the Illinois Vehicle Code;

14 4.5. The person who is a CDL holder has any amount of a
15 drug, substance, or compound in the person's breath,
16 blood, other bodily substance, or urine resulting from the
17 unlawful use or consumption of cannabis listed in the
18 Cannabis Control Act; or

19 5. There is any amount of a drug, substance, or
20 compound in that person's breath, blood, other bodily
21 substance, or urine resulting from the unlawful use or
22 consumption of a controlled substance listed in the
23 Illinois Controlled Substances Act, methamphetamine as
24 listed in the Methamphetamine Control and Community
25 Protection Act, or intoxicating compound listed in the use
26 of Intoxicating Compounds Act.

1 (b) The fact that a person charged with violating this
2 Section is or has been legally entitled to use alcohol, other
3 drug or drugs, any intoxicating compound or compounds, or any
4 combination of them does not constitute a defense against a
5 charge of violating this Section.

6 (c) Every person convicted of violating this Section or a
7 similar provision of a local ordinance is guilty of a Class A
8 misdemeanor, except as otherwise provided in this Section.

9 (c-1) As used in this Section, "first time offender" means
10 any person who has not had a previous conviction or been
11 assigned supervision for violating this Section or a similar
12 provision of a local ordinance, or any person who has not had a
13 suspension imposed under subsection (e) of Section 5-7.1.

14 (c-2) For purposes of this Section, the following are
15 equivalent to a conviction:

16 (1) a forfeiture of bail or collateral deposited to
17 secure a defendant's appearance in court when forfeiture
18 has not been vacated; or

19 (2) the failure of a defendant to appear for trial.

20 (d) Every person convicted of violating this Section is
21 guilty of a Class 4 felony if:

22 1. The person has a previous conviction under this
23 Section;

24 2. The offense results in personal injury where a
25 person other than the operator suffers great bodily harm
26 or permanent disability or disfigurement, when the

1 violation was a proximate cause of the injuries. A person
2 guilty of a Class 4 felony under this paragraph 2, if
3 sentenced to a term of imprisonment, shall be sentenced to
4 not less than one year nor more than 12 years; or

5 3. The offense occurred during a period in which the
6 person's privileges to operate a snowmobile are revoked or
7 suspended, and the revocation or suspension was for a
8 violation of this Section or was imposed under Section
9 5-7.1.

10 (e) Every person convicted of violating this Section is
11 guilty of a Class 2 felony if the offense results in the death
12 of a person. A person guilty of a Class 2 felony under this
13 subsection (e), if sentenced to a term of imprisonment, shall
14 be sentenced to a term of not less than 3 years and not more
15 than 14 years.

16 (e-1) Every person convicted of violating this Section or
17 a similar provision of a local ordinance who had a child under
18 the age of 16 on board the snowmobile at the time of offense
19 shall be subject to a mandatory minimum fine of \$500 and shall
20 be subject to a mandatory minimum of 5 days of community
21 service in a program benefiting children. The assignment under
22 this subsection shall not be subject to suspension nor shall
23 the person be eligible for probation in order to reduce the
24 assignment.

25 (e-2) Every person found guilty of violating this Section,
26 whose operation of a snowmobile while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the
3 expense of an emergency response as provided in subsection (i)
4 of Section 11-501.01 of the Illinois Vehicle Code.

5 (e-3) In addition to any other penalties and liabilities,
6 a person who is found guilty of violating this Section,
7 including any person placed on court supervision, shall be
8 fined \$100, payable to the circuit clerk, who shall distribute
9 the money to the law enforcement agency that made the arrest or
10 as provided in subsection (c) of Section 10-5 of the Criminal
11 and Traffic Assessment Act if the arresting agency is a State
12 agency, unless more than one agency is responsible for the
13 arrest, in which case the amount shall be remitted to each unit
14 of government equally. Any moneys received by a law
15 enforcement agency under this subsection (e-3) shall be used
16 to purchase law enforcement equipment or to provide law
17 enforcement training that will assist in the prevention of
18 alcohol related criminal violence throughout the State. Law
19 enforcement equipment shall include, but is not limited to,
20 in-car video cameras, radar and laser speed detection devices,
21 and alcohol breath testers.

22 (f) In addition to any criminal penalties imposed, the
23 Department of Natural Resources shall suspend the snowmobile
24 operation privileges of a person convicted or found guilty of
25 a misdemeanor under this Section for a period of one year,
26 except that first-time offenders are exempt from this

1 mandatory one-year ~~one-year~~ suspension.

2 (g) In addition to any criminal penalties imposed, the
3 Department of Natural Resources shall suspend for a period of
4 5 years the snowmobile operation privileges of any person
5 convicted or found guilty of a felony under this Section.

6 (Source: P.A. 102-145, eff. 7-23-21; revised 8-5-21.)

7 (Text of Section after amendment by P.A. 101-652)

8 Sec. 5-7. Operating a snowmobile while under the influence
9 of alcohol or other drug or drugs, intoxicating compound or
10 compounds, or a combination of them; criminal penalties;
11 suspension of operating privileges.

12 (a) A person may not operate or be in actual physical
13 control of a snowmobile within this State while:

14 1. The alcohol concentration in that person's blood,
15 other bodily substance, or breath is a concentration at
16 which driving a motor vehicle is prohibited under
17 subdivision (1) of subsection (a) of Section 11-501 of the
18 Illinois Vehicle Code;

19 2. The person is under the influence of alcohol;

20 3. The person is under the influence of any other drug
21 or combination of drugs to a degree that renders that
22 person incapable of safely operating a snowmobile;

23 3.1. The person is under the influence of any
24 intoxicating compound or combination of intoxicating
25 compounds to a degree that renders the person incapable of

1 safely operating a snowmobile;

2 4. The person is under the combined influence of
3 alcohol and any other drug or drugs or intoxicating
4 compound or compounds to a degree that renders that person
5 incapable of safely operating a snowmobile;

6 4.3. The person who is not a CDL holder has a
7 tetrahydrocannabinol concentration in the person's whole
8 blood or other bodily substance at which driving a motor
9 vehicle is prohibited under subdivision (7) of subsection
10 (a) of Section 11-501 of the Illinois Vehicle Code;

11 4.5. The person who is a CDL holder has any amount of a
12 drug, substance, or compound in the person's breath,
13 blood, other bodily substance, or urine resulting from the
14 unlawful use or consumption of cannabis listed in the
15 Cannabis Control Act; or

16 5. There is any amount of a drug, substance, or
17 compound in that person's breath, blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of a controlled substance listed in the
20 Illinois Controlled Substances Act, methamphetamine as
21 listed in the Methamphetamine Control and Community
22 Protection Act, or intoxicating compound listed in the use
23 of Intoxicating Compounds Act.

24 (b) The fact that a person charged with violating this
25 Section is or has been legally entitled to use alcohol, other
26 drug or drugs, any intoxicating compound or compounds, or any

1 combination of them does not constitute a defense against a
2 charge of violating this Section.

3 (c) Every person convicted of violating this Section or a
4 similar provision of a local ordinance is guilty of a Class A
5 misdemeanor, except as otherwise provided in this Section.

6 (c-1) As used in this Section, "first time offender" means
7 any person who has not had a previous conviction or been
8 assigned supervision for violating this Section or a similar
9 provision of a local ordinance, or any person who has not had a
10 suspension imposed under subsection (e) of Section 5-7.1.

11 (c-2) For purposes of this Section, the following are
12 equivalent to a conviction:

13 (1) a violation of the terms of pretrial release when
14 the court has not relieved the defendant of complying with
15 the terms of pretrial release; or

16 (2) the failure of a defendant to appear for trial.

17 (d) Every person convicted of violating this Section is
18 guilty of a Class 4 felony if:

19 1. The person has a previous conviction under this
20 Section;

21 2. The offense results in personal injury where a
22 person other than the operator suffers great bodily harm
23 or permanent disability or disfigurement, when the
24 violation was a proximate cause of the injuries. A person
25 guilty of a Class 4 felony under this paragraph 2, if
26 sentenced to a term of imprisonment, shall be sentenced to

1 not less than one year nor more than 12 years; or

2 3. The offense occurred during a period in which the
3 person's privileges to operate a snowmobile are revoked or
4 suspended, and the revocation or suspension was for a
5 violation of this Section or was imposed under Section
6 5-7.1.

7 (e) Every person convicted of violating this Section is
8 guilty of a Class 2 felony if the offense results in the death
9 of a person. A person guilty of a Class 2 felony under this
10 subsection (e), if sentenced to a term of imprisonment, shall
11 be sentenced to a term of not less than 3 years and not more
12 than 14 years.

13 (e-1) Every person convicted of violating this Section or
14 a similar provision of a local ordinance who had a child under
15 the age of 16 on board the snowmobile at the time of offense
16 shall be subject to a mandatory minimum fine of \$500 and shall
17 be subject to a mandatory minimum of 5 days of community
18 service in a program benefiting children. The assignment under
19 this subsection shall not be subject to suspension nor shall
20 the person be eligible for probation in order to reduce the
21 assignment.

22 (e-2) Every person found guilty of violating this Section,
23 whose operation of a snowmobile while in violation of this
24 Section proximately caused any incident resulting in an
25 appropriate emergency response, shall be liable for the
26 expense of an emergency response as provided in subsection (i)

1 of Section 11-501.01 of the Illinois Vehicle Code.

2 (e-3) In addition to any other penalties and liabilities,
3 a person who is found guilty of violating this Section,
4 including any person placed on court supervision, shall be
5 fined \$100, payable to the circuit clerk, who shall distribute
6 the money to the law enforcement agency that made the arrest or
7 as provided in subsection (c) of Section 10-5 of the Criminal
8 and Traffic Assessment Act if the arresting agency is a State
9 agency, unless more than one agency is responsible for the
10 arrest, in which case the amount shall be remitted to each unit
11 of government equally. Any moneys received by a law
12 enforcement agency under this subsection (e-3) shall be used
13 to purchase law enforcement equipment or to provide law
14 enforcement training that will assist in the prevention of
15 alcohol related criminal violence throughout the State. Law
16 enforcement equipment shall include, but is not limited to,
17 in-car video cameras, radar and laser speed detection devices,
18 and alcohol breath testers.

19 (f) In addition to any criminal penalties imposed, the
20 Department of Natural Resources shall suspend the snowmobile
21 operation privileges of a person convicted or found guilty of
22 a misdemeanor under this Section for a period of one year,
23 except that first-time offenders are exempt from this
24 mandatory one-year ~~one-year~~ suspension.

25 (g) In addition to any criminal penalties imposed, the
26 Department of Natural Resources shall suspend for a period of

1 5 years the snowmobile operation privileges of any person
2 convicted or found guilty of a felony under this Section.

3 (Source: P.A. 101-652, eff. 1-1-23; 102-145, eff. 7-23-21;
4 revised 8-5-21.)

5 Section 585. The Clerks of Courts Act is amended by
6 changing Section 27.1b as follows:

7 (705 ILCS 105/27.1b)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
10 other provision of law, all fees charged by the clerks of the
11 circuit court for the services described in this Section shall
12 be established, collected, and disbursed in accordance with
13 this Section. Except as otherwise specified in this Section,
14 all fees under this Section shall be paid in advance and
15 disbursed by each clerk on a monthly basis. In a county with a
16 population of over 3,000,000, units of local government and
17 school districts shall not be required to pay fees under this
18 Section in advance and the clerk shall instead send an
19 itemized bill to the unit of local government or school
20 district, within 30 days of the fee being incurred, and the
21 unit of local government or school district shall be allowed
22 at least 30 days from the date of the itemized bill to pay;
23 these payments shall be disbursed by each clerk on a monthly
24 basis. Unless otherwise specified in this Section, the amount

1 of a fee shall be determined by ordinance or resolution of the
2 county board and remitted to the county treasurer to be used
3 for purposes related to the operation of the court system in
4 the county. In a county with a population of over 3,000,000,
5 any amount retained by the clerk of the circuit court or
6 remitted to the county treasurer shall be subject to
7 appropriation by the county board.

8 (a) Civil cases. The fee for filing a complaint, petition,
9 or other pleading initiating a civil action shall be as set
10 forth in the applicable schedule under this subsection in
11 accordance with case categories established by the Supreme
12 Court in schedules.

13 (1) SCHEDULE 1: not to exceed a total of \$366 in a
14 county with a population of 3,000,000 or more and not to
15 exceed \$316 in any other county, except as applied to
16 units of local government and school districts in counties
17 with more than 3,000,000 inhabitants an amount not to
18 exceed \$190 through December 31, 2021 and \$184 on and
19 after January 1, 2022. The fees collected under this
20 schedule shall be disbursed as follows:

21 (A) The clerk shall retain a sum, in an amount not
22 to exceed \$55 in a county with a population of
23 3,000,000 or more and in an amount not to exceed \$45 in
24 any other county determined by the clerk with the
25 approval of the Supreme Court, to be used for court
26 automation, court document storage, and administrative

1 purposes.

2 (B) The clerk shall remit up to \$21 to the State
3 Treasurer. The State Treasurer shall deposit the
4 appropriate amounts, in accordance with the clerk's
5 instructions, as follows:

6 (i) up to \$10, as specified by the Supreme
7 Court in accordance with Part 10A of Article II of
8 the Code of Civil Procedure, into the Mandatory
9 Arbitration Fund;

10 (ii) \$2 into the Access to Justice Fund; and

11 (iii) \$9 into the Supreme Court Special
12 Purposes Fund.

13 (C) The clerk shall remit a sum to the County
14 Treasurer, in an amount not to exceed \$290 in a county
15 with a population of 3,000,000 or more and in an amount
16 not to exceed \$250 in any other county, as specified by
17 ordinance or resolution passed by the county board,
18 for purposes related to the operation of the court
19 system in the county.

20 (2) SCHEDULE 2: not to exceed a total of \$357 in a
21 county with a population of 3,000,000 or more and not to
22 exceed \$266 in any other county, except as applied to
23 units of local government and school districts in counties
24 with more than 3,000,000 inhabitants an amount not to
25 exceed \$190 through December 31, 2021 and \$184 on and
26 after January 1, 2022. The fees collected under this

1 schedule shall be disbursed as follows:

2 (A) The clerk shall retain a sum, in an amount not
3 to exceed \$55 in a county with a population of
4 3,000,000 or more and in an amount not to exceed \$45 in
5 any other county determined by the clerk with the
6 approval of the Supreme Court, to be used for court
7 automation, court document storage, and administrative
8 purposes.

9 (B) The clerk shall remit up to \$21 to the State
10 Treasurer. The State Treasurer shall deposit the
11 appropriate amounts, in accordance with the clerk's
12 instructions, as follows:

13 (i) up to \$10, as specified by the Supreme
14 Court in accordance with Part 10A of Article II of
15 the Code of Civil Procedure, into the Mandatory
16 Arbitration Fund;

17 (ii) \$2 into the Access to Justice Fund: and

18 (iii) \$9 into the Supreme Court Special
19 Purposes Fund.

20 (C) The clerk shall remit a sum to the County
21 Treasurer, in an amount not to exceed \$281 in a county
22 with a population of 3,000,000 or more and in an amount
23 not to exceed \$200 in any other county, as specified by
24 ordinance or resolution passed by the county board,
25 for purposes related to the operation of the court
26 system in the county.

1 (3) SCHEDULE 3: not to exceed a total of \$265 in a
2 county with a population of 3,000,000 or more and not to
3 exceed \$89 in any other county, except as applied to units
4 of local government and school districts in counties with
5 more than 3,000,000 inhabitants an amount not to exceed
6 \$190 through December 31, 2021 and \$184 on and after
7 January 1, 2022. The fees collected under this schedule
8 shall be disbursed as follows:

9 (A) The clerk shall retain a sum, in an amount not
10 to exceed \$55 in a county with a population of
11 3,000,000 or more and in an amount not to exceed \$22 in
12 any other county determined by the clerk with the
13 approval of the Supreme Court, to be used for court
14 automation, court document storage, and administrative
15 purposes.

16 (B) The clerk shall remit \$11 to the State
17 Treasurer. The State Treasurer shall deposit the
18 appropriate amounts in accordance with the clerk's
19 instructions, as follows:

20 (i) \$2 into the Access to Justice Fund; and

21 (ii) \$9 into the Supreme Court Special
22 Purposes Fund.

23 (C) The clerk shall remit a sum to the County
24 Treasurer, in an amount not to exceed \$199 in a county
25 with a population of 3,000,000 or more and in an amount
26 not to exceed \$56 in any other county, as specified by

1 ordinance or resolution passed by the county board,
2 for purposes related to the operation of the court
3 system in the county.

4 (4) SCHEDULE 4: \$0.

5 (b) Appearance. The fee for filing an appearance in a
6 civil action, including a cannabis civil law action under the
7 Cannabis Control Act, shall be as set forth in the applicable
8 schedule under this subsection in accordance with case
9 categories established by the Supreme Court in schedules.

10 (1) SCHEDULE 1: not to exceed a total of \$230 in a
11 county with a population of 3,000,000 or more and not to
12 exceed \$191 in any other county, except as applied to
13 units of local government and school districts in counties
14 with more than 3,000,000 inhabitants an amount not to
15 exceed \$75. The fees collected under this schedule shall
16 be disbursed as follows:

17 (A) The clerk shall retain a sum, in an amount not
18 to exceed \$50 in a county with a population of
19 3,000,000 or more and in an amount not to exceed \$45 in
20 any other county determined by the clerk with the
21 approval of the Supreme Court, to be used for court
22 automation, court document storage, and administrative
23 purposes.

24 (B) The clerk shall remit up to \$21 to the State
25 Treasurer. The State Treasurer shall deposit the
26 appropriate amounts, in accordance with the clerk's

1 instructions, as follows:

2 (i) up to \$10, as specified by the Supreme
3 Court in accordance with Part 10A of Article II of
4 the Code of Civil Procedure, into the Mandatory
5 Arbitration Fund;

6 (ii) \$2 into the Access to Justice Fund; and

7 (iii) \$9 into the Supreme Court Special
8 Purposes Fund.

9 (C) The clerk shall remit a sum to the County
10 Treasurer, in an amount not to exceed \$159 in a county
11 with a population of 3,000,000 or more and in an amount
12 not to exceed \$125 in any other county, as specified by
13 ordinance or resolution passed by the county board,
14 for purposes related to the operation of the court
15 system in the county.

16 (2) SCHEDULE 2: not to exceed a total of \$130 in a
17 county with a population of 3,000,000 or more and not to
18 exceed \$109 in any other county, except as applied to
19 units of local government and school districts in counties
20 with more than 3,000,000 inhabitants an amount not to
21 exceed \$75. The fees collected under this schedule shall
22 be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$50 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$10 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit \$9 to the State
5 Treasurer, which the State Treasurer shall deposit
6 into the Supreme Court Special Purposes Fund.

7 (C) The clerk shall remit a sum to the County
8 Treasurer, in an amount not to exceed \$71 in a county
9 with a population of 3,000,000 or more and in an amount
10 not to exceed \$90 in any other county, as specified by
11 ordinance or resolution passed by the county board,
12 for purposes related to the operation of the court
13 system in the county.

14 (3) SCHEDULE 3: \$0.

15 (b-5) Kane County and Will County. In Kane County and Will
16 County civil cases, there is an additional fee of up to \$30 as
17 set by the county board under Section 5-1101.3 of the Counties
18 Code to be paid by each party at the time of filing the first
19 pleading, paper, or other appearance; provided that no
20 additional fee shall be required if more than one party is
21 represented in a single pleading, paper, or other appearance.
22 Distribution of fees collected under this subsection (b-5)
23 shall be as provided in Section 5-1101.3 of the Counties Code.

24 (c) Counterclaim or third party complaint. When any
25 defendant files a counterclaim or third party complaint, as
26 part of the defendant's answer or otherwise, the defendant

1 shall pay a filing fee for each counterclaim or third party
2 complaint in an amount equal to the filing fee the defendant
3 would have had to pay had the defendant brought a separate
4 action for the relief sought in the counterclaim or third
5 party complaint, less the amount of the appearance fee, if
6 any, that the defendant has already paid in the action in which
7 the counterclaim or third party complaint is filed.

8 (d) Alias summons. The clerk shall collect a fee not to
9 exceed \$6 in a county with a population of 3,000,000 or more
10 and not to exceed \$5 in any other county for each alias summons
11 or citation issued by the clerk, except as applied to units of
12 local government and school districts in counties with more
13 than 3,000,000 inhabitants an amount not to exceed \$5 for each
14 alias summons or citation issued by the clerk.

15 (e) Jury services. The clerk shall collect, in addition to
16 other fees allowed by law, a sum not to exceed \$212.50, as a
17 fee for the services of a jury in every civil action not
18 quasi-criminal in its nature and not a proceeding for the
19 exercise of the right of eminent domain and in every other
20 action wherein the right of trial by jury is or may be given by
21 law. The jury fee shall be paid by the party demanding a jury
22 at the time of filing the jury demand. If the fee is not paid
23 by either party, no jury shall be called in the action or
24 proceeding, and the action or proceeding shall be tried by the
25 court without a jury.

26 (f) Change of venue. In connection with a change of venue:

1 (1) The clerk of the jurisdiction from which the case
2 is transferred may charge a fee, not to exceed \$40, for the
3 preparation and certification of the record; and

4 (2) The clerk of the jurisdiction to which the case is
5 transferred may charge the same filing fee as if it were
6 the commencement of a new suit.

7 (g) Petition to vacate or modify.

8 (1) In a proceeding involving a petition to vacate or
9 modify any final judgment or order filed within 30 days
10 after the judgment or order was entered, except for an
11 eviction case, small claims case, petition to reopen an
12 estate, petition to modify, terminate, or enforce a
13 judgment or order for child or spousal support, or
14 petition to modify, suspend, or terminate an order for
15 withholding, the fee shall not exceed \$60 in a county with
16 a population of 3,000,000 or more and shall not exceed \$50
17 in any other county, except as applied to units of local
18 government and school districts in counties with more than
19 3,000,000 inhabitants an amount not to exceed \$50.

20 (2) In a proceeding involving a petition to vacate or
21 modify any final judgment or order filed more than 30 days
22 after the judgment or order was entered, except for a
23 petition to modify, terminate, or enforce a judgment or
24 order for child or spousal support, or petition to modify,
25 suspend, or terminate an order for withholding, the fee
26 shall not exceed \$75.

1 (3) In a proceeding involving a motion to vacate or
2 amend a final order, motion to vacate an ex parte
3 judgment, judgment of forfeiture, or "failure to appear"
4 or "failure to comply" notices sent to the Secretary of
5 State, the fee shall equal \$40.

6 (h) Appeals preparation. The fee for preparation of a
7 record on appeal shall be based on the number of pages, as
8 follows:

9 (1) if the record contains no more than 100 pages, the
10 fee shall not exceed \$70 in a county with a population of
11 3,000,000 or more and shall not exceed \$50 in any other
12 county;

13 (2) if the record contains between 100 and 200 pages,
14 the fee shall not exceed \$100; and

15 (3) if the record contains 200 or more pages, the
16 clerk may collect an additional fee not to exceed 25 cents
17 per page.

18 (i) Remands. In any cases remanded to the circuit court
19 from the Supreme Court or the appellate court for a new trial,
20 the clerk shall reinstate the case with either its original
21 number or a new number. The clerk shall not charge any new or
22 additional fee for the reinstatement. Upon reinstatement, the
23 clerk shall advise the parties of the reinstatement. Parties
24 shall have the same right to a jury trial on remand and
25 reinstatement that they had before the appeal, and no
26 additional or new fee or charge shall be made for a jury trial

1 after remand.

2 (j) Garnishment, wage deduction, and citation. In
3 garnishment affidavit, wage deduction affidavit, and citation
4 petition proceedings:

5 (1) if the amount in controversy in the proceeding is
6 not more than \$1,000, the fee may not exceed \$35 in a
7 county with a population of 3,000,000 or more and may not
8 exceed \$15 in any other county, except as applied to units
9 of local government and school districts in counties with
10 more than 3,000,000 inhabitants an amount not to exceed
11 \$15;

12 (2) if the amount in controversy in the proceeding is
13 greater than \$1,000 and not more than \$5,000, the fee may
14 not exceed \$45 in a county with a population of 3,000,000
15 or more and may not exceed \$30 in any other county, except
16 as applied to units of local government and school
17 districts in counties with more than 3,000,000 inhabitants
18 an amount not to exceed \$30; and

19 (3) if the amount in controversy in the proceeding is
20 greater than \$5,000, the fee may not exceed \$65 in a county
21 with a population of 3,000,000 or more and may not exceed
22 \$50 in any other county, except as applied to units of
23 local government and school districts in counties with
24 more than 3,000,000 inhabitants an amount not to exceed
25 \$50.

26 (j-5) Debt collection. In any proceeding to collect a debt

1 subject to the exception in item (ii) of subparagraph (A-5) of
2 paragraph (1) of subsection (z) of this Section, the circuit
3 court shall order and the clerk shall collect from each
4 judgment debtor a fee of:

5 (1) \$35 if the amount in controversy in the proceeding
6 is not more than \$1,000;

7 (2) \$45 if the amount in controversy in the proceeding
8 is greater than \$1,000 and not more than \$5,000; and

9 (3) \$65 if the amount in controversy in the proceeding
10 is greater than \$5,000.

11 (k) Collections.

12 (1) For all collections made of others, except the
13 State and county and except in maintenance or child
14 support cases, the clerk may collect a fee of up to 2.5% of
15 the amount collected and turned over.

16 (2) In child support and maintenance cases, the clerk
17 may collect an annual fee of up to \$36 from the person
18 making payment for maintaining child support records and
19 the processing of support orders to the State of Illinois
20 KIDS system and the recording of payments issued by the
21 State Disbursement Unit for the official record of the
22 Court. This fee is in addition to and separate from
23 amounts ordered to be paid as maintenance or child support
24 and shall be deposited into a Separate Maintenance and
25 Child Support Collection Fund, of which the clerk shall be
26 the custodian, ex officio, to be used by the clerk to

1 maintain child support orders and record all payments
2 issued by the State Disbursement Unit for the official
3 record of the Court. The clerk may recover from the person
4 making the maintenance or child support payment any
5 additional cost incurred in the collection of this annual
6 fee.

7 (3) The clerk may collect a fee of \$5 for
8 certifications made to the Secretary of State as provided
9 in Section 7-703 of the Illinois Vehicle Code, and this
10 fee shall be deposited into the Separate Maintenance and
11 Child Support Collection Fund.

12 (4) In proceedings to foreclose the lien of delinquent
13 real estate taxes, State's Attorneys shall receive a fee
14 of 10% of the total amount realized from the sale of real
15 estate sold in the proceedings. The clerk shall collect
16 the fee from the total amount realized from the sale of the
17 real estate sold in the proceedings and remit to the
18 County Treasurer to be credited to the earnings of the
19 Office of the State's Attorney.

20 (l) Mailing. The fee for the clerk mailing documents shall
21 not exceed \$10 plus the cost of postage.

22 (m) Certified copies. The fee for each certified copy of a
23 judgment, after the first copy, shall not exceed \$10.

24 (n) Certification, authentication, and reproduction.

25 (1) The fee for each certification or authentication
26 for taking the acknowledgment of a deed or other

1 instrument in writing with the seal of office shall not
2 exceed \$6.

3 (2) The fee for reproduction of any document contained
4 in the clerk's files shall not exceed:

5 (A) \$2 for the first page;

6 (B) 50 cents per page for the next 19 pages; and

7 (C) 25 cents per page for all additional pages.

8 (o) Record search. For each record search, within a
9 division or municipal district, the clerk may collect a search
10 fee not to exceed \$6 for each year searched.

11 (p) Hard copy. For each page of hard copy print output,
12 when case records are maintained on an automated medium, the
13 clerk may collect a fee not to exceed \$10 in a county with a
14 population of 3,000,000 or more and not to exceed \$6 in any
15 other county, except as applied to units of local government
16 and school districts in counties with more than 3,000,000
17 inhabitants an amount not to exceed \$6.

18 (q) Index inquiry and other records. No fee shall be
19 charged for a single plaintiff and defendant index inquiry or
20 single case record inquiry when this request is made in person
21 and the records are maintained in a current automated medium,
22 and when no hard copy print output is requested. The fees to be
23 charged for management records, multiple case records, and
24 multiple journal records may be specified by the Chief Judge
25 pursuant to the guidelines for access and dissemination of
26 information approved by the Supreme Court.

1 (r) Performing a marriage. There shall be a \$10 fee for
2 performing a marriage in court.

3 (s) Voluntary assignment. For filing each deed of
4 voluntary assignment, the clerk shall collect a fee not to
5 exceed \$20. For recording a deed of voluntary assignment, the
6 clerk shall collect a fee not to exceed 50 cents for each 100
7 words. Exceptions filed to claims presented to an assignee of
8 a debtor who has made a voluntary assignment for the benefit of
9 creditors shall be considered and treated, for the purpose of
10 taxing costs therein, as actions in which the party or parties
11 filing the exceptions shall be considered as party or parties
12 plaintiff, and the claimant or claimants as party or parties
13 defendant, and those parties respectively shall pay to the
14 clerk the same fees as provided by this Section to be paid in
15 other actions.

16 (t) Expungement petition. The clerk may collect a fee not
17 to exceed \$60 for each expungement petition filed and an
18 additional fee not to exceed \$4 for each certified copy of an
19 order to expunge arrest records.

20 (u) Transcripts of judgment. For the filing of a
21 transcript of judgment, the clerk may collect the same fee as
22 if it were the commencement of a new suit.

23 (v) Probate filings.

24 (1) For each account (other than one final account)
25 filed in the estate of a decedent, or ward, the fee shall
26 not exceed \$25.

1 (2) For filing a claim in an estate when the amount
2 claimed is greater than \$150 and not more than \$500, the
3 fee shall not exceed \$40 in a county with a population of
4 3,000,000 or more and shall not exceed \$25 in any other
5 county; when the amount claimed is greater than \$500 and
6 not more than \$10,000, the fee shall not exceed \$55 in a
7 county with a population of 3,000,000 or more and shall
8 not exceed \$40 in any other county; and when the amount
9 claimed is more than \$10,000, the fee shall not exceed \$75
10 in a county with a population of 3,000,000 or more and
11 shall not exceed \$60 in any other county; except the court
12 in allowing a claim may add to the amount allowed the
13 filing fee paid by the claimant.

14 (3) For filing in an estate a claim, petition, or
15 supplemental proceeding based upon an action seeking
16 equitable relief including the construction or contest of
17 a will, enforcement of a contract to make a will, and
18 proceedings involving testamentary trusts or the
19 appointment of testamentary trustees, the fee shall not
20 exceed \$60.

21 (4) There shall be no fee for filing in an estate: (i)
22 the appearance of any person for the purpose of consent;
23 or (ii) the appearance of an executor, administrator,
24 administrator to collect, guardian, guardian ad litem, or
25 special administrator.

26 (5) For each jury demand, the fee shall not exceed

1 \$137.50.

2 (6) For each certified copy of letters of office, of
3 court order, or other certification, the fee shall not
4 exceed \$2 per page.

5 (7) For each exemplification, the fee shall not exceed
6 \$2, plus the fee for certification.

7 (8) The executor, administrator, guardian, petitioner,
8 or other interested person or his or her attorney shall
9 pay the cost of publication by the clerk directly to the
10 newspaper.

11 (9) The person on whose behalf a charge is incurred
12 for witness, court reporter, appraiser, or other
13 miscellaneous fees shall pay the same directly to the
14 person entitled thereto.

15 (10) The executor, administrator, guardian,
16 petitioner, or other interested person or his or her
17 attorney shall pay to the clerk all postage charges
18 incurred by the clerk in mailing petitions, orders,
19 notices, or other documents pursuant to the provisions of
20 the Probate Act of 1975.

21 (w) Corrections of numbers. For correction of the case
22 number, case title, or attorney computer identification
23 number, if required by rule of court, on any document filed in
24 the clerk's office, to be charged against the party that filed
25 the document, the fee shall not exceed \$25.

26 (x) Miscellaneous.

1 (1) Interest earned on any fees collected by the clerk
2 shall be turned over to the county general fund as an
3 earning of the office.

4 (2) For any check, draft, or other bank instrument
5 returned to the clerk for non-sufficient funds, account
6 closed, or payment stopped, the clerk shall collect a fee
7 of \$25.

8 (y) Other fees. Any fees not covered in this Section shall
9 be set by rule or administrative order of the circuit court
10 with the approval of the Administrative Office of the Illinois
11 Courts. The clerk of the circuit court may provide services in
12 connection with the operation of the clerk's office, other
13 than those services mentioned in this Section, as may be
14 requested by the public and agreed to by the clerk and approved
15 by the Chief Judge. Any charges for additional services shall
16 be as agreed to between the clerk and the party making the
17 request and approved by the Chief Judge. Nothing in this
18 subsection shall be construed to require any clerk to provide
19 any service not otherwise required by law.

20 (y-5) Unpaid fees. Unless a court ordered payment schedule
21 is implemented or the fee requirements of this Section are
22 waived under a court order, the clerk of the circuit court may
23 add to any unpaid fees and costs under this Section a
24 delinquency amount equal to 5% of the unpaid fees that remain
25 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
26 after 60 days, and 15% of the unpaid fees that remain unpaid

1 after 90 days. Notice to those parties may be made by signage
2 posting or publication. The additional delinquency amounts
3 collected under this Section shall be deposited into the
4 Circuit Court Clerk Operations and Administration Fund and
5 used to defray additional administrative costs incurred by the
6 clerk of the circuit court in collecting unpaid fees and
7 costs.

8 (z) Exceptions.

9 (1) No fee authorized by this Section shall apply to:

10 (A) police departments or other law enforcement
11 agencies. In this Section, "law enforcement agency"
12 means: an agency of the State or agency of a unit of
13 local government which is vested by law or ordinance
14 with the duty to maintain public order and to enforce
15 criminal laws or ordinances; the Attorney General; or
16 any State's Attorney;

17 (A-5) any unit of local government or school
18 district, except in counties having a population of
19 500,000 or more the county board may by resolution set
20 fees for units of local government or school districts
21 no greater than the minimum fees applicable in
22 counties with a population less than 3,000,000;
23 provided however, no fee may be charged to any unit of
24 local government or school district in connection with
25 any action which, in whole or in part, is: (i) to
26 enforce an ordinance; (ii) to collect a debt; or (iii)

1 under the Administrative Review Law;

2 (B) any action instituted by the corporate
3 authority of a municipality with more than 1,000,000
4 inhabitants under Section 11-31-1 of the Illinois
5 Municipal Code and any action instituted under
6 subsection (b) of Section 11-31-1 of the Illinois
7 Municipal Code by a private owner or tenant of real
8 property within 1,200 feet of a dangerous or unsafe
9 building seeking an order compelling the owner or
10 owners of the building to take any of the actions
11 authorized under that subsection;

12 (C) any commitment petition or petition for an
13 order authorizing the administration of psychotropic
14 medication or electroconvulsive therapy under the
15 Mental Health and Developmental Disabilities Code;

16 (D) a petitioner in any order of protection
17 proceeding, including, but not limited to, fees for
18 filing, modifying, withdrawing, certifying, or
19 photocopying petitions for orders of protection,
20 issuing alias summons, any related filing service, or
21 certifying, modifying, vacating, or photocopying any
22 orders of protection; or

23 (E) proceedings for the appointment of a
24 confidential intermediary under the Adoption Act.

25 (2) No fee other than the filing fee contained in the
26 applicable schedule in subsection (a) shall be charged to

1 any person in connection with an adoption proceeding.

2 (3) Upon good cause shown, the court may waive any
3 fees associated with a special needs adoption. The term
4 "special needs adoption" has the meaning provided by the
5 Illinois Department of Children and Family Services.

6 (aa) This Section is repealed on January 1, 2024.

7 (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
8 102-278, eff. 8-6-21; 102-558, eff. 8-20-21; revised
9 10-13-21.)

10 Section 590. The Criminal and Traffic Assessment Act is
11 amended by changing Section 15-70 as follows:

12 (705 ILCS 135/15-70)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 15-70. Conditional assessments. In addition to
15 payments under one of the Schedule of Assessments 1 through 13
16 of this Act, the court shall also order payment of any of the
17 following conditional assessment amounts for each sentenced
18 violation in the case to which a conditional assessment is
19 applicable, which shall be collected and remitted by the Clerk
20 of the Circuit Court as provided in this Section:

21 (1) arson, residential arson, or aggravated arson,
22 \$500 per conviction to the State Treasurer for deposit
23 into the Fire Prevention Fund;

24 (2) child pornography under Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, \$500
2 per conviction, unless more than one agency is responsible
3 for the arrest in which case the amount shall be remitted
4 to each unit of government equally:

5 (A) if the arresting agency is an agency of a unit
6 of local government, \$500 to the treasurer of the unit
7 of local government for deposit into the unit of local
8 government's General Fund, except that if the Illinois
9 State Police provides digital or electronic forensic
10 examination assistance, or both, to the arresting
11 agency then \$100 to the State Treasurer for deposit
12 into the State Crime Laboratory Fund; or

13 (B) if the arresting agency is the Illinois State
14 Police, \$500 to the State Treasurer for deposit into
15 the State Crime Laboratory Fund;

16 (3) crime laboratory drug analysis for a drug-related
17 offense involving possession or delivery of cannabis or
18 possession or delivery of a controlled substance as
19 defined in the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control
21 and Community Protection Act, \$100 reimbursement for
22 laboratory analysis, as set forth in subsection (f) of
23 Section 5-9-1.4 of the Unified Code of Corrections;

24 (4) DNA analysis, \$250 on each conviction in which it
25 was used to the State Treasurer for deposit into the State
26 Crime Laboratory Fund as set forth in Section 5-9-1.4 of

1 the Unified Code of Corrections;

2 (5) DUI analysis, \$150 on each sentenced violation in
3 which it was used as set forth in subsection (f) of Section
4 5-9-1.9 of the Unified Code of Corrections;

5 (6) drug-related offense involving possession or
6 delivery of cannabis or possession or delivery of a
7 controlled substance, other than methamphetamine, as
8 defined in the Cannabis Control Act or the Illinois
9 Controlled Substances Act, an amount not less than the
10 full street value of the cannabis or controlled substance
11 seized for each conviction to be disbursed as follows:

12 (A) 12.5% of the street value assessment shall be
13 paid into the Youth Drug Abuse Prevention Fund, to be
14 used by the Department of Human Services for the
15 funding of programs and services for drug-abuse
16 treatment, and prevention and education services;

17 (B) 37.5% to the county in which the charge was
18 prosecuted, to be deposited into the county General
19 Fund;

20 (C) 50% to the treasurer of the arresting law
21 enforcement agency of the municipality or county, or
22 to the State Treasurer if the arresting agency was a
23 state agency, to be deposited as provided in
24 subsection (c) of Section 10-5;

25 (D) if the arrest was made in combination with
26 multiple law enforcement agencies, the clerk shall

1 equitably allocate the portion in subparagraph (C) of
2 this paragraph (6) among the law enforcement agencies
3 involved in the arrest;

4 (6.5) Kane County or Will County, in felony,
5 misdemeanor, local or county ordinance, traffic, or
6 conservation cases, up to \$30 as set by the county board
7 under Section 5-1101.3 of the Counties Code upon the entry
8 of a judgment of conviction, an order of supervision, or a
9 sentence of probation without entry of judgment 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, or Section 10 of the Steroid Control Act;
17 except in local or county ordinance, traffic, and
18 conservation cases, if fines are paid in full without a
19 court appearance, then the assessment shall not be imposed
20 or collected. Distribution of assessments collected under
21 this paragraph (6.5) shall be as provided in Section
22 5-1101.3 of the Counties Code;

23 (7) methamphetamine-related offense involving
24 possession or delivery of methamphetamine or any salt of
25 an optical isomer of methamphetamine or possession of a
26 methamphetamine manufacturing material as set forth in

1 Section 10 of the Methamphetamine Control and Community
2 Protection Act with the intent to manufacture a substance
3 containing methamphetamine or salt of an optical isomer of
4 methamphetamine, an amount not less than the full street
5 value of the methamphetamine or salt of an optical isomer
6 of methamphetamine or methamphetamine manufacturing
7 materials seized for each conviction to be disbursed as
8 follows:

9 (A) 12.5% of the street value assessment shall be
10 paid into the Youth Drug Abuse Prevention Fund, to be
11 used by the Department of Human Services for the
12 funding of programs and services for drug-abuse
13 treatment, and prevention and education services;

14 (B) 37.5% to the county in which the charge was
15 prosecuted, to be deposited into the county General
16 Fund;

17 (C) 50% to the treasurer of the arresting law
18 enforcement agency of the municipality or county, or
19 to the State Treasurer if the arresting agency was a
20 state agency, to be deposited as provided in
21 subsection (c) of Section 10-5;

22 (D) if the arrest was made in combination with
23 multiple law enforcement agencies, the clerk shall
24 equitably allocate the portion in subparagraph (C) of
25 this paragraph (6) among the law enforcement agencies
26 involved in the arrest;

1 (8) order of protection violation under Section 12-3.4
2 of the Criminal Code of 2012, \$200 for each conviction to
3 the county treasurer for deposit into the Probation and
4 Court Services Fund for implementation of a domestic
5 violence surveillance program and any other assessments or
6 fees imposed under Section 5-9-1.16 of the Unified Code of
7 Corrections;

8 (9) order of protection violation, \$25 for each
9 violation to the State Treasurer, for deposit into the
10 Domestic Violence Abuser Services Fund;

11 (10) prosecution by the State's Attorney of a:

12 (A) petty or business offense, \$4 to the county
13 treasurer of which \$2 deposited into the State's
14 Attorney Records Automation Fund and \$2 into the
15 Public Defender Records Automation Fund;

16 (B) conservation or traffic offense, \$2 to the
17 county treasurer for deposit into the State's Attorney
18 Records Automation Fund;

19 (11) speeding in a construction zone violation, \$250
20 to the State Treasurer for deposit into the Transportation
21 Safety Highway Hire-back Fund, unless (i) the violation
22 occurred on a highway other than an interstate highway and
23 (ii) a county police officer wrote the ticket for the
24 violation, in which case to the county treasurer for
25 deposit into that county's Transportation Safety Highway
26 Hire-back Fund;

1 (12) supervision disposition on an offense under the
2 Illinois Vehicle Code or similar provision of a local
3 ordinance, 50 cents, unless waived by the court, into the
4 Prisoner Review Board Vehicle and Equipment Fund;

5 (13) victim and offender are family or household
6 members as defined in Section 103 of the Illinois Domestic
7 Violence Act of 1986 and offender pleads guilty or no
8 contest to or is convicted of murder, voluntary
9 manslaughter, involuntary manslaughter, burglary,
10 residential burglary, criminal trespass to residence,
11 criminal trespass to vehicle, criminal trespass to land,
12 criminal damage to property, telephone harassment,
13 kidnapping, aggravated kidnaping, unlawful restraint,
14 forcible detention, child abduction, indecent solicitation
15 of a child, sexual relations between siblings,
16 exploitation of a child, child pornography, assault,
17 aggravated assault, battery, aggravated battery, heinous
18 battery, aggravated battery of a child, domestic battery,
19 reckless conduct, intimidation, criminal sexual assault,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual abuse, aggravated
22 criminal sexual abuse, violation of an order of
23 protection, disorderly conduct, endangering the life or
24 health of a child, child abandonment, contributing to
25 dependency or neglect of child, or cruelty to children and
26 others, \$200 for each sentenced violation to the State

1 Treasurer for deposit as follows: (i) for sexual assault,
2 as defined in Section 5-9-1.7 of the Unified Code of
3 Corrections, when the offender and victim are family
4 members, one-half to the Domestic Violence Shelter and
5 Service Fund, and one-half to the Sexual Assault Services
6 Fund; (ii) for the remaining offenses to the Domestic
7 Violence Shelter and Service Fund;

8 (14) violation of Section 11-501 of the Illinois
9 Vehicle Code, Section 5-7 of the Snowmobile Registration
10 and Safety Act, Section 5-16 of the Boat Registration and
11 Safety Act, or a similar provision, whose operation of a
12 motor vehicle, snowmobile, or watercraft while in
13 violation of Section 11-501, Section 5-7 of the Snowmobile
14 Registration and Safety Act, Section 5-16 of the Boat
15 Registration and Safety Act, or a similar provision
16 proximately caused an incident resulting in an appropriate
17 emergency response, \$1,000 maximum to the public agency
18 that provided an emergency response related to the
19 person's violation, or as provided in subsection (c) of
20 Section 10-5 if the arresting agency was a State agency,
21 unless more than one agency was responsible for the
22 arrest, in which case the amount shall be remitted to each
23 unit of government equally;

24 (15) violation of Section 401, 407, or 407.2 of the
25 Illinois Controlled Substances Act that proximately caused
26 any incident resulting in an appropriate drug-related

1 emergency response, \$1,000 as reimbursement for the
2 emergency response to the law enforcement agency that made
3 the arrest, or as provided in subsection (c) of Section
4 10-5 if the arresting agency was a State agency, unless
5 more than one agency was responsible for the arrest, in
6 which case the amount shall be remitted to each unit of
7 government equally;

8 (16) violation of reckless driving, aggravated
9 reckless driving, or driving 26 miles per hour or more in
10 excess of the speed limit that triggered an emergency
11 response, \$1,000 maximum reimbursement for the emergency
12 response to be distributed in its entirety to a public
13 agency that provided an emergency response related to the
14 person's violation, or as provided in subsection (c) of
15 Section 10-5 if the arresting agency was a State agency,
16 unless more than one agency was responsible for the
17 arrest, in which case the amount shall be remitted to each
18 unit of government equally;

19 (17) violation based upon each plea of guilty,
20 stipulation of facts, or finding of guilt resulting in a
21 judgment of conviction or order of supervision for an
22 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
23 the Criminal Code of 2012 that results in the imposition
24 of a fine, to be distributed as follows:

25 (A) \$50 to the county treasurer for deposit into
26 the Circuit Court Clerk Operation and Administrative

1 Fund to cover the costs in administering this
2 paragraph (17);

3 (B) \$300 to the State Treasurer who shall deposit
4 the portion as follows:

5 (i) if the arresting or investigating agency
6 is the Illinois State Police, into the State
7 Police Law Enforcement Administration Fund;

8 (ii) if the arresting or investigating agency
9 is the Department of Natural Resources, into the
10 Conservation Police Operations Assistance Fund;

11 (iii) if the arresting or investigating agency
12 is the Secretary of State, into the Secretary of
13 State Police Services Fund;

14 (iv) if the arresting or investigating agency
15 is the Illinois Commerce Commission, into the
16 Transportation Regulatory Fund; or

17 (v) if more than one of the State agencies in
18 this subparagraph (B) is the arresting or
19 investigating agency, then equal shares with the
20 shares deposited as provided in the applicable
21 items (i) through (iv) of this subparagraph (B);
22 and

23 (C) the remainder for deposit into the Specialized
24 Services for Survivors of Human Trafficking Fund;

25 (18) weapons violation under Section 24-1.1, 24-1.2,
26 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, \$100 for each conviction to the State Treasurer
2 for deposit into the Trauma Center Fund; and

3 (19) violation of subsection (c) of Section 11-907 of
4 the Illinois Vehicle Code, \$250 to the State Treasurer for
5 deposit into the Scott's Law Fund, unless a county or
6 municipal police officer wrote the ticket for the
7 violation, in which case to the county treasurer for
8 deposit into that county's or municipality's
9 Transportation Safety Highway Hire-back Fund to be used as
10 provided in subsection (j) of Section 11-907 of the
11 Illinois Vehicle Code.

12 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;
13 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
14 8-20-21; revised 10-13-21.)

15 Section 595. The Juvenile Court Act of 1987 is amended by
16 setting forth and renumbering multiple versions of Section
17 1-4.2 and by changing Sections 1-7, 1-8, 2-10, 2-28, 5-501,
18 and 5-901 as follows:

19 (705 ILCS 405/1-4.2)

20 Sec. 1-4.2. Trauma-sensitive transport.

21 (a) The Department of Children and Family Services shall
22 ensure the provision of trauma-sensitive transport to minors
23 placed in its care in accordance with this Act.
24 Notwithstanding any other law to the contrary, no minor shall

1 be subjected to restraints, as defined in Section 4e of the
2 Children and Family Services Act, during the provision of any
3 transportation services provided or arranged by the Department
4 of Children and Family Services or its contractual assigns.

5 (b) The Department of Children and Family Services'
6 application to the court for approval of an individualized
7 trauma-sensitive transportation plan must include a copy of
8 the plan developed in accordance with Section 4e of the
9 Children and Family Services Act and the written approval of
10 the Department as required by paragraph (2) of subsection (e)
11 of Section 4e of the Children and Family Services Act.

12 (c) When considering whether to approve the individualized
13 trauma-sensitive transportation plan, the court shall consider
14 the minor's best interest and the following additional
15 factors: the reason for the transport, the type of placement
16 the minor is being transported from and to, the anticipated
17 length of travel, the clinical needs of the minor, including
18 any medical or emotional needs, any available less restrictive
19 alternatives, and any other factor the court deems relevant.
20 The court may require amendments to the minor's
21 trauma-sensitive individualized transportation plan based on
22 written findings of fact that the plan, as written, is not in
23 the minor's best interest.

24 (Source: P.A. 102-649, eff. 8-27-21.)

1 Sec. 1-4.3 ~~1-4.2~~. Special immigrant minor.

2 (a) The court hearing a case under this Act has
3 jurisdiction to make the findings necessary to enable a minor
4 who has been adjudicated a ward of the court to petition the
5 United States Citizenship and Immigration Services for
6 classification as a special immigrant juvenile under 8 U.S.C.
7 1101(a)(27)(J). A minor for whom the court finds under
8 subsection (b) shall remain under the jurisdiction of the
9 court until his or her special immigrant juvenile petition is
10 filed with the United States Citizenship and Immigration
11 Services, or its successor agency.

12 (b) If a motion requests findings regarding Special
13 Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and
14 the evidence, which may consist solely of, but is not limited
15 to, a declaration of the minor, supports the findings, the
16 court shall issue an order that includes the following
17 findings:

18 (1) the minor is:

19 (i) declared a dependent of the court; or

20 (ii) legally committed to, or placed under the
21 custody of, a State agency or department, or an
22 individual or entity appointed by the court;

23 (2) that reunification of the minor with one or both
24 of the minor's parents is not viable due to abuse,
25 neglect, abandonment, or other similar basis; and

26 (3) that it is not in the best interest of the minor to

1 be returned to the minor's or parent's previous country of
2 nationality or last habitual residence.

3 (c) For purposes of this Section:

4 "Abandonment" means, but is not limited to, the failure of
5 a parent or legal guardian to maintain a reasonable degree of
6 interest, concern, or responsibility for the welfare of his or
7 her minor child or ward. "Abandonment" includes the definition
8 of "dependency" provided in Section 2-4.

9 "Abuse" has the meaning provided in Section 2-3.

10 "Neglect" has the meaning provided in Section 2-3.

11 (Source: P.A. 102-259, eff. 8-6-21; revised 11-18-21.)

12 (705 ILCS 405/1-7)

13 (Text of Section before amendment by P.A. 101-652)

14 Sec. 1-7. Confidentiality of juvenile law enforcement and
15 municipal ordinance violation records.

16 (A) All juvenile law enforcement records which have not
17 been expunged are confidential and may never be disclosed to
18 the general public or otherwise made widely available.
19 Juvenile law enforcement records may be obtained only under
20 this Section and Section 1-8 and Part 9 of Article V of this
21 Act, when their use is needed for good cause and with an order
22 from the juvenile court, as required by those not authorized
23 to retain them. Inspection, copying, and disclosure of
24 juvenile law enforcement records maintained by law enforcement
25 agencies or records of municipal ordinance violations

1 maintained by any State, local, or municipal agency that
2 relate to a minor who has been investigated, arrested, or
3 taken into custody before his or her 18th birthday shall be
4 restricted to the following:

5 (0.05) The minor who is the subject of the juvenile
6 law enforcement record, his or her parents, guardian, and
7 counsel.

8 (0.10) Judges of the circuit court and members of the
9 staff of the court designated by the judge.

10 (0.15) An administrative adjudication hearing officer
11 or members of the staff designated to assist in the
12 administrative adjudication process.

13 (1) Any local, State, or federal law enforcement
14 officers or designated law enforcement staff of any
15 jurisdiction or agency when necessary for the discharge of
16 their official duties during the investigation or
17 prosecution of a crime or relating to a minor who has been
18 adjudicated delinquent and there has been a previous
19 finding that the act which constitutes the previous
20 offense was committed in furtherance of criminal
21 activities by a criminal street gang, or, when necessary
22 for the discharge of its official duties in connection
23 with a particular investigation of the conduct of a law
24 enforcement officer, an independent agency or its staff
25 created by ordinance and charged by a unit of local
26 government with the duty of investigating the conduct of

1 law enforcement officers. For purposes of this Section,
2 "criminal street gang" has the meaning ascribed to it in
3 Section 10 of the Illinois Streetgang Terrorism Omnibus
4 Prevention Act.

5 (2) Prosecutors, public defenders, probation officers,
6 social workers, or other individuals assigned by the court
7 to conduct a pre-adjudication or pre-disposition
8 investigation, and individuals responsible for supervising
9 or providing temporary or permanent care and custody for
10 minors under the order of the juvenile court, when
11 essential to performing their responsibilities.

12 (3) Federal, State, or local prosecutors, public
13 defenders, probation officers, and designated staff:

14 (a) in the course of a trial when institution of
15 criminal proceedings has been permitted or required
16 under Section 5-805;

17 (b) when institution of criminal proceedings has
18 been permitted or required under Section 5-805 and the
19 minor is the subject of a proceeding to determine the
20 amount of bail;

21 (c) when criminal proceedings have been permitted
22 or required under Section 5-805 and the minor is the
23 subject of a pre-trial investigation, pre-sentence
24 investigation, fitness hearing, or proceedings on an
25 application for probation; or

26 (d) in the course of prosecution or administrative

1 adjudication of a violation of a traffic, boating, or
2 fish and game law, or a county or municipal ordinance.

3 (4) Adult and Juvenile Prisoner Review Board.

4 (5) Authorized military personnel.

5 (5.5) Employees of the federal government authorized
6 by law.

7 (6) Persons engaged in bona fide research, with the
8 permission of the Presiding Judge and the chief executive
9 of the respective law enforcement agency; provided that
10 publication of such research results in no disclosure of a
11 minor's identity and protects the confidentiality of the
12 minor's record.

13 (7) Department of Children and Family Services child
14 protection investigators acting in their official
15 capacity.

16 (8) The appropriate school official only if the agency
17 or officer believes that there is an imminent threat of
18 physical harm to students, school personnel, or others who
19 are present in the school or on school grounds.

20 (A) Inspection and copying shall be limited to
21 juvenile law enforcement records transmitted to the
22 appropriate school official or officials whom the
23 school has determined to have a legitimate educational
24 or safety interest by a local law enforcement agency
25 under a reciprocal reporting system established and
26 maintained between the school district and the local

1 law enforcement agency under Section 10-20.14 of the
2 School Code concerning a minor enrolled in a school
3 within the school district who has been arrested or
4 taken into custody for any of the following offenses:

5 (i) any violation of Article 24 of the
6 Criminal Code of 1961 or the Criminal Code of
7 2012;

8 (ii) a violation of the Illinois Controlled
9 Substances Act;

10 (iii) a violation of the Cannabis Control Act;

11 (iv) a forcible felony as defined in Section
12 2-8 of the Criminal Code of 1961 or the Criminal
13 Code of 2012;

14 (v) a violation of the Methamphetamine Control
15 and Community Protection Act;

16 (vi) a violation of Section 1-2 of the
17 Harassing and Obscene Communications Act;

18 (vii) a violation of the Hazing Act; or

19 (viii) a violation of Section 12-1, 12-2,
20 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
21 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
22 Criminal Code of 1961 or the Criminal Code of
23 2012.

24 The information derived from the juvenile law
25 enforcement records shall be kept separate from and
26 shall not become a part of the official school record

1 of that child and shall not be a public record. The
2 information shall be used solely by the appropriate
3 school official or officials whom the school has
4 determined to have a legitimate educational or safety
5 interest to aid in the proper rehabilitation of the
6 child and to protect the safety of students and
7 employees in the school. If the designated law
8 enforcement and school officials deem it to be in the
9 best interest of the minor, the student may be
10 referred to in-school or community-based social
11 services if those services are available.
12 "Rehabilitation services" may include interventions by
13 school support personnel, evaluation for eligibility
14 for special education, referrals to community-based
15 agencies such as youth services, behavioral healthcare
16 service providers, drug and alcohol prevention or
17 treatment programs, and other interventions as deemed
18 appropriate for the student.

19 (B) Any information provided to appropriate school
20 officials whom the school has determined to have a
21 legitimate educational or safety interest by local law
22 enforcement officials about a minor who is the subject
23 of a current police investigation that is directly
24 related to school safety shall consist of oral
25 information only, and not written juvenile law
26 enforcement records, and shall be used solely by the

1 appropriate school official or officials to protect
2 the safety of students and employees in the school and
3 aid in the proper rehabilitation of the child. The
4 information derived orally from the local law
5 enforcement officials shall be kept separate from and
6 shall not become a part of the official school record
7 of the child and shall not be a public record. This
8 limitation on the use of information about a minor who
9 is the subject of a current police investigation shall
10 in no way limit the use of this information by
11 prosecutors in pursuing criminal charges arising out
12 of the information disclosed during a police
13 investigation of the minor. For purposes of this
14 paragraph, "investigation" means an official
15 systematic inquiry by a law enforcement agency into
16 actual or suspected criminal activity.

17 (9) Mental health professionals on behalf of the
18 Department of Corrections or the Department of Human
19 Services or prosecutors who are evaluating, prosecuting,
20 or investigating a potential or actual petition brought
21 under the Sexually Violent Persons Commitment Act relating
22 to a person who is the subject of juvenile law enforcement
23 records or the respondent to a petition brought under the
24 Sexually Violent Persons Commitment Act who is the subject
25 of the juvenile law enforcement records sought. Any
26 juvenile law enforcement records and any information

1 obtained from those juvenile law enforcement records under
2 this paragraph (9) may be used only in sexually violent
3 persons commitment proceedings.

4 (10) The president of a park district. Inspection and
5 copying shall be limited to juvenile law enforcement
6 records transmitted to the president of the park district
7 by the Illinois State Police under Section 8-23 of the
8 Park District Code or Section 16a-5 of the Chicago Park
9 District Act concerning a person who is seeking employment
10 with that park district and who has been adjudicated a
11 juvenile delinquent for any of the offenses listed in
12 subsection (c) of Section 8-23 of the Park District Code
13 or subsection (c) of Section 16a-5 of the Chicago Park
14 District Act.

15 (11) Persons managing and designated to participate in
16 a court diversion program as designated in subsection (6)
17 of Section 5-105.

18 (12) The Public Access Counselor of the Office of the
19 Attorney General, when reviewing juvenile law enforcement
20 records under its powers and duties under the Freedom of
21 Information Act.

22 (13) Collection agencies, contracted or otherwise
23 engaged by a governmental entity, to collect any debts due
24 and owing to the governmental entity.

25 (B)(1) Except as provided in paragraph (2), no law
26 enforcement officer or other person or agency may knowingly

1 transmit to the Department of Corrections, the Illinois State
2 Police, or the Federal Bureau of Investigation any fingerprint
3 or photograph relating to a minor who has been arrested or
4 taken into custody before his or her 18th birthday, unless the
5 court in proceedings under this Act authorizes the
6 transmission or enters an order under Section 5-805 permitting
7 or requiring the institution of criminal proceedings.

8 (2) Law enforcement officers or other persons or agencies
9 shall transmit to the Illinois State Police copies of
10 fingerprints and descriptions of all minors who have been
11 arrested or taken into custody before their 18th birthday for
12 the offense of unlawful use of weapons under Article 24 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
14 or Class 1 felony, a forcible felony as defined in Section 2-8
15 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
16 Class 2 or greater felony under the Cannabis Control Act, the
17 Illinois Controlled Substances Act, the Methamphetamine
18 Control and Community Protection Act, or Chapter 4 of the
19 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
20 Identification Act. Information reported to the Department
21 pursuant to this Section may be maintained with records that
22 the Department files pursuant to Section 2.1 of the Criminal
23 Identification Act. Nothing in this Act prohibits a law
24 enforcement agency from fingerprinting a minor taken into
25 custody or arrested before his or her 18th birthday for an
26 offense other than those listed in this paragraph (2).

1 (C) The records of law enforcement officers, or of an
2 independent agency created by ordinance and charged by a unit
3 of local government with the duty of investigating the conduct
4 of law enforcement officers, concerning all minors under 18
5 years of age must be maintained separate from the records of
6 arrests and may not be open to public inspection or their
7 contents disclosed to the public. For purposes of obtaining
8 documents under this Section, a civil subpoena is not an order
9 of the court.

10 (1) In cases where the law enforcement, or independent
11 agency, records concern a pending juvenile court case, the
12 party seeking to inspect the records shall provide actual
13 notice to the attorney or guardian ad litem of the minor
14 whose records are sought.

15 (2) In cases where the records concern a juvenile
16 court case that is no longer pending, the party seeking to
17 inspect the records shall provide actual notice to the
18 minor or the minor's parent or legal guardian, and the
19 matter shall be referred to the chief judge presiding over
20 matters pursuant to this Act.

21 (3) In determining whether the records should be
22 available for inspection, the court shall consider the
23 minor's interest in confidentiality and rehabilitation
24 over the moving party's interest in obtaining the
25 information. Any records obtained in violation of this
26 subsection (C) shall not be admissible in any criminal or

1 civil proceeding, or operate to disqualify a minor from
2 subsequently holding public office or securing employment,
3 or operate as a forfeiture of any public benefit, right,
4 privilege, or right to receive any license granted by
5 public authority.

6 (D) Nothing contained in subsection (C) of this Section
7 shall prohibit the inspection or disclosure to victims and
8 witnesses of photographs contained in the records of law
9 enforcement agencies when the inspection and disclosure is
10 conducted in the presence of a law enforcement officer for the
11 purpose of the identification or apprehension of any person
12 subject to the provisions of this Act or for the investigation
13 or prosecution of any crime.

14 (E) Law enforcement officers, and personnel of an
15 independent agency created by ordinance and charged by a unit
16 of local government with the duty of investigating the conduct
17 of law enforcement officers, may not disclose the identity of
18 any minor in releasing information to the general public as to
19 the arrest, investigation or disposition of any case involving
20 a minor.

21 (F) Nothing contained in this Section shall prohibit law
22 enforcement agencies from communicating with each other by
23 letter, memorandum, teletype, or intelligence alert bulletin
24 or other means the identity or other relevant information
25 pertaining to a person under 18 years of age if there are
26 reasonable grounds to believe that the person poses a real and

1 present danger to the safety of the public or law enforcement
2 officers. The information provided under this subsection (F)
3 shall remain confidential and shall not be publicly disclosed,
4 except as otherwise allowed by law.

5 (G) Nothing in this Section shall prohibit the right of a
6 Civil Service Commission or appointing authority of any
7 federal government, state, county or municipality examining
8 the character and fitness of an applicant for employment with
9 a law enforcement agency, correctional institution, or fire
10 department from obtaining and examining the records of any law
11 enforcement agency relating to any record of the applicant
12 having been arrested or taken into custody before the
13 applicant's 18th birthday.

14 (G-5) Information identifying victims and alleged victims
15 of sex offenses shall not be disclosed or open to the public
16 under any circumstances. Nothing in this Section shall
17 prohibit the victim or alleged victim of any sex offense from
18 voluntarily disclosing his or her own identity.

19 (H) The changes made to this Section by Public Act 98-61
20 apply to law enforcement records of a minor who has been
21 arrested or taken into custody on or after January 1, 2014 (the
22 effective date of Public Act 98-61).

23 (H-5) Nothing in this Section shall require any court or
24 adjudicative proceeding for traffic, boating, fish and game
25 law, or municipal and county ordinance violations to be closed
26 to the public.

1 (I) Willful violation of this Section is a Class C
2 misdemeanor and each violation is subject to a fine of \$1,000.
3 This subsection (I) shall not apply to the person who is the
4 subject of the record.

5 (J) A person convicted of violating this Section is liable
6 for damages in the amount of \$1,000 or actual damages,
7 whichever is greater.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (Text of Section after amendment by P.A. 101-652)

10 Sec. 1-7. Confidentiality of juvenile law enforcement and
11 municipal ordinance violation records.

12 (A) All juvenile law enforcement records which have not
13 been expunged are confidential and may never be disclosed to
14 the general public or otherwise made widely available.
15 Juvenile law enforcement records may be obtained only under
16 this Section and Section 1-8 and Part 9 of Article V of this
17 Act, when their use is needed for good cause and with an order
18 from the juvenile court, as required by those not authorized
19 to retain them. Inspection, copying, and disclosure of
20 juvenile law enforcement records maintained by law enforcement
21 agencies or records of municipal ordinance violations
22 maintained by any State, local, or municipal agency that
23 relate to a minor who has been investigated, arrested, or
24 taken into custody before his or her 18th birthday shall be
25 restricted to the following:

1 (0.05) The minor who is the subject of the juvenile
2 law enforcement record, his or her parents, guardian, and
3 counsel.

4 (0.10) Judges of the circuit court and members of the
5 staff of the court designated by the judge.

6 (0.15) An administrative adjudication hearing officer
7 or members of the staff designated to assist in the
8 administrative adjudication process.

9 (1) Any local, State, or federal law enforcement
10 officers or designated law enforcement staff of any
11 jurisdiction or agency when necessary for the discharge of
12 their official duties during the investigation or
13 prosecution of a crime or relating to a minor who has been
14 adjudicated delinquent and there has been a previous
15 finding that the act which constitutes the previous
16 offense was committed in furtherance of criminal
17 activities by a criminal street gang, or, when necessary
18 for the discharge of its official duties in connection
19 with a particular investigation of the conduct of a law
20 enforcement officer, an independent agency or its staff
21 created by ordinance and charged by a unit of local
22 government with the duty of investigating the conduct of
23 law enforcement officers. For purposes of this Section,
24 "criminal street gang" has the meaning ascribed to it in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (2) Prosecutors, public defenders, probation officers,
2 social workers, or other individuals assigned by the court
3 to conduct a pre-adjudication or pre-disposition
4 investigation, and individuals responsible for supervising
5 or providing temporary or permanent care and custody for
6 minors under the order of the juvenile court, when
7 essential to performing their responsibilities.

8 (3) Federal, State, or local prosecutors, public
9 defenders, probation officers, and designated staff:

10 (a) in the course of a trial when institution of
11 criminal proceedings has been permitted or required
12 under Section 5-805;

13 (b) when institution of criminal proceedings has
14 been permitted or required under Section 5-805 and the
15 minor is the subject of a proceeding to determine the
16 conditions of pretrial release;

17 (c) when criminal proceedings have been permitted
18 or required under Section 5-805 and the minor is the
19 subject of a pre-trial investigation, pre-sentence
20 investigation, fitness hearing, or proceedings on an
21 application for probation; or

22 (d) in the course of prosecution or administrative
23 adjudication of a violation of a traffic, boating, or
24 fish and game law, or a county or municipal ordinance.

25 (4) Adult and Juvenile Prisoner Review Board.

26 (5) Authorized military personnel.

1 (5.5) Employees of the federal government authorized
2 by law.

3 (6) Persons engaged in bona fide research, with the
4 permission of the Presiding Judge and the chief executive
5 of the respective law enforcement agency; provided that
6 publication of such research results in no disclosure of a
7 minor's identity and protects the confidentiality of the
8 minor's record.

9 (7) Department of Children and Family Services child
10 protection investigators acting in their official
11 capacity.

12 (8) The appropriate school official only if the agency
13 or officer believes that there is an imminent threat of
14 physical harm to students, school personnel, or others who
15 are present in the school or on school grounds.

16 (A) Inspection and copying shall be limited to
17 juvenile law enforcement records transmitted to the
18 appropriate school official or officials whom the
19 school has determined to have a legitimate educational
20 or safety interest by a local law enforcement agency
21 under a reciprocal reporting system established and
22 maintained between the school district and the local
23 law enforcement agency under Section 10-20.14 of the
24 School Code concerning a minor enrolled in a school
25 within the school district who has been arrested or
26 taken into custody for any of the following offenses:

1 (i) any violation of Article 24 of the
2 Criminal Code of 1961 or the Criminal Code of
3 2012;

4 (ii) a violation of the Illinois Controlled
5 Substances Act;

6 (iii) a violation of the Cannabis Control Act;

7 (iv) a forcible felony as defined in Section
8 2-8 of the Criminal Code of 1961 or the Criminal
9 Code of 2012;

10 (v) a violation of the Methamphetamine Control
11 and Community Protection Act;

12 (vi) a violation of Section 1-2 of the
13 Harassing and Obscene Communications Act;

14 (vii) a violation of the Hazing Act; or

15 (viii) a violation of Section 12-1, 12-2,
16 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
17 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
18 Criminal Code of 1961 or the Criminal Code of
19 2012.

20 The information derived from the juvenile law
21 enforcement records shall be kept separate from and
22 shall not become a part of the official school record
23 of that child and shall not be a public record. The
24 information shall be used solely by the appropriate
25 school official or officials whom the school has
26 determined to have a legitimate educational or safety

1 interest to aid in the proper rehabilitation of the
2 child and to protect the safety of students and
3 employees in the school. If the designated law
4 enforcement and school officials deem it to be in the
5 best interest of the minor, the student may be
6 referred to in-school or community-based social
7 services if those services are available.
8 "Rehabilitation services" may include interventions by
9 school support personnel, evaluation for eligibility
10 for special education, referrals to community-based
11 agencies such as youth services, behavioral healthcare
12 service providers, drug and alcohol prevention or
13 treatment programs, and other interventions as deemed
14 appropriate for the student.

15 (B) Any information provided to appropriate school
16 officials whom the school has determined to have a
17 legitimate educational or safety interest by local law
18 enforcement officials about a minor who is the subject
19 of a current police investigation that is directly
20 related to school safety shall consist of oral
21 information only, and not written juvenile law
22 enforcement records, and shall be used solely by the
23 appropriate school official or officials to protect
24 the safety of students and employees in the school and
25 aid in the proper rehabilitation of the child. The
26 information derived orally from the local law

1 enforcement officials shall be kept separate from and
2 shall not become a part of the official school record
3 of the child and shall not be a public record. This
4 limitation on the use of information about a minor who
5 is the subject of a current police investigation shall
6 in no way limit the use of this information by
7 prosecutors in pursuing criminal charges arising out
8 of the information disclosed during a police
9 investigation of the minor. For purposes of this
10 paragraph, "investigation" means an official
11 systematic inquiry by a law enforcement agency into
12 actual or suspected criminal activity.

13 (9) Mental health professionals on behalf of the
14 Department of Corrections or the Department of Human
15 Services or prosecutors who are evaluating, prosecuting,
16 or investigating a potential or actual petition brought
17 under the Sexually Violent Persons Commitment Act relating
18 to a person who is the subject of juvenile law enforcement
19 records or the respondent to a petition brought under the
20 Sexually Violent Persons Commitment Act who is the subject
21 of the juvenile law enforcement records sought. Any
22 juvenile law enforcement records and any information
23 obtained from those juvenile law enforcement records under
24 this paragraph (9) may be used only in sexually violent
25 persons commitment proceedings.

26 (10) The president of a park district. Inspection and

1 copying shall be limited to juvenile law enforcement
2 records transmitted to the president of the park district
3 by the Illinois State Police under Section 8-23 of the
4 Park District Code or Section 16a-5 of the Chicago Park
5 District Act concerning a person who is seeking employment
6 with that park district and who has been adjudicated a
7 juvenile delinquent for any of the offenses listed in
8 subsection (c) of Section 8-23 of the Park District Code
9 or subsection (c) of Section 16a-5 of the Chicago Park
10 District Act.

11 (11) Persons managing and designated to participate in
12 a court diversion program as designated in subsection (6)
13 of Section 5-105.

14 (12) The Public Access Counselor of the Office of the
15 Attorney General, when reviewing juvenile law enforcement
16 records under its powers and duties under the Freedom of
17 Information Act.

18 (13) Collection agencies, contracted or otherwise
19 engaged by a governmental entity, to collect any debts due
20 and owing to the governmental entity.

21 (B)(1) Except as provided in paragraph (2), no law
22 enforcement officer or other person or agency may knowingly
23 transmit to the Department of Corrections, the Illinois State
24 Police, or the Federal Bureau of Investigation any fingerprint
25 or photograph relating to a minor who has been arrested or
26 taken into custody before his or her 18th birthday, unless the

1 court in proceedings under this Act authorizes the
2 transmission or enters an order under Section 5-805 permitting
3 or requiring the institution of criminal proceedings.

4 (2) Law enforcement officers or other persons or agencies
5 shall transmit to the Illinois State Police copies of
6 fingerprints and descriptions of all minors who have been
7 arrested or taken into custody before their 18th birthday for
8 the offense of unlawful use of weapons under Article 24 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, a Class X
10 or Class 1 felony, a forcible felony as defined in Section 2-8
11 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
12 Class 2 or greater felony under the Cannabis Control Act, the
13 Illinois Controlled Substances Act, the Methamphetamine
14 Control and Community Protection Act, or Chapter 4 of the
15 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
16 Identification Act. Information reported to the Department
17 pursuant to this Section may be maintained with records that
18 the Department files pursuant to Section 2.1 of the Criminal
19 Identification Act. Nothing in this Act prohibits a law
20 enforcement agency from fingerprinting a minor taken into
21 custody or arrested before his or her 18th birthday for an
22 offense other than those listed in this paragraph (2).

23 (C) The records of law enforcement officers, or of an
24 independent agency created by ordinance and charged by a unit
25 of local government with the duty of investigating the conduct
26 of law enforcement officers, concerning all minors under 18

1 years of age must be maintained separate from the records of
2 arrests and may not be open to public inspection or their
3 contents disclosed to the public. For purposes of obtaining
4 documents under this Section, a civil subpoena is not an order
5 of the court.

6 (1) In cases where the law enforcement, or independent
7 agency, records concern a pending juvenile court case, the
8 party seeking to inspect the records shall provide actual
9 notice to the attorney or guardian ad litem of the minor
10 whose records are sought.

11 (2) In cases where the records concern a juvenile
12 court case that is no longer pending, the party seeking to
13 inspect the records shall provide actual notice to the
14 minor or the minor's parent or legal guardian, and the
15 matter shall be referred to the chief judge presiding over
16 matters pursuant to this Act.

17 (3) In determining whether the records should be
18 available for inspection, the court shall consider the
19 minor's interest in confidentiality and rehabilitation
20 over the moving party's interest in obtaining the
21 information. Any records obtained in violation of this
22 subsection (C) shall not be admissible in any criminal or
23 civil proceeding, or operate to disqualify a minor from
24 subsequently holding public office or securing employment,
25 or operate as a forfeiture of any public benefit, right,
26 privilege, or right to receive any license granted by

1 public authority.

2 (D) Nothing contained in subsection (C) of this Section
3 shall prohibit the inspection or disclosure to victims and
4 witnesses of photographs contained in the records of law
5 enforcement agencies when the inspection and disclosure is
6 conducted in the presence of a law enforcement officer for the
7 purpose of the identification or apprehension of any person
8 subject to the provisions of this Act or for the investigation
9 or prosecution of any crime.

10 (E) Law enforcement officers, and personnel of an
11 independent agency created by ordinance and charged by a unit
12 of local government with the duty of investigating the conduct
13 of law enforcement officers, may not disclose the identity of
14 any minor in releasing information to the general public as to
15 the arrest, investigation or disposition of any case involving
16 a minor.

17 (F) Nothing contained in this Section shall prohibit law
18 enforcement agencies from communicating with each other by
19 letter, memorandum, teletype, or intelligence alert bulletin
20 or other means the identity or other relevant information
21 pertaining to a person under 18 years of age if there are
22 reasonable grounds to believe that the person poses a real and
23 present danger to the safety of the public or law enforcement
24 officers. The information provided under this subsection (F)
25 shall remain confidential and shall not be publicly disclosed,
26 except as otherwise allowed by law.

1 (G) Nothing in this Section shall prohibit the right of a
2 Civil Service Commission or appointing authority of any
3 federal government, state, county or municipality examining
4 the character and fitness of an applicant for employment with
5 a law enforcement agency, correctional institution, or fire
6 department from obtaining and examining the records of any law
7 enforcement agency relating to any record of the applicant
8 having been arrested or taken into custody before the
9 applicant's 18th birthday.

10 (G-5) Information identifying victims and alleged victims
11 of sex offenses shall not be disclosed or open to the public
12 under any circumstances. Nothing in this Section shall
13 prohibit the victim or alleged victim of any sex offense from
14 voluntarily disclosing his or her own identity.

15 (H) The changes made to this Section by Public Act 98-61
16 apply to law enforcement records of a minor who has been
17 arrested or taken into custody on or after January 1, 2014 (the
18 effective date of Public Act 98-61).

19 (H-5) Nothing in this Section shall require any court or
20 adjudicative proceeding for traffic, boating, fish and game
21 law, or municipal and county ordinance violations to be closed
22 to the public.

23 (I) Willful violation of this Section is a Class C
24 misdemeanor and each violation is subject to a fine of \$1,000.
25 This subsection (I) shall not apply to the person who is the
26 subject of the record.

1 (J) A person convicted of violating this Section is liable
2 for damages in the amount of \$1,000 or actual damages,
3 whichever is greater.

4 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
5 revised 10-13-21.)

6 (705 ILCS 405/1-8)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 1-8. Confidentiality and accessibility of juvenile
9 court records.

10 (A) A juvenile adjudication shall never be considered a
11 conviction nor shall an adjudicated individual be considered a
12 criminal. Unless expressly allowed by law, a juvenile
13 adjudication shall not operate to impose upon the individual
14 any of the civil disabilities ordinarily imposed by or
15 resulting from conviction. Unless expressly allowed by law,
16 adjudications shall not prejudice or disqualify the individual
17 in any civil service application or appointment, from holding
18 public office, or from receiving any license granted by public
19 authority. All juvenile court records which have not been
20 expunged are sealed and may never be disclosed to the general
21 public or otherwise made widely available. Sealed juvenile
22 court records may be obtained only under this Section and
23 Section 1-7 and Part 9 of Article V of this Act, when their use
24 is needed for good cause and with an order from the juvenile
25 court. Inspection and copying of juvenile court records

1 relating to a minor who is the subject of a proceeding under
2 this Act shall be restricted to the following:

3 (1) The minor who is the subject of record, his or her
4 parents, guardian, and counsel.

5 (2) Law enforcement officers and law enforcement
6 agencies when such information is essential to executing
7 an arrest or search warrant or other compulsory process,
8 or to conducting an ongoing investigation or relating to a
9 minor who has been adjudicated delinquent and there has
10 been a previous finding that the act which constitutes the
11 previous offense was committed in furtherance of criminal
12 activities by a criminal street gang.

13 Before July 1, 1994, for the purposes of this Section,
14 "criminal street gang" means any ongoing organization,
15 association, or group of 3 or more persons, whether formal
16 or informal, having as one of its primary activities the
17 commission of one or more criminal acts and that has a
18 common name or common identifying sign, symbol or specific
19 color apparel displayed, and whose members individually or
20 collectively engage in or have engaged in a pattern of
21 criminal activity.

22 Beginning July 1, 1994, for purposes of this Section,
23 "criminal street gang" has the meaning ascribed to it in
24 Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 (3) Judges, hearing officers, prosecutors, public

1 defenders, probation officers, social workers, or other
2 individuals assigned by the court to conduct a
3 pre-adjudication or pre-disposition investigation, and
4 individuals responsible for supervising or providing
5 temporary or permanent care and custody for minors under
6 the order of the juvenile court when essential to
7 performing their responsibilities.

8 (4) Judges, federal, State, and local prosecutors,
9 public defenders, probation officers, and designated
10 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 criminal proceedings have been permitted
15 or required under Section 5-805 and a minor is the
16 subject of a proceeding to determine the amount of
17 bail;

18 (c) when criminal proceedings have been permitted
19 or required under Section 5-805 and a minor is the
20 subject of a pre-trial investigation, pre-sentence
21 investigation or fitness hearing, or proceedings on an
22 application for probation; or

23 (d) when a minor becomes 18 years of age or older,
24 and is the subject of criminal proceedings, including
25 a hearing to determine the amount of bail, a pre-trial
26 investigation, a pre-sentence investigation, a fitness

1 hearing, or proceedings on an application for
2 probation.

3 (5) Adult and Juvenile Prisoner Review Boards.

4 (6) Authorized military personnel.

5 (6.5) Employees of the federal government authorized
6 by law.

7 (7) Victims, their subrogees and legal
8 representatives; however, such persons shall have access
9 only to the name and address of the minor and information
10 pertaining to the disposition or alternative adjustment
11 plan of the juvenile court.

12 (8) Persons engaged in bona fide research, with the
13 permission of the presiding judge of the juvenile court
14 and the chief executive of the agency that prepared the
15 particular records; provided that publication of such
16 research results in no disclosure of a minor's identity
17 and protects the confidentiality of the record.

18 (9) The Secretary of State to whom the Clerk of the
19 Court shall report the disposition of all cases, as
20 required in Section 6-204 of the Illinois Vehicle Code.
21 However, information reported relative to these offenses
22 shall be privileged and available only to the Secretary of
23 State, courts, and police officers.

24 (10) The administrator of a bonafide substance abuse
25 student assistance program with the permission of the
26 presiding judge of the juvenile court.

1 (11) Mental health professionals on behalf of the
2 Department of Corrections or the Department of Human
3 Services or prosecutors who are evaluating, prosecuting,
4 or investigating a potential or actual petition brought
5 under the Sexually Violent Persons Commitment Act relating
6 to a person who is the subject of juvenile court records or
7 the respondent to a petition brought under the Sexually
8 Violent Persons Commitment Act, who is the subject of
9 juvenile court records sought. Any records and any
10 information obtained from those records under this
11 paragraph (11) may be used only in sexually violent
12 persons commitment proceedings.

13 (12) Collection agencies, contracted or otherwise
14 engaged by a governmental entity, to collect any debts due
15 and owing to the governmental entity.

16 (A-1) Findings and exclusions of paternity entered in
17 proceedings occurring under Article II of this Act shall be
18 disclosed, in a manner and form approved by the Presiding
19 Judge of the Juvenile Court, to the Department of Healthcare
20 and Family Services when necessary to discharge the duties of
21 the Department of Healthcare and Family Services under Article
22 X of the Illinois Public Aid Code.

23 (B) A minor who is the victim in a juvenile proceeding
24 shall be provided the same confidentiality regarding
25 disclosure of identity as the minor who is the subject of
26 record.

1 (C)(0.1) In cases where the records concern a pending
2 juvenile court case, the requesting party seeking to inspect
3 the juvenile court records shall provide actual notice to the
4 attorney or guardian ad litem of the minor whose records are
5 sought.

6 (0.2) In cases where the juvenile court records concern a
7 juvenile court case that is no longer pending, the requesting
8 party seeking to inspect the juvenile court records shall
9 provide actual notice to the minor or the minor's parent or
10 legal guardian, and the matter shall be referred to the chief
11 judge presiding over matters pursuant to this Act.

12 (0.3) In determining whether juvenile court records should
13 be made available for inspection and whether inspection should
14 be limited to certain parts of the file, the court shall
15 consider the minor's interest in confidentiality and
16 rehabilitation over the requesting party's interest in
17 obtaining the information. The State's Attorney, the minor,
18 and the minor's parents, guardian, and counsel shall at all
19 times have the right to examine court files and records.

20 (0.4) Any records obtained in violation of this Section
21 shall not be admissible in any criminal or civil proceeding,
22 or operate to disqualify a minor from subsequently holding
23 public office, or operate as a forfeiture of any public
24 benefit, right, privilege, or right to receive any license
25 granted by public authority.

26 (D) Pending or following any adjudication of delinquency

1 for any offense defined in Sections 11-1.20 through 11-1.60 or
2 12-13 through 12-16 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, the victim of any such offense shall
4 receive the rights set out in Sections 4 and 6 of the Bill of
5 Rights for Victims and Witnesses of Violent Crime Act; and the
6 juvenile who is the subject of the adjudication,
7 notwithstanding any other provision of this Act, shall be
8 treated as an adult for the purpose of affording such rights to
9 the victim.

10 (E) Nothing in this Section shall affect the right of a
11 Civil Service Commission or appointing authority of the
12 federal government, or any state, county, or municipality
13 examining the character and fitness of an applicant for
14 employment with a law enforcement agency, correctional
15 institution, or fire department to ascertain whether that
16 applicant was ever adjudicated to be a delinquent minor and,
17 if so, to examine the records of disposition or evidence which
18 were made in proceedings under this Act.

19 (F) Following any adjudication of delinquency for a crime
20 which would be a felony if committed by an adult, or following
21 any adjudication of delinquency for a violation of Section
22 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, the State's Attorney shall ascertain
24 whether the minor respondent is enrolled in school and, if so,
25 shall provide a copy of the dispositional order to the
26 principal or chief administrative officer of the school.

1 Access to the dispositional order shall be limited to the
2 principal or chief administrative officer of the school and
3 any school counselor designated by him or her.

4 (G) Nothing contained in this Act prevents the sharing or
5 disclosure of information or records relating or pertaining to
6 juveniles subject to the provisions of the Serious Habitual
7 Offender Comprehensive Action Program when that information is
8 used to assist in the early identification and treatment of
9 habitual juvenile offenders.

10 (H) When a court hearing a proceeding under Article II of
11 this Act becomes aware that an earlier proceeding under
12 Article II had been heard in a different county, that court
13 shall request, and the court in which the earlier proceedings
14 were initiated shall transmit, an authenticated copy of the
15 juvenile court record, including all documents, petitions, and
16 orders filed and the minute orders, transcript of proceedings,
17 and docket entries of the court.

18 (I) The Clerk of the Circuit Court shall report to the
19 Illinois State Police, in the form and manner required by the
20 Illinois State Police, the final disposition of each minor who
21 has been arrested or taken into custody before his or her 18th
22 birthday for those offenses required to be reported under
23 Section 5 of the Criminal Identification Act. Information
24 reported to the Department under this Section may be
25 maintained with records that the Department files under
26 Section 2.1 of the Criminal Identification Act.

1 (J) The changes made to this Section by Public Act 98-61
2 apply to juvenile law enforcement records of a minor who has
3 been arrested or taken into custody on or after January 1, 2014
4 (the effective date of Public Act 98-61).

5 (K) Willful violation of this Section is a Class C
6 misdemeanor and each violation is subject to a fine of \$1,000.
7 This subsection (K) shall not apply to the person who is the
8 subject of the record.

9 (L) A person convicted of violating this Section is liable
10 for damages in the amount of \$1,000 or actual damages,
11 whichever is greater.

12 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
13 revised 10-12-21.)

14 (Text of Section after amendment by P.A. 101-652)

15 Sec. 1-8. Confidentiality and accessibility of juvenile
16 court records.

17 (A) A juvenile adjudication shall never be considered a
18 conviction nor shall an adjudicated individual be considered a
19 criminal. Unless expressly allowed by law, a juvenile
20 adjudication shall not operate to impose upon the individual
21 any of the civil disabilities ordinarily imposed by or
22 resulting from conviction. Unless expressly allowed by law,
23 adjudications shall not prejudice or disqualify the individual
24 in any civil service application or appointment, from holding
25 public office, or from receiving any license granted by public

1 authority. All juvenile court records which have not been
2 expunged are sealed and may never be disclosed to the general
3 public or otherwise made widely available. Sealed juvenile
4 court records may be obtained only under this Section and
5 Section 1-7 and Part 9 of Article V of this Act, when their use
6 is needed for good cause and with an order from the juvenile
7 court. Inspection and copying of juvenile court records
8 relating to a minor who is the subject of a proceeding under
9 this Act shall be restricted to the following:

10 (1) The minor who is the subject of record, his or her
11 parents, guardian, and counsel.

12 (2) Law enforcement officers and law enforcement
13 agencies when such information is essential to executing
14 an arrest or search warrant or other compulsory process,
15 or to conducting an ongoing investigation or relating to a
16 minor who has been adjudicated delinquent and there has
17 been a previous finding that the act which constitutes the
18 previous offense was committed in furtherance of criminal
19 activities by a criminal street gang.

20 Before July 1, 1994, for the purposes of this Section,
21 "criminal street gang" means any ongoing organization,
22 association, or group of 3 or more persons, whether formal
23 or informal, having as one of its primary activities the
24 commission of one or more criminal acts and that has a
25 common name or common identifying sign, symbol or specific
26 color apparel displayed, and whose members individually or

1 collectively engage in or have engaged in a pattern of
2 criminal activity.

3 Beginning July 1, 1994, for purposes of this Section,
4 "criminal street gang" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 (3) Judges, hearing officers, prosecutors, public
8 defenders, probation officers, social workers, or other
9 individuals assigned by the court to conduct a
10 pre-adjudication or pre-disposition investigation, and
11 individuals responsible for supervising or providing
12 temporary or permanent care and custody for minors under
13 the order of the juvenile court when essential to
14 performing their responsibilities.

15 (4) Judges, federal, State, and local prosecutors,
16 public defenders, probation officers, and designated
17 staff:

18 (a) in the course of a trial when institution of
19 criminal proceedings has been permitted or required
20 under Section 5-805;

21 (b) when criminal proceedings have been permitted
22 or required under Section 5-805 and a minor is the
23 subject of a proceeding to determine the conditions of
24 pretrial release;

25 (c) when criminal proceedings have been permitted
26 or required under Section 5-805 and a minor is the

1 subject of a pre-trial investigation, pre-sentence
2 investigation or fitness hearing, or proceedings on an
3 application for probation; or

4 (d) when a minor becomes 18 years of age or older,
5 and is the subject of criminal proceedings, including
6 a hearing to determine the conditions of pretrial
7 release, a pre-trial investigation, a pre-sentence
8 investigation, a fitness hearing, or proceedings on an
9 application for probation.

10 (5) Adult and Juvenile Prisoner Review Boards.

11 (6) Authorized military personnel.

12 (6.5) Employees of the federal government authorized
13 by law.

14 (7) Victims, their subrogees and legal
15 representatives; however, such persons shall have access
16 only to the name and address of the minor and information
17 pertaining to the disposition or alternative adjustment
18 plan of the juvenile court.

19 (8) Persons engaged in bona fide research, with the
20 permission of the presiding judge of the juvenile court
21 and the chief executive of the agency that prepared the
22 particular records; provided that publication of such
23 research results in no disclosure of a minor's identity
24 and protects the confidentiality of the record.

25 (9) The Secretary of State to whom the Clerk of the
26 Court shall report the disposition of all cases, as

1 required in Section 6-204 of the Illinois Vehicle Code.
2 However, information reported relative to these offenses
3 shall be privileged and available only to the Secretary of
4 State, courts, and police officers.

5 (10) The administrator of a bonafide substance abuse
6 student assistance program with the permission of the
7 presiding judge of the juvenile court.

8 (11) Mental health professionals on behalf of the
9 Department of Corrections or the Department of Human
10 Services or prosecutors who are evaluating, prosecuting,
11 or investigating a potential or actual petition brought
12 under the Sexually Violent Persons Commitment Act relating
13 to a person who is the subject of juvenile court records or
14 the respondent to a petition brought under the Sexually
15 Violent Persons Commitment Act, who is the subject of
16 juvenile court records sought. Any records and any
17 information obtained from those records under this
18 paragraph (11) may be used only in sexually violent
19 persons commitment proceedings.

20 (12) Collection agencies, contracted or otherwise
21 engaged by a governmental entity, to collect any debts due
22 and owing to the governmental entity.

23 (A-1) Findings and exclusions of paternity entered in
24 proceedings occurring under Article II of this Act shall be
25 disclosed, in a manner and form approved by the Presiding
26 Judge of the Juvenile Court, to the Department of Healthcare

1 and Family Services when necessary to discharge the duties of
2 the Department of Healthcare and Family Services under Article
3 X of the Illinois Public Aid Code.

4 (B) A minor who is the victim in a juvenile proceeding
5 shall be provided the same confidentiality regarding
6 disclosure of identity as the minor who is the subject of
7 record.

8 (C) (0.1) In cases where the records concern a pending
9 juvenile court case, the requesting party seeking to inspect
10 the juvenile court records shall provide actual notice to the
11 attorney or guardian ad litem of the minor whose records are
12 sought.

13 (0.2) In cases where the juvenile court records concern a
14 juvenile court case that is no longer pending, the requesting
15 party seeking to inspect the juvenile court records shall
16 provide actual notice to the minor or the minor's parent or
17 legal guardian, and the matter shall be referred to the chief
18 judge presiding over matters pursuant to this Act.

19 (0.3) In determining whether juvenile court records should
20 be made available for inspection and whether inspection should
21 be limited to certain parts of the file, the court shall
22 consider the minor's interest in confidentiality and
23 rehabilitation over the requesting party's interest in
24 obtaining the information. The State's Attorney, the minor,
25 and the minor's parents, guardian, and counsel shall at all
26 times have the right to examine court files and records.

1 (0.4) Any records obtained in violation of this Section
2 shall not be admissible in any criminal or civil proceeding,
3 or operate to disqualify a minor from subsequently holding
4 public office, or operate as a forfeiture of any public
5 benefit, right, privilege, or right to receive any license
6 granted by public authority.

7 (D) Pending or following any adjudication of delinquency
8 for any offense defined in Sections 11-1.20 through 11-1.60 or
9 12-13 through 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the victim of any such offense shall
11 receive the rights set out in Sections 4 and 6 of the Bill of
12 Rights for Victims and Witnesses of Violent Crime Act; and the
13 juvenile who is the subject of the adjudication,
14 notwithstanding any other provision of this Act, shall be
15 treated as an adult for the purpose of affording such rights to
16 the victim.

17 (E) Nothing in this Section shall affect the right of a
18 Civil Service Commission or appointing authority of the
19 federal government, or any state, county, or municipality
20 examining the character and fitness of an applicant for
21 employment with a law enforcement agency, correctional
22 institution, or fire department to ascertain whether that
23 applicant was ever adjudicated to be a delinquent minor and,
24 if so, to examine the records of disposition or evidence which
25 were made in proceedings under this Act.

26 (F) Following any adjudication of delinquency for a crime

1 which would be a felony if committed by an adult, or following
2 any adjudication of delinquency for a violation of Section
3 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the State's Attorney shall ascertain
5 whether the minor respondent is enrolled in school and, if so,
6 shall provide a copy of the dispositional order to the
7 principal or chief administrative officer of the school.
8 Access to the dispositional order shall be limited to the
9 principal or chief administrative officer of the school and
10 any school counselor designated by him or her.

11 (G) Nothing contained in this Act prevents the sharing or
12 disclosure of information or records relating or pertaining to
13 juveniles subject to the provisions of the Serious Habitual
14 Offender Comprehensive Action Program when that information is
15 used to assist in the early identification and treatment of
16 habitual juvenile offenders.

17 (H) When a court hearing a proceeding under Article II of
18 this Act becomes aware that an earlier proceeding under
19 Article II had been heard in a different county, that court
20 shall request, and the court in which the earlier proceedings
21 were initiated shall transmit, an authenticated copy of the
22 juvenile court record, including all documents, petitions, and
23 orders filed and the minute orders, transcript of proceedings,
24 and docket entries of the court.

25 (I) The Clerk of the Circuit Court shall report to the
26 Illinois State Police, in the form and manner required by the

1 Illinois State Police, the final disposition of each minor who
2 has been arrested or taken into custody before his or her 18th
3 birthday for those offenses required to be reported under
4 Section 5 of the Criminal Identification Act. Information
5 reported to the Department under this Section may be
6 maintained with records that the Department files under
7 Section 2.1 of the Criminal Identification Act.

8 (J) The changes made to this Section by Public Act 98-61
9 apply to juvenile law enforcement records of a minor who has
10 been arrested or taken into custody on or after January 1, 2014
11 (the effective date of Public Act 98-61).

12 (K) Willful violation of this Section is a Class C
13 misdemeanor and each violation is subject to a fine of \$1,000.
14 This subsection (K) shall not apply to the person who is the
15 subject of the record.

16 (L) A person convicted of violating this Section is liable
17 for damages in the amount of \$1,000 or actual damages,
18 whichever is greater.

19 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
20 102-538, eff. 8-20-21; revised 10-12-21.)

21 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

22 Sec. 2-10. Temporary custody hearing. At the appearance of
23 the minor before the court at the temporary custody hearing,
24 all witnesses present shall be examined before the court in
25 relation to any matter connected with the allegations made in

1 the petition.

2 (1) If the court finds that there is not probable cause to
3 believe that the minor is abused, neglected or dependent it
4 shall release the minor and dismiss the petition.

5 (2) If the court finds that there is probable cause to
6 believe that the minor is abused, neglected or dependent, the
7 court shall state in writing the factual basis supporting its
8 finding and the minor, his or her parent, guardian, custodian
9 and other persons able to give relevant testimony shall be
10 examined before the court. The Department of Children and
11 Family Services shall give testimony concerning indicated
12 reports of abuse and neglect, of which they are aware through
13 the central registry, involving the minor's parent, guardian
14 or custodian. After such testimony, the court may, consistent
15 with the health, safety and best interests of the minor, enter
16 an order that the minor shall be released upon the request of
17 parent, guardian or custodian if the parent, guardian or
18 custodian appears to take custody. If it is determined that a
19 parent's, guardian's, or custodian's compliance with critical
20 services mitigates the necessity for removal of the minor from
21 his or her home, the court may enter an Order of Protection
22 setting forth reasonable conditions of behavior that a parent,
23 guardian, or custodian must observe for a specified period of
24 time, not to exceed 12 months, without a violation; provided,
25 however, that the 12-month period shall begin anew after any
26 violation. "Custodian" includes the Department of Children and

1 Family Services, if it has been given custody of the child, or
2 any other agency of the State which has been given custody or
3 wardship of the child. If it is consistent with the health,
4 safety and best interests of the minor, the court may also
5 prescribe shelter care and order that the minor be kept in a
6 suitable place designated by the court or in a shelter care
7 facility designated by the Department of Children and Family
8 Services or a licensed child welfare agency; however, on and
9 after January 1, 2015 (the effective date of Public Act
10 98-803) and before January 1, 2017, a minor charged with a
11 criminal offense under the Criminal Code of 1961 or the
12 Criminal Code of 2012 or adjudicated delinquent shall not be
13 placed in the custody of or committed to the Department of
14 Children and Family Services by any court, except a minor less
15 than 16 years of age and committed to the Department of
16 Children and Family Services under Section 5-710 of this Act
17 or a minor for whom an independent basis of abuse, neglect, or
18 dependency exists; and on and after January 1, 2017, a minor
19 charged with a criminal offense under the Criminal Code of
20 1961 or the Criminal Code of 2012 or adjudicated delinquent
21 shall not be placed in the custody of or committed to the
22 Department of Children and Family Services by any court,
23 except a minor less than 15 years of age and committed to the
24 Department of Children and Family Services under Section 5-710
25 of this Act or a minor for whom an independent basis of abuse,
26 neglect, or dependency exists. An independent basis exists

1 when the allegations or adjudication of abuse, neglect, or
2 dependency do not arise from the same facts, incident, or
3 circumstances which give rise to a charge or adjudication of
4 delinquency.

5 In placing the minor, the Department or other agency
6 shall, to the extent compatible with the court's order, comply
7 with Section 7 of the Children and Family Services Act. In
8 determining the health, safety and best interests of the minor
9 to prescribe shelter care, the court must find that it is a
10 matter of immediate and urgent necessity for the safety and
11 protection of the minor or of the person or property of another
12 that the minor be placed in a shelter care facility or that he
13 or she is likely to flee the jurisdiction of the court, and
14 must further find that reasonable efforts have been made or
15 that, consistent with the health, safety and best interests of
16 the minor, no efforts reasonably can be made to prevent or
17 eliminate the necessity of removal of the minor from his or her
18 home. The court shall require documentation from the
19 Department of Children and Family Services as to the
20 reasonable efforts that were made to prevent or eliminate the
21 necessity of removal of the minor from his or her home or the
22 reasons why no efforts reasonably could be made to prevent or
23 eliminate the necessity of removal. When a minor is placed in
24 the home of a relative, the Department of Children and Family
25 Services shall complete a preliminary background review of the
26 members of the minor's custodian's household in accordance

1 with Section 4.3 of the Child Care Act of 1969 within 90 days
2 of that placement. If the minor is ordered placed in a shelter
3 care facility of the Department of Children and Family
4 Services or a licensed child welfare agency, the court shall,
5 upon request of the appropriate Department or other agency,
6 appoint the Department of Children and Family Services
7 Guardianship Administrator or other appropriate agency
8 executive temporary custodian of the minor and the court may
9 enter such other orders related to the temporary custody as it
10 deems fit and proper, including the provision of services to
11 the minor or his family to ameliorate the causes contributing
12 to the finding of probable cause or to the finding of the
13 existence of immediate and urgent necessity.

14 Where the Department of Children and Family Services
15 Guardianship Administrator is appointed as the executive
16 temporary custodian, the Department of Children and Family
17 Services shall file with the court and serve on the parties a
18 parent-child visiting plan, within 10 days, excluding weekends
19 and holidays, after the appointment. The parent-child visiting
20 plan shall set out the time and place of visits, the frequency
21 of visits, the length of visits, who shall be present at the
22 visits, and where appropriate, the minor's opportunities to
23 have telephone and mail communication with the parents.

24 Where the Department of Children and Family Services
25 Guardianship Administrator is appointed as the executive
26 temporary custodian, and when the child has siblings in care,

1 the Department of Children and Family Services shall file with
2 the court and serve on the parties a sibling placement and
3 contact plan within 10 days, excluding weekends and holidays,
4 after the appointment. The sibling placement and contact plan
5 shall set forth whether the siblings are placed together, and
6 if they are not placed together, what, if any, efforts are
7 being made to place them together. If the Department has
8 determined that it is not in a child's best interest to be
9 placed with a sibling, the Department shall document in the
10 sibling placement and contact plan the basis for its
11 determination. For siblings placed separately, the sibling
12 placement and contact plan shall set the time and place for
13 visits, the frequency of the visits, the length of visits, who
14 shall be present for the visits, and where appropriate, the
15 child's opportunities to have contact with their siblings in
16 addition to in person contact. If the Department determines it
17 is not in the best interest of a sibling to have contact with a
18 sibling, the Department shall document in the sibling
19 placement and contact plan the basis for its determination.
20 The sibling placement and contact plan shall specify a date
21 for development of the Sibling Contact Support Plan, under
22 subsection (f) of Section 7.4 of the Children and Family
23 Services Act, and shall remain in effect until the Sibling
24 Contact Support Plan is developed.

25 For good cause, the court may waive the requirement to
26 file the parent-child visiting plan or the sibling placement

1 and contact plan, or extend the time for filing either plan.
2 Any party may, by motion, request the court to review the
3 parent-child visiting plan to determine whether it is
4 reasonably calculated to expeditiously facilitate the
5 achievement of the permanency goal. A party may, by motion,
6 request the court to review the parent-child visiting plan or
7 the sibling placement and contact plan to determine whether it
8 is consistent with the minor's best interest. The court may
9 refer the parties to mediation where available. The frequency,
10 duration, and locations of visitation shall be measured by the
11 needs of the child and family, and not by the convenience of
12 Department personnel. Child development principles shall be
13 considered by the court in its analysis of how frequent
14 visitation should be, how long it should last, where it should
15 take place, and who should be present. If upon motion of the
16 party to review either plan and after receiving evidence, the
17 court determines that the parent-child visiting plan is not
18 reasonably calculated to expeditiously facilitate the
19 achievement of the permanency goal or that the restrictions
20 placed on parent-child contact or sibling placement or contact
21 are contrary to the child's best interests, the court shall
22 put in writing the factual basis supporting the determination
23 and enter specific findings based on the evidence. The court
24 shall enter an order for the Department to implement changes
25 to the parent-child visiting plan or sibling placement or
26 contact plan, consistent with the court's findings. At any

1 stage of proceeding, any party may by motion request the court
2 to enter any orders necessary to implement the parent-child
3 visiting plan, sibling placement or contact plan or
4 subsequently developed Sibling Contact Support Plan. Nothing
5 under this subsection (2) shall restrict the court from
6 granting discretionary authority to the Department to increase
7 opportunities for additional parent-child contacts or sibling
8 contacts, without further court orders. Nothing in this
9 subsection (2) shall restrict the Department from immediately
10 restricting or terminating parent-child contact or sibling
11 contacts, without either amending the parent-child visiting
12 plan or the sibling contact plan or obtaining a court order,
13 where the Department or its assigns reasonably believe there
14 is an immediate need to protect the child's health, safety,
15 and welfare. Such restrictions or terminations must be based
16 on available facts to the Department and its assigns when
17 viewed in light of the surrounding circumstances and shall
18 only occur on an individual case-by-case basis. The Department
19 shall file with the court and serve on the parties any
20 amendments to the plan within 10 days, excluding weekends and
21 holidays, of the change of the visitation.

22 Acceptance of services shall not be considered an
23 admission of any allegation in a petition made pursuant to
24 this Act, nor may a referral of services be considered as
25 evidence in any proceeding pursuant to this Act, except where
26 the issue is whether the Department has made reasonable

1 efforts to reunite the family. In making its findings that it
2 is consistent with the health, safety and best interests of
3 the minor to prescribe shelter care, the court shall state in
4 writing (i) the factual basis supporting its findings
5 concerning the immediate and urgent necessity for the
6 protection of the minor or of the person or property of another
7 and (ii) the factual basis supporting its findings that
8 reasonable efforts were made to prevent or eliminate the
9 removal of the minor from his or her home or that no efforts
10 reasonably could be made to prevent or eliminate the removal
11 of the minor from his or her home. The parents, guardian,
12 custodian, temporary custodian and minor shall each be
13 furnished a copy of such written findings. The temporary
14 custodian shall maintain a copy of the court order and written
15 findings in the case record for the child. The order together
16 with the court's findings of fact in support thereof shall be
17 entered of record in the court.

18 Once the court finds that it is a matter of immediate and
19 urgent necessity for the protection of the minor that the
20 minor be placed in a shelter care facility, the minor shall not
21 be returned to the parent, custodian or guardian until the
22 court finds that such placement is no longer necessary for the
23 protection of the minor.

24 If the child is placed in the temporary custody of the
25 Department of Children and Family Services for his or her
26 protection, the court shall admonish the parents, guardian,

1 custodian or responsible relative that the parents must
2 cooperate with the Department of Children and Family Services,
3 comply with the terms of the service plans, and correct the
4 conditions which require the child to be in care, or risk
5 termination of their parental rights. The court shall ensure,
6 by inquiring in open court of each parent, guardian, custodian
7 or responsible relative, that the parent, guardian, custodian
8 or responsible relative has had the opportunity to provide the
9 Department with all known names, addresses, and telephone
10 numbers of each of the minor's living maternal and paternal
11 adult relatives, including, but not limited to, grandparents,
12 aunts, uncles, and siblings. The court shall advise the
13 parents, guardian, custodian or responsible relative to inform
14 the Department if additional information regarding the minor's
15 adult relatives becomes available.

16 (3) If prior to the shelter care hearing for a minor
17 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
18 unable to serve notice on the party respondent, the shelter
19 care hearing may proceed ex parte. A shelter care order from an
20 ex parte hearing shall be endorsed with the date and hour of
21 issuance and shall be filed with the clerk's office and
22 entered of record. The order shall expire after 10 days from
23 the time it is issued unless before its expiration it is
24 renewed, at a hearing upon appearance of the party respondent,
25 or upon an affidavit of the moving party as to all diligent
26 efforts to notify the party respondent by notice as herein

1 prescribed. The notice prescribed shall be in writing and
 2 shall be personally delivered to the minor or the minor's
 3 attorney and to the last known address of the other person or
 4 persons entitled to notice. The notice shall also state the
 5 nature of the allegations, the nature of the order sought by
 6 the State, including whether temporary custody is sought, and
 7 the consequences of failure to appear and shall contain a
 8 notice that the parties will not be entitled to further
 9 written notices or publication notices of proceedings in this
 10 case, including the filing of an amended petition or a motion
 11 to terminate parental rights, except as required by Supreme
 12 Court Rule 11; and shall explain the right of the parties and
 13 the procedures to vacate or modify a shelter care order as
 14 provided in this Section. The notice for a shelter care
 15 hearing shall be substantially as follows:

16 NOTICE TO PARENTS AND CHILDREN
 17 OF SHELTER CARE HEARING

18 On at, before the Honorable
 19, (address:), the State
 20 of Illinois will present evidence (1) that (name of child
 21 or children) are abused, neglected
 22 or dependent for the following reasons:
 23 and (2)
 24 whether there is "immediate and urgent necessity" to
 25 remove the child or children from the responsible
 26 relative.

1 TO REHEARING ON TEMPORARY CUSTODY

2 If you were not present at and did not have adequate
3 notice of the Shelter Care Hearing at which temporary
4 custody of was awarded to
5, you have the right to request a full
6 rehearing on whether the State should have temporary
7 custody of To request this rehearing,
8 you must file with the Clerk of the Juvenile Court
9 (address):, in person or by
10 mailing a statement (affidavit) setting forth the
11 following:

- 12 1. That you were not present at the shelter care
- 13 hearing.
- 14 2. That you did not get adequate notice
- 15 (explaining how the notice was inadequate).
- 16 3. Your signature.
- 17 4. Signature must be notarized.

18 The rehearing should be scheduled within 48 hours of
19 your filing this affidavit.

20 At the rehearing, your rights are the same as at the
21 initial shelter care hearing. The enclosed notice explains
22 those rights.

23 At the Shelter Care Hearing, children have the
24 following rights:

- 25 1. To have a guardian ad litem appointed.
- 26 2. To be declared competent as a witness and to

1 present testimony concerning:

2 a. Whether they are abused, neglected or
3 dependent.

4 b. Whether there is "immediate and urgent
5 necessity" to be removed from home.

6 c. Their best interests.

7 3. To cross examine witnesses for other parties.

8 4. To obtain an explanation of any proceedings and
9 orders of the court.

10 (4) If the parent, guardian, legal custodian, responsible
11 relative, minor age 8 or over, or counsel of the minor did not
12 have actual notice of or was not present at the shelter care
13 hearing, he or she may file an affidavit setting forth these
14 facts, and the clerk shall set the matter for rehearing not
15 later than 48 hours, excluding Sundays and legal holidays,
16 after the filing of the affidavit. At the rehearing, the court
17 shall proceed in the same manner as upon the original hearing.

18 (5) Only when there is reasonable cause to believe that
19 the minor taken into custody is a person described in
20 subsection (3) of Section 5-105 may the minor be kept or
21 detained in a detention home or county or municipal jail. This
22 Section shall in no way be construed to limit subsection (6).

23 (6) No minor under 16 years of age may be confined in a
24 jail or place ordinarily used for the confinement of prisoners
25 in a police station. Minors under 18 years of age must be kept
26 separate from confined adults and may not at any time be kept

1 in the same cell, room, or yard with adults confined pursuant
2 to the criminal law.

3 (7) If the minor is not brought before a judicial officer
4 within the time period as specified in Section 2-9, the minor
5 must immediately be released from custody.

6 (8) If neither the parent, guardian or custodian appears
7 within 24 hours to take custody of a minor released upon
8 request pursuant to subsection (2) of this Section, then the
9 clerk of the court shall set the matter for rehearing not later
10 than 7 days after the original order and shall issue a summons
11 directed to the parent, guardian or custodian to appear. At
12 the same time the probation department shall prepare a report
13 on the minor. If a parent, guardian or custodian does not
14 appear at such rehearing, the judge may enter an order
15 prescribing that the minor be kept in a suitable place
16 designated by the Department of Children and Family Services
17 or a licensed child welfare agency.

18 (9) Notwithstanding any other provision of this Section
19 any interested party, including the State, the temporary
20 custodian, an agency providing services to the minor or family
21 under a service plan pursuant to Section 8.2 of the Abused and
22 Neglected Child Reporting Act, foster parent, or any of their
23 representatives, on notice to all parties entitled to notice,
24 may file a motion that it is in the best interests of the minor
25 to modify or vacate a temporary custody order on any of the
26 following grounds:

1 (a) It is no longer a matter of immediate and urgent
2 necessity that the minor remain in shelter care; or

3 (b) There is a material change in the circumstances of
4 the natural family from which the minor was removed and
5 the child can be cared for at home without endangering the
6 child's health or safety; or

7 (c) A person not a party to the alleged abuse, neglect
8 or dependency, including a parent, relative or legal
9 guardian, is capable of assuming temporary custody of the
10 minor; or

11 (d) Services provided by the Department of Children
12 and Family Services or a child welfare agency or other
13 service provider have been successful in eliminating the
14 need for temporary custody and the child can be cared for
15 at home without endangering the child's health or safety.

16 In ruling on the motion, the court shall determine whether
17 it is consistent with the health, safety and best interests of
18 the minor to modify or vacate a temporary custody order. If the
19 minor is being restored to the custody of a parent, legal
20 custodian, or guardian who lives outside of Illinois, and an
21 Interstate Compact has been requested and refused, the court
22 may order the Department of Children and Family Services to
23 arrange for an assessment of the minor's proposed living
24 arrangement and for ongoing monitoring of the health, safety,
25 and best interest of the minor and compliance with any order of
26 protective supervision entered in accordance with Section 2-20

1 or 2-25.

2 The clerk shall set the matter for hearing not later than
3 14 days after such motion is filed. In the event that the court
4 modifies or vacates a temporary custody order but does not
5 vacate its finding of probable cause, the court may order that
6 appropriate services be continued or initiated in behalf of
7 the minor and his or her family.

8 (10) When the court finds or has found that there is
9 probable cause to believe a minor is an abused minor as
10 described in subsection (2) of Section 2-3 and that there is an
11 immediate and urgent necessity for the abused minor to be
12 placed in shelter care, immediate and urgent necessity shall
13 be presumed for any other minor residing in the same household
14 as the abused minor provided:

15 (a) Such other minor is the subject of an abuse or
16 neglect petition pending before the court; and

17 (b) A party to the petition is seeking shelter care
18 for such other minor.

19 Once the presumption of immediate and urgent necessity has
20 been raised, the burden of demonstrating the lack of immediate
21 and urgent necessity shall be on any party that is opposing
22 shelter care for the other minor.

23 (11) The changes made to this Section by Public Act 98-61
24 apply to a minor who has been arrested or taken into custody on
25 or after January 1, 2014 (the effective date of Public Act
26 98-61).

1 (12) After the court has placed a minor in the care of a
2 temporary custodian pursuant to this Section, any party may
3 file a motion requesting the court to grant the temporary
4 custodian the authority to serve as a surrogate decision maker
5 for the minor under the Health Care Surrogate Act for purposes
6 of making decisions pursuant to paragraph (1) of subsection
7 (b) of Section 20 of the Health Care Surrogate Act. The court
8 may grant the motion if it determines by clear and convincing
9 evidence that it is in the best interests of the minor to grant
10 the temporary custodian such authority. In making its
11 determination, the court shall weigh the following factors in
12 addition to considering the best interests factors listed in
13 subsection (4.05) of Section 1-3 of this Act:

14 (a) the efforts to identify and locate the respondents
15 and adult family members of the minor and the results of
16 those efforts;

17 (b) the efforts to engage the respondents and adult
18 family members of the minor in decision making on behalf
19 of the minor;

20 (c) the length of time the efforts in paragraphs (a)
21 and (b) have been ongoing;

22 (d) the relationship between the respondents and adult
23 family members and the minor;

24 (e) medical testimony regarding the extent to which
25 the minor is suffering and the impact of a delay in
26 decision-making on the minor; and

1 (f) any other factor the court deems relevant.

2 If the Department of Children and Family Services is the
3 temporary custodian of the minor, in addition to the
4 requirements of paragraph (1) of subsection (b) of Section 20
5 of the Health Care Surrogate Act, the Department shall follow
6 its rules and procedures in exercising authority granted under
7 this subsection.

8 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
9 revised 10-14-21.)

10 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

11 Sec. 2-28. Court review.

12 (1) The court may require any legal custodian or guardian
13 of the person appointed under this Act to report periodically
14 to the court or may cite him into court and require him or his
15 agency, to make a full and accurate report of his or its doings
16 in behalf of the minor. The custodian or guardian, within 10
17 days after such citation, or earlier if the court determines
18 it to be necessary to protect the health, safety, or welfare of
19 the minor, shall make the report, either in writing verified
20 by affidavit or orally under oath in open court, or otherwise
21 as the court directs. Upon the hearing of the report the court
22 may remove the custodian or guardian and appoint another in
23 his stead or restore the minor to the custody of his parents or
24 former guardian or custodian. However, custody of the minor
25 shall not be restored to any parent, guardian, or legal

1 custodian in any case in which the minor is found to be
2 neglected or abused under Section 2-3 or dependent under
3 Section 2-4 of this Act, unless the minor can be cared for at
4 home without endangering the minor's health or safety and it
5 is in the best interests of the minor, and if such neglect,
6 abuse, or dependency is found by the court under paragraph (1)
7 of Section 2-21 of this Act to have come about due to the acts
8 or omissions or both of such parent, guardian, or legal
9 custodian, until such time as an investigation is made as
10 provided in paragraph (5) and a hearing is held on the issue of
11 the fitness of such parent, guardian, or legal custodian to
12 care for the minor and the court enters an order that such
13 parent, guardian, or legal custodian is fit to care for the
14 minor.

15 (1.5) The public agency that is the custodian or guardian
16 of the minor shall file a written report with the court no
17 later than 15 days after a minor in the agency's care remains:

18 (1) in a shelter placement beyond 30 days;

19 (2) in a psychiatric hospital past the time when the
20 minor is clinically ready for discharge or beyond medical
21 necessity for the minor's health; or

22 (3) in a detention center or Department of Juvenile
23 Justice facility solely because the public agency cannot
24 find an appropriate placement for the minor.

25 The report shall explain the steps the agency is taking to
26 ensure the minor is placed appropriately, how the minor's

1 needs are being met in the minor's shelter placement, and if a
2 future placement has been identified by the Department, why
3 the anticipated placement is appropriate for the needs of the
4 minor and the anticipated placement date.

5 (1.6) Within 35 days after placing a child in its care in a
6 qualified residential treatment program, as defined by the
7 federal Social Security Act, the Department of Children and
8 Family Services shall file a written report with the court and
9 send copies of the report to all parties. Within 20 days of the
10 filing of the report, the court shall hold a hearing to
11 consider the Department's report and determine whether
12 placement of the child in a qualified residential treatment
13 program provides the most effective and appropriate level of
14 care for the child in the least restrictive environment and if
15 the placement is consistent with the short-term and long-term
16 goals for the child, as specified in the permanency plan for
17 the child. The court shall approve or disapprove the
18 placement. If applicable, the requirements of Sections 2-27.1
19 and 2-27.2 must also be met. The Department's written report
20 and the court's written determination shall be included in and
21 made part of the case plan for the child. If the child remains
22 placed in a qualified residential treatment program, the
23 Department shall submit evidence at each status and permanency
24 hearing:

25 (1) demonstrating that on-going assessment of the
26 strengths and needs of the child continues to support the

1 determination that the child's needs cannot be met through
2 placement in a foster family home, that the placement
3 provides the most effective and appropriate level of care
4 for the child in the least restrictive, appropriate
5 environment, and that the placement is consistent with the
6 short-term and long-term permanency goal for the child, as
7 specified in the permanency plan for the child;

8 (2) documenting the specific treatment or service
9 needs that should be met for the child in the placement and
10 the length of time the child is expected to need the
11 treatment or services; and

12 (3) the efforts made by the agency to prepare the
13 child to return home or to be placed with a fit and willing
14 relative, a legal guardian, or an adoptive parent, or in a
15 foster family home.

16 (2) The first permanency hearing shall be conducted by the
17 judge. Subsequent permanency hearings may be heard by a judge
18 or by hearing officers appointed or approved by the court in
19 the manner set forth in Section 2-28.1 of this Act. The initial
20 hearing shall be held (a) within 12 months from the date
21 temporary custody was taken, regardless of whether an
22 adjudication or dispositional hearing has been completed
23 within that time frame, (b) if the parental rights of both
24 parents have been terminated in accordance with the procedure
25 described in subsection (5) of Section 2-21, within 30 days of
26 the order for termination of parental rights and appointment

1 of a guardian with power to consent to adoption, or (c) in
2 accordance with subsection (2) of Section 2-13.1. Subsequent
3 permanency hearings shall be held every 6 months or more
4 frequently if necessary in the court's determination following
5 the initial permanency hearing, in accordance with the
6 standards set forth in this Section, until the court
7 determines that the plan and goal have been achieved. Once the
8 plan and goal have been achieved, if the minor remains in
9 substitute care, the case shall be reviewed at least every 6
10 months thereafter, subject to the provisions of this Section,
11 unless the minor is placed in the guardianship of a suitable
12 relative or other person and the court determines that further
13 monitoring by the court does not further the health, safety or
14 best interest of the child and that this is a stable permanent
15 placement. The permanency hearings must occur within the time
16 frames set forth in this subsection and may not be delayed in
17 anticipation of a report from any source or due to the agency's
18 failure to timely file its written report (this written report
19 means the one required under the next paragraph and does not
20 mean the service plan also referred to in that paragraph).

21 The public agency that is the custodian or guardian of the
22 minor, or another agency responsible for the minor's care,
23 shall ensure that all parties to the permanency hearings are
24 provided a copy of the most recent service plan prepared
25 within the prior 6 months at least 14 days in advance of the
26 hearing. If not contained in the agency's service plan, the

1 agency shall also include a report setting forth (i) any
2 special physical, psychological, educational, medical,
3 emotional, or other needs of the minor or his or her family
4 that are relevant to a permanency or placement determination
5 and (ii) for any minor age 16 or over, a written description of
6 the programs and services that will enable the minor to
7 prepare for independent living. If not contained in the
8 agency's service plan, the agency's report shall specify if a
9 minor is placed in a licensed child care facility under a
10 corrective plan by the Department due to concerns impacting
11 the minor's safety and well-being. The report shall explain
12 the steps the Department is taking to ensure the safety and
13 well-being of the minor and that the minor's needs are met in
14 the facility. The agency's written report must detail what
15 progress or lack of progress the parent has made in correcting
16 the conditions requiring the child to be in care; whether the
17 child can be returned home without jeopardizing the child's
18 health, safety, and welfare, and if not, what permanency goal
19 is recommended to be in the best interests of the child, and
20 why the other permanency goals are not appropriate. The
21 caseworker must appear and testify at the permanency hearing.
22 If a permanency hearing has not previously been scheduled by
23 the court, the moving party shall move for the setting of a
24 permanency hearing and the entry of an order within the time
25 frames set forth in this subsection.

26 At the permanency hearing, the court shall determine the

1 future status of the child. The court shall set one of the
2 following permanency goals:

3 (A) The minor will be returned home by a specific date
4 within 5 months.

5 (B) The minor will be in short-term care with a
6 continued goal to return home within a period not to
7 exceed one year, where the progress of the parent or
8 parents is substantial giving particular consideration to
9 the age and individual needs of the minor.

10 (B-1) The minor will be in short-term care with a
11 continued goal to return home pending a status hearing.
12 When the court finds that a parent has not made reasonable
13 efforts or reasonable progress to date, the court shall
14 identify what actions the parent and the Department must
15 take in order to justify a finding of reasonable efforts
16 or reasonable progress and shall set a status hearing to
17 be held not earlier than 9 months from the date of
18 adjudication nor later than 11 months from the date of
19 adjudication during which the parent's progress will again
20 be reviewed.

21 (C) The minor will be in substitute care pending court
22 determination on termination of parental rights.

23 (D) Adoption, provided that parental rights have been
24 terminated or relinquished.

25 (E) The guardianship of the minor will be transferred
26 to an individual or couple on a permanent basis provided

1 that goals (A) through (D) have been deemed inappropriate
2 and not in the child's best interests. The court shall
3 confirm that the Department has discussed adoption, if
4 appropriate, and guardianship with the caregiver prior to
5 changing a goal to guardianship.

6 (F) The minor over age 15 will be in substitute care
7 pending independence. In selecting this permanency goal,
8 the Department of Children and Family Services may provide
9 services to enable reunification and to strengthen the
10 minor's connections with family, fictive kin, and other
11 responsible adults, provided the services are in the
12 minor's best interest. The services shall be documented in
13 the service plan.

14 (G) The minor will be in substitute care because he or
15 she cannot be provided for in a home environment due to
16 developmental disabilities or mental illness or because he
17 or she is a danger to self or others, provided that goals
18 (A) through (D) have been deemed inappropriate and not in
19 the child's best interests.

20 In selecting any permanency goal, the court shall indicate
21 in writing the reasons the goal was selected and why the
22 preceding goals were deemed inappropriate and not in the
23 child's best interest. Where the court has selected a
24 permanency goal other than (A), (B), or (B-1), the Department
25 of Children and Family Services shall not provide further
26 reunification services, except as provided in paragraph (F) of

1 this subsection (2), but shall provide services consistent
2 with the goal selected.

3 (H) Notwithstanding any other provision in this
4 Section, the court may select the goal of continuing
5 foster care as a permanency goal if:

6 (1) The Department of Children and Family Services
7 has custody and guardianship of the minor;

8 (2) The court has deemed all other permanency
9 goals inappropriate based on the child's best
10 interest;

11 (3) The court has found compelling reasons, based
12 on written documentation reviewed by the court, to
13 place the minor in continuing foster care. Compelling
14 reasons include:

15 (a) the child does not wish to be adopted or to
16 be placed in the guardianship of his or her
17 relative or foster care placement;

18 (b) the child exhibits an extreme level of
19 need such that the removal of the child from his or
20 her placement would be detrimental to the child;
21 or

22 (c) the child who is the subject of the
23 permanency hearing has existing close and strong
24 bonds with a sibling, and achievement of another
25 permanency goal would substantially interfere with
26 the subject child's sibling relationship, taking

1 into consideration the nature and extent of the
2 relationship, and whether ongoing contact is in
3 the subject child's best interest, including
4 long-term emotional interest, as compared with the
5 legal and emotional benefit of permanence;

6 (4) The child has lived with the relative or
7 foster parent for at least one year; and

8 (5) The relative or foster parent currently caring
9 for the child is willing and capable of providing the
10 child with a stable and permanent environment.

11 The court shall set a permanency goal that is in the best
12 interest of the child. In determining that goal, the court
13 shall consult with the minor in an age-appropriate manner
14 regarding the proposed permanency or transition plan for the
15 minor. The court's determination shall include the following
16 factors:

17 (1) Age of the child.

18 (2) Options available for permanence, including both
19 out-of-state and in-state placement options.

20 (3) Current placement of the child and the intent of
21 the family regarding adoption.

22 (4) Emotional, physical, and mental status or
23 condition of the child.

24 (5) Types of services previously offered and whether
25 or not the services were successful and, if not
26 successful, the reasons the services failed.

1 (6) Availability of services currently needed and
2 whether the services exist.

3 (7) Status of siblings of the minor.

4 The court shall consider (i) the permanency goal contained
5 in the service plan, (ii) the appropriateness of the services
6 contained in the plan and whether those services have been
7 provided, (iii) whether reasonable efforts have been made by
8 all the parties to the service plan to achieve the goal, and
9 (iv) whether the plan and goal have been achieved. All
10 evidence relevant to determining these questions, including
11 oral and written reports, may be admitted and may be relied on
12 to the extent of their probative value.

13 The court shall make findings as to whether, in violation
14 of Section 8.2 of the Abused and Neglected Child Reporting
15 Act, any portion of the service plan compels a child or parent
16 to engage in any activity or refrain from any activity that is
17 not reasonably related to remedying a condition or conditions
18 that gave rise or which could give rise to any finding of child
19 abuse or neglect. The services contained in the service plan
20 shall include services reasonably related to remedy the
21 conditions that gave rise to removal of the child from the home
22 of his or her parents, guardian, or legal custodian or that the
23 court has found must be remedied prior to returning the child
24 home. Any tasks the court requires of the parents, guardian,
25 or legal custodian or child prior to returning the child home,
26 must be reasonably related to remedying a condition or

1 conditions that gave rise to or which could give rise to any
2 finding of child abuse or neglect.

3 If the permanency goal is to return home, the court shall
4 make findings that identify any problems that are causing
5 continued placement of the children away from the home and
6 identify what outcomes would be considered a resolution to
7 these problems. The court shall explain to the parents that
8 these findings are based on the information that the court has
9 at that time and may be revised, should additional evidence be
10 presented to the court.

11 The court shall review the Sibling Contact Support Plan
12 developed or modified under subsection (f) of Section 7.4 of
13 the Children and Family Services Act, if applicable. If the
14 Department has not convened a meeting to develop or modify a
15 Sibling Contact Support Plan, or if the court finds that the
16 existing Plan is not in the child's best interest, the court
17 may enter an order requiring the Department to develop, modify
18 or implement a Sibling Contact Support Plan, or order
19 mediation.

20 If the goal has been achieved, the court shall enter
21 orders that are necessary to conform the minor's legal custody
22 and status to those findings.

23 If, after receiving evidence, the court determines that
24 the services contained in the plan are not reasonably
25 calculated to facilitate achievement of the permanency goal,
26 the court shall put in writing the factual basis supporting

1 the determination and enter specific findings based on the
2 evidence. The court also shall enter an order for the
3 Department to develop and implement a new service plan or to
4 implement changes to the current service plan consistent with
5 the court's findings. The new service plan shall be filed with
6 the court and served on all parties within 45 days of the date
7 of the order. The court shall continue the matter until the new
8 service plan is filed. Except as authorized by subsection
9 (2.5) of this Section and as otherwise specifically authorized
10 by law, the court is not empowered under this Section to order
11 specific placements, specific services, or specific service
12 providers to be included in the service plan.

13 A guardian or custodian appointed by the court pursuant to
14 this Act shall file updated case plans with the court every 6
15 months.

16 Rights of wards of the court under this Act are
17 enforceable against any public agency by complaints for relief
18 by mandamus filed in any proceedings brought under this Act.

19 (2.5) If, after reviewing the evidence, including evidence
20 from the Department, the court determines that the minor's
21 current or planned placement is not necessary or appropriate
22 to facilitate achievement of the permanency goal, the court
23 shall put in writing the factual basis supporting its
24 determination and enter specific findings based on the
25 evidence. If the court finds that the minor's current or
26 planned placement is not necessary or appropriate, the court

1 may enter an order directing the Department to implement a
2 recommendation by the minor's treating clinician or a
3 clinician contracted by the Department to evaluate the minor
4 or a recommendation made by the Department. If the Department
5 places a minor in a placement under an order entered under this
6 subsection (2.5), the Department has the authority to remove
7 the minor from that placement when a change in circumstances
8 necessitates the removal to protect the minor's health,
9 safety, and best interest. If the Department determines
10 removal is necessary, the Department shall notify the parties
11 of the planned placement change in writing no later than 10
12 days prior to the implementation of its determination unless
13 remaining in the placement poses an imminent risk of harm to
14 the minor, in which case the Department shall notify the
15 parties of the placement change in writing immediately
16 following the implementation of its decision. The Department
17 shall notify others of the decision to change the minor's
18 placement as required by Department rule.

19 (3) Following the permanency hearing, the court shall
20 enter a written order that includes the determinations
21 required under subsection (2) of this Section and sets forth
22 the following:

23 (a) The future status of the minor, including the
24 permanency goal, and any order necessary to conform the
25 minor's legal custody and status to such determination; or

26 (b) If the permanency goal of the minor cannot be

1 achieved immediately, the specific reasons for continuing
2 the minor in the care of the Department of Children and
3 Family Services or other agency for short term placement,
4 and the following determinations:

5 (i) (Blank).

6 (ii) Whether the services required by the court
7 and by any service plan prepared within the prior 6
8 months have been provided and (A) if so, whether the
9 services were reasonably calculated to facilitate the
10 achievement of the permanency goal or (B) if not
11 provided, why the services were not provided.

12 (iii) Whether the minor's current or planned
13 placement is necessary, and appropriate to the plan
14 and goal, recognizing the right of minors to the least
15 restrictive (most family-like) setting available and
16 in close proximity to the parents' home consistent
17 with the health, safety, best interest and special
18 needs of the minor and, if the minor is placed
19 out-of-state, whether the out-of-state placement
20 continues to be appropriate and consistent with the
21 health, safety, and best interest of the minor.

22 (iv) (Blank).

23 (v) (Blank).

24 (4) The minor or any person interested in the minor may
25 apply to the court for a change in custody of the minor and the
26 appointment of a new custodian or guardian of the person or for

1 the restoration of the minor to the custody of his parents or
2 former guardian or custodian.

3 When return home is not selected as the permanency goal:

4 (a) The Department, the minor, or the current foster
5 parent or relative caregiver seeking private guardianship
6 may file a motion for private guardianship of the minor.
7 Appointment of a guardian under this Section requires
8 approval of the court.

9 (b) The State's Attorney may file a motion to
10 terminate parental rights of any parent who has failed to
11 make reasonable efforts to correct the conditions which
12 led to the removal of the child or reasonable progress
13 toward the return of the child, as defined in subdivision
14 (D) (m) of Section 1 of the Adoption Act or for whom any
15 other unfitness ground for terminating parental rights as
16 defined in subdivision (D) of Section 1 of the Adoption
17 Act exists.

18 When parental rights have been terminated for a
19 minimum of 3 years and the child who is the subject of the
20 permanency hearing is 13 years old or older and is not
21 currently placed in a placement likely to achieve
22 permanency, the Department of Children and Family Services
23 shall make reasonable efforts to locate parents whose
24 rights have been terminated, except when the Court
25 determines that those efforts would be futile or
26 inconsistent with the subject child's best interests. The

1 Department of Children and Family Services shall assess
2 the appropriateness of the parent whose rights have been
3 terminated, and shall, as appropriate, foster and support
4 connections between the parent whose rights have been
5 terminated and the youth. The Department of Children and
6 Family Services shall document its determinations and
7 efforts to foster connections in the child's case plan.

8 Custody of the minor shall not be restored to any parent,
9 guardian, or legal custodian in any case in which the minor is
10 found to be neglected or abused under Section 2-3 or dependent
11 under Section 2-4 of this Act, unless the minor can be cared
12 for at home without endangering his or her health or safety and
13 it is in the best interest of the minor, and if such neglect,
14 abuse, or dependency is found by the court under paragraph (1)
15 of Section 2-21 of this Act to have come about due to the acts
16 or omissions or both of such parent, guardian, or legal
17 custodian, until such time as an investigation is made as
18 provided in paragraph (5) and a hearing is held on the issue of
19 the health, safety, and best interest of the minor and the
20 fitness of such parent, guardian, or legal custodian to care
21 for the minor and the court enters an order that such parent,
22 guardian, or legal custodian is fit to care for the minor. If a
23 motion is filed to modify or vacate a private guardianship
24 order and return the child to a parent, guardian, or legal
25 custodian, the court may order the Department of Children and
26 Family Services to assess the minor's current and proposed

1 living arrangements and to provide ongoing monitoring of the
2 health, safety, and best interest of the minor during the
3 pendency of the motion to assist the court in making that
4 determination. In the event that the minor has attained 18
5 years of age and the guardian or custodian petitions the court
6 for an order terminating his guardianship or custody,
7 guardianship or custody shall terminate automatically 30 days
8 after the receipt of the petition unless the court orders
9 otherwise. No legal custodian or guardian of the person may be
10 removed without his consent until given notice and an
11 opportunity to be heard by the court.

12 When the court orders a child restored to the custody of
13 the parent or parents, the court shall order the parent or
14 parents to cooperate with the Department of Children and
15 Family Services and comply with the terms of an after-care
16 plan, or risk the loss of custody of the child and possible
17 termination of their parental rights. The court may also enter
18 an order of protective supervision in accordance with Section
19 2-24.

20 If the minor is being restored to the custody of a parent,
21 legal custodian, or guardian who lives outside of Illinois,
22 and an Interstate Compact has been requested and refused, the
23 court may order the Department of Children and Family Services
24 to arrange for an assessment of the minor's proposed living
25 arrangement and for ongoing monitoring of the health, safety,
26 and best interest of the minor and compliance with any order of

1 protective supervision entered in accordance with Section
2 2-24.

3 (5) Whenever a parent, guardian, or legal custodian files
4 a motion for restoration of custody of the minor, and the minor
5 was adjudicated neglected, abused, or dependent as a result of
6 physical abuse, the court shall cause to be made an
7 investigation as to whether the movant has ever been charged
8 with or convicted of any criminal offense which would indicate
9 the likelihood of any further physical abuse to the minor.
10 Evidence of such criminal convictions shall be taken into
11 account in determining whether the minor can be cared for at
12 home without endangering his or her health or safety and
13 fitness of the parent, guardian, or legal custodian.

14 (a) Any agency of this State or any subdivision
15 thereof shall cooperate ~~co-operate~~ with the agent of the
16 court in providing any information sought in the
17 investigation.

18 (b) The information derived from the investigation and
19 any conclusions or recommendations derived from the
20 information shall be provided to the parent, guardian, or
21 legal custodian seeking restoration of custody prior to
22 the hearing on fitness and the movant shall have an
23 opportunity at the hearing to refute the information or
24 contest its significance.

25 (c) All information obtained from any investigation
26 shall be confidential as provided in Section 5-150 of this

1 Act.

2 (Source: P.A. 101-63, eff. 10-1-19; 102-193, eff. 7-30-21;
3 102-489, eff. 8-20-21; revised 10-14-21.)

4 (705 ILCS 405/5-501)

5 (Text of Section before amendment by P.A. 102-654)

6 Sec. 5-501. Detention or shelter care hearing. At the
7 appearance of the minor before the court at the detention or
8 shelter care hearing, the court shall receive all relevant
9 information and evidence, including affidavits concerning the
10 allegations made in the petition. Evidence used by the court
11 in its findings or stated in or offered in connection with this
12 Section may be by way of proffer based on reliable information
13 offered by the State or minor. All evidence shall be
14 admissible if it is relevant and reliable regardless of
15 whether it would be admissible under the rules of evidence
16 applicable at a trial. No hearing may be held unless the minor
17 is represented by counsel and no hearing shall be held until
18 the minor has had adequate opportunity to consult with
19 counsel.

20 (1) If the court finds that there is not probable cause to
21 believe that the minor is a delinquent minor, it shall release
22 the minor and dismiss the petition.

23 (2) If the court finds that there is probable cause to
24 believe that the minor is a delinquent minor, the minor, his or
25 her parent, guardian, custodian and other persons able to give

1 relevant testimony may be examined before the court. The court
2 may also consider any evidence by way of proffer based upon
3 reliable information offered by the State or the minor. All
4 evidence, including affidavits, shall be admissible if it is
5 relevant and reliable regardless of whether it would be
6 admissible under the rules of evidence applicable at trial.
7 After such evidence is presented, the court may enter an order
8 that the minor shall be released upon the request of a parent,
9 guardian or legal custodian if the parent, guardian or
10 custodian appears to take custody.

11 If the court finds that it is a matter of immediate and
12 urgent necessity for the protection of the minor or of the
13 person or property of another that the minor be detained or
14 placed in a shelter care facility or that he or she is likely
15 to flee the jurisdiction of the court, the court may prescribe
16 detention or shelter care and order that the minor be kept in a
17 suitable place designated by the court or in a shelter care
18 facility designated by the Department of Children and Family
19 Services or a licensed child welfare agency; otherwise it
20 shall release the minor from custody. If the court prescribes
21 shelter care, then in placing the minor, the Department or
22 other agency shall, to the extent compatible with the court's
23 order, comply with Section 7 of the Children and Family
24 Services Act. In making the determination of the existence of
25 immediate and urgent necessity, the court shall consider among
26 other matters: (a) the nature and seriousness of the alleged

1 offense; (b) the minor's record of delinquency offenses,
2 including whether the minor has delinquency cases pending; (c)
3 the minor's record of willful failure to appear following the
4 issuance of a summons or warrant; (d) the availability of
5 non-custodial alternatives, including the presence of a
6 parent, guardian or other responsible relative able and
7 willing to provide supervision and care for the minor and to
8 assure his or her compliance with a summons. If the minor is
9 ordered placed in a shelter care facility of a licensed child
10 welfare agency, the court shall, upon request of the agency,
11 appoint the appropriate agency executive temporary custodian
12 of the minor and the court may enter such other orders related
13 to the temporary custody of the minor as it deems fit and
14 proper.

15 The order together with the court's findings of fact in
16 support of the order shall be entered of record in the court.

17 Once the court finds that it is a matter of immediate and
18 urgent necessity for the protection of the minor that the
19 minor be placed in a shelter care facility, the minor shall not
20 be returned to the parent, custodian or guardian until the
21 court finds that the placement is no longer necessary for the
22 protection of the minor.

23 (3) Only when there is reasonable cause to believe that
24 the minor taken into custody is a delinquent minor may the
25 minor be kept or detained in a facility authorized for
26 juvenile detention. This Section shall in no way be construed

1 to limit subsection (4).

2 (4) (a) Minors 12 years of age or older must be kept
3 separate from confined adults and may not at any time be kept
4 in the same cell, room or yard with confined adults. This
5 paragraph (4) ~~+(a)~~ shall only apply to confinement pending an
6 adjudicatory hearing and shall not exceed 40 hours, excluding
7 Saturdays, Sundays, and court designated holidays. To accept
8 or hold minors during this time period, county jails shall
9 comply with all monitoring standards adopted by the Department
10 of Corrections and training standards approved by the Illinois
11 Law Enforcement Training Standards Board.

12 (b) To accept or hold minors, 12 years of age or older,
13 after the time period prescribed in clause (a) of subsection
14 (4) of this Section but not exceeding 7 days including
15 Saturdays, Sundays, and holidays, pending an adjudicatory
16 hearing, county jails shall comply with all temporary
17 detention standards adopted by the Department of Corrections
18 and training standards approved by the Illinois Law
19 Enforcement Training Standards Board.

20 (c) To accept or hold minors 12 years of age or older,
21 after the time period prescribed in clause (a) and (b) ~~+~~ of this
22 subsection, l county jails shall comply with all county juvenile
23 detention standards adopted by the Department of Juvenile
24 Justice.

25 (5) If the minor is not brought before a judicial officer
26 within the time period as specified in Section 5-415, l the

1 minor must immediately be released from custody.

2 (6) If neither the parent, guardian, or legal custodian
3 appears within 24 hours to take custody of a minor released
4 from detention or shelter care, then the clerk of the court
5 shall set the matter for rehearing not later than 7 days after
6 the original order and shall issue a summons directed to the
7 parent, guardian, or legal custodian to appear. At the same
8 time the probation department shall prepare a report on the
9 minor. If a parent, guardian, or legal custodian does not
10 appear at such rehearing, the judge may enter an order
11 prescribing that the minor be kept in a suitable place
12 designated by the Department of Human Services or a licensed
13 child welfare agency. The time during which a minor is in
14 custody after being released upon the request of a parent,
15 guardian, or legal custodian shall be considered as time spent
16 in detention for purposes of scheduling the trial.

17 (7) Any party, including the State, the temporary
18 custodian, an agency providing services to the minor or family
19 under a service plan pursuant to Section 8.2 of the Abused and
20 Neglected Child Reporting Act, foster parent, or any of their
21 representatives, may file a motion to modify or vacate a
22 temporary custody order or vacate a detention or shelter care
23 order on any of the following grounds:

24 (a) It is no longer a matter of immediate and urgent
25 necessity that the minor remain in detention or shelter
26 care; or

1 (b) There is a material change in the circumstances of
2 the natural family from which the minor was removed; or

3 (c) A person, including a parent, relative, or legal
4 guardian, is capable of assuming temporary custody of the
5 minor; or

6 (d) Services provided by the Department of Children
7 and Family Services or a child welfare agency or other
8 service provider have been successful in eliminating the
9 need for temporary custody.

10 The clerk shall set the matter for hearing not later than
11 14 days after such motion is filed. In the event that the court
12 modifies or vacates a temporary order but does not vacate its
13 finding of probable cause, the court may order that
14 appropriate services be continued or initiated on ~~in~~ behalf of
15 the minor and his or her family.

16 (8) Whenever a petition has been filed under Section
17 5-520, the court can, at any time prior to trial or sentencing,
18 order that the minor be placed in detention or a shelter care
19 facility after the court conducts a hearing and finds that the
20 conduct and behavior of the minor may endanger the health,
21 person, welfare, or property of himself or others or that the
22 circumstances of his or her home environment may endanger his
23 or her health, person, welfare, or property.

24 (Source: P.A. 98-685, eff. 1-1-15.)

25 (Text of Section after amendment by P.A. 102-654)

1 Sec. 5-501. Detention or shelter care hearing. At the
2 appearance of the minor before the court at the detention or
3 shelter care hearing, the court shall receive all relevant
4 information and evidence, including affidavits concerning the
5 allegations made in the petition. Evidence used by the court
6 in its findings or stated in or offered in connection with this
7 Section may be by way of proffer based on reliable information
8 offered by the State or minor. All evidence shall be
9 admissible if it is relevant and reliable regardless of
10 whether it would be admissible under the rules of evidence
11 applicable at a trial. No hearing may be held unless the minor
12 is represented by counsel and no hearing shall be held until
13 the minor has had adequate opportunity to consult with
14 counsel.

15 (1) If the court finds that there is not probable cause to
16 believe that the minor is a delinquent minor, it shall release
17 the minor and dismiss the petition.

18 (2) If the court finds that there is probable cause to
19 believe that the minor is a delinquent minor, the minor, his or
20 her parent, guardian, custodian and other persons able to give
21 relevant testimony may be examined before the court. The court
22 may also consider any evidence by way of proffer based upon
23 reliable information offered by the State or the minor. All
24 evidence, including affidavits, shall be admissible if it is
25 relevant and reliable regardless of whether it would be
26 admissible under the rules of evidence applicable at trial.

1 After such evidence is presented, the court may enter an order
2 that the minor shall be released upon the request of a parent,
3 guardian or legal custodian if the parent, guardian or
4 custodian appears to take custody.

5 If the court finds that it is a matter of immediate and
6 urgent necessity for the protection of the minor or of the
7 person or property of another that the minor be detained or
8 placed in a shelter care facility or that he or she is likely
9 to flee the jurisdiction of the court, the court may prescribe
10 detention or shelter care and order that the minor be kept in a
11 suitable place designated by the court or in a shelter care
12 facility designated by the Department of Children and Family
13 Services or a licensed child welfare agency; otherwise it
14 shall release the minor from custody. If the court prescribes
15 shelter care, then in placing the minor, the Department or
16 other agency shall, to the extent compatible with the court's
17 order, comply with Section 7 of the Children and Family
18 Services Act. In making the determination of the existence of
19 immediate and urgent necessity, the court shall consider among
20 other matters: (a) the nature and seriousness of the alleged
21 offense; (b) the minor's record of delinquency offenses,
22 including whether the minor has delinquency cases pending; (c)
23 the minor's record of willful failure to appear following the
24 issuance of a summons or warrant; (d) the availability of
25 non-custodial alternatives, including the presence of a
26 parent, guardian or other responsible relative able and

1 willing to provide supervision and care for the minor and to
2 assure his or her compliance with a summons. If the minor is
3 ordered placed in a shelter care facility of a licensed child
4 welfare agency, the court shall, upon request of the agency,
5 appoint the appropriate agency executive temporary custodian
6 of the minor and the court may enter such other orders related
7 to the temporary custody of the minor as it deems fit and
8 proper.

9 If the court ~~Court~~ prescribes detention, and the minor is
10 a youth in care of the Department of Children and Family
11 Services, a hearing shall be held every 14 days to determine
12 whether there is an urgent and immediate necessity to detain
13 the minor for the protection of the person or property of
14 another. If urgent and immediate necessity is not found on the
15 basis of the protection of the person or property of another,
16 the minor shall be released to the custody of the Department of
17 Children and Family Services. If the court ~~Court~~ prescribes
18 detention based on the minor being likely to flee the
19 jurisdiction, and the minor is a youth in care of the
20 Department of Children and Family Services, a hearing shall be
21 held every 7 days for status on the location of shelter care
22 placement by the Department of Children and Family Services.
23 Detention shall not be used as a shelter care placement for
24 minors in the custody or guardianship of the Department of
25 Children and Family Services.

26 The order together with the court's findings of fact in

1 support of the order shall be entered of record in the court.

2 Once the court finds that it is a matter of immediate and
3 urgent necessity for the protection of the minor that the
4 minor be placed in a shelter care facility, the minor shall not
5 be returned to the parent, custodian or guardian until the
6 court finds that the placement is no longer necessary for the
7 protection of the minor.

8 (3) Only when there is reasonable cause to believe that
9 the minor taken into custody is a delinquent minor may the
10 minor be kept or detained in a facility authorized for
11 juvenile detention. This Section shall in no way be construed
12 to limit subsection (4).

13 (4) (a) Minors 12 years of age or older must be kept
14 separate from confined adults and may not at any time be kept
15 in the same cell, room or yard with confined adults. This
16 paragraph (4) ~~+(a)~~ shall only apply to confinement pending an
17 adjudicatory hearing and shall not exceed 40 hours, excluding
18 Saturdays, Sundays, and court designated holidays. To accept
19 or hold minors during this time period, county jails shall
20 comply with all monitoring standards adopted by the Department
21 of Corrections and training standards approved by the Illinois
22 Law Enforcement Training Standards Board.

23 (b) To accept or hold minors, 12 years of age or older,
24 after the time period prescribed in clause (a) of subsection
25 (4) of this Section but not exceeding 7 days including
26 Saturdays, Sundays, and holidays, pending an adjudicatory

1 hearing, county jails shall comply with all temporary
2 detention standards adopted by the Department of Corrections
3 and training standards approved by the Illinois Law
4 Enforcement Training Standards Board.

5 (c) To accept or hold minors 12 years of age or older⁷
6 after the time period prescribed in clause (a) and (b)⁷ of this
7 subsection, county jails shall comply with all county juvenile
8 detention standards adopted by the Department of Juvenile
9 Justice.

10 (5) If the minor is not brought before a judicial officer
11 within the time period as specified in Section 5-415, the
12 minor must immediately be released from custody.

13 (6) If neither the parent, guardian, or legal custodian
14 appears within 24 hours to take custody of a minor released
15 from detention or shelter care, then the clerk of the court
16 shall set the matter for rehearing not later than 7 days after
17 the original order and shall issue a summons directed to the
18 parent, guardian, or legal custodian to appear. At the same
19 time the probation department shall prepare a report on the
20 minor. If a parent, guardian, or legal custodian does not
21 appear at such rehearing, the judge may enter an order
22 prescribing that the minor be kept in a suitable place
23 designated by the Department of Human Services or a licensed
24 child welfare agency. The time during which a minor is in
25 custody after being released upon the request of a parent,
26 guardian, or legal custodian shall be considered as time spent

1 in detention for purposes of scheduling the trial.

2 (7) Any party, including the State, the temporary
3 custodian, an agency providing services to the minor or family
4 under a service plan pursuant to Section 8.2 of the Abused and
5 Neglected Child Reporting Act, foster parent, or any of their
6 representatives, may file a motion to modify or vacate a
7 temporary custody order or vacate a detention or shelter care
8 order on any of the following grounds:

9 (a) It is no longer a matter of immediate and urgent
10 necessity that the minor remain in detention or shelter
11 care; or

12 (b) There is a material change in the circumstances of
13 the natural family from which the minor was removed; or

14 (c) A person, including a parent, relative, or legal
15 guardian, is capable of assuming temporary custody of the
16 minor; or

17 (d) Services provided by the Department of Children
18 and Family Services or a child welfare agency or other
19 service provider have been successful in eliminating the
20 need for temporary custody.

21 The clerk shall set the matter for hearing not later than
22 14 days after such motion is filed. In the event that the court
23 modifies or vacates a temporary order but does not vacate its
24 finding of probable cause, the court may order that
25 appropriate services be continued or initiated on ~~in~~ behalf of
26 the minor and his or her family.

1 (8) Whenever a petition has been filed under Section
2 5-520, the court can, at any time prior to trial or sentencing,
3 order that the minor be placed in detention or a shelter care
4 facility after the court conducts a hearing and finds that the
5 conduct and behavior of the minor may endanger the health,
6 person, welfare, or property of himself or others or that the
7 circumstances of his or her home environment may endanger his
8 or her health, person, welfare, or property.

9 (Source: P.A. 102-654, eff. 1-1-23; revised 11-24-21.)

10 (705 ILCS 405/5-901)

11 Sec. 5-901. Court file.

12 (1) The Court file with respect to proceedings under this
13 Article shall consist of the petitions, pleadings, victim
14 impact statements, process, service of process, orders, writs
15 and docket entries reflecting hearings held and judgments and
16 decrees entered by the court. The court file shall be kept
17 separate from other records of the court.

18 (a) The file, including information identifying the
19 victim or alleged victim of any sex offense, shall be
20 disclosed only to the following parties when necessary for
21 discharge of their official duties:

22 (i) A judge of the circuit court and members of the
23 staff of the court designated by the judge;

24 (ii) Parties to the proceedings and their
25 attorneys;

1 (iii) Victims and their attorneys, except in cases
2 of multiple victims of sex offenses in which case the
3 information identifying the nonrequesting victims
4 shall be redacted;

5 (iv) Probation officers, law enforcement officers
6 or prosecutors or their staff;

7 (v) Adult and juvenile Prisoner Review Boards.

8 (b) The Court file redacted to remove any information
9 identifying the victim or alleged victim of any sex
10 offense shall be disclosed only to the following parties
11 when necessary for discharge of their official duties:

12 (i) Authorized military personnel;

13 (ii) Persons engaged in bona fide research, with
14 the permission of the judge of the juvenile court and
15 the chief executive of the agency that prepared the
16 particular recording: provided that publication of
17 such research results in no disclosure of a minor's
18 identity and protects the confidentiality of the
19 record;

20 (iii) The Secretary of State to whom the Clerk of
21 the Court shall report the disposition of all cases,
22 as required in Section 6-204 or Section 6-205.1 of the
23 Illinois Vehicle Code. However, information reported
24 relative to these offenses shall be privileged and
25 available only to the Secretary of State, courts, and
26 police officers;

1 (iv) The administrator of a bonafide substance
2 abuse student assistance program with the permission
3 of the presiding judge of the juvenile court;

4 (v) Any individual, or any public or private
5 agency or institution, having custody of the juvenile
6 under court order or providing educational, medical or
7 mental health services to the juvenile or a
8 court-approved advocate for the juvenile or any
9 placement provider or potential placement provider as
10 determined by the court.

11 (2) (Reserved).

12 (3) A minor who is the victim or alleged victim in a
13 juvenile proceeding shall be provided the same confidentiality
14 regarding disclosure of identity as the minor who is the
15 subject of record. Information identifying victims and alleged
16 victims of sex offenses, shall not be disclosed or open to
17 public inspection under any circumstances. Nothing in this
18 Section shall prohibit the victim or alleged victim of any sex
19 offense from voluntarily disclosing his or her identity.

20 (4) Relevant information, reports and records shall be
21 made available to the Department of Juvenile Justice when a
22 juvenile offender has been placed in the custody of the
23 Department of Juvenile Justice.

24 (4.5) Relevant information, reports and records, held by
25 the Department of Juvenile Justice, including social
26 investigation, psychological and medical records, of any

1 juvenile offender, shall be made available to any county
2 juvenile detention facility upon written request by the
3 Superintendent or Director of that juvenile detention
4 facility, to the Chief Records Officer of the Department of
5 Juvenile Justice where the subject youth is or was in the
6 custody of the Department of Juvenile Justice and is
7 subsequently ordered to be held in a county juvenile detention
8 facility.

9 (5) Except as otherwise provided in this subsection (5),
10 juvenile court records shall not be made available to the
11 general public but may be inspected by representatives of
12 agencies, associations and news media or other properly
13 interested persons by general or special order of the court.
14 The State's Attorney, the minor, his or her parents, guardian
15 and counsel shall at all times have the right to examine court
16 files and records.

17 (a) The court shall allow the general public to have
18 access to the name, address, and offense of a minor who is
19 adjudicated a delinquent minor under this Act under either
20 of the following circumstances:

21 (i) The adjudication of delinquency was based upon
22 the minor's commission of first degree murder, attempt
23 to commit first degree murder, aggravated criminal
24 sexual assault, or criminal sexual assault; or

25 (ii) The court has made a finding that the minor
26 was at least 13 years of age at the time the act was

1 committed and the adjudication of delinquency was
2 based upon the minor's commission of: (A) an act in
3 furtherance of the commission of a felony as a member
4 of or on behalf of a criminal street gang, (B) an act
5 involving the use of a firearm in the commission of a
6 felony, (C) an act that would be a Class X felony
7 offense under or the minor's second or subsequent
8 Class 2 or greater felony offense under the Cannabis
9 Control Act if committed by an adult, (D) an act that
10 would be a second or subsequent offense under Section
11 402 of the Illinois Controlled Substances Act if
12 committed by an adult, (E) an act that would be an
13 offense under Section 401 of the Illinois Controlled
14 Substances Act if committed by an adult, or (F) an act
15 that would be an offense under the Methamphetamine
16 Control and Community Protection Act if committed by
17 an adult.

18 (b) The court shall allow the general public to have
19 access to the name, address, and offense of a minor who is
20 at least 13 years of age at the time the offense is
21 committed and who is convicted, in criminal proceedings
22 permitted or required under Section 5-805, under either of
23 the following circumstances:

24 (i) The minor has been convicted of first degree
25 murder, attempt to commit first degree murder,
26 aggravated criminal sexual assault, or criminal sexual

1 assault,

2 (ii) The court has made a finding that the minor
3 was at least 13 years of age at the time the offense
4 was committed and the conviction was based upon the
5 minor's commission of: (A) an offense in furtherance
6 of the commission of a felony as a member of or on
7 behalf of a criminal street gang, (B) an offense
8 involving the use of a firearm in the commission of a
9 felony, (C) a Class X felony offense under the
10 Cannabis Control Act or a second or subsequent Class 2
11 or greater felony offense under the Cannabis Control
12 Act, (D) a second or subsequent offense under Section
13 402 of the Illinois Controlled Substances Act, (E) an
14 offense under Section 401 of the Illinois Controlled
15 Substances Act, or (F) an offense under the
16 Methamphetamine Control and Community Protection Act.

17 (6) Nothing in this Section shall be construed to limit
18 the use of an adjudication of delinquency as evidence in any
19 juvenile or criminal proceeding, where it would otherwise be
20 admissible under the rules of evidence, including, but not
21 limited to, use as impeachment evidence against any witness,
22 including the minor if he or she testifies.

23 (7) Nothing in this Section shall affect the right of a
24 Civil Service Commission or appointing authority examining the
25 character and fitness of an applicant for a position as a law
26 enforcement officer to ascertain whether that applicant was

1 ever adjudicated to be a delinquent minor and, if so, to
2 examine the records or evidence which were made in proceedings
3 under this Act.

4 (8) Following any adjudication of delinquency for a crime
5 which would be a felony if committed by an adult, or following
6 any adjudication of delinquency for a violation of Section
7 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the State's Attorney shall ascertain
9 whether the minor respondent is enrolled in school and, if so,
10 shall provide a copy of the sentencing order to the principal
11 or chief administrative officer of the school. Access to such
12 juvenile records shall be limited to the principal or chief
13 administrative officer of the school and any school counselor
14 designated by him or her.

15 (9) Nothing contained in this Act prevents the sharing or
16 disclosure of information or records relating or pertaining to
17 juveniles subject to the provisions of the Serious Habitual
18 Offender Comprehensive Action Program when that information is
19 used to assist in the early identification and treatment of
20 habitual juvenile offenders.

21 (10) (Reserved).

22 (11) The Clerk of the Circuit Court shall report to the
23 Illinois State Police, in the form and manner required by the
24 Illinois State Police, the final disposition of each minor who
25 has been arrested or taken into custody before his or her 18th
26 birthday for those offenses required to be reported under

1 Section 5 of the Criminal Identification Act. Information
2 reported to the Illinois State Police ~~Department~~ under this
3 Section may be maintained with records that the Illinois State
4 Police ~~Department~~ files under Section 2.1 of the Criminal
5 Identification Act.

6 (12) Information or records may be disclosed to the
7 general public when the court is conducting hearings under
8 Section 5-805 or 5-810.

9 (13) The changes made to this Section by Public Act 98-61
10 apply to juvenile court records of a minor who has been
11 arrested or taken into custody on or after January 1, 2014 (the
12 effective date of Public Act 98-61).

13 (Source: P.A. 102-197, eff. 7-30-21; 102-320, eff. 8-6-21;
14 102-538, eff. 8-20-21; revised 10-12-21.)

15 Section 600. The Court of Claims Act is amended by
16 changing Section 22 as follows:

17 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

18 Sec. 22. Every claim cognizable by the court and not
19 otherwise sooner barred by law shall be forever barred from
20 prosecution therein unless it is filed with the clerk of the
21 court within the time set forth as follows:

22 (a) All claims arising out of a contract must be filed
23 within 5 years after it first accrues, saving to minors,
24 and persons under legal disability at the time the claim

1 accrues, in which cases the claim must be filed within 5
2 years from the time the disability ceases.

3 (b) All claims cognizable against the State by vendors
4 of goods or services under the Illinois Public Aid Code
5 must be filed ~~file~~ within one year after the accrual of the
6 cause of action, as provided in Section 11-13 of that
7 Code.

8 (c) All claims arising under paragraph (c) of Section
9 8 of this Act must be automatically heard by the court
10 within 120 days after the person asserting such claim is
11 either issued a certificate of innocence from the circuit
12 court as provided in Section 2-702 of the Code of Civil
13 Procedure, or is granted a pardon by the Governor,
14 whichever occurs later, without the person asserting the
15 claim being required to file a petition under Section 11
16 of this Act, except as otherwise provided by the Crime
17 Victims Compensation Act. Any claims filed by the claimant
18 under paragraph (c) of Section 8 of this Act must be filed
19 within 2 years after the person asserting such claim is
20 either issued a certificate of innocence as provided in
21 Section 2-702 of the Code of Civil Procedure, or is
22 granted a pardon by the Governor, whichever occurs later.

23 (d) All claims arising under paragraph (f) of Section
24 8 of this Act must be filed within the time set forth in
25 Section 3 of the Line of Duty Compensation Act.

26 (e) All claims arising under paragraph (h) of Section

1 8 of this Act must be filed within one year of the date of
2 the death of the guardsman or militiaman as provided in
3 Section 3 of the Illinois National Guardsman's
4 Compensation Act.

5 (f) All claims arising under paragraph (g) of Section
6 8 of this Act must be filed within one year of the crime on
7 which a claim is based as provided in Section 6.1 of the
8 Crime Victims Compensation Act.

9 (g) All claims arising from the Comptroller's refusal
10 to issue a replacement warrant pursuant to Section 10.10
11 of the State Comptroller Act must be filed within 5 years
12 after the date of the Comptroller's refusal.

13 (h) All other claims must be filed within 2 years
14 after it first accrues, saving to minors, and persons
15 under legal disability at the time the claim accrues, in
16 which case the claim must be filed within 2 years from the
17 time the disability ceases.

18 (i) The changes made by Public Act 86-458 apply to all
19 warrants issued within the 5-year period preceding August
20 31, 1989 (the effective date of Public Act 86-458). The
21 changes made to this Section by Public Act 100-1124 apply
22 to claims pending on November 27, 2018 (the effective date
23 of Public Act 100-1124) and to claims filed thereafter.

24 (j) All time limitations established under this Act
25 and the rules promulgated under this Act shall be binding
26 and jurisdictional, except upon extension authorized by

1 law or rule and granted pursuant to a motion timely filed.
2 (Source: P.A. 102-558, eff. 8-20-21; revised 11-24-21.)

3 Section 605. The Criminal Code of 2012 is amended by
4 changing Sections 12-7.1, 24-3, and 24-8 as follows:

5 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

6 Sec. 12-7.1. Hate crime.

7 (a) A person commits hate crime when, by reason of the
8 actual or perceived race, color, creed, religion, ancestry,
9 gender, sexual orientation, physical or mental disability,
10 citizenship, immigration status, or national origin of another
11 individual or group of individuals, regardless of the
12 existence of any other motivating factor or factors, he or she
13 commits assault, battery, aggravated assault, intimidation,
14 stalking, cyberstalking, misdemeanor theft, criminal trespass
15 to residence, misdemeanor criminal damage to property,
16 criminal trespass to vehicle, criminal trespass to real
17 property, mob action, disorderly conduct, transmission of
18 obscene messages, harassment by telephone, or harassment
19 through electronic communications as these crimes are defined
20 in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5, 16-1, 19-4,
21 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2, paragraphs
22 (a) (1), (a) (2), and (a) (3) of Section 12-6, and paragraphs
23 (a) (2) and (a) (5) of Section 26.5-3 of this Code,
24 respectively.

1 (b) Except as provided in subsection (b-5), hate crime is
2 a Class 4 felony for a first offense and a Class 2 felony for a
3 second or subsequent offense.

4 (b-5) Hate crime is a Class 3 felony for a first offense
5 and a Class 2 felony for a second or subsequent offense if
6 committed:

7 (1) in, or upon the exterior or grounds of, a church,
8 synagogue, mosque, or other building, structure, or place
9 identified or associated with a particular religion or
10 used for religious worship or other religious purpose;

11 (2) in a cemetery, mortuary, or other facility used
12 for the purpose of burial or memorializing the dead;

13 (3) in a school or other educational facility,
14 including an administrative facility or public or private
15 dormitory facility of or associated with the school or
16 other educational facility;

17 (4) in a public park or an ethnic or religious
18 community center;

19 (5) on the real property comprising any location
20 specified in clauses (1) through (4) of this subsection
21 (b-5); or

22 (6) on a public way within 1,000 feet of the real
23 property comprising any location specified in clauses (1)
24 through (4) of this subsection (b-5).

25 (b-10) Upon imposition of any sentence, the trial court
26 shall also either order restitution paid to the victim or

1 impose a fine in an amount to be determined by the court based
2 on the severity of the crime and the injury or damages suffered
3 by the victim. In addition, any order of probation or
4 conditional discharge entered following a conviction or an
5 adjudication of delinquency shall include a condition that the
6 offender perform public or community service of no less than
7 200 hours if that service is established in the county where
8 the offender was convicted of hate crime. In addition, any
9 order of probation or conditional discharge entered following
10 a conviction or an adjudication of delinquency shall include a
11 condition that the offender enroll in an educational program
12 discouraging hate crimes involving the protected class
13 identified in subsection (a) that gave rise to the offense the
14 offender committed. The educational program must be attended
15 by the offender in-person and may be administered, as
16 determined by the court, by a university, college, community
17 college, non-profit organization, the Illinois Holocaust and
18 Genocide Commission, or any other organization that provides
19 educational programs discouraging hate crimes, except that
20 programs administered online or that can otherwise be attended
21 remotely are prohibited. The court may also impose any other
22 condition of probation or conditional discharge under this
23 Section. If the court sentences the offender to imprisonment
24 or periodic imprisonment for a violation of this Section, as a
25 condition of the offender's mandatory supervised release, the
26 court shall require that the offender perform public or

1 community service of no less than 200 hours and enroll in an
2 educational program discouraging hate crimes involving the
3 protected class identified in subsection (a) that gave rise to
4 the offense the offender committed.

5 (c) Independent of any criminal prosecution or the result
6 of a criminal prosecution, any person suffering injury to his
7 or her person, damage to his or her property, intimidation as
8 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section
9 12-6 of this Code, stalking as defined in Section 12-7.3 of
10 this Code, cyberstalking as defined in Section 12-7.5 of this
11 Code, disorderly conduct as defined in paragraph (a)(1),
12 (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code,
13 transmission of obscene messages as defined in Section 26.5-1
14 of this Code, harassment by telephone as defined in Section
15 26.5-2 of this Code, or harassment through electronic
16 communications as defined in paragraphs (a)(2) and (a)(5) of
17 Section 26.5-3 of this Code as a result of a hate crime may
18 bring a civil action for damages, injunction or other
19 appropriate relief. The court may award actual damages,
20 including damages for emotional distress, as well as punitive
21 damages. The court may impose a civil penalty up to \$25,000 for
22 each violation of this subsection (c). A judgment in favor of a
23 person who brings a civil action under this subsection (c)
24 shall include attorney's fees and costs. After consulting with
25 the local State's Attorney, the Attorney General may bring a
26 civil action in the name of the People of the State for an

1 injunction or other equitable relief under this subsection
2 (c). In addition, the Attorney General may request and the
3 court may impose a civil penalty up to \$25,000 for each
4 violation under this subsection (c). The parents or legal
5 guardians, other than guardians appointed pursuant to the
6 Juvenile Court Act or the Juvenile Court Act of 1987, of an
7 unemancipated minor shall be liable for the amount of any
8 judgment for all damages rendered against such minor under
9 this subsection (c) in any amount not exceeding the amount
10 provided under Section 5 of the Parental Responsibility Law.

11 (d) "Sexual orientation" has the meaning ascribed to it in
12 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
13 Act.

14 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;
15 revised 11-18-21.)

16 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

17 Sec. 24-3. Unlawful sale or delivery of firearms.

18 (A) A person commits the offense of unlawful sale or
19 delivery of firearms when he or she knowingly does any of the
20 following:

21 (a) Sells or gives any firearm of a size which may be
22 concealed upon the person to any person under 18 years of
23 age.

24 (b) Sells or gives any firearm to a person under 21
25 years of age who has been convicted of a misdemeanor other

1 than a traffic offense or adjudged delinquent.

2 (c) Sells or gives any firearm to any narcotic addict.

3 (d) Sells or gives any firearm to any person who has
4 been convicted of a felony under the laws of this or any
5 other jurisdiction.

6 (e) Sells or gives any firearm to any person who has
7 been a patient in a mental institution within the past 5
8 years. In this subsection (e):

9 "Mental institution" means any hospital,
10 institution, clinic, evaluation facility, mental
11 health center, or part thereof, which is used
12 primarily for the care or treatment of persons with
13 mental illness.

14 "Patient in a mental institution" means the person
15 was admitted, either voluntarily or involuntarily, to
16 a mental institution for mental health treatment,
17 unless the treatment was voluntary and solely for an
18 alcohol abuse disorder and no other secondary
19 substance abuse disorder or mental illness.

20 (f) Sells or gives any firearms to any person who is a
21 person with an intellectual disability.

22 (g) Delivers any firearm, incidental to a sale,
23 without withholding delivery of the firearm for at least
24 72 hours after application for its purchase has been made,
25 or delivers a stun gun or taser, incidental to a sale,
26 without withholding delivery of the stun gun or taser for

1 at least 24 hours after application for its purchase has
2 been made. However, this paragraph (g) does not apply to:
3 (1) the sale of a firearm to a law enforcement officer if
4 the seller of the firearm knows that the person to whom he
5 or she is selling the firearm is a law enforcement officer
6 or the sale of a firearm to a person who desires to
7 purchase a firearm for use in promoting the public
8 interest incident to his or her employment as a bank
9 guard, armed truck guard, or other similar employment; (2)
10 a mail order sale of a firearm from a federally licensed
11 firearms dealer to a nonresident of Illinois under which
12 the firearm is mailed to a federally licensed firearms
13 dealer outside the boundaries of Illinois; (3) (blank);
14 (4) the sale of a firearm to a dealer licensed as a federal
15 firearms dealer under Section 923 of the federal Gun
16 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
17 sale of any rifle, shotgun, or other long gun to a resident
18 registered competitor or attendee or non-resident
19 registered competitor or attendee by any dealer licensed
20 as a federal firearms dealer under Section 923 of the
21 federal Gun Control Act of 1968 at competitive shooting
22 events held at the World Shooting Complex sanctioned by a
23 national governing body. For purposes of transfers or
24 sales under subparagraph (5) of this paragraph (g), the
25 Department of Natural Resources shall give notice to the
26 Illinois State Police at least 30 calendar days prior to

1 any competitive shooting events at the World Shooting
2 Complex sanctioned by a national governing body. The
3 notification shall be made on a form prescribed by the
4 Illinois State Police. The sanctioning body shall provide
5 a list of all registered competitors and attendees at
6 least 24 hours before the events to the Illinois State
7 Police. Any changes to the list of registered competitors
8 and attendees shall be forwarded to the Illinois State
9 Police as soon as practicable. The Illinois State Police
10 must destroy the list of registered competitors and
11 attendees no later than 30 days after the date of the
12 event. Nothing in this paragraph (g) relieves a federally
13 licensed firearm dealer from the requirements of
14 conducting a NICS background check through the Illinois
15 Point of Contact under 18 U.S.C. 922(t). For purposes of
16 this paragraph (g), "application" means when the buyer and
17 seller reach an agreement to purchase a firearm. For
18 purposes of this paragraph (g), "national governing body"
19 means a group of persons who adopt rules and formulate
20 policy on behalf of a national firearm sporting
21 organization.

22 (h) While holding any license as a dealer, importer,
23 manufacturer or pawnbroker under the federal Gun Control
24 Act of 1968, manufactures, sells or delivers to any
25 unlicensed person a handgun having a barrel, slide, frame
26 or receiver which is a die casting of zinc alloy or any

1 other nonhomogeneous metal which will melt or deform at a
2 temperature of less than 800 degrees Fahrenheit. For
3 purposes of this paragraph, (1) "firearm" is defined as in
4 the Firearm Owners Identification Card Act; and (2)
5 "handgun" is defined as a firearm designed to be held and
6 fired by the use of a single hand, and includes a
7 combination of parts from which such a firearm can be
8 assembled.

9 (i) Sells or gives a firearm of any size to any person
10 under 18 years of age who does not possess a valid Firearm
11 Owner's Identification Card.

12 (j) Sells or gives a firearm while engaged in the
13 business of selling firearms at wholesale or retail
14 without being licensed as a federal firearms dealer under
15 Section 923 of the federal Gun Control Act of 1968 (18
16 U.S.C. 923). In this paragraph (j):

17 A person "engaged in the business" means a person who
18 devotes time, attention, and labor to engaging in the
19 activity as a regular course of trade or business with the
20 principal objective of livelihood and profit, but does not
21 include a person who makes occasional repairs of firearms
22 or who occasionally fits special barrels, stocks, or
23 trigger mechanisms to firearms.

24 "With the principal objective of livelihood and
25 profit" means that the intent underlying the sale or
26 disposition of firearms is predominantly one of obtaining

1 livelihood and pecuniary gain, as opposed to other
2 intents, such as improving or liquidating a personal
3 firearms collection; however, proof of profit shall not be
4 required as to a person who engages in the regular and
5 repetitive purchase and disposition of firearms for
6 criminal purposes or terrorism.

7 (k) Sells or transfers ownership of a firearm to a
8 person who does not display to the seller or transferor of
9 the firearm either: (1) a currently valid Firearm Owner's
10 Identification Card that has previously been issued in the
11 transferee's name by the Illinois State Police under the
12 provisions of the Firearm Owners Identification Card Act;
13 or (2) a currently valid license to carry a concealed
14 firearm that has previously been issued in the
15 transferee's name by the Illinois State Police under the
16 Firearm Concealed Carry Act. This paragraph (k) does not
17 apply to the transfer of a firearm to a person who is
18 exempt from the requirement of possessing a Firearm
19 Owner's Identification Card under Section 2 of the Firearm
20 Owners Identification Card Act. For the purposes of this
21 Section, a currently valid Firearm Owner's Identification
22 Card or license to carry a concealed firearm means receipt
23 of an approval number issued in accordance with subsection
24 (a-10) of Section ~~subsection~~ 3 or Section 3.1 of the
25 Firearm Owners Identification Card Act.

26 (1) In addition to the other requirements of this

1 paragraph (k), all persons who are not federally
2 licensed firearms dealers must also have complied with
3 subsection (a-10) of Section 3 of the Firearm Owners
4 Identification Card Act by determining the validity of
5 a purchaser's Firearm Owner's Identification Card.

6 (2) All sellers or transferors who have complied
7 with the requirements of subparagraph (1) of this
8 paragraph (k) shall not be liable for damages in any
9 civil action arising from the use or misuse by the
10 transferee of the firearm transferred, except for
11 willful or wanton misconduct on the part of the seller
12 or transferor.

13 (1) Not being entitled to the possession of a firearm,
14 delivers the firearm, knowing it to have been stolen or
15 converted. It may be inferred that a person who possesses
16 a firearm with knowledge that its serial number has been
17 removed or altered has knowledge that the firearm is
18 stolen or converted.

19 (B) Paragraph (h) of subsection (A) does not include
20 firearms sold within 6 months after enactment of Public Act
21 78-355 (approved August 21, 1973, effective October 1, 1973),
22 nor is any firearm legally owned or possessed by any citizen or
23 purchased by any citizen within 6 months after the enactment
24 of Public Act 78-355 subject to confiscation or seizure under
25 the provisions of that Public Act. Nothing in Public Act
26 78-355 shall be construed to prohibit the gift or trade of any

1 firearm if that firearm was legally held or acquired within 6
2 months after the enactment of that Public Act.

3 (C) Sentence.

4 (1) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (c), (e), (f), (g),
6 or (h) of subsection (A) commits a Class 4 felony.

7 (2) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (b) or (i) of
9 subsection (A) commits a Class 3 felony.

10 (3) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (a) of subsection
12 (A) commits a Class 2 felony.

13 (4) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (a), (b), or (i) of
15 subsection (A) in any school, on the real property
16 comprising a school, within 1,000 feet of the real
17 property comprising a school, at a school related
18 activity, or on or within 1,000 feet of any conveyance
19 owned, leased, or contracted by a school or school
20 district to transport students to or from school or a
21 school related activity, regardless of the time of day or
22 time of year at which the offense was committed, commits a
23 Class 1 felony. Any person convicted of a second or
24 subsequent violation of unlawful sale or delivery of
25 firearms in violation of paragraph (a), (b), or (i) of
26 subsection (A) in any school, on the real property

1 comprising a school, within 1,000 feet of the real
2 property comprising a school, at a school related
3 activity, or on or within 1,000 feet of any conveyance
4 owned, leased, or contracted by a school or school
5 district to transport students to or from school or a
6 school related activity, regardless of the time of day or
7 time of year at which the offense was committed, commits a
8 Class 1 felony for which the sentence shall be a term of
9 imprisonment of no less than 5 years and no more than 15
10 years.

11 (5) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (a) or (i) of
13 subsection (A) in residential property owned, operated, or
14 managed by a public housing agency or leased by a public
15 housing agency as part of a scattered site or mixed-income
16 development, in a public park, in a courthouse, on
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development,
20 on the real property comprising any public park, on the
21 real property comprising any courthouse, or on any public
22 way within 1,000 feet of the real property comprising any
23 public park, courthouse, or residential property owned,
24 operated, or managed by a public housing agency or leased
25 by a public housing agency as part of a scattered site or
26 mixed-income development commits a Class 2 felony.

1 (6) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (j) of subsection
3 (A) commits a Class A misdemeanor. A second or subsequent
4 violation is a Class 4 felony.

5 (7) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (k) of subsection
7 (A) commits a Class 4 felony, except that a violation of
8 subparagraph (1) of paragraph (k) of subsection (A) shall
9 not be punishable as a crime or petty offense. A third or
10 subsequent conviction for a violation of paragraph (k) of
11 subsection (A) is a Class 1 felony.

12 (8) A person 18 years of age or older convicted of
13 unlawful sale or delivery of firearms in violation of
14 paragraph (a) or (i) of subsection (A), when the firearm
15 that was sold or given to another person under 18 years of
16 age was used in the commission of or attempt to commit a
17 forcible felony, shall be fined or imprisoned, or both,
18 not to exceed the maximum provided for the most serious
19 forcible felony so committed or attempted by the person
20 under 18 years of age who was sold or given the firearm.

21 (9) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (d) of subsection
23 (A) commits a Class 3 felony.

24 (10) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (l) of subsection
26 (A) commits a Class 2 felony if the delivery is of one

1 firearm. Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (1) of subsection
3 (A) commits a Class 1 felony if the delivery is of not less
4 than 2 and not more than 5 firearms at the same time or
5 within a one-year ~~one-year~~ period. Any person convicted of
6 unlawful sale or delivery of firearms in violation of
7 paragraph (1) of subsection (A) commits a Class X felony
8 for which he or she shall be sentenced to a term of
9 imprisonment of not less than 6 years and not more than 30
10 years if the delivery is of not less than 6 and not more
11 than 10 firearms at the same time or within a 2-year ~~2-year~~
12 period. Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (1) of subsection
14 (A) commits a Class X felony for which he or she shall be
15 sentenced to a term of imprisonment of not less than 6
16 years and not more than 40 years if the delivery is of not
17 less than 11 and not more than 20 firearms at the same time
18 or within a 3-year ~~3-year~~ period. Any person convicted of
19 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 50
23 years if the delivery is of not less than 21 and not more
24 than 30 firearms at the same time or within a 4-year ~~4-year~~
25 period. Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (1) of subsection

1 (A) commits a Class X felony for which he or she shall be
2 sentenced to a term of imprisonment of not less than 6
3 years and not more than 60 years if the delivery is of 31
4 or more firearms at the same time or within a 5-year ~~5-year~~
5 period.

6 (D) For purposes of this Section:

7 "School" means a public or private elementary or secondary
8 school, community college, college, or university.

9 "School related activity" means any sporting, social,
10 academic, or other activity for which students' attendance or
11 participation is sponsored, organized, or funded in whole or
12 in part by a school or school district.

13 (E) A prosecution for a violation of paragraph (k) of
14 subsection (A) of this Section may be commenced within 6 years
15 after the commission of the offense. A prosecution for a
16 violation of this Section other than paragraph (g) of
17 subsection (A) of this Section may be commenced within 5 years
18 after the commission of the offense defined in the particular
19 paragraph.

20 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
21 revised 10-12-21.)

22 (720 ILCS 5/24-8)

23 Sec. 24-8. Firearm evidence.

24 (a) Upon recovering a firearm from the possession of
25 anyone who is not permitted by federal or State law to possess

1 a firearm, a law enforcement agency shall use the best
2 available information, including a firearms trace when
3 necessary, to determine how and from whom the person gained
4 possession of the firearm. Upon recovering a firearm that was
5 used in the commission of any offense classified as a felony or
6 upon recovering a firearm that appears to have been lost,
7 mislaid, stolen, or otherwise unclaimed, a law enforcement
8 agency shall use the best available information, including a
9 firearms trace, to determine prior ownership of the firearm.

10 (b) Law enforcement shall, when appropriate, use the
11 National Tracing Center of the Federal Bureau of Alcohol,
12 Tobacco and Firearms and the National Crime Information Center
13 of the Federal Bureau of Investigation in complying with
14 subsection (a) of this Section.

15 (c) Law enforcement agencies shall use the Illinois State
16 Police Law Enforcement Agencies Data System (LEADS) Gun File
17 to enter all stolen, seized, or recovered firearms as
18 prescribed by LEADS regulations and policies.

19 (d) Whenever a law enforcement agency recovers a fired
20 cartridge case at a crime scene or has reason to believe that
21 the recovered fired cartridge case is related to or associated
22 with the commission of a crime, the law enforcement agency
23 shall submit the evidence to the National Integrated
24 Ballistics Information Network (NIBIN) or an Illinois State
25 Police laboratory for NIBIN processing. Whenever a law
26 enforcement agency seizes or recovers a semiautomatic firearm

1 that is deemed suitable to be entered into the NIBIN that was:
2 (i) unlawfully possessed, (ii) used for any unlawful purpose,
3 (iii) recovered from the scene of a crime, (iv) is reasonably
4 believed to have been used or associated with the commission
5 of a crime, or (v) is acquired by the law enforcement agency as
6 an abandoned or discarded firearm, the law enforcement agency
7 shall submit the evidence to the NIBIN or an Illinois State
8 Police laboratory for NIBIN processing. When practicable, all
9 NIBIN-suitable evidence and NIBIN-suitable test fires from
10 recovered firearms shall be entered into the NIBIN within 2
11 business days of submission to Illinois State Police
12 laboratories that have NIBIN access or another NIBIN site.
13 Exceptions to this may occur if the evidence in question
14 requires analysis by other forensic disciplines. The Illinois
15 State Police laboratory, submitting agency, and relevant court
16 representatives shall determine whether the request for
17 additional analysis outweighs the 2 business-day requirement.
18 Illinois State Police laboratories that do not have NIBIN
19 access shall submit NIBIN-suitable evidence and test fires to
20 an Illinois State Police laboratory with NIBIN access. Upon
21 receipt at the laboratory with NIBIN access, when practicable,
22 the evidence and test fires shall be entered into the NIBIN
23 within 2 business days. Exceptions to this 2 business-day
24 requirement may occur if the evidence in question requires
25 analysis by other forensic disciplines. The Illinois State
26 Police laboratory, submitting agency, and relevant court

1 representatives shall determine whether the request for
2 additional analysis outweighs the 2 business-day requirement.
3 Nothing in this Section shall be interpreted to conflict with
4 standards and policies for NIBIN sites as promulgated by the
5 federal Bureau of Alcohol, Tobacco, Firearms and Explosives or
6 successor agencies.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
8 revised 10-14-21.)

9 Section 610. The Cannabis Control Act is amended by
10 changing Section 8 as follows:

11 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

12 Sec. 8. Except as otherwise provided in the Cannabis
13 Regulation and Tax Act and the Industrial Hemp Act, it is
14 unlawful for any person knowingly to produce the Cannabis
15 sativa plant or to possess such plants unless production or
16 possession has been authorized pursuant to the provisions of
17 Section 11 or 15.2 of the Act. Any person who violates this
18 Section with respect to production or possession of:

19 (a) Not more than 5 plants is guilty of a civil
20 violation punishable by a minimum fine of \$100 and a
21 maximum fine of \$200. The proceeds of the fine are payable
22 to the clerk of the circuit court. Within 30 days after the
23 deposit of the fine, the clerk shall distribute the
24 proceeds of the fine as follows:

1 (1) \$10 of the fine to the circuit clerk and \$10 of
2 the fine to the law enforcement agency that issued the
3 citation; the proceeds of each \$10 fine distributed to
4 the circuit clerk and each \$10 fine distributed to the
5 law enforcement agency that issued the citation for
6 the violation shall be used to defer the cost of
7 automatic expungements under paragraph (2.5) of
8 subsection (a) of Section 5.2 of the Criminal
9 Identification Act;

10 (2) \$15 to the county to fund drug addiction
11 services;

12 (3) \$10 to the Office of the State's Attorneys
13 Appellate Prosecutor for use in training programs;

14 (4) \$10 to the State's Attorney; and

15 (5) any remainder of the fine to the law
16 enforcement agency that issued the citation for the
17 violation.

18 With respect to funds designated for the Illinois
19 State Police, the moneys shall be remitted by the circuit
20 court clerk to the State Treasurer ~~Illinois~~ within one
21 month after receipt for deposit into the State Police
22 Operations Assistance Fund. With respect to funds
23 designated for the Department of Natural Resources, the
24 Department of Natural Resources shall deposit the moneys
25 into the Conservation Police Operations Assistance Fund.

26 (b) More than 5, but not more than 20 plants, is guilty

1 of a Class 4 felony.

2 (c) More than 20, but not more than 50 plants, is
3 guilty of a Class 3 felony.

4 (d) More than 50, but not more than 200 plants, is
5 guilty of a Class 2 felony for which a fine not to exceed
6 \$100,000 may be imposed and for which liability for the
7 cost of conducting the investigation and eradicating such
8 plants may be assessed. Compensation for expenses incurred
9 in the enforcement of this provision shall be transmitted
10 to and deposited in the treasurer's office at the level of
11 government represented by the Illinois law enforcement
12 agency whose officers or employees conducted the
13 investigation or caused the arrest or arrests leading to
14 the prosecution, to be subsequently made available to that
15 law enforcement agency as expendable receipts for use in
16 the enforcement of laws regulating controlled substances
17 and cannabis. If such seizure was made by a combination of
18 law enforcement personnel representing different levels of
19 government, the court levying the assessment shall
20 determine the allocation of such assessment. The proceeds
21 of assessment awarded to the State treasury shall be
22 deposited in a special fund known as the Drug Traffic
23 Prevention Fund.

24 (e) More than 200 plants is guilty of a Class 1 felony
25 for which a fine not to exceed \$100,000 may be imposed and
26 for which liability for the cost of conducting the

1 investigation and eradicating such plants may be assessed.
2 Compensation for expenses incurred in the enforcement of
3 this provision shall be transmitted to and deposited in
4 the treasurer's office at the level of government
5 represented by the Illinois law enforcement agency whose
6 officers or employees conducted the investigation or
7 caused the arrest or arrests leading to the prosecution,
8 to be subsequently made available to that law enforcement
9 agency as expendable receipts for use in the enforcement
10 of laws regulating controlled substances and cannabis. If
11 such seizure was made by a combination of law enforcement
12 personnel representing different levels of government, the
13 court levying the assessment shall determine the
14 allocation of such assessment. The proceeds of assessment
15 awarded to the State treasury shall be deposited in a
16 special fund known as the Drug Traffic Prevention Fund.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
18 102-145, eff. 7-23-21; 102-538, eff. 8-20-21; revised
19 10-14-21.)

20 Section 615. The Illinois Controlled Substances Act is
21 amended by changing Sections 102 and 316 as follows:

22 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

23 Sec. 102. Definitions. As used in this Act, unless the
24 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 (1alpha-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 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-
9 dihydroxyandrost-5-ene),
10 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-
11 5[alpha]-androst-1-en-3-one),
12 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-
13 dihydroxy-5a-androstane,
14 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy
15 -5a-androstane,
16 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-
17 dihydroxyandrost-4-ene),
18 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
19 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
20 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-
21 hydroxyestra-4,9(10)-dien-3-one),
22 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-
23 hydroxyestra-4,9-11-trien-3-one),
24 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-
25 hydroxyandrost-4-en-3-one),
26 (xl) 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. "Deliver" or "delivery" does not include
22 the donation of drugs to the extent permitted under the
23 Illinois Drug Reuse Opportunity Program Act.

24 (i) "Department" means the Illinois Department of Human
25 Services (as successor to the Department of Alcoholism and
26 Substance Abuse) or its successor agency.

1 (j) (Blank).

2 (k) "Department of Corrections" means the Department of
3 Corrections of the State of Illinois or its successor agency.

4 (l) "Department of Financial and Professional Regulation"
5 means the Department of Financial and Professional Regulation
6 of the State of Illinois or its successor agency.

7 (m) "Depressant" means any drug that (i) causes an overall
8 depression of central nervous system functions, (ii) causes
9 impaired consciousness and awareness, and (iii) can be
10 habit-forming or lead to a substance abuse problem, including,
11 but not limited to, alcohol, cannabis and its active
12 principles and their analogs, benzodiazepines and their
13 analogs, barbiturates and their analogs, opioids (natural and
14 synthetic) and their analogs, and chloral hydrate and similar
15 sedative hypnotics.

16 (n) (Blank).

17 (o) "Director" means the Director of the Illinois State
18 Police or his or her designated agents.

19 (p) "Dispense" means to deliver a controlled substance to
20 an ultimate user or research subject by or pursuant to the
21 lawful order of a prescriber, including the prescribing,
22 administering, packaging, labeling, or compounding necessary
23 to prepare the substance for that delivery.

24 (q) "Dispenser" means a practitioner who dispenses.

25 (r) "Distribute" means to deliver, other than by
26 administering or dispensing, a controlled substance.

1 (s) "Distributor" means a person who distributes.

2 (t) "Drug" means (1) substances recognized as drugs in the
3 official United States Pharmacopoeia, Official Homeopathic
4 Pharmacopoeia of the United States, or official National
5 Formulary, or any supplement to any of them; (2) substances
6 intended for use in diagnosis, cure, mitigation, treatment, or
7 prevention of disease in man or animals; (3) substances (other
8 than food) intended to affect the structure of any function of
9 the body of man or animals and (4) substances intended for use
10 as a component of any article specified in clause (1), (2), or
11 (3) of this subsection. It does not include devices or their
12 components, parts, or accessories.

13 (t-3) "Electronic health record" or "EHR" means an
14 electronic record of health-related information on an
15 individual that is created, gathered, managed, and consulted
16 by authorized health care clinicians and staff.

17 (t-3.5) "Electronic health record system" or "EHR system"
18 means any computer-based system or combination of federally
19 certified Health IT Modules (defined at 42 CFR 170.102 or its
20 successor) used as a repository for electronic health records
21 and accessed or updated by a prescriber or authorized
22 surrogate in the ordinary course of his or her medical
23 practice. For purposes of connecting to the Prescription
24 Information Library maintained by the Bureau of Pharmacy and
25 Clinical Support Systems or its successor, an EHR system may
26 connect to the Prescription Information Library directly or

1 through all or part of a computer program or system that is a
2 federally certified Health IT Module maintained by a third
3 party and used by the EHR system to secure access to the
4 database.

5 (t-4) "Emergency medical services personnel" has the
6 meaning ascribed to it in the Emergency Medical Services (EMS)
7 Systems Act.

8 (t-5) "Euthanasia agency" means an entity certified by the
9 Department of Financial and Professional Regulation for the
10 purpose of animal euthanasia that holds an animal control
11 facility license or animal shelter license under the Animal
12 Welfare Act. A euthanasia agency is authorized to purchase,
13 store, possess, and utilize Schedule II nonnarcotic and
14 Schedule III nonnarcotic drugs for the sole purpose of animal
15 euthanasia.

16 (t-10) "Euthanasia drugs" means Schedule II or Schedule
17 III substances (nonnarcotic controlled substances) that are
18 used by a euthanasia agency for the purpose of animal
19 euthanasia.

20 (u) "Good faith" means the prescribing or dispensing of a
21 controlled substance by a practitioner in the regular course
22 of professional treatment to or for any person who is under his
23 or her treatment for a pathology or condition other than that
24 individual's physical or psychological dependence upon or
25 addiction to a controlled substance, except as provided
26 herein: and application of the term to a pharmacist shall mean

1 the dispensing of a controlled substance pursuant to the
2 prescriber's order which in the professional judgment of the
3 pharmacist is lawful. The pharmacist shall be guided by
4 accepted professional standards, including, but not limited
5 to, the following, in making the judgment:

6 (1) lack of consistency of prescriber-patient
7 relationship,

8 (2) frequency of prescriptions for same drug by one
9 prescriber for large numbers of patients,

10 (3) quantities beyond those normally prescribed,

11 (4) unusual dosages (recognizing that there may be
12 clinical circumstances where more or less than the usual
13 dose may be used legitimately),

14 (5) unusual geographic distances between patient,
15 pharmacist and prescriber,

16 (6) consistent prescribing of habit-forming drugs.

17 (u-0.5) "Hallucinogen" means a drug that causes markedly
18 altered sensory perception leading to hallucinations of any
19 type.

20 (u-1) "Home infusion services" means services provided by
21 a pharmacy in compounding solutions for direct administration
22 to a patient in a private residence, long-term care facility,
23 or hospice setting by means of parenteral, intravenous,
24 intramuscular, subcutaneous, or intraspinal infusion.

25 (u-5) "Illinois State Police" means the Illinois State
26 Police or its successor agency.

1 (v) "Immediate precursor" means a substance:

2 (1) which the Department has found to be and by rule
3 designated as being a principal compound used, or produced
4 primarily for use, in the manufacture of a controlled
5 substance;

6 (2) which is an immediate chemical intermediary used
7 or likely to be used in the manufacture of such controlled
8 substance; and

9 (3) the control of which is necessary to prevent,
10 curtail or limit the manufacture of such controlled
11 substance.

12 (w) "Instructional activities" means the acts of teaching,
13 educating or instructing by practitioners using controlled
14 substances within educational facilities approved by the State
15 Board of Education or its successor agency.

16 (x) "Local authorities" means a duly organized State,
17 County or Municipal peace unit or police force.

18 (y) "Look-alike substance" means a substance, other than a
19 controlled substance which (1) by overall dosage unit
20 appearance, including shape, color, size, markings or lack
21 thereof, taste, consistency, or any other identifying physical
22 characteristic of the substance, would lead a reasonable
23 person to believe that the substance is a controlled
24 substance, or (2) is expressly or impliedly represented to be
25 a controlled substance or is distributed under circumstances
26 which would lead a reasonable person to believe that the

1 substance is a controlled substance. For the purpose of
2 determining whether the representations made or the
3 circumstances of the distribution would lead a reasonable
4 person to believe the substance to be a controlled substance
5 under this clause (2) of subsection (y), the court or other
6 authority may consider the following factors in addition to
7 any other factor that may be relevant:

8 (a) statements made by the owner or person in control
9 of the substance concerning its nature, use or effect;

10 (b) statements made to the buyer or recipient that the
11 substance may be resold for profit;

12 (c) whether the substance is packaged in a manner
13 normally used for the illegal distribution of controlled
14 substances;

15 (d) whether the distribution or attempted distribution
16 included an exchange of or demand for money or other
17 property as consideration, and whether the amount of the
18 consideration was substantially greater than the
19 reasonable retail market value of the substance.

20 Clause (1) of this subsection (y) shall not apply to a
21 noncontrolled substance in its finished dosage form that was
22 initially introduced into commerce prior to the initial
23 introduction into commerce of a controlled substance in its
24 finished dosage form which it may substantially resemble.

25 Nothing in this subsection (y) prohibits the dispensing or
26 distributing of noncontrolled substances by persons authorized

1 to dispense and distribute controlled substances under this
2 Act, provided that such action would be deemed to be carried
3 out in good faith under subsection (u) if the substances
4 involved were controlled substances.

5 Nothing in this subsection (y) or in this Act prohibits
6 the manufacture, preparation, propagation, compounding,
7 processing, packaging, advertising or distribution of a drug
8 or drugs by any person registered pursuant to Section 510 of
9 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

10 (y-1) "Mail-order pharmacy" means a pharmacy that is
11 located in a state of the United States that delivers,
12 dispenses or distributes, through the United States Postal
13 Service or other common carrier, to Illinois residents, any
14 substance which requires a prescription.

15 (z) "Manufacture" means the production, preparation,
16 propagation, compounding, conversion or processing of a
17 controlled substance other than methamphetamine, either
18 directly or indirectly, by extraction from substances of
19 natural origin, or independently by means of chemical
20 synthesis, or by a combination of extraction and chemical
21 synthesis, and includes any packaging or repackaging of the
22 substance or labeling of its container, except that this term
23 does not include:

24 (1) by an ultimate user, the preparation or
25 compounding of a controlled substance for his or her own
26 use;

1 (2) by a practitioner, or his or her authorized agent
2 under his or her supervision, the preparation,
3 compounding, packaging, or labeling of a controlled
4 substance:

5 (a) as an incident to his or her administering or
6 dispensing of a controlled substance in the course of
7 his or her professional practice; or

8 (b) as an incident to lawful research, teaching or
9 chemical analysis and not for sale; or

10 (3) the packaging, repackaging, or labeling of drugs
11 only to the extent permitted under the Illinois Drug Reuse
12 Opportunity Program Act.

13 (z-1) (Blank).

14 (z-5) "Medication shopping" means the conduct prohibited
15 under subsection (a) of Section 314.5 of this Act.

16 (z-10) "Mid-level practitioner" means (i) a physician
17 assistant who has been delegated authority to prescribe
18 through a written delegation of authority by a physician
19 licensed to practice medicine in all of its branches, in
20 accordance with Section 7.5 of the Physician Assistant
21 Practice Act of 1987, (ii) an advanced practice registered
22 nurse who has been delegated authority to prescribe through a
23 written delegation of authority by a physician licensed to
24 practice medicine in all of its branches or by a podiatric
25 physician, in accordance with Section 65-40 of the Nurse
26 Practice Act, (iii) an advanced practice registered nurse

1 certified as a nurse practitioner, nurse midwife, or clinical
2 nurse specialist who has been granted authority to prescribe
3 by a hospital affiliate in accordance with Section 65-45 of
4 the Nurse Practice Act, (iv) an animal euthanasia agency, or
5 (v) a prescribing psychologist.

6 (aa) "Narcotic drug" means any of the following, whether
7 produced directly or indirectly by extraction from substances
8 of vegetable origin, or independently by means of chemical
9 synthesis, or by a combination of extraction and chemical
10 synthesis:

11 (1) opium, opiates, derivatives of opium and opiates,
12 including their isomers, esters, ethers, salts, and salts
13 of isomers, esters, and ethers, whenever the existence of
14 such isomers, esters, ethers, and salts is possible within
15 the specific chemical designation; however the term
16 "narcotic drug" does not include the isoquinoline
17 alkaloids of opium;

18 (2) (blank);

19 (3) opium poppy and poppy straw;

20 (4) coca leaves, except coca leaves and extracts of
21 coca leaves from which substantially all of the cocaine
22 and ecgonine, and their isomers, derivatives and salts,
23 have been removed;

24 (5) cocaine, its salts, optical and geometric isomers,
25 and salts of isomers;

26 (6) ecgonine, its derivatives, their salts, isomers,

1 and salts of isomers;

2 (7) any compound, mixture, or preparation which
3 contains any quantity of any of the substances referred to
4 in subparagraphs (1) through (6).

5 (bb) "Nurse" means a registered nurse licensed under the
6 Nurse Practice Act.

7 (cc) (Blank).

8 (dd) "Opiate" means any substance having an addiction
9 forming or addiction sustaining liability similar to morphine
10 or being capable of conversion into a drug having addiction
11 forming or addiction sustaining liability.

12 (ee) "Opium poppy" means the plant of the species *Papaver*
13 *somniferum* L., except its seeds.

14 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
15 solution or other liquid form of medication intended for
16 administration by mouth, but the term does not include a form
17 of medication intended for buccal, sublingual, or transmucosal
18 administration.

19 (ff) "Parole and Pardon Board" means the Parole and Pardon
20 Board of the State of Illinois or its successor agency.

21 (gg) "Person" means any individual, corporation,
22 mail-order pharmacy, government or governmental subdivision or
23 agency, business trust, estate, trust, partnership or
24 association, or any other entity.

25 (hh) "Pharmacist" means any person who holds a license or
26 certificate of registration as a registered pharmacist, a

1 local registered pharmacist or a registered assistant
2 pharmacist under the Pharmacy Practice Act.

3 (ii) "Pharmacy" means any store, ship or other place in
4 which pharmacy is authorized to be practiced under the
5 Pharmacy Practice Act.

6 (ii-5) "Pharmacy shopping" means the conduct prohibited
7 under subsection (b) of Section 314.5 of this Act.

8 (ii-10) "Physician" (except when the context otherwise
9 requires) means a person licensed to practice medicine in all
10 of its branches.

11 (jj) "Poppy straw" means all parts, except the seeds, of
12 the opium poppy, after mowing.

13 (kk) "Practitioner" means a physician licensed to practice
14 medicine in all its branches, dentist, optometrist, podiatric
15 physician, veterinarian, scientific investigator, pharmacist,
16 physician assistant, advanced practice registered nurse,
17 licensed practical nurse, registered nurse, emergency medical
18 services personnel, hospital, laboratory, or pharmacy, or
19 other person licensed, registered, or otherwise lawfully
20 permitted by the United States or this State to distribute,
21 dispense, conduct research with respect to, administer or use
22 in teaching or chemical analysis, a controlled substance in
23 the course of professional practice or research.

24 (ll) "Pre-printed prescription" means a written
25 prescription upon which the designated drug has been indicated
26 prior to the time of issuance; the term does not mean a written

1 prescription that is individually generated by machine or
2 computer in the prescriber's office.

3 (mm) "Prescriber" means a physician licensed to practice
4 medicine in all its branches, dentist, optometrist,
5 prescribing psychologist licensed under Section 4.2 of the
6 Clinical Psychologist Licensing Act with prescriptive
7 authority delegated under Section 4.3 of the Clinical
8 Psychologist Licensing Act, podiatric physician, or
9 veterinarian who issues a prescription, a physician assistant
10 who issues a prescription for a controlled substance in
11 accordance with Section 303.05, a written delegation, and a
12 written collaborative agreement required under Section 7.5 of
13 the Physician Assistant Practice Act of 1987, an advanced
14 practice registered nurse with prescriptive authority
15 delegated under Section 65-40 of the Nurse Practice Act and in
16 accordance with Section 303.05, a written delegation, and a
17 written collaborative agreement under Section 65-35 of the
18 Nurse Practice Act, an advanced practice registered nurse
19 certified as a nurse practitioner, nurse midwife, or clinical
20 nurse specialist who has been granted authority to prescribe
21 by a hospital affiliate in accordance with Section 65-45 of
22 the Nurse Practice Act and in accordance with Section 303.05,
23 or an advanced practice registered nurse certified as a nurse
24 practitioner, nurse midwife, or clinical nurse specialist who
25 has full practice authority pursuant to Section 65-43 of the
26 Nurse Practice Act.

1 (nn) "Prescription" means a written, facsimile, or oral
2 order, or an electronic order that complies with applicable
3 federal requirements, of a physician licensed to practice
4 medicine in all its branches, dentist, podiatric physician or
5 veterinarian for any controlled substance, of an optometrist
6 in accordance with Section 15.1 of the Illinois Optometric
7 Practice Act of 1987, of a prescribing psychologist licensed
8 under Section 4.2 of the Clinical Psychologist Licensing Act
9 with prescriptive authority delegated under Section 4.3 of the
10 Clinical Psychologist Licensing Act, of a physician assistant
11 for a controlled substance in accordance with Section 303.05,
12 a written delegation, and a written collaborative agreement
13 required under Section 7.5 of the Physician Assistant Practice
14 Act of 1987, of an advanced practice registered nurse with
15 prescriptive authority delegated under Section 65-40 of the
16 Nurse Practice Act who issues a prescription for a controlled
17 substance in accordance with Section 303.05, a written
18 delegation, and a written collaborative agreement under
19 Section 65-35 of the Nurse Practice Act, of an advanced
20 practice registered nurse certified as a nurse practitioner,
21 nurse midwife, or clinical nurse specialist who has been
22 granted authority to prescribe by a hospital affiliate in
23 accordance with Section 65-45 of the Nurse Practice Act and in
24 accordance with Section 303.05 when required by law, or of an
25 advanced practice registered nurse certified as a nurse
26 practitioner, nurse midwife, or clinical nurse specialist who

1 has full practice authority pursuant to Section 65-43 of the
2 Nurse Practice Act.

3 (nn-5) "Prescription Information Library" (PIL) means an
4 electronic library that contains reported controlled substance
5 data.

6 (nn-10) "Prescription Monitoring Program" (PMP) means the
7 entity that collects, tracks, and stores reported data on
8 controlled substances and select drugs pursuant to Section
9 316.

10 (oo) "Production" or "produce" means manufacture,
11 planting, cultivating, growing, or harvesting of a controlled
12 substance other than methamphetamine.

13 (pp) "Registrant" means every person who is required to
14 register under Section 302 of this Act.

15 (qq) "Registry number" means the number assigned to each
16 person authorized to handle controlled substances under the
17 laws of the United States and of this State.

18 (qq-5) "Secretary" means, as the context requires, either
19 the Secretary of the Department or the Secretary of the
20 Department of Financial and Professional Regulation, and the
21 Secretary's designated agents.

22 (rr) "State" includes the State of Illinois and any state,
23 district, commonwealth, territory, insular possession thereof,
24 and any area subject to the legal authority of the United
25 States of America.

26 (rr-5) "Stimulant" means any drug that (i) causes an

1 overall excitation of central nervous system functions, (ii)
2 causes impaired consciousness and awareness, and (iii) can be
3 habit-forming or lead to a substance abuse problem, including,
4 but not limited to, amphetamines and their analogs,
5 methylphenidate and its analogs, cocaine, and phencyclidine
6 and its analogs.

7 (rr-10) "Synthetic drug" includes, but is not limited to,
8 any synthetic cannabinoids or piperazines or any synthetic
9 cathinones as provided for in Schedule I.

10 (ss) "Ultimate user" means a person who lawfully possesses
11 a controlled substance for his or her own use or for the use of
12 a member of his or her household or for administering to an
13 animal owned by him or her or by a member of his or her
14 household.

15 (Source: P.A. 101-666, eff. 1-1-22; 102-389, eff. 1-1-22;
16 102-538, eff. 8-20-21; revised 9-22-21.)

17 (720 ILCS 570/316)

18 Sec. 316. Prescription Monitoring Program.

19 (a) The Department must provide for a Prescription
20 Monitoring Program for Schedule II, III, IV, and V controlled
21 substances that includes the following components and
22 requirements:

23 (1) The dispenser must transmit to the central
24 repository, in a form and manner specified by the
25 Department, the following information:

- 1 (A) The recipient's name and address.
- 2 (B) The recipient's date of birth and gender.
- 3 (C) The national drug code number of the
4 controlled substance dispensed.
- 5 (D) The date the controlled substance is
6 dispensed.
- 7 (E) The quantity of the controlled substance
8 dispensed and days supply.
- 9 (F) The dispenser's United States Drug Enforcement
10 Administration registration number.
- 11 (G) The prescriber's United States Drug
12 Enforcement Administration registration number.
- 13 (H) The dates the controlled substance
14 prescription is filled.
- 15 (I) The payment type used to purchase the
16 controlled substance (i.e. Medicaid, cash, third party
17 insurance).
- 18 (J) The patient location code (i.e. home, nursing
19 home, outpatient, etc.) for the controlled substances
20 other than those filled at a retail pharmacy.
- 21 (K) Any additional information that may be
22 required by the department by administrative rule,
23 including but not limited to information required for
24 compliance with the criteria for electronic reporting
25 of the American Society for Automation and Pharmacy or
26 its successor.

1 (2) The information required to be transmitted under
2 this Section must be transmitted not later than the end of
3 the business day on which a controlled substance is
4 dispensed, or at such other time as may be required by the
5 Department by administrative rule.

6 (3) A dispenser must transmit the information required
7 under this Section by:

8 ~~(3.5) The requirements of paragraphs (1), (2), and (3)~~
9 ~~of this subsection also apply to opioid treatment programs~~
10 ~~that are licensed or certified by the Department of Human~~
11 ~~Services' Division of Substance Use Prevention and~~
12 ~~Recovery and are authorized by the federal Drug~~
13 ~~Enforcement Administration to prescribe Schedule II, III,~~
14 ~~IV, or V controlled substances for the treatment of opioid~~
15 ~~use disorders. Opioid treatment programs shall attempt to~~
16 ~~obtain written patient consent, shall document attempts to~~
17 ~~obtain the written consent, and shall not transmit~~
18 ~~information without patient consent. Documentation~~
19 ~~obtained under this paragraph shall not be utilized for~~
20 ~~law enforcement purposes, as proscribed under 42 CFR 2, as~~
21 ~~amended by 42 U.S.C. 290dd-2. Treatment of a patient shall~~
22 ~~not be conditioned upon his or her written consent.~~

23 (A) an electronic device compatible with the
24 receiving device of the central repository;

25 (B) a computer diskette;

26 (C) a magnetic tape; or

1 (D) a pharmacy universal claim form or Pharmacy
2 Inventory Control form.

3 (3.5) The requirements of paragraphs (1), (2), and (3)
4 of this subsection also apply to opioid treatment programs
5 that are licensed or certified by the Department of Human
6 Services' Division of Substance Use Prevention and
7 Recovery and are authorized by the federal Drug
8 Enforcement Administration to prescribe Schedule II, III,
9 IV, or V controlled substances for the treatment of opioid
10 use disorders. Opioid treatment programs shall attempt to
11 obtain written patient consent, shall document attempts to
12 obtain the written consent, and shall not transmit
13 information without patient consent. Documentation
14 obtained under this paragraph shall not be utilized for
15 law enforcement purposes, as proscribed under 42 CFR 2, as
16 amended by 42 U.S.C. 290dd-2. Treatment of a patient shall
17 not be conditioned upon his or her written consent.

18 (4) The Department may impose a civil fine of up to
19 \$100 per day for willful failure to report controlled
20 substance dispensing to the Prescription Monitoring
21 Program. The fine shall be calculated on no more than the
22 number of days from the time the report was required to be
23 made until the time the problem was resolved, and shall be
24 payable to the Prescription Monitoring Program.

25 (a-5) Notwithstanding subsection (a), a licensed
26 veterinarian is exempt from the reporting requirements of this

1 Section. If a person who is presenting an animal for treatment
2 is suspected of fraudulently obtaining any controlled
3 substance or prescription for a controlled substance, the
4 licensed veterinarian shall report that information to the
5 local law enforcement agency.

6 (b) The Department, by rule, may include in the
7 Prescription Monitoring Program certain other select drugs
8 that are not included in Schedule II, III, IV, or V. The
9 Prescription Monitoring Program does not apply to controlled
10 substance prescriptions as exempted under Section 313.

11 (c) The collection of data on select drugs and scheduled
12 substances by the Prescription Monitoring Program may be used
13 as a tool for addressing oversight requirements of long-term
14 care institutions as set forth by Public Act 96-1372.
15 Long-term care pharmacies shall transmit patient medication
16 profiles to the Prescription Monitoring Program monthly or
17 more frequently as established by administrative rule.

18 (d) The Department of Human Services shall appoint a
19 full-time Clinical Director of the Prescription Monitoring
20 Program.

21 (e) (Blank).

22 (f) Within one year of January 1, 2018 (the effective date
23 of Public Act 100-564), the Department shall adopt rules
24 requiring all Electronic Health Records Systems to interface
25 with the Prescription Monitoring Program application program
26 on or before January 1, 2021 to ensure that all providers have

1 access to specific patient records during the treatment of
2 their patients. These rules shall also address the electronic
3 integration of pharmacy records with the Prescription
4 Monitoring Program to allow for faster transmission of the
5 information required under this Section. The Department shall
6 establish actions to be taken if a prescriber's Electronic
7 Health Records System does not effectively interface with the
8 Prescription Monitoring Program within the required timeline.

9 (g) The Department, in consultation with the Prescription
10 Monitoring Program Advisory Committee, shall adopt rules
11 allowing licensed prescribers or pharmacists who have
12 registered to access the Prescription Monitoring Program to
13 authorize a licensed or non-licensed designee employed in that
14 licensed prescriber's office or a licensed designee in a
15 licensed pharmacist's pharmacy who has received training in
16 the federal Health Insurance Portability and Accountability
17 Act and 42 CFR 2 to consult the Prescription Monitoring
18 Program on their behalf. The rules shall include reasonable
19 parameters concerning a practitioner's authority to authorize
20 a designee, and the eligibility of a person to be selected as a
21 designee. In this subsection (g), "pharmacist" shall include a
22 clinical pharmacist employed by and designated by a Medicaid
23 Managed Care Organization providing services under Article V
24 of the Illinois Public Aid Code under a contract with the
25 Department of Healthcare and Family Services for the sole
26 purpose of clinical review of services provided to persons

1 covered by the entity under the contract to determine
2 compliance with subsections (a) and (b) of Section 314.5 of
3 this Act. A managed care entity pharmacist shall notify
4 prescribers of review activities.

5 (Source: P.A. 101-81, eff. 7-12-19; 101-414, eff. 8-16-19;
6 102-527, eff. 8-20-21; revised 11-24-21.)

7 Section 620. The Prevention of Tobacco Use by Persons
8 under 21 Years of Age and Sale and Distribution of Tobacco
9 Products Act is amended by changing Section 1 as follows:

10 (720 ILCS 675/1) (from Ch. 23, par. 2357)

11 Sec. 1. Prohibition on sale of tobacco products,
12 electronic cigarettes, and alternative nicotine products to
13 persons under 21 years of age; prohibition on the distribution
14 of tobacco product samples, electronic cigarette samples, and
15 alternative nicotine product samples to any person; use of
16 identification cards; vending machines; lunch wagons;
17 out-of-package sales.

18 (a) No person shall sell, buy for, distribute samples of
19 or furnish any tobacco product, electronic cigarette, or
20 alternative nicotine product to any person under 21 years of
21 age.

22 (a-5) No person under 16 years of age may sell any tobacco
23 product, electronic cigarette, or alternative nicotine product
24 at a retail establishment selling tobacco products, electronic

1 cigarettes, or alternative nicotine products. This subsection
2 does not apply to a sales clerk in a family-owned business
3 which can prove that the sales clerk is in fact a son or
4 daughter of the owner.

5 (a-5.1) Before selling, offering for sale, giving, or
6 furnishing a tobacco product, electronic cigarette, or
7 alternative nicotine product to another person, the person
8 selling, offering for sale, giving, or furnishing the tobacco
9 product, electronic cigarette, or alternative nicotine product
10 shall verify that the person is at least 21 years of age by:

11 (1) examining from any person that appears to be under
12 30 years of age a government-issued photographic
13 identification that establishes the person to be 21 years
14 of age or older; or

15 (2) for sales of tobacco products, electronic
16 cigarettes, or alternative nicotine products made through
17 the Internet or other remote sales methods, performing an
18 age verification through an independent, third party age
19 verification service that compares information available
20 from public records to the personal information entered by
21 the person during the ordering process that establishes
22 the person is 21 years of age or older.

23 (a-6) No person under 21 years of age in the furtherance or
24 facilitation of obtaining any tobacco product, electronic
25 cigarette, or alternative nicotine product shall display or
26 use a false or forged identification card or transfer, alter,

1 or deface an identification card.

2 (a-7) (Blank).

3 (a-8) A person shall not distribute without charge samples
4 of any tobacco product, alternative nicotine product, or
5 electronic cigarette to any other person, regardless of age,
6 except for smokeless tobacco in an adult-only facility.

7 This subsection (a-8) does not apply to the distribution
8 of a tobacco product, electronic cigarette, or alternative
9 nicotine product sample in any adult-only facility.

10 (a-9) For the purpose of this Section:

11 "Adult-only facility" means a facility or restricted
12 area (whether open-air or enclosed) where the operator
13 ensures or has a reasonable basis to believe (such as by
14 checking identification as required under State law, or by
15 checking the identification of any person appearing to be
16 under the age of 30) that no person under legal age is
17 present. A facility or restricted area need not be
18 permanently restricted to persons under 21 years of age to
19 constitute an adult-only facility, provided that the
20 operator ensures or has a reasonable basis to believe that
21 no person under 21 years of age is present during the event
22 or time period in question.

23 "Alternative nicotine product" means a product or
24 device not consisting of or containing tobacco that
25 provides for the ingestion into the body of nicotine,
26 whether by chewing, smoking, absorbing, dissolving,

1 inhaling, snorting, sniffing, or by any other means.

2 "Alternative nicotine product" does not include:
3 cigarettes as defined in Section 1 of the Cigarette Tax
4 Act and tobacco products as defined in Section 10-5 of the
5 Tobacco Products Tax Act of 1995; tobacco product and
6 electronic cigarette as defined in this Section; or any
7 product approved by the United States Food and Drug
8 Administration for sale as a tobacco cessation product, as
9 a tobacco dependence product, or for other medical
10 purposes, and is being marketed and sold solely for that
11 approved purpose.

12 "Electronic cigarette" means:

13 (1) any device that employs a battery or other
14 mechanism to heat a solution or substance to produce a
15 vapor or aerosol intended for inhalation;

16 (2) any cartridge or container of a solution or
17 substance intended to be used with or in the device or
18 to refill the device; or

19 (3) any solution or substance, whether or not it
20 contains nicotine intended for use in the device.

21 "Electronic cigarette" includes, but is not limited
22 to, any electronic nicotine delivery system, electronic
23 cigar, electronic cigarillo, electronic pipe, electronic
24 hookah, vape pen, or similar product or device, any
25 components or parts that can be used to build the product
26 or device, and any component, part, or accessory of a

1 device used during the operation of the device, even if
2 the part or accessory was sold separately. "Electronic
3 cigarette" does not include: cigarettes as defined in
4 Section 1 of the Cigarette Tax Act; tobacco product and
5 alternative nicotine product as defined in this Section;
6 any product approved by the United States Food and Drug
7 Administration for sale as a tobacco cessation product, as
8 a tobacco dependence product, or for other medical
9 purposes, and is being marketed and sold solely for that
10 approved purpose; any asthma inhaler prescribed by a
11 physician for that condition and is being marketed and
12 sold solely for that approved purpose; any device that
13 meets the definition of cannabis paraphernalia under
14 Section 1-10 of the Cannabis Regulation and Tax Act; or
15 any cannabis product sold by a dispensing organization
16 pursuant to the Cannabis Regulation and Tax Act or the
17 Compassionate Use of Medical Cannabis Program Act.

18 "Lunch wagon" means a mobile vehicle designed and
19 constructed to transport food and from which food is sold
20 to the general public.

21 "Nicotine" means any form of the chemical nicotine,
22 including any salt or complex, regardless of whether the
23 chemical is naturally or synthetically derived.

24 "Tobacco product" means any product containing or made
25 from tobacco that is intended for human consumption,
26 whether smoked, heated, chewed, absorbed, dissolved,

1 inhaled, snorted, sniffed, or ingested by any other means,
2 including, but not limited to, cigarettes, cigars, little
3 cigars, chewing tobacco, pipe tobacco, snuff, snus, and
4 any other smokeless tobacco product which contains tobacco
5 that is finely cut, ground, powdered, or leaf and intended
6 to be placed in the oral cavity. "Tobacco product"
7 includes any component, part, or accessory of a tobacco
8 product, whether or not sold separately. "Tobacco product"
9 does not include: an alternative nicotine product as
10 defined in this Section; or any product that has been
11 approved by the United States Food and Drug Administration
12 for sale as a tobacco cessation product, as a tobacco
13 dependence product, or for other medical purposes, and is
14 being marketed and sold solely for that approved purpose.

15 (b) Tobacco products, electronic cigarettes, and
16 alternative nicotine products may be sold through a vending
17 machine only if such tobacco products, electronic cigarettes,
18 and alternative nicotine products are not placed together with
19 any non-tobacco product, other than matches, in the vending
20 machine and the vending machine is in any of the following
21 locations:

22 (1) (Blank).

23 (2) Places to which persons under 21 years of age are
24 not permitted access at any time.

25 (3) Places where alcoholic beverages are sold and
26 consumed on the premises and vending machine operation is

1 under the direct supervision of the owner or manager.

2 (4) (Blank).

3 (5) (Blank).

4 (c) (Blank).

5 (d) The sale or distribution by any person of a tobacco
6 product as defined in this Section, including, but not limited
7 to, a single or loose cigarette, that is not contained within a
8 sealed container, pack, or package as provided by the
9 manufacturer, which container, pack, or package bears the
10 health warning required by federal law, is prohibited.

11 (e) It is not a violation of this Act for a person under 21
12 years of age to purchase a tobacco product, electronic
13 cigarette, or alternative nicotine product if the person under
14 the age of 21 purchases or is given the tobacco product,
15 electronic cigarette, or alternative nicotine product in any
16 of its forms from a retail seller of tobacco products,
17 electronic cigarettes, or alternative nicotine products or an
18 employee of the retail seller pursuant to a plan or action to
19 investigate, patrol, or otherwise conduct a "sting operation"
20 or enforcement action against a retail seller of tobacco
21 products, electronic cigarettes, or alternative nicotine
22 products or a person employed by the retail seller of tobacco
23 products, electronic cigarettes, or alternative nicotine
24 products or on any premises authorized to sell tobacco
25 products, electronic cigarettes, or alternative nicotine
26 products to determine if tobacco products, electronic

1 cigarettes, or alternative nicotine products are being sold or
2 given to persons under 21 years of age if the "sting operation"
3 or enforcement action is approved by, conducted by, or
4 conducted on behalf of the Illinois State Police, the county
5 sheriff, a municipal police department, the Department of
6 Revenue, the Department of Public Health, or a local health
7 department. The results of any sting operation or enforcement
8 action, including the name of the clerk, shall be provided to
9 the retail seller within 7 business days.

10 (f) No person shall honor or accept any discount, coupon,
11 or other benefit or reduction in price that is inconsistent
12 with 21 CFR 1140, subsequent United States Food and Drug
13 Administration industry guidance, or any rules adopted under
14 21 CFR 1140.

15 (g) Any peace officer or duly authorized member of the
16 Illinois State Police, a county sheriff's department, a
17 municipal police department, the Department of Revenue, the
18 Department of Public Health, a local health department, or the
19 Department of Human Services, upon discovering a violation of
20 subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this
21 Section or a violation of the Preventing Youth Vaping Act, may
22 seize any tobacco products, alternative nicotine products, or
23 electronic cigarettes of the specific type involved in that
24 violation that are located at that place of business. The
25 tobacco products, alternative nicotine products, or electronic
26 cigarettes so seized are subject to confiscation and

1 forfeiture.

2 (h) If, within 60 days after any seizure under subsection
3 (g), a person having any property interest in the seized
4 property is charged with an offense under this Section or a
5 violation of the Preventing Youth Vaping Act, the court that
6 renders judgment upon the charge shall, within 30 days after
7 the judgment, conduct a forfeiture hearing to determine
8 whether the seized tobacco products or electronic cigarettes
9 were part of the inventory located at the place of business
10 when a violation of subsection (a), (a-5), (a-5.1), (a-8),
11 (b), or (d) of this Section or a violation of the Preventing
12 Youth Vaping Act occurred and whether any seized tobacco
13 products or electronic cigarettes were of a type involved in
14 that violation. The hearing shall be commenced by a written
15 petition by the State, which shall include material
16 allegations of fact, the name and address of every person
17 determined by the State to have any property interest in the
18 seized property, a representation that written notice of the
19 date, time, and place of the hearing has been mailed to every
20 such person by certified mail at least 10 days before the date,
21 and a request for forfeiture. Every such person may appear as a
22 party and present evidence at the hearing. The quantum of
23 proof required shall be a preponderance of the evidence, and
24 the burden of proof shall be on the State. If the court
25 determines that the seized property was subject to forfeiture,
26 an order of forfeiture and disposition of the seized property

1 shall be entered and the property shall be received by the
2 prosecuting office, who shall effect its destruction.

3 (i) If a seizure under subsection (g) is not followed by a
4 charge under subsection (a), (a-5), (a-5.1), (a-8), (b), or
5 (d) of this Section or under the Preventing Youth Vaping Act,
6 or if the prosecution of the charge is permanently terminated
7 or indefinitely discontinued without any judgment of
8 conviction or acquittal:

9 (1) the prosecuting office may commence in the circuit
10 court an in rem proceeding for the forfeiture and
11 destruction of any seized tobacco products or electronic
12 cigarettes; and

13 (2) any person having any property interest in the
14 seized tobacco products or electronic cigarettes may
15 commence separate civil proceedings in the manner provided
16 by law.

17 (j) After the Department of Revenue has seized any tobacco
18 product, nicotine product, or electronic cigarette as provided
19 in subsection (g) and a person having any property interest in
20 the seized property has not been charged with an offense under
21 this Section or a violation of the Preventing Youth Vaping
22 Act, the Department of Revenue must hold a hearing and
23 determine whether the seized tobacco products, alternative
24 nicotine products, or electronic cigarettes were part of the
25 inventory located at the place of business when a violation of
26 subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this

1 Section or a violation of the Preventing Youth Vaping Act
2 occurred and whether any seized tobacco product, alternative
3 nicotine product, or electronic cigarette was of a type
4 involved in that violation. The Department of Revenue shall
5 give not less than 20 days' notice of the time and place of the
6 hearing to the owner of the property, if the owner is known,
7 and also to the person in whose possession the property was
8 found if that person is known and if the person in possession
9 is not the owner of the property. If neither the owner nor the
10 person in possession of the property is known, the Department
11 of Revenue must cause publication of the time and place of the
12 hearing to be made at least once each week for 3 weeks
13 successively in a newspaper of general circulation in the
14 county where the hearing is to be held.

15 If, as the result of the hearing, the Department of
16 Revenue determines that the tobacco products, alternative
17 nicotine products, or the electronic cigarettes were part of
18 the inventory located at the place of business when a
19 violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or
20 (d) of this Section or a violation of the Preventing Youth
21 Vaping Act at the time of seizure, the Department of Revenue
22 must enter an order declaring the tobacco product, alternative
23 nicotine product, or electronic cigarette confiscated and
24 forfeited to the State, to be held by the Department of Revenue
25 for disposal by it as provided in Section 10-58 of the Tobacco
26 Products Tax Act of 1995. The Department of Revenue must give

1 notice of the order to the owner of the property, if the owner
2 is known, and also to the person in whose possession the
3 property was found if that person is known and if the person in
4 possession is not the owner of the property. If neither the
5 owner nor the person in possession of the property is known,
6 the Department of Revenue must cause publication of the order
7 to be made at least once each week for 3 weeks successively in
8 a newspaper of general circulation in the county where the
9 hearing was held.

10 (Source: P.A. 101-2, eff. 7-1-19; 102-538, eff. 8-20-21;
11 102-575, eff. 1-1-22; revised 10-20-21.)

12 Section 625. The Code of Criminal Procedure of 1963 is
13 amended by changing Sections 106D-1, 107-4, 109-1, 110-1,
14 110-3, 110-5, 112A-14, 112A-20, and 112A-23 and by renumbering
15 Section 123 as follows:

16 (725 ILCS 5/106D-1)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 106D-1. Defendant's appearance by closed circuit
19 television and video conference.

20 (a) Whenever the appearance in person in court, in either
21 a civil or criminal proceeding, is required of anyone held in a
22 place of custody or confinement operated by the State or any of
23 its political subdivisions, including counties and
24 municipalities, the chief judge of the circuit by rule may

1 permit the personal appearance to be made by means of two-way
2 audio-visual communication, including closed circuit
3 television and computerized video conference, in the following
4 proceedings:

5 (1) the initial appearance before a judge on a
6 criminal complaint, at which bail will be set;

7 (2) the waiver of a preliminary hearing;

8 (3) the arraignment on an information or indictment at
9 which a plea of not guilty will be entered;

10 (4) the presentation of a jury waiver;

11 (5) any status hearing;

12 (6) any hearing conducted under the Sexually Violent
13 Persons Commitment Act at which no witness testimony will
14 be taken; and

15 (7) at any hearing at which no witness testimony will
16 be taken conducted under the following:

17 (A) Section 104-20 of this Code (90-day hearings);

18 (B) Section 104-22 of this Code (trial with
19 special provisions and assistance);

20 (C) Section 104-25 of this Code (discharge
21 hearing); or

22 (D) Section 5-2-4 of the Unified Code of
23 Corrections (proceedings after acquittal by reason of
24 insanity).

25 (b) The two-way audio-visual communication facilities must
26 provide two-way audio-visual communication between the court

1 and the place of custody or confinement, and must include a
2 secure line over which the person in custody and his or her
3 counsel, if any, may communicate.

4 (c) Nothing in this Section shall be construed to prohibit
5 other court appearances through the use of two-way
6 audio-visual communication, upon waiver of any right the
7 person in custody or confinement may have to be present
8 physically.

9 (d) Nothing in this Section shall be construed to
10 establish a right of any person held in custody or confinement
11 to appear in court through two-way audio-visual communication
12 or to require that any governmental entity, or place of
13 custody or confinement, provide two-way audio-visual
14 communication.

15 (Source: P.A. 102-486, eff. 8-20-21.)

16 (Text of Section after amendment by P.A. 101-652)

17 Sec. 106D-1. Defendant's appearance by closed circuit
18 television and video conference.

19 (a) Whenever the appearance in person in court, in either
20 a civil or criminal proceeding, is required of anyone held in a
21 place of custody or confinement operated by the State or any of
22 its political subdivisions, including counties and
23 municipalities, the chief judge of the circuit by rule may
24 permit the personal appearance to be made by means of two-way
25 audio-visual communication, including closed circuit

1 television and computerized video conference, in the following
2 proceedings:

3 (1) the initial appearance before a judge on a
4 criminal complaint, at which the conditions of pretrial
5 release will be set;

6 (2) the waiver of a preliminary hearing;

7 (3) the arraignment on an information or indictment at
8 which a plea of not guilty will be entered;

9 (4) the presentation of a jury waiver;

10 (5) any status hearing;

11 (6) any hearing conducted under the Sexually Violent
12 Persons Commitment Act at which no witness testimony will
13 be taken; and

14 (7) at any hearing at which no witness testimony will
15 be taken conducted under the following:

16 (A) Section 104-20 of this Code (90-day hearings);

17 (B) Section 104-22 of this Code (trial with
18 special provisions and assistance);

19 (C) Section 104-25 of this Code (discharge
20 hearing); or

21 (D) Section 5-2-4 of the Unified Code of
22 Corrections (proceedings after acquittal by reason of
23 insanity).

24 (b) The two-way audio-visual communication facilities must
25 provide two-way audio-visual communication between the court
26 and the place of custody or confinement, and must include a

1 secure line over which the person in custody and his or her
2 counsel, if any, may communicate.

3 (c) Nothing in this Section shall be construed to prohibit
4 other court appearances through the use of two-way
5 audio-visual communication, upon waiver of any right the
6 person in custody or confinement may have to be present
7 physically.

8 (d) Nothing in this Section shall be construed to
9 establish a right of any person held in custody or confinement
10 to appear in court through two-way audio-visual communication
11 or to require that any governmental entity, or place of
12 custody or confinement, provide two-way audio-visual
13 communication.

14 (Source: P.A. 101-652, eff. 1-1-23; 102-486, eff. 8-20-21;
15 revised 10-12-21.)

16 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 107-4. Arrest by peace officer from other
19 jurisdiction.

20 (a) As used in this Section:

21 (1) "State" means any State of the United States and
22 the District of Columbia.

23 (2) "Peace Officer" means any peace officer or member
24 of any duly organized State, County, or Municipal peace
25 unit, any police force of another State, the United States

1 Department of Defense, or any police force whose members,
2 by statute, are granted and authorized to exercise powers
3 similar to those conferred upon any peace officer employed
4 by a law enforcement agency of this State.

5 (3) "Fresh pursuit" means the immediate pursuit of a
6 person who is endeavoring to avoid arrest.

7 (4) "Law enforcement agency" means a municipal police
8 department or county sheriff's office of this State.

9 (a-3) Any peace officer employed by a law enforcement
10 agency of this State may conduct temporary questioning
11 pursuant to Section 107-14 of this Code and may make arrests in
12 any jurisdiction within this State: (1) if the officer is
13 engaged in the investigation of criminal activity that
14 occurred in the officer's primary jurisdiction and the
15 temporary questioning or arrest relates to, arises from, or is
16 conducted pursuant to that investigation; or (2) if the
17 officer, while on duty as a peace officer, becomes personally
18 aware of the immediate commission of a felony or misdemeanor
19 violation of the laws of this State; or (3) if the officer,
20 while on duty as a peace officer, is requested by an
21 appropriate State or local law enforcement official to render
22 aid or assistance to the requesting law enforcement agency
23 that is outside the officer's primary jurisdiction; or (4) in
24 accordance with Section 2605-580 of the Illinois State Police
25 Law of the Civil Administrative Code of Illinois. While acting
26 pursuant to this subsection, an officer has the same authority

1 as within his or her own jurisdiction.

2 (a-7) The law enforcement agency of the county or
3 municipality in which any arrest is made under this Section
4 shall be immediately notified of the arrest.

5 (b) Any peace officer of another State who enters this
6 State in fresh pursuit and continues within this State in
7 fresh pursuit of a person in order to arrest him on the ground
8 that he has committed an offense in the other State has the
9 same authority to arrest and hold the person in custody as
10 peace officers of this State have to arrest and hold a person
11 in custody on the ground that he has committed an offense in
12 this State.

13 (c) If an arrest is made in this State by a peace officer
14 of another State in accordance with the provisions of this
15 Section he shall without unnecessary delay take the person
16 arrested before the circuit court of the county in which the
17 arrest was made. Such court shall conduct a hearing for the
18 purpose of determining the lawfulness of the arrest. If the
19 court determines that the arrest was lawful it shall commit
20 the person arrested, to await for a reasonable time the
21 issuance of an extradition warrant by the Governor of this
22 State, or admit him to bail for such purpose. If the court
23 determines that the arrest was unlawful it shall discharge the
24 person arrested.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (Text of Section after amendment by P.A. 101-652)

2 Sec. 107-4. Arrest by peace officer from other
3 jurisdiction.

4 (a) As used in this Section:

5 (1) "State" means any State of the United States and
6 the District of Columbia.

7 (2) "Peace Officer" means any peace officer or member
8 of any duly organized State, County, or Municipal peace
9 unit, any police force of another State, the United States
10 Department of Defense, or any police force whose members,
11 by statute, are granted and authorized to exercise powers
12 similar to those conferred upon any peace officer employed
13 by a law enforcement agency of this State.

14 (3) "Fresh pursuit" means the immediate pursuit of a
15 person who is endeavoring to avoid arrest.

16 (4) "Law enforcement agency" means a municipal police
17 department or county sheriff's office of this State.

18 (a-3) Any peace officer employed by a law enforcement
19 agency of this State may conduct temporary questioning
20 pursuant to Section 107-14 of this Code and may make arrests in
21 any jurisdiction within this State: (1) if the officer is
22 engaged in the investigation of criminal activity that
23 occurred in the officer's primary jurisdiction and the
24 temporary questioning or arrest relates to, arises from, or is
25 conducted pursuant to that investigation; or (2) if the
26 officer, while on duty as a peace officer, becomes personally

1 aware of the immediate commission of a felony or misdemeanor
2 violation of the laws of this State; or (3) if the officer,
3 while on duty as a peace officer, is requested by an
4 appropriate State or local law enforcement official to render
5 aid or assistance to the requesting law enforcement agency
6 that is outside the officer's primary jurisdiction; or (4) in
7 accordance with Section 2605-580 of the Illinois State Police
8 Law of the Civil Administrative Code of Illinois. While acting
9 pursuant to this subsection, an officer has the same authority
10 as within his or her own jurisdiction.

11 (a-7) The law enforcement agency of the county or
12 municipality in which any arrest is made under this Section
13 shall be immediately notified of the arrest.

14 (b) Any peace officer of another State who enters this
15 State in fresh pursuit and continues within this State in
16 fresh pursuit of a person in order to arrest him on the ground
17 that he has committed an offense in the other State has the
18 same authority to arrest and hold the person in custody as
19 peace officers of this State have to arrest and hold a person
20 in custody on the ground that he has committed an offense in
21 this State.

22 (c) If an arrest is made in this State by a peace officer
23 of another State in accordance with the provisions of this
24 Section he shall without unnecessary delay take the person
25 arrested before the circuit court of the county in which the
26 arrest was made. Such court shall conduct a hearing for the

1 purpose of determining the lawfulness of the arrest. If the
2 court determines that the arrest was lawful it shall commit
3 the person arrested, to await for a reasonable time the
4 issuance of an extradition warrant by the Governor of this
5 State, or admit him to pretrial release for such purpose. If
6 the court determines that the arrest was unlawful it shall
7 discharge the person arrested.

8 (Source: P.A. 101-652, eff. 1-1-23; 102-538, eff. 8-20-21;
9 revised 10-20-21.)

10 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

11 (Text of Section before amendment by P.A. 101-652)

12 Sec. 109-1. Person arrested.

13 (a) A person arrested with or without a warrant shall be
14 taken without unnecessary delay before the nearest and most
15 accessible judge in that county, except when such county is a
16 participant in a regional jail authority, in which event such
17 person may be taken to the nearest and most accessible judge,
18 irrespective of the county where such judge presides, and a
19 charge shall be filed. Whenever a person arrested either with
20 or without a warrant is required to be taken before a judge, a
21 charge may be filed against such person by way of a two-way
22 closed circuit television system, except that a hearing to
23 deny bail to the defendant may not be conducted by way of
24 closed circuit television.

25 (a-5) A person charged with an offense shall be allowed

1 counsel at the hearing at which bail is determined under
2 Article 110 of this Code. If the defendant desires counsel for
3 his or her initial appearance but is unable to obtain counsel,
4 the court shall appoint a public defender or licensed attorney
5 at law of this State to represent him or her for purposes of
6 that hearing.

7 (b) The judge shall:

8 (1) Inform the defendant of the charge against him and
9 shall provide him with a copy of the charge;

10 (2) Advise the defendant of his right to counsel and
11 if indigent shall appoint a public defender or licensed
12 attorney at law of this State to represent him in
13 accordance with the provisions of Section 113-3 of this
14 Code;

15 (3) Schedule a preliminary hearing in appropriate
16 cases;

17 (4) Admit the defendant to bail in accordance with the
18 provisions of Article 110 of this Code; and

19 (5) Order the confiscation of the person's passport or
20 impose travel restrictions on a defendant arrested for
21 first degree murder or other violent crime as defined in
22 Section 3 of the Rights of Crime Victims and Witnesses
23 Act, if the judge determines, based on the factors in
24 Section 110-5 of this Code, that this will reasonably
25 ensure the appearance of the defendant and compliance by
26 the defendant with all conditions of release.

1 (c) The court may issue an order of protection in
2 accordance with the provisions of Article 112A of this Code.

3 (d) At the initial appearance of a defendant in any
4 criminal proceeding, the court must advise the defendant in
5 open court that any foreign national who is arrested or
6 detained has the right to have notice of the arrest or
7 detention given to his or her country's consular
8 representatives and the right to communicate with those
9 consular representatives if the notice has not already been
10 provided. The court must make a written record of so advising
11 the defendant.

12 (e) If consular notification is not provided to a
13 defendant before his or her first appearance in court, the
14 court shall grant any reasonable request for a continuance of
15 the proceedings to allow contact with the defendant's
16 consulate. Any delay caused by the granting of the request by a
17 defendant shall temporarily suspend for the time of the delay
18 the period within which a person shall be tried as prescribed
19 by subsections (a), (b), or (e) of Section 103-5 of this Code
20 and on the day of the expiration of delay the period shall
21 continue at the point at which it was suspended.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-190, eff. 1-1-16; 100-1,
23 eff. 1-1-18.)

24 (Text of Section after amendment by P.A. 101-652)

25 Sec. 109-1. Person arrested; release from law enforcement

1 custody and court appearance; geographical constraints prevent
2 in-person appearances.

3 (a) A person arrested with or without a warrant for an
4 offense for which pretrial release may be denied under
5 paragraphs (1) through (6) of Section 110-6.1 shall be taken
6 without unnecessary delay before the nearest and most
7 accessible judge in that county, except when such county is a
8 participant in a regional jail authority, in which event such
9 person may be taken to the nearest and most accessible judge,
10 irrespective of the county where such judge presides, and a
11 charge shall be filed. Whenever a person arrested either with
12 or without a warrant is required to be taken before a judge, a
13 charge may be filed against such person by way of a two-way
14 closed circuit television system, except that a hearing to
15 deny pretrial release to the defendant may not be conducted by
16 way of closed circuit television.

17 (a-1) Law enforcement shall issue a citation in lieu of
18 custodial arrest, upon proper identification, for those
19 accused of traffic and Class B and C criminal misdemeanor
20 offenses, or of petty and business offenses, who pose no
21 obvious threat to the community or any person, or who have no
22 obvious medical or mental health issues that pose a risk to
23 their own safety. Those released on citation shall be
24 scheduled into court within 21 days.

25 (a-3) A person arrested with or without a warrant for an
26 offense for which pretrial release may not be denied may,

1 except as otherwise provided in this Code, be released by the
2 officer without appearing before a judge. The releasing
3 officer shall issue the person a summons to appear within 21
4 days. A presumption in favor of pretrial release shall be ~~by~~
5 applied by an arresting officer in the exercise of his or her
6 discretion under this Section.

7 (a-5) A person charged with an offense shall be allowed
8 counsel at the hearing at which pretrial release is determined
9 under Article 110 of this Code. If the defendant desires
10 counsel for his or her initial appearance but is unable to
11 obtain counsel, the court shall appoint a public defender or
12 licensed attorney at law of this State to represent him or her
13 for purposes of that hearing.

14 (b) Upon initial appearance of a person before the court,
15 the judge shall:

16 (1) inform the defendant of the charge against him and
17 shall provide him with a copy of the charge;

18 (2) advise the defendant of his right to counsel and
19 if indigent shall appoint a public defender or licensed
20 attorney at law of this State to represent him in
21 accordance with the provisions of Section 113-3 of this
22 Code;

23 (3) schedule a preliminary hearing in appropriate
24 cases;

25 (4) admit the defendant to pretrial release in
26 accordance with the provisions of Article 110 ~~110/5~~ of

1 this Code, or upon verified petition of the State, proceed
2 with the setting of a detention hearing as provided in
3 Section 110-6.1; and

4 (5) order ~~Order~~ the confiscation of the person's
5 passport or impose travel restrictions on a defendant
6 arrested for first degree murder or other violent crime as
7 defined in Section 3 of the Rights of Crime Victims and
8 Witnesses Act, if the judge determines, based on the
9 factors in Section 110-5 of this Code, that this will
10 reasonably ensure the appearance of the defendant and
11 compliance by the defendant with all conditions of
12 release.

13 (c) The court may issue an order of protection in
14 accordance with the provisions of Article 112A of this Code.
15 Crime victims shall be given notice by the State's Attorney's
16 office of this hearing as required in paragraph (2) of
17 subsection (b) of Section 4.5 of the Rights of Crime Victims
18 and Witnesses Act and shall be informed of their opportunity
19 at this hearing to obtain an order of protection under Article
20 112A of this Code.

21 (d) At the initial appearance of a defendant in any
22 criminal proceeding, the court must advise the defendant in
23 open court that any foreign national who is arrested or
24 detained has the right to have notice of the arrest or
25 detention given to his or her country's consular
26 representatives and the right to communicate with those

1 consular representatives if the notice has not already been
2 provided. The court must make a written record of so advising
3 the defendant.

4 (e) If consular notification is not provided to a
5 defendant before his or her first appearance in court, the
6 court shall grant any reasonable request for a continuance of
7 the proceedings to allow contact with the defendant's
8 consulate. Any delay caused by the granting of the request by a
9 defendant shall temporarily suspend for the time of the delay
10 the period within which a person shall be tried as prescribed
11 by subsection ~~subsections~~ (a), (b), or (e) of Section 103-5 of
12 this Code and on the day of the expiration of delay the period
13 shall continue at the point at which it was suspended.

14 (f) At the hearing at which conditions of pretrial release
15 are determined, the person charged shall be present in person
16 rather than by video phone or any other form of electronic
17 communication, unless the physical health and safety of the
18 person would be endangered by appearing in court or the
19 accused waives the right to be present in person.

20 (g) Defense counsel shall be given adequate opportunity to
21 confer with the defendant ~~Defendant~~ prior to any hearing in
22 which conditions of release or the detention of the defendant
23 ~~Defendant~~ is to be considered, with a physical accommodation
24 made to facilitate attorney/client consultation.

25 (Source: P.A. 100-1, eff. 1-1-18; 101-652, eff. 1-1-23;
26 revised 11-24-21.)

1 (725 ILCS 5/110-1) (from Ch. 38, par. 110-1)

2 (Text of Section before amendment by P.A. 101-652)

3 Sec. 110-1. Definitions.

4 (a) "Security" is that which is required to be pledged to
5 insure the payment of bail.

6 (b) "Sureties" encompasses the monetary and nonmonetary
7 requirements set by the court as conditions for release either
8 before or after conviction. "Surety" is one who executes a
9 bail bond and binds himself to pay the bail if the person in
10 custody fails to comply with all conditions of the bail bond.

11 (c) The phrase "for which a sentence of imprisonment,
12 without conditional and revocable release, shall be imposed by
13 law as a consequence of conviction" means an offense for which
14 a sentence of imprisonment, without probation, periodic
15 imprisonment or conditional discharge, is required by law upon
16 conviction.

17 (d) "Real and present threat to the physical safety of any
18 person or persons", as used in this Article, includes a threat
19 to the community, person, persons or class of persons.

20 (Source: P.A. 85-892.)

21 (Text of Section after amendment by P.A. 101-652)

22 Sec. 110-1. Definitions. As used in this Article:

23 (a) (Blank).

24 (b) "Sureties" encompasses the monetary and nonmonetary

1 requirements set by the court as conditions for release either
2 before or after conviction.

3 (c) The phrase "for which a sentence of imprisonment,
4 without conditional and revocable release, shall be imposed by
5 law as a consequence of conviction" means an offense for which
6 a sentence of imprisonment, without probation, periodic
7 imprisonment or conditional discharge, is required by law upon
8 conviction.

9 (d) (Blank).~~†~~

10 (e) "Willful flight" means planning or attempting to
11 intentionally evade prosecution by concealing oneself. Simple
12 past non-appearance in court alone is not evidence of future
13 intent to evade prosecution.

14 (Source: P.A. 101-652, eff. 1-1-23; revised 11-24-21.)

15 (725 ILCS 5/110-3) (from Ch. 38, par. 110-3)

16 (Text of Section before amendment by P.A. 101-652)

17 Sec. 110-3. Issuance of warrant. Upon failure to comply
18 with any condition of a bail bond or recognizance, the court
19 having jurisdiction at the time of such failure may, in
20 addition to any other action provided by law, issue a warrant
21 for the arrest of the person at liberty on bail or his own
22 recognizance. The contents of such a warrant shall be the same
23 as required for an arrest warrant issued upon complaint. When
24 a defendant is at liberty on bail or his own recognizance on a
25 felony charge and fails to appear in court as directed, the

1 court shall issue a warrant for the arrest of such person. Such
2 warrant shall be noted with a directive to peace officers to
3 arrest the person and hold such person without bail and to
4 deliver such person before the court for further proceedings.
5 A defendant who is arrested or surrenders within 30 days of the
6 issuance of such warrant shall not be bailable in the case in
7 question unless he shows by the preponderance of the evidence
8 that his failure to appear was not intentional.

9 (Source: P.A. 86-298; 86-984; 86-1028; revised 12-13-21.)

10 (Text of Section after amendment by P.A. 101-652)

11 Sec. 110-3. Options for warrant alternatives.

12 (a) Upon failure to comply with any condition of pretrial
13 release or recognizance, the court having jurisdiction at the
14 time of such failure may, on its own motion or upon motion from
15 the State, issue an order to show cause as to why he or she
16 shall not be subject to revocation of pretrial release, or for
17 sanctions, as provided in Section 110-6. Nothing in this
18 Section prohibits the court from issuing a warrant under
19 subsection (c) upon failure to comply with any condition of
20 pretrial release or recognizance.

21 (b) The order issued by the court shall state the facts
22 alleged to constitute the hearing to show cause or otherwise
23 why the person is subject to revocation of pretrial release. A
24 certified copy of the order shall be served upon the person at
25 least 48 hours in advance of the scheduled hearing.

1 (c) If the person does not appear at the hearing to show
2 cause or absconds, the court may, in addition to any other
3 action provided by law, issue a warrant for the arrest of the
4 person at liberty on pretrial release. The contents of such a
5 warrant shall be the same as required for an arrest warrant
6 issued upon complaint and may modify any previously imposed
7 conditions placed upon the person, rather than revoking
8 pretrial release or issuing a warrant for the person in
9 accordance with the requirements in subsections (d) and (e) of
10 Section 110-5. When a defendant is at liberty on pretrial
11 release or his own recognizance on a felony charge and fails to
12 appear in court as directed, the court may issue a warrant for
13 the arrest of such person after his or her failure to appear at
14 the show for cause hearing as provided in this Section. Such
15 warrant shall be noted with a directive to peace officers to
16 arrest the person and hold such person without pretrial
17 release and to deliver such person before the court for
18 further proceedings.

19 (d) If the order as described in subsection (b) ~~Subsection~~
20 ~~B~~ is issued, a failure to appear shall not be recorded until
21 the defendant ~~Defendant~~ fails to appear at the hearing to show
22 cause. For the purpose of any risk assessment or future
23 evaluation of risk of willful flight or risk of failure to
24 appear, a non-appearance in court cured by an appearance at
25 the hearing to show cause shall not be considered as evidence
26 of future likelihood of appearance in court.

1 (Source: P.A. 101-652, eff. 1-1-23; revised 12-13-21.)

2 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

3 (Text of Section before amendment by P.A. 101-652)

4 Sec. 110-5. Determining the amount of bail and conditions
5 of release.

6 (a) In determining the amount of monetary bail or
7 conditions of release, if any, which will reasonably assure
8 the appearance of a defendant as required or the safety of any
9 other person or the community and the likelihood of compliance
10 by the defendant with all the conditions of bail, the court
11 shall, on the basis of available information, take into
12 account such matters as the nature and circumstances of the
13 offense charged, whether the evidence shows that as part of
14 the offense there was a use of violence or threatened use of
15 violence, whether the offense involved corruption of public
16 officials or employees, whether there was physical harm or
17 threats of physical harm to any public official, public
18 employee, judge, prosecutor, juror or witness, senior citizen,
19 child, or person with a disability, whether evidence shows
20 that during the offense or during the arrest the defendant
21 possessed or used a firearm, machine gun, explosive or metal
22 piercing ammunition or explosive bomb device or any military
23 or paramilitary armament, whether the evidence shows that the
24 offense committed was related to or in furtherance of the
25 criminal activities of an organized gang or was motivated by

1 the defendant's membership in or allegiance to an organized
2 gang, the condition of the victim, any written statement
3 submitted by the victim or proffer or representation by the
4 State regarding the impact which the alleged criminal conduct
5 has had on the victim and the victim's concern, if any, with
6 further contact with the defendant if released on bail,
7 whether the offense was based on racial, religious, sexual
8 orientation or ethnic hatred, the likelihood of the filing of
9 a greater charge, the likelihood of conviction, the sentence
10 applicable upon conviction, the weight of the evidence against
11 such defendant, whether there exists motivation or ability to
12 flee, whether there is any verification as to prior residence,
13 education, or family ties in the local jurisdiction, in
14 another county, state or foreign country, the defendant's
15 employment, financial resources, character and mental
16 condition, past conduct, prior use of alias names or dates of
17 birth, and length of residence in the community, the consent
18 of the defendant to periodic drug testing in accordance with
19 Section 110-6.5, whether a foreign national defendant is
20 lawfully admitted in the United States of America, whether the
21 government of the foreign national maintains an extradition
22 treaty with the United States by which the foreign government
23 will extradite to the United States its national for a trial
24 for a crime allegedly committed in the United States, whether
25 the defendant is currently subject to deportation or exclusion
26 under the immigration laws of the United States, whether the

1 defendant, although a United States citizen, is considered
2 under the law of any foreign state a national of that state for
3 the purposes of extradition or non-extradition to the United
4 States, the amount of unrecovered proceeds lost as a result of
5 the alleged offense, the source of bail funds tendered or
6 sought to be tendered for bail, whether from the totality of
7 the court's consideration, the loss of funds posted or sought
8 to be posted for bail will not deter the defendant from flight,
9 whether the evidence shows that the defendant is engaged in
10 significant possession, manufacture, or delivery of a
11 controlled substance or cannabis, either individually or in
12 consort with others, whether at the time of the offense
13 charged he or she was on bond or pre-trial release pending
14 trial, probation, periodic imprisonment or conditional
15 discharge pursuant to this Code or the comparable Code of any
16 other state or federal jurisdiction, whether the defendant is
17 on bond or pre-trial release pending the imposition or
18 execution of sentence or appeal of sentence for any offense
19 under the laws of Illinois or any other state or federal
20 jurisdiction, whether the defendant is under parole, aftercare
21 release, mandatory supervised release, or work release from
22 the Illinois Department of Corrections or Illinois Department
23 of Juvenile Justice or any penal institution or corrections
24 department of any state or federal jurisdiction, the
25 defendant's record of convictions, whether the defendant has
26 been convicted of a misdemeanor or ordinance offense in

1 Illinois or similar offense in other state or federal
2 jurisdiction within the 10 years preceding the current charge
3 or convicted of a felony in Illinois, whether the defendant
4 was convicted of an offense in another state or federal
5 jurisdiction that would be a felony if committed in Illinois
6 within the 20 years preceding the current charge or has been
7 convicted of such felony and released from the penitentiary
8 within 20 years preceding the current charge if a penitentiary
9 sentence was imposed in Illinois or other state or federal
10 jurisdiction, the defendant's records of juvenile adjudication
11 of delinquency in any jurisdiction, any record of appearance
12 or failure to appear by the defendant at court proceedings,
13 whether there was flight to avoid arrest or prosecution,
14 whether the defendant escaped or attempted to escape to avoid
15 arrest, whether the defendant refused to identify himself or
16 herself, or whether there was a refusal by the defendant to be
17 fingerprinted as required by law. Information used by the
18 court in its findings or stated in or offered in connection
19 with this Section may be by way of proffer based upon reliable
20 information offered by the State or defendant. All evidence
21 shall be admissible if it is relevant and reliable regardless
22 of whether it would be admissible under the rules of evidence
23 applicable at criminal trials. If the State presents evidence
24 that the offense committed by the defendant was related to or
25 in furtherance of the criminal activities of an organized gang
26 or was motivated by the defendant's membership in or

1 allegiance to an organized gang, and if the court determines
2 that the evidence may be substantiated, the court shall
3 prohibit the defendant from associating with other members of
4 the organized gang as a condition of bail or release. For the
5 purposes of this Section, "organized gang" has the meaning
6 ascribed to it in Section 10 of the Illinois Streetgang
7 Terrorism Omnibus Prevention Act.

8 (a-5) There shall be a presumption that any conditions of
9 release imposed shall be non-monetary in nature and the court
10 shall impose the least restrictive conditions or combination
11 of conditions necessary to reasonably assure the appearance of
12 the defendant for further court proceedings and protect the
13 integrity of the judicial proceedings from a specific threat
14 to a witness or participant. Conditions of release may
15 include, but not be limited to, electronic home monitoring,
16 curfews, drug counseling, stay-away orders, and in-person
17 reporting. The court shall consider the defendant's
18 socio-economic circumstance when setting conditions of release
19 or imposing monetary bail.

20 (b) The amount of bail shall be:

21 (1) Sufficient to assure compliance with the
22 conditions set forth in the bail bond, which shall include
23 the defendant's current address with a written
24 admonishment to the defendant that he or she must comply
25 with the provisions of Section 110-12 regarding any change
26 in his or her address. The defendant's address shall at

1 all times remain a matter of public record with the clerk
2 of the court.

3 (2) Not oppressive.

4 (3) Considerate of the financial ability of the
5 accused.

6 (4) When a person is charged with a drug related
7 offense involving possession or delivery of cannabis or
8 possession or delivery of a controlled substance as
9 defined in the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control
11 and Community Protection Act, the full street value of the
12 drugs seized shall be considered. "Street value" shall be
13 determined by the court on the basis of a proffer by the
14 State based upon reliable information of a law enforcement
15 official contained in a written report as to the amount
16 seized and such proffer may be used by the court as to the
17 current street value of the smallest unit of the drug
18 seized.

19 (b-5) Upon the filing of a written request demonstrating
20 reasonable cause, the State's Attorney may request a source of
21 bail hearing either before or after the posting of any funds.
22 If the hearing is granted, before the posting of any bail, the
23 accused must file a written notice requesting that the court
24 conduct a source of bail hearing. The notice must be
25 accompanied by justifying affidavits stating the legitimate
26 and lawful source of funds for bail. At the hearing, the court

1 shall inquire into any matters stated in any justifying
2 affidavits, and may also inquire into matters appropriate to
3 the determination which shall include, but are not limited to,
4 the following:

5 (1) the background, character, reputation, and
6 relationship to the accused of any surety; and

7 (2) the source of any money or property deposited by
8 any surety, and whether any such money or property
9 constitutes the fruits of criminal or unlawful conduct;
10 and

11 (3) the source of any money posted as cash bail, and
12 whether any such money constitutes the fruits of criminal
13 or unlawful conduct; and

14 (4) the background, character, reputation, and
15 relationship to the accused of the person posting cash
16 bail.

17 Upon setting the hearing, the court shall examine, under
18 oath, any persons who may possess material information.

19 The State's Attorney has a right to attend the hearing, to
20 call witnesses and to examine any witness in the proceeding.
21 The court shall, upon request of the State's Attorney,
22 continue the proceedings for a reasonable period to allow the
23 State's Attorney to investigate the matter raised in any
24 testimony or affidavit. If the hearing is granted after the
25 accused has posted bail, the court shall conduct a hearing
26 consistent with this subsection (b-5). At the conclusion of

1 the hearing, the court must issue an order either approving or
2 disapproving the bail.

3 (c) When a person is charged with an offense punishable by
4 fine only the amount of the bail shall not exceed double the
5 amount of the maximum penalty.

6 (d) When a person has been convicted of an offense and only
7 a fine has been imposed the amount of the bail shall not exceed
8 double the amount of the fine.

9 (e) The State may appeal any order granting bail or
10 setting a given amount for bail.

11 (f) When a person is charged with a violation of an order
12 of protection under Section 12-3.4 or 12-30 of the Criminal
13 Code of 1961 or the Criminal Code of 2012 or when a person is
14 charged with domestic battery, aggravated domestic battery,
15 kidnapping, aggravated kidnaping, unlawful restraint,
16 aggravated unlawful restraint, stalking, aggravated stalking,
17 cyberstalking, harassment by telephone, harassment through
18 electronic communications, or an attempt to commit first
19 degree murder committed against an intimate partner regardless
20 whether an order of protection has been issued against the
21 person,

22 (1) whether the alleged incident involved harassment
23 or abuse, as defined in the Illinois Domestic Violence Act
24 of 1986;

25 (2) whether the person has a history of domestic
26 violence, as defined in the Illinois Domestic Violence

- 1 Act, or a history of other criminal acts;
- 2 (3) based on the mental health of the person;
- 3 (4) whether the person has a history of violating the
4 orders of any court or governmental entity;
- 5 (5) whether the person has been, or is, potentially a
6 threat to any other person;
- 7 (6) whether the person has access to deadly weapons or
8 a history of using deadly weapons;
- 9 (7) whether the person has a history of abusing
10 alcohol or any controlled substance;
- 11 (8) based on the severity of the alleged incident that
12 is the basis of the alleged offense, including, but not
13 limited to, the duration of the current incident, and
14 whether the alleged incident involved the use of a weapon,
15 physical injury, sexual assault, strangulation, abuse
16 during the alleged victim's pregnancy, abuse of pets, or
17 forcible entry to gain access to the alleged victim;
- 18 (9) whether a separation of the person from the
19 alleged victim or a termination of the relationship
20 between the person and the alleged victim has recently
21 occurred or is pending;
- 22 (10) whether the person has exhibited obsessive or
23 controlling behaviors toward the alleged victim,
24 including, but not limited to, stalking, surveillance, or
25 isolation of the alleged victim or victim's family member
26 or members;

1 (11) whether the person has expressed suicidal or
2 homicidal ideations;

3 (12) based on any information contained in the
4 complaint and any police reports, affidavits, or other
5 documents accompanying the complaint,

6 the court may, in its discretion, order the respondent to
7 undergo a risk assessment evaluation using a recognized,
8 evidence-based instrument conducted by an Illinois Department
9 of Human Services approved partner abuse intervention program
10 provider, pretrial service, probation, or parole agency. These
11 agencies shall have access to summaries of the defendant's
12 criminal history, which shall not include victim interviews or
13 information, for the risk evaluation. Based on the information
14 collected from the 12 points to be considered at a bail hearing
15 under this subsection (f), the results of any risk evaluation
16 conducted and the other circumstances of the violation, the
17 court may order that the person, as a condition of bail, be
18 placed under electronic surveillance as provided in Section
19 5-8A-7 of the Unified Code of Corrections. Upon making a
20 determination whether or not to order the respondent to
21 undergo a risk assessment evaluation or to be placed under
22 electronic surveillance and risk assessment, the court shall
23 document in the record the court's reasons for making those
24 determinations. The cost of the electronic surveillance and
25 risk assessment shall be paid by, or on behalf, of the
26 defendant. As used in this subsection (f), "intimate partner"

1 means a spouse or a current or former partner in a cohabitation
2 or dating relationship.

3 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
4 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

5 (Text of Section after amendment by P.A. 101-652)

6 Sec. 110-5. Determining the amount of bail and conditions
7 of release.

8 (a) In determining which ~~or~~ conditions of pretrial
9 release, if any, ~~which~~ will reasonably assure the appearance
10 of a defendant as required or the safety of any other person or
11 the community and the likelihood of compliance by the
12 defendant with all the conditions of pretrial release, the
13 court shall, on the basis of available information, take into
14 account such matters as:

15 (1) the nature and circumstances of the offense
16 charged;

17 (2) the weight of the evidence against the eligible
18 defendant, except that the court may consider the
19 admissibility of any evidence sought to be excluded;

20 (3) the history and characteristics of the eligible
21 defendant, including:

22 (A) the eligible defendant's character, physical
23 and mental condition, family ties, employment,
24 financial resources, length of residence in the
25 community, community ties, past relating to drug or

1 alcohol abuse, conduct, history criminal history, and
2 record concerning appearance at court proceedings; and

3 (B) whether, at the time of the current offense or
4 arrest, the eligible defendant was on probation,
5 parole, or on other release pending trial, sentencing,
6 appeal, or completion of sentence for an offense under
7 federal law, or the law of this or any other state;

8 (4) the nature and seriousness of the specific, real
9 and present threat to any person that would be posed by the
10 eligible defendant's release, if applicable, ~~as~~ as required
11 under paragraph (7.5) of Section 4 of the Rights of Crime
12 Victims and Witnesses Act; and

13 (5) the nature and seriousness of the risk of
14 obstructing or attempting to obstruct the criminal justice
15 process that would be posed by the eligible defendant's
16 release, if applicable.

17 (b) The court shall impose any conditions that are
18 mandatory under Section 110-10. The court may impose any
19 conditions that are permissible under Section 110-10.

20 (b-5) When a person is charged with a violation of an order
21 of protection under Section 12-3.4 or 12-30 of the Criminal
22 Code of 1961 or the Criminal Code of 2012 or when a person is
23 charged with domestic battery, aggravated domestic battery,
24 kidnapping, aggravated kidnaping, unlawful restraint,
25 aggravated unlawful restraint, stalking, aggravated stalking,
26 cyberstalking, harassment by telephone, harassment through

1 electronic communications, or an attempt to commit first
2 degree murder committed against an intimate partner regardless
3 whether an order of protection has been issued against the
4 person,

5 (1) whether the alleged incident involved harassment
6 or abuse, as defined in the Illinois Domestic Violence Act
7 of 1986;

8 (2) whether the person has a history of domestic
9 violence, as defined in the Illinois Domestic Violence
10 Act, or a history of other criminal acts;

11 (3) based on the mental health of the person;

12 (4) whether the person has a history of violating the
13 orders of any court or governmental entity;

14 (5) whether the person has been, or is, potentially a
15 threat to any other person;

16 (6) whether the person has access to deadly weapons or
17 a history of using deadly weapons;

18 (7) whether the person has a history of abusing
19 alcohol or any controlled substance;

20 (8) based on the severity of the alleged incident that
21 is the basis of the alleged offense, including, but not
22 limited to, the duration of the current incident, and
23 whether the alleged incident involved the use of a weapon,
24 physical injury, sexual assault, strangulation, abuse
25 during the alleged victim's pregnancy, abuse of pets, or
26 forcible entry to gain access to the alleged victim;

1 (9) whether a separation of the person from the victim
2 of abuse or a termination of the relationship between the
3 person and the victim of abuse has recently occurred or is
4 pending;

5 (10) whether the person has exhibited obsessive or
6 controlling behaviors toward the victim of abuse,
7 including, but not limited to, stalking, surveillance, or
8 isolation of the victim of abuse or victim's family member
9 or members;

10 (11) whether the person has expressed suicidal or
11 homicidal ideations;

12 (11.5) any other factors deemed by the court to have a
13 reasonable bearing upon the defendant's propensity or
14 reputation for violent, abusive or assaultive behavior, or
15 lack of that behavior.

16 (c) In cases of stalking or aggravated stalking under
17 Section 12-7.3 or 12-7.4 of the Criminal Code of 2012, the
18 court may consider the following additional factors:

19 (1) Any evidence of the defendant's prior criminal
20 history indicative of violent, abusive or assaultive
21 behavior, or lack of that behavior. The evidence may
22 include testimony or documents received in juvenile
23 proceedings, criminal, quasi-criminal, civil commitment,
24 domestic relations or other proceedings;

25 (2) Any evidence of the defendant's psychological,
26 psychiatric or other similar social history that tends to

1 indicate a violent, abusive, or assaultive nature, or lack
2 of any such history;:-

3 (3) The nature of the threat which is the basis of the
4 charge against the defendant;

5 (4) Any statements made by, or attributed to the
6 defendant, together with the circumstances surrounding
7 them;

8 (5) The age and physical condition of any person
9 allegedly assaulted by the defendant;

10 (6) Whether the defendant is known to possess or have
11 access to any weapon or weapons;

12 (7) Any other factors deemed by the court to have a
13 reasonable bearing upon the defendant's propensity or
14 reputation for violent, abusive or assaultive behavior, or
15 lack of that behavior.

16 (d) The Court may use a regularly validated risk
17 assessment tool to aid its determination of appropriate
18 conditions of release as provided for in Section 110-6.4. Risk
19 assessment tools may not be used as the sole basis to deny
20 pretrial release. If a risk assessment tool is used, the
21 defendant's counsel shall be provided with the information and
22 scoring system of the risk assessment tool used to arrive at
23 the determination. The defendant retains the right to
24 challenge the validity of a risk assessment tool used by the
25 court and to present evidence relevant to the defendant's
26 challenge.

1 (e) If a person remains in pretrial detention after his or
2 her pretrial conditions hearing after having been ordered
3 released with pretrial conditions, the court shall hold a
4 hearing to determine the reason for continued detention. If
5 the reason for continued detention is due to the
6 unavailability or the defendant's ineligibility for one or
7 more pretrial conditions previously ordered by the court or
8 directed by a pretrial services agency, the court shall reopen
9 the conditions of release hearing to determine what available
10 pretrial conditions exist that will reasonably assure the
11 appearance of a defendant as required or the safety of any
12 other person and the likelihood of compliance by the defendant
13 with all the conditions of pretrial release. The inability of
14 the defendant ~~Defendant~~ to pay for a condition of release or
15 any other ineligibility for a condition of pretrial release
16 shall not be used as a justification for the pretrial
17 detention of that defendant ~~Defendant~~.

18 (f) Prior to the defendant's first appearance, the Court
19 shall appoint the public defender or a licensed attorney at
20 law of this State to represent the defendant ~~Defendant~~ for
21 purposes of that hearing, unless the defendant has obtained
22 licensed counsel for themselves.

23 (g) Electronic monitoring, GPS monitoring, or home
24 confinement can only be imposed as a condition of pretrial
25 release if a no less restrictive condition of release or
26 combination of less restrictive condition of release would

1 reasonably ensure the appearance of the defendant for later
2 hearings or protect an identifiable person or persons from
3 imminent threat of serious physical harm.

4 (h) If the court imposes electronic monitoring, GPS
5 monitoring, or home confinement, the court shall set forth in
6 the record the basis for its finding. A defendant shall be
7 given custodial credit for each day he or she was subjected to
8 that program, at the same rate described in subsection (b) of
9 Section 5-4.5-100 of the Unified Code of Corrections ~~unified~~
10 ~~code of correction.~~

11 (i) If electronic monitoring, GPS monitoring, or home
12 confinement is imposed, the court shall determine every 60
13 days if no less restrictive condition of release or
14 combination of less restrictive conditions of release would
15 reasonably ensure the appearance, or continued appearance, of
16 the defendant for later hearings or protect an identifiable
17 person or persons from imminent threat of serious physical
18 harm. If the court finds that there are less restrictive
19 conditions of release, the court shall order that the
20 condition be removed. This subsection takes effect January 1,
21 2022.

22 (j) Crime Victims shall be given notice by the State's
23 Attorney's office of this hearing as required in paragraph (1)
24 of subsection (b) of Section 4.5 of the Rights of Crime Victims
25 and Witnesses Act and shall be informed of their opportunity
26 at this hearing to obtain an order of protection under Article

1 112A of this Code.

2 (Source: P.A. 101-652, eff. 1-1-23; 102-28, eff. 6-25-21;
3 102-558, eff. 8-20-21; revised 12-15-21.)

4 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

5 Sec. 112A-14. Domestic violence order of protection;
6 remedies.

7 (a) (Blank).

8 (b) The court may order any of the remedies listed in this
9 subsection (b). The remedies listed in this subsection (b)
10 shall be in addition to other civil or criminal remedies
11 available to petitioner.

12 (1) Prohibition of abuse. Prohibit respondent's
13 harassment, interference with personal liberty,
14 intimidation of a dependent, physical abuse, or willful
15 deprivation, as defined in this Article, if such abuse has
16 occurred or otherwise appears likely to occur if not
17 prohibited.

18 (2) Grant of exclusive possession of residence.
19 Prohibit respondent from entering or remaining in any
20 residence, household, or premises of the petitioner,
21 including one owned or leased by respondent, if petitioner
22 has a right to occupancy thereof. The grant of exclusive
23 possession of the residence, household, or premises shall
24 not affect title to real property, nor shall the court be
25 limited by the standard set forth in subsection (c-2) of

1 Section 501 of the Illinois Marriage and Dissolution of
2 Marriage Act.

3 (A) Right to occupancy. A party has a right to
4 occupancy of a residence or household if it is solely
5 or jointly owned or leased by that party, that party's
6 spouse, a person with a legal duty to support that
7 party or a minor child in that party's care, or by any
8 person or entity other than the opposing party that
9 authorizes that party's occupancy (e.g., a domestic
10 violence shelter). Standards set forth in subparagraph
11 (B) shall not preclude equitable relief.

12 (B) Presumption of hardships. If petitioner and
13 respondent each has the right to occupancy of a
14 residence or household, the court shall balance (i)
15 the hardships to respondent and any minor child or
16 dependent adult in respondent's care resulting from
17 entry of this remedy with (ii) the hardships to
18 petitioner and any minor child or dependent adult in
19 petitioner's care resulting from continued exposure to
20 the risk of abuse (should petitioner remain at the
21 residence or household) or from loss of possession of
22 the residence or household (should petitioner leave to
23 avoid the risk of abuse). When determining the balance
24 of hardships, the court shall also take into account
25 the accessibility of the residence or household.
26 Hardships need not be balanced if respondent does not

1 have a right to occupancy.

2 The balance of hardships is presumed to favor
3 possession by petitioner unless the presumption is
4 rebutted by a preponderance of the evidence, showing
5 that the hardships to respondent substantially
6 outweigh the hardships to petitioner and any minor
7 child or dependent adult in petitioner's care. The
8 court, on the request of petitioner or on its own
9 motion, may order respondent to provide suitable,
10 accessible, alternate housing for petitioner instead
11 of excluding respondent from a mutual residence or
12 household.

13 (3) Stay away order and additional prohibitions. Order
14 respondent to stay away from petitioner or any other
15 person protected by the domestic violence order of
16 protection, or prohibit respondent from entering or
17 remaining present at petitioner's school, place of
18 employment, or other specified places at times when
19 petitioner is present, or both, if reasonable, given the
20 balance of hardships. Hardships need not be balanced for
21 the court to enter a stay away order or prohibit entry if
22 respondent has no right to enter the premises.

23 (A) If a domestic violence order of protection
24 grants petitioner exclusive possession of the
25 residence, prohibits respondent from entering the
26 residence, or orders respondent to stay away from

1 petitioner or other protected persons, then the court
2 may allow respondent access to the residence to remove
3 items of clothing and personal adornment used
4 exclusively by respondent, medications, and other
5 items as the court directs. The right to access shall
6 be exercised on only one occasion as the court directs
7 and in the presence of an agreed-upon adult third
8 party or law enforcement officer.

9 (B) When the petitioner and the respondent attend
10 the same public, private, or non-public elementary,
11 middle, or high school, the court when issuing a
12 domestic violence order of protection and providing
13 relief shall consider the severity of the act, any
14 continuing physical danger or emotional distress to
15 the petitioner, the educational rights guaranteed to
16 the petitioner and respondent under federal and State
17 law, the availability of a transfer of the respondent
18 to another school, a change of placement or a change of
19 program of the respondent, the expense, difficulty,
20 and educational disruption that would be caused by a
21 transfer of the respondent to another school, and any
22 other relevant facts of the case. The court may order
23 that the respondent not attend the public, private, or
24 non-public elementary, middle, or high school attended
25 by the petitioner, order that the respondent accept a
26 change of placement or change of program, as

1 determined by the school district or private or
2 non-public school, or place restrictions on the
3 respondent's movements within the school attended by
4 the petitioner. The respondent bears the burden of
5 proving by a preponderance of the evidence that a
6 transfer, change of placement, or change of program of
7 the respondent is not available. The respondent also
8 bears the burden of production with respect to the
9 expense, difficulty, and educational disruption that
10 would be caused by a transfer of the respondent to
11 another school. A transfer, change of placement, or
12 change of program is not unavailable to the respondent
13 solely on the ground that the respondent does not
14 agree with the school district's or private or
15 non-public school's transfer, change of placement, or
16 change of program or solely on the ground that the
17 respondent fails or refuses to consent or otherwise
18 does not take an action required to effectuate a
19 transfer, change of placement, or change of program.
20 When a court orders a respondent to stay away from the
21 public, private, or non-public school attended by the
22 petitioner and the respondent requests a transfer to
23 another attendance center within the respondent's
24 school district or private or non-public school, the
25 school district or private or non-public school shall
26 have sole discretion to determine the attendance

1 center to which the respondent is transferred. If the
2 court order results in a transfer of the minor
3 respondent to another attendance center, a change in
4 the respondent's placement, or a change of the
5 respondent's program, the parents, guardian, or legal
6 custodian of the respondent is responsible for
7 transportation and other costs associated with the
8 transfer or change.

9 (C) The court may order the parents, guardian, or
10 legal custodian of a minor respondent to take certain
11 actions or to refrain from taking certain actions to
12 ensure that the respondent complies with the order. If
13 the court orders a transfer of the respondent to
14 another school, the parents, guardian, or legal
15 custodian of the respondent is responsible for
16 transportation and other costs associated with the
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist,
21 psychiatrist, family service agency, alcohol or substance
22 abuse program, mental health center guidance counselor,
23 agency providing services to elders, program designed for
24 domestic violence abusers, or any other guidance service
25 the court deems appropriate. The court may order the
26 respondent in any intimate partner relationship to report

1 to an Illinois Department of Human Services protocol
2 approved partner abuse intervention program for an
3 assessment and to follow all recommended treatment.

4 (5) Physical care and possession of the minor child.
5 In order to protect the minor child from abuse, neglect,
6 or unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If the respondent is charged with abuse (as defined in
15 Section 112A-3 of this Code) of a minor child, there shall
16 be a rebuttable presumption that awarding physical care to
17 respondent would not be in the minor child's best
18 interest.

19 (6) Temporary allocation of parental responsibilities
20 and significant decision-making responsibilities. Award
21 temporary significant decision-making responsibility to
22 petitioner in accordance with this Section, the Illinois
23 Marriage and Dissolution of Marriage Act, the Illinois
24 Parentage Act of 2015, and this State's Uniform
25 Child-Custody Jurisdiction and Enforcement Act.

26 If the respondent is charged with abuse (as defined in

1 Section 112A-3 of this Code) of a minor child, there shall
2 be a rebuttable presumption that awarding temporary
3 significant decision-making responsibility to respondent
4 would not be in the child's best interest.

5 (7) Parenting time. Determine the parenting time, if
6 any, of respondent in any case in which the court awards
7 physical care or temporary significant decision-making
8 responsibility of a minor child to petitioner. The court
9 shall restrict or deny respondent's parenting time with a
10 minor child if the court finds that respondent has done or
11 is likely to do any of the following:

12 (i) abuse or endanger the minor child during
13 parenting time;

14 (ii) use the parenting time as an opportunity to
15 abuse or harass petitioner or petitioner's family or
16 household members;

17 (iii) improperly conceal or detain the minor
18 child; or

19 (iv) otherwise act in a manner that is not in the
20 best interests of the minor child.

21 The court shall not be limited by the standards set
22 forth in Section 603.10 of the Illinois Marriage and
23 Dissolution of Marriage Act. If the court grants parenting
24 time, the order shall specify dates and times for the
25 parenting time to take place or other specific parameters
26 or conditions that are appropriate. No order for parenting

1 time shall refer merely to the term "reasonable parenting
2 time". Petitioner may deny respondent access to the minor
3 child if, when respondent arrives for parenting time,
4 respondent is under the influence of drugs or alcohol and
5 constitutes a threat to the safety and well-being of
6 petitioner or petitioner's minor children or is behaving
7 in a violent or abusive manner. If necessary to protect
8 any member of petitioner's family or household from future
9 abuse, respondent shall be prohibited from coming to
10 petitioner's residence to meet the minor child for
11 parenting time, and the petitioner and respondent shall
12 submit to the court their recommendations for reasonable
13 alternative arrangements for parenting time. A person may
14 be approved to supervise parenting time only after filing
15 an affidavit accepting that responsibility and
16 acknowledging accountability to the court.

17 (8) Removal or concealment of minor child. Prohibit
18 respondent from removing a minor child from the State or
19 concealing the child within the State.

20 (9) Order to appear. Order the respondent to appear in
21 court, alone or with a minor child, to prevent abuse,
22 neglect, removal or concealment of the child, to return
23 the child to the custody or care of the petitioner, or to
24 permit any court-ordered interview or examination of the
25 child or the respondent.

26 (10) Possession of personal property. Grant petitioner

1 exclusive possession of personal property and, if
2 respondent has possession or control, direct respondent to
3 promptly make it available to petitioner, if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the petitioner and respondent own the
7 property jointly; sharing it would risk abuse of
8 petitioner by respondent or is impracticable; and the
9 balance of hardships favors temporary possession by
10 petitioner.

11 If petitioner's sole claim to ownership of the
12 property is that it is marital property, the court may
13 award petitioner temporary possession thereof under the
14 standards of subparagraph (ii) of this paragraph only if a
15 proper proceeding has been filed under the Illinois
16 Marriage and Dissolution of Marriage Act, as now or
17 hereafter amended.

18 No order under this provision shall affect title to
19 property.

20 (11) Protection of property. Forbid the respondent
21 from taking, transferring, encumbering, concealing,
22 damaging, or otherwise disposing of any real or personal
23 property, except as explicitly authorized by the court,
24 if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the petitioner and respondent own the
2 property jointly, and the balance of hardships favors
3 granting this remedy.

4 If petitioner's sole claim to ownership of the
5 property is that it is marital property, the court may
6 grant petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility, when the respondent has

1 a legal obligation to support that person, in accordance
2 with the Illinois Marriage and Dissolution of Marriage
3 Act, which shall govern, among other matters, the amount
4 of support, payment through the clerk and withholding of
5 income to secure payment. An order for child support may
6 be granted to a petitioner with lawful physical care of a
7 child, or an order or agreement for physical care of a
8 child, prior to entry of an order allocating significant
9 decision-making responsibility. Such a support order shall
10 expire upon entry of a valid order allocating parental
11 responsibility differently and vacating petitioner's
12 significant decision-making responsibility unless
13 otherwise provided in the order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse. Such losses shall include, but not be limited
17 to, medical expenses, lost earnings or other support,
18 repair or replacement of property damaged or taken,
19 reasonable attorney's fees, court costs, and moving or
20 other travel expenses, including additional reasonable
21 expenses for temporary shelter and restaurant meals.

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support, or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

5 (ii) Recovery of expenses. In the case of an
6 improper concealment or removal of a minor child, the
7 court may order respondent to pay the reasonable
8 expenses incurred or to be incurred in the search for
9 and recovery of the minor child, including, but not
10 limited to, legal fees, court costs, private
11 investigator fees, and travel costs.

12 (14) Prohibition of entry. Prohibit the respondent
13 from entering or remaining in the residence or household
14 while the respondent is under the influence of alcohol or
15 drugs and constitutes a threat to the safety and
16 well-being of the petitioner or the petitioner's children.

17 (14.5) Prohibition of firearm possession.

18 (A) A person who is subject to an existing
19 domestic violence order of protection issued under
20 this Code may not lawfully possess weapons or a
21 Firearm Owner's Identification Card under Section 8.2
22 of the Firearm Owners Identification Card Act.

23 (B) Any firearms in the possession of the
24 respondent, except as provided in subparagraph (C) of
25 this paragraph (14.5), shall be ordered by the court
26 to be turned over to a person with a valid Firearm

1 Owner's Identification Card for safekeeping. The court
2 shall issue an order that the respondent comply with
3 Section 9.5 of the Firearm Owners Identification Card
4 Act. ~~Illinois~~

5 (C) If the respondent is a peace officer as
6 defined in Section 2-13 of the Criminal Code of 2012,
7 the court shall order that any firearms used by the
8 respondent in the performance of his or her duties as a
9 peace officer be surrendered to the chief law
10 enforcement executive of the agency in which the
11 respondent is employed, who shall retain the firearms
12 for safekeeping for the duration of the domestic
13 violence order of protection.

14 (D) Upon expiration of the period of safekeeping,
15 if the firearms or Firearm Owner's Identification Card
16 cannot be returned to respondent because respondent
17 cannot be located, fails to respond to requests to
18 retrieve the firearms, or is not lawfully eligible to
19 possess a firearm, upon petition from the local law
20 enforcement agency, the court may order the local law
21 enforcement agency to destroy the firearms, use the
22 firearms for training purposes, or for any other
23 application as deemed appropriate by the local law
24 enforcement agency; or that the firearms be turned
25 over to a third party who is lawfully eligible to
26 possess firearms, and who does not reside with

1 respondent.

2 (15) Prohibition of access to records. If a domestic
3 violence order of protection prohibits respondent from
4 having contact with the minor child, or if petitioner's
5 address is omitted under subsection (b) of Section 112A-5
6 of this Code, or if necessary to prevent abuse or wrongful
7 removal or concealment of a minor child, the order shall
8 deny respondent access to, and prohibit respondent from
9 inspecting, obtaining, or attempting to inspect or obtain,
10 school or any other records of the minor child who is in
11 the care of petitioner.

12 (16) Order for payment of shelter services. Order
13 respondent to reimburse a shelter providing temporary
14 housing and counseling services to the petitioner for the
15 cost of the services, as certified by the shelter and
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive
18 relief necessary or appropriate to prevent further abuse
19 of a family or household member or to effectuate one of the
20 granted remedies, if supported by the balance of
21 hardships. If the harm to be prevented by the injunction
22 is abuse or any other harm that one of the remedies listed
23 in paragraphs (1) through (16) of this subsection is
24 designed to prevent, no further evidence is necessary to
25 establish that the harm is an irreparable injury.

26 (18) Telephone services.

1 (A) Unless a condition described in subparagraph
2 (B) of this paragraph exists, the court may, upon
3 request by the petitioner, order a wireless telephone
4 service provider to transfer to the petitioner the
5 right to continue to use a telephone number or numbers
6 indicated by the petitioner and the financial
7 responsibility associated with the number or numbers,
8 as set forth in subparagraph (C) of this paragraph. In
9 this paragraph (18), the term "wireless telephone
10 service provider" means a provider of commercial
11 mobile service as defined in 47 U.S.C. 332. The
12 petitioner may request the transfer of each telephone
13 number that the petitioner, or a minor child in his or
14 her custody, uses. The clerk of the court shall serve
15 the order on the wireless telephone service provider's
16 agent for service of process provided to the Illinois
17 Commerce Commission. The order shall contain all of
18 the following:

19 (i) The name and billing telephone number of
20 the account holder including the name of the
21 wireless telephone service provider that serves
22 the account.

23 (ii) Each telephone number that will be
24 transferred.

25 (iii) A statement that the provider transfers
26 to the petitioner all financial responsibility for

1 and right to the use of any telephone number
2 transferred under this paragraph.

3 (B) A wireless telephone service provider shall
4 terminate the respondent's use of, and shall transfer
5 to the petitioner use of, the telephone number or
6 numbers indicated in subparagraph (A) of this
7 paragraph unless it notifies the petitioner, within 72
8 hours after it receives the order, that one of the
9 following applies:

10 (i) The account holder named in the order has
11 terminated the account.

12 (ii) A difference in network technology would
13 prevent or impair the functionality of a device on
14 a network if the transfer occurs.

15 (iii) The transfer would cause a geographic or
16 other limitation on network or service provision
17 to the petitioner.

18 (iv) Another technological or operational
19 issue would prevent or impair the use of the
20 telephone number if the transfer occurs.

21 (C) The petitioner assumes all financial
22 responsibility for and right to the use of any
23 telephone number transferred under this paragraph. In
24 this paragraph, "financial responsibility" includes
25 monthly service costs and costs associated with any
26 mobile device associated with the number.

1 (D) A wireless telephone service provider may
2 apply to the petitioner its routine and customary
3 requirements for establishing an account or
4 transferring a number, including requiring the
5 petitioner to provide proof of identification,
6 financial information, and customer preferences.

7 (E) Except for willful or wanton misconduct, a
8 wireless telephone service provider is immune from
9 civil liability for its actions taken in compliance
10 with a court order issued under this paragraph.

11 (F) All wireless service providers that provide
12 services to residential customers shall provide to the
13 Illinois Commerce Commission the name and address of
14 an agent for service of orders entered under this
15 paragraph (18). Any change in status of the registered
16 agent must be reported to the Illinois Commerce
17 Commission within 30 days of such change.

18 (G) The Illinois Commerce Commission shall
19 maintain the list of registered agents for service for
20 each wireless telephone service provider on the
21 Commission's website. The Commission may consult with
22 wireless telephone service providers and the Circuit
23 Court Clerks on the manner in which this information
24 is provided and displayed.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider
2 relevant factors, including, but not limited to, the
3 following:

4 (i) the nature, frequency, severity, pattern, and
5 consequences of the respondent's past abuse of the
6 petitioner or any family or household member,
7 including the concealment of his or her location in
8 order to evade service of process or notice, and the
9 likelihood of danger of future abuse to petitioner or
10 any member of petitioner's or respondent's family or
11 household; and

12 (ii) the danger that any minor child will be
13 abused or neglected or improperly relocated from the
14 jurisdiction, improperly concealed within the State,
15 or improperly separated from the child's primary
16 caretaker.

17 (2) In comparing relative hardships resulting to the
18 parties from loss of possession of the family home, the
19 court shall consider relevant factors, including, but not
20 limited to, the following:

21 (i) availability, accessibility, cost, safety,
22 adequacy, location, and other characteristics of
23 alternate housing for each party and any minor child
24 or dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1 and any minor child or dependent adult in the party's
2 care, to family, school, church, and community.

3 (3) Subject to the exceptions set forth in paragraph
4 (4) of this subsection (c), the court shall make its
5 findings in an official record or in writing, and shall at
6 a minimum set forth the following:

7 (i) That the court has considered the applicable
8 relevant factors described in paragraphs (1) and (2)
9 of this subsection (c).

10 (ii) Whether the conduct or actions of respondent,
11 unless prohibited, will likely cause irreparable harm
12 or continued abuse.

13 (iii) Whether it is necessary to grant the
14 requested relief in order to protect petitioner or
15 other alleged abused persons.

16 (4) (Blank).

17 (5) Never married parties. No rights or
18 responsibilities for a minor child born outside of
19 marriage attach to a putative father until a father and
20 child relationship has been established under the Illinois
21 Parentage Act of 1984, the Illinois Parentage Act of 2015,
22 the Illinois Public Aid Code, Section 12 of the Vital
23 Records Act, the Juvenile Court Act of 1987, the Probate
24 Act of 1975, the Uniform Interstate Family Support Act,
25 the Expedited Child Support Act of 1990, any judicial,
26 administrative, or other act of another state or

1 territory, any other statute of this State, or by any
2 foreign nation establishing the father and child
3 relationship, any other proceeding substantially in
4 conformity with the federal Personal Responsibility and
5 Work Opportunity Reconciliation Act of 1996, or when both
6 parties appeared in open court or at an administrative
7 hearing acknowledging under oath or admitting by
8 affirmation the existence of a father and child
9 relationship. Absent such an adjudication, no putative
10 father shall be granted temporary allocation of parental
11 responsibilities, including parenting time with the minor
12 child, or physical care and possession of the minor child,
13 nor shall an order of payment for support of the minor
14 child be entered.

15 (d) Balance of hardships; findings. If the court finds
16 that the balance of hardships does not support the granting of
17 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
18 subsection (b) of this Section, which may require such
19 balancing, the court's findings shall so indicate and shall
20 include a finding as to whether granting the remedy will
21 result in hardship to respondent that would substantially
22 outweigh the hardship to petitioner from denial of the remedy.
23 The findings shall be an official record or in writing.

24 (e) Denial of remedies. Denial of any remedy shall not be
25 based, in whole or in part, on evidence that:

26 (1) respondent has cause for any use of force, unless

1 that cause satisfies the standards for justifiable use of
2 force provided by Article 7 of the Criminal Code of 2012;

3 (2) respondent was voluntarily intoxicated;

4 (3) petitioner acted in self-defense or defense of
5 another, provided that, if petitioner utilized force, such
6 force was justifiable under Article 7 of the Criminal Code
7 of 2012;

8 (4) petitioner did not act in self-defense or defense
9 of another;

10 (5) petitioner left the residence or household to
11 avoid further abuse by respondent;

12 (6) petitioner did not leave the residence or
13 household to avoid further abuse by respondent; or

14 (7) conduct by any family or household member excused
15 the abuse by respondent, unless that same conduct would
16 have excused such abuse if the parties had not been family
17 or household members.

18 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
19 102-538, eff. 8-20-21; revised 11-2-21.)

20 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

21 Sec. 112A-20. Duration and extension of final protective
22 orders.

23 (a) (Blank).

24 (b) A final protective order shall remain in effect as
25 follows:

1 (1) if entered during pre-trial release, until
2 disposition, withdrawal, or dismissal of the underlying
3 charge; if, however, the case is continued as an
4 independent cause of action, the order's duration may be
5 for a fixed period of time not to exceed 2 years;

6 (2) if in effect in conjunction with a bond forfeiture
7 warrant, until final disposition or an additional period
8 of time not exceeding 2 years; no domestic violence order
9 of protection, however, shall be terminated by a dismissal
10 that is accompanied by the issuance of a bond forfeiture
11 warrant;

12 (3) until 2 years after the expiration of any
13 supervision, conditional discharge, probation, periodic
14 imprisonment, parole, aftercare release, or mandatory
15 supervised release for domestic violence orders of
16 protection and civil no contact orders;

17 (4) until 2 years after the date set by the court for
18 expiration of any sentence of imprisonment and subsequent
19 parole, aftercare release, or mandatory supervised release
20 for domestic violence orders of protection and civil no
21 contact orders;

22 (5) permanent for a stalking no contact order if a
23 judgment of conviction for stalking is entered; or

24 (6) permanent for a civil no contact order at the
25 victim's request if a judgment of conviction for criminal
26 sexual assault, aggravated criminal sexual assault,

1 criminal sexual abuse, excluding a conviction under
2 subsection (c) of Section 11-1.50 of the Criminal Code of
3 2012, or aggravated criminal sexual abuse is entered.

4 (c) Computation of time. The duration of a domestic
5 violence order of protection shall not be reduced by the
6 duration of any prior domestic violence order of protection.

7 (d) Law enforcement records. When a protective order
8 expires upon the occurrence of a specified event, rather than
9 upon a specified date as provided in subsection (b), no
10 expiration date shall be entered in Illinois State Police
11 records. To remove the protective order from those records,
12 either the petitioner or the respondent shall request the
13 clerk of the court to file a certified copy of an order stating
14 that the specified event has occurred or that the protective
15 order has been vacated or modified with the sheriff, and the
16 sheriff shall direct that law enforcement records shall be
17 promptly corrected in accordance with the filed order.

18 (e) Extension of Orders. Any domestic violence order of
19 protection or civil no contact order that expires 2 years
20 after the expiration of the defendant's sentence under
21 paragraph (2), (3), or (4) of subsection (b) of Section
22 112A-20 of this Article may be extended one or more times, as
23 required. The petitioner, petitioner's counsel, or the State's
24 Attorney on the petitioner's behalf shall file the motion for
25 an extension of the final protective order in the criminal
26 case and serve the motion in accordance with Supreme Court

1 Rules 11 and 12. The court shall transfer the motion to the
2 appropriate court or division for consideration under
3 subsection (e) of Section 220 of the Illinois Domestic
4 Violence Act of 1986, subsection (c) of Section 216 of the
5 Civil No Contact Order Act, or subsection (c) of Section 105 of
6 the Stalking No Contact Order as appropriate.

7 (f) Termination date. Any final protective order which
8 would expire on a court holiday shall instead expire at the
9 close of the next court business day.

10 (g) Statement of purpose. The practice of dismissing or
11 suspending a criminal prosecution in exchange for issuing a
12 protective order undermines the purposes of this Article. This
13 Section shall not be construed as encouraging that practice.

14 (Source: P.A. 102-184, eff. 1-1-22; 102-538, eff. 8-20-21;
15 revised 10-20-21.)

16 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

17 (Text of Section before amendment by P.A. 101-652)

18 Sec. 112A-23. Enforcement of protective orders.

19 (a) When violation is crime. A violation of any protective
20 order, whether issued in a civil, quasi-criminal proceeding,
21 shall be enforced by a criminal court when:

22 (1) The respondent commits the crime of violation of a
23 domestic violence order of protection pursuant to Section
24 12-3.4 or 12-30 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, by having knowingly violated:

1 (i) remedies described in paragraph ~~paragraphs~~
2 (1), (2), (3), (14), or (14.5) of subsection (b) of
3 Section 112A-14 of this Code,

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraph ~~paragraphs~~
6 (1), (2), (3), (14), or (14.5) of subsection (b) of
7 Section 214 of the Illinois Domestic Violence Act of
8 1986, in a valid order of protection, which is
9 authorized under the laws of another state, tribe, or
10 United States territory, or

11 (iii) any other remedy when the act constitutes a
12 crime against the protected parties as defined by the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 Prosecution for a violation of a domestic violence
15 order of protection shall not bar concurrent prosecution
16 for any other crime, including any crime that may have
17 been committed at the time of the violation of the
18 domestic violence order of protection; or

19 (2) The respondent commits the crime of child
20 abduction pursuant to Section 10-5 of the Criminal Code of
21 1961 or the Criminal Code of 2012, by having knowingly
22 violated:

23 (i) remedies described in paragraph ~~paragraphs~~
24 (5), (6), or (8) of subsection (b) of Section 112A-14
25 of this Code, or

26 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraph ~~paragraphs~~
2 (1), (5), (6), or (8) of subsection (b) of Section 214
3 of the Illinois Domestic Violence Act of 1986, in a
4 valid domestic violence order of protection, which is
5 authorized under the laws of another state, tribe, or
6 United States territory.

7 (3) The respondent commits the crime of violation of a
8 civil no contact order when the respondent violates
9 Section 12-3.8 of the Criminal Code of 2012. Prosecution
10 for a violation of a civil no contact order shall not bar
11 concurrent prosecution for any other crime, including any
12 crime that may have been committed at the time of the
13 violation of the civil no contact order.

14 (4) The respondent commits the crime of violation of a
15 stalking no contact order when the respondent violates
16 Section 12-3.9 of the Criminal Code of 2012. Prosecution
17 for a violation of a stalking no contact order shall not
18 bar concurrent prosecution for any other crime, including
19 any crime that may have been committed at the time of the
20 violation of the stalking no contact order.

21 (b) When violation is contempt of court. A violation of
22 any valid protective order, whether issued in a civil or
23 criminal proceeding, may be enforced through civil or criminal
24 contempt procedures, as appropriate, by any court with
25 jurisdiction, regardless where the act or acts which violated
26 the protective order were committed, to the extent consistent

1 with the venue provisions of this Article. Nothing in this
2 Article shall preclude any Illinois court from enforcing any
3 valid protective order issued in another state. Illinois
4 courts may enforce protective orders through both criminal
5 prosecution and contempt proceedings, unless the action which
6 is second in time is barred by collateral estoppel or the
7 constitutional prohibition against double jeopardy.

8 (1) In a contempt proceeding where the petition for a
9 rule to show cause sets forth facts evidencing an
10 immediate danger that the respondent will flee the
11 jurisdiction, conceal a child, or inflict physical abuse
12 on the petitioner or minor children or on dependent adults
13 in petitioner's care, the court may order the attachment
14 of the respondent without prior service of the rule to
15 show cause or the petition for a rule to show cause. Bond
16 shall be set unless specifically denied in writing.

17 (2) A petition for a rule to show cause for violation
18 of a protective order shall be treated as an expedited
19 proceeding.

20 (c) Violation of custody, allocation of parental
21 responsibility, or support orders. A violation of remedies
22 described in ~~paragraph paragraphs~~ (5), (6), (8), or (9) of
23 subsection (b) of Section 112A-14 of this Code may be enforced
24 by any remedy provided by Section 607.5 of the Illinois
25 Marriage and Dissolution of Marriage Act. The court may
26 enforce any order for support issued under paragraph (12) of

1 subsection (b) of Section 112A-14 of this Code in the manner
2 provided for under Parts V and VII of the Illinois Marriage and
3 Dissolution of Marriage Act.

4 (d) Actual knowledge. A protective order may be enforced
5 pursuant to this Section if the respondent violates the order
6 after the respondent has actual knowledge of its contents as
7 shown through one of the following means:

8 (1) (Blank).

9 (2) (Blank).

10 (3) By service of a protective order under subsection
11 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

12 (4) By other means demonstrating actual knowledge of
13 the contents of the order.

14 (e) The enforcement of a protective order in civil or
15 criminal court shall not be affected by either of the
16 following:

17 (1) The existence of a separate, correlative order
18 entered under Section 112A-15 of this Code.

19 (2) Any finding or order entered in a conjoined
20 criminal proceeding.

21 (e-5) If a civil no contact order entered under subsection
22 (6) of Section 112A-20 of the Code of Criminal Procedure of
23 1963 conflicts with an order issued pursuant to the Juvenile
24 Court Act of 1987 or the Illinois Marriage and Dissolution of
25 Marriage Act, the conflicting order issued under subsection
26 (6) of Section 112A-20 of the Code of Criminal Procedure of

1 1963 shall be void.

2 (f) Circumstances. The court, when determining whether or
3 not a violation of a protective order has occurred, shall not
4 require physical manifestations of abuse on the person of the
5 victim.

6 (g) Penalties.

7 (1) Except as provided in paragraph (3) of this
8 subsection (g), where the court finds the commission of a
9 crime or contempt of court under subsection ~~subsections~~
10 (a) or (b) of this Section, the penalty shall be the
11 penalty that generally applies in such criminal or
12 contempt proceedings, and may include one or more of the
13 following: incarceration, payment of restitution, a fine,
14 payment of attorneys' fees and costs, or community
15 service.

16 (2) The court shall hear and take into account
17 evidence of any factors in aggravation or mitigation
18 before deciding an appropriate penalty under paragraph (1)
19 of this subsection (g).

20 (3) To the extent permitted by law, the court is
21 encouraged to:

22 (i) increase the penalty for the knowing violation
23 of any protective order over any penalty previously
24 imposed by any court for respondent's violation of any
25 protective order or penal statute involving petitioner
26 as victim and respondent as defendant;

1 (ii) impose a minimum penalty of 24 hours
2 imprisonment for respondent's first violation of any
3 protective order; and

4 (iii) impose a minimum penalty of 48 hours
5 imprisonment for respondent's second or subsequent
6 violation of a protective order

7 unless the court explicitly finds that an increased
8 penalty or that period of imprisonment would be manifestly
9 unjust.

10 (4) In addition to any other penalties imposed for a
11 violation of a protective order, a criminal court may
12 consider evidence of any violations of a protective order:

13 (i) to increase, revoke, or modify the bail bond
14 on an underlying criminal charge pursuant to Section
15 110-6 of this Code;

16 (ii) to revoke or modify an order of probation,
17 conditional discharge, or supervision, pursuant to
18 Section 5-6-4 of the Unified Code of Corrections;

19 (iii) to revoke or modify a sentence of periodic
20 imprisonment, pursuant to Section 5-7-2 of the Unified
21 Code of Corrections.

22 (Source: P.A. 102-184, eff. 1-1-22; 102-558, eff. 8-20-21.)

23 (Text of Section after amendment by P.A. 101-652)

24 Sec. 112A-23. Enforcement of protective orders.

25 (a) When violation is crime. A violation of any protective

1 order, whether issued in a civil, quasi-criminal proceeding,
2 shall be enforced by a criminal court when:

3 (1) The respondent commits the crime of violation of a
4 domestic violence order of protection pursuant to Section
5 12-3.4 or 12-30 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, by having knowingly violated:

7 (i) remedies described in paragraph ~~paragraphs~~
8 (1), (2), (3), (14), or (14.5) of subsection (b) of
9 Section 112A-14 of this Code,

10 (ii) a remedy, which is substantially similar to
11 the remedies authorized under paragraph ~~paragraphs~~
12 (1), (2), (3), (14), or (14.5) of subsection (b) of
13 Section 214 of the Illinois Domestic Violence Act of
14 1986, in a valid order of protection, which is
15 authorized under the laws of another state, tribe, or
16 United States territory, or

17 (iii) any other remedy when the act constitutes a
18 crime against the protected parties as defined by the
19 Criminal Code of 1961 or the Criminal Code of 2012.

20 Prosecution for a violation of a domestic violence
21 order of protection shall not bar concurrent prosecution
22 for any other crime, including any crime that may have
23 been committed at the time of the violation of the
24 domestic violence order of protection; or

25 (2) The respondent commits the crime of child
26 abduction pursuant to Section 10-5 of the Criminal Code of

1 1961 or the Criminal Code of 2012, by having knowingly
2 violated:

3 (i) remedies described in paragraph ~~paragraphs~~
4 (5), (6), or (8) of subsection (b) of Section 112A-14
5 of this Code, or

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraph ~~paragraphs~~
8 (1), (5), (6), or (8) of subsection (b) of Section 214
9 of the Illinois Domestic Violence Act of 1986, in a
10 valid domestic violence order of protection, which is
11 authorized under the laws of another state, tribe, or
12 United States territory.

13 (3) The respondent commits the crime of violation of a
14 civil no contact order when the respondent violates
15 Section 12-3.8 of the Criminal Code of 2012. Prosecution
16 for a violation of a civil no contact order shall not bar
17 concurrent prosecution for any other crime, including any
18 crime that may have been committed at the time of the
19 violation of the civil no contact order.

20 (4) The respondent commits the crime of violation of a
21 stalking no contact order when the respondent violates
22 Section 12-3.9 of the Criminal Code of 2012. Prosecution
23 for a violation of a stalking no contact order shall not
24 bar concurrent prosecution for any other crime, including
25 any crime that may have been committed at the time of the
26 violation of the stalking no contact order.

1 (b) When violation is contempt of court. A violation of
2 any valid protective order, whether issued in a civil or
3 criminal proceeding, may be enforced through civil or criminal
4 contempt procedures, as appropriate, by any court with
5 jurisdiction, regardless where the act or acts which violated
6 the protective order were committed, to the extent consistent
7 with the venue provisions of this Article. Nothing in this
8 Article shall preclude any Illinois court from enforcing any
9 valid protective order issued in another state. Illinois
10 courts may enforce protective orders through both criminal
11 prosecution and contempt proceedings, unless the action which
12 is second in time is barred by collateral estoppel or the
13 constitutional prohibition against double jeopardy.

14 (1) In a contempt proceeding where the petition for a
15 rule to show cause sets forth facts evidencing an
16 immediate danger that the respondent will flee the
17 jurisdiction, conceal a child, or inflict physical abuse
18 on the petitioner or minor children or on dependent adults
19 in petitioner's care, the court may order the attachment
20 of the respondent without prior service of the rule to
21 show cause or the petition for a rule to show cause. Bond
22 shall be set unless specifically denied in writing.

23 (2) A petition for a rule to show cause for violation
24 of a protective order shall be treated as an expedited
25 proceeding.

26 (c) Violation of custody, allocation of parental

1 responsibility, or support orders. A violation of remedies
2 described in paragraph ~~paragraphs~~ (5), (6), (8), or (9) of
3 subsection (b) of Section 112A-14 of this Code may be enforced
4 by any remedy provided by Section 607.5 of the Illinois
5 Marriage and Dissolution of Marriage Act. The court may
6 enforce any order for support issued under paragraph (12) of
7 subsection (b) of Section 112A-14 of this Code in the manner
8 provided for under Parts V and VII of the Illinois Marriage and
9 Dissolution of Marriage Act.

10 (d) Actual knowledge. A protective order may be enforced
11 pursuant to this Section if the respondent violates the order
12 after the respondent has actual knowledge of its contents as
13 shown through one of the following means:

14 (1) (Blank).

15 (2) (Blank).

16 (3) By service of a protective order under subsection
17 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

18 (4) By other means demonstrating actual knowledge of
19 the contents of the order.

20 (e) The enforcement of a protective order in civil or
21 criminal court shall not be affected by either of the
22 following:

23 (1) The existence of a separate, correlative order
24 entered under Section 112A-15 of this Code.

25 (2) Any finding or order entered in a conjoined
26 criminal proceeding.

1 (e-5) If a civil no contact order entered under subsection
2 (6) of Section 112A-20 of the Code of Criminal Procedure of
3 1963 conflicts with an order issued pursuant to the Juvenile
4 Court Act of 1987 or the Illinois Marriage and Dissolution of
5 Marriage Act, the conflicting order issued under subsection
6 (6) of Section 112A-20 of the Code of Criminal Procedure of
7 1963 shall be void.

8 (f) Circumstances. The court, when determining whether or
9 not a violation of a protective order has occurred, shall not
10 require physical manifestations of abuse on the person of the
11 victim.

12 (g) Penalties.

13 (1) Except as provided in paragraph (3) of this
14 subsection (g), where the court finds the commission of a
15 crime or contempt of court under subsection ~~subsections~~
16 (a) or (b) of this Section, the penalty shall be the
17 penalty that generally applies in such criminal or
18 contempt proceedings, and may include one or more of the
19 following: incarceration, payment of restitution, a fine,
20 payment of attorneys' fees and costs, or community
21 service.

22 (2) The court shall hear and take into account
23 evidence of any factors in aggravation or mitigation
24 before deciding an appropriate penalty under paragraph (1)
25 of this subsection (g).

26 (3) To the extent permitted by law, the court is

1 encouraged to:

2 (i) increase the penalty for the knowing violation
3 of any protective order over any penalty previously
4 imposed by any court for respondent's violation of any
5 protective order or penal statute involving petitioner
6 as victim and respondent as defendant;

7 (ii) impose a minimum penalty of 24 hours
8 imprisonment for respondent's first violation of any
9 protective order; and

10 (iii) impose a minimum penalty of 48 hours
11 imprisonment for respondent's second or subsequent
12 violation of a protective order

13 unless the court explicitly finds that an increased
14 penalty or that period of imprisonment would be manifestly
15 unjust.

16 (4) In addition to any other penalties imposed for a
17 violation of a protective order, a criminal court may
18 consider evidence of any violations of a protective order:

19 (i) to modify the conditions of pretrial release
20 on an underlying criminal charge pursuant to Section
21 110-6 of this Code;

22 (ii) to revoke or modify an order of probation,
23 conditional discharge, or supervision, pursuant to
24 Section 5-6-4 of the Unified Code of Corrections;

25 (iii) to revoke or modify a sentence of periodic
26 imprisonment, pursuant to Section 5-7-2 of the Unified

1 Code of Corrections.

2 (Source: P.A. 101-652, eff. 1-1-23; 102-184, eff. 1-1-22;
3 102-558, eff. 8-20-21; revised 10-12-21.)

4 (725 ILCS 5/122-9)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 122-9 ~~123~~. Motion to resentence by the People.

8 (a) The purpose of sentencing is to advance public safety
9 through punishment, rehabilitation, and restorative justice.
10 By providing a means to reevaluate a sentence after some time
11 has passed, the General Assembly intends to provide the
12 State's Attorney and the court with another tool to ensure
13 that these purposes are achieved.

14 (b) At any time upon the recommendation of the State's
15 Attorney of the county in which the defendant was sentenced,
16 the State's Attorney may petition the sentencing court or the
17 sentencing court's successor to resentence the offender if the
18 original sentence no longer advances the interests of justice.
19 The sentencing court or the sentencing court's successor may
20 resentence the offender if it finds that the original sentence
21 no longer advances the interests of justice.

22 (c) Upon the receipt of a petition for resentencing, the
23 court may resentence the defendant in the same manner as if the
24 offender had not previously been sentenced; however, the new
25 sentence, if any, may not be greater than the initial

1 sentence.

2 (d) The court may consider postconviction factors,
3 including, but not limited to, the inmate's disciplinary
4 record and record of rehabilitation while incarcerated;
5 evidence that reflects whether age, time served, and
6 diminished physical condition, if any, have reduced the
7 inmate's risk for future violence; and evidence that reflects
8 changed circumstances since the inmate's original sentencing
9 such that the inmate's continued incarceration no longer
10 serves the interests of justice. Credit shall be given for
11 time served.

12 (e) Victims shall be afforded all rights as outlined in
13 the Rights of Crime Victims and Witnesses Act.

14 (f) A resentencing under this Section shall not reopen the
15 defendant's conviction to challenges that would otherwise be
16 barred.

17 (g) Nothing in this Section shall be construed to limit
18 the power of the Governor under the Constitution to grant a
19 reprieve, commutation of sentence, or pardon.

20 (Source: P.A. 102-102, eff. 1-1-22; revised 9-29-21.)

21 Section 630. The Rights of Crime Victims and Witnesses Act
22 is amended by changing Section 4.5 as follows:

23 (725 ILCS 120/4.5)

24 (Text of Section before amendment by P.A. 101-652)

1 Sec. 4.5. Procedures to implement the rights of crime
2 victims. To afford crime victims their rights, law
3 enforcement, prosecutors, judges, and corrections will provide
4 information, as appropriate, of the following procedures:

5 (a) At the request of the crime victim, law enforcement
6 authorities investigating the case shall provide notice of the
7 status of the investigation, except where the State's Attorney
8 determines that disclosure of such information would
9 unreasonably interfere with the investigation, until such time
10 as the alleged assailant is apprehended or the investigation
11 is closed.

12 (a-5) When law enforcement authorities reopen a closed
13 case to resume investigating, they shall provide notice of the
14 reopening of the case, except where the State's Attorney
15 determines that disclosure of such information would
16 unreasonably interfere with the investigation.

17 (b) The office of the State's Attorney:

18 (1) shall provide notice of the filing of an
19 information, the return of an indictment, or the filing of
20 a petition to adjudicate a minor as a delinquent for a
21 violent crime;

22 (2) shall provide timely notice of the date, time, and
23 place of court proceedings; of any change in the date,
24 time, and place of court proceedings; and of any
25 cancellation of court proceedings. Notice shall be
26 provided in sufficient time, wherever possible, for the

1 victim to make arrangements to attend or to prevent an
2 unnecessary appearance at court proceedings;

3 (3) or victim advocate personnel shall provide
4 information of social services and financial assistance
5 available for victims of crime, including information of
6 how to apply for these services and assistance;

7 (3.5) or victim advocate personnel shall provide
8 information about available victim services, including
9 referrals to programs, counselors, and agencies that
10 assist a victim to deal with trauma, loss, and grief;

11 (4) shall assist in having any stolen or other
12 personal property held by law enforcement authorities for
13 evidentiary or other purposes returned as expeditiously as
14 possible, pursuant to the procedures set out in Section
15 115-9 of the Code of Criminal Procedure of 1963;

16 (5) or victim advocate personnel shall provide
17 appropriate employer intercession services to ensure that
18 employers of victims will cooperate with the criminal
19 justice system in order to minimize an employee's loss of
20 pay and other benefits resulting from court appearances;

21 (6) shall provide, whenever possible, a secure waiting
22 area during court proceedings that does not require
23 victims to be in close proximity to defendants or
24 juveniles accused of a violent crime, and their families
25 and friends;

26 (7) shall provide notice to the crime victim of the

1 right to have a translator present at all court
2 proceedings and, in compliance with the federal Americans
3 with Disabilities Act of 1990, the right to communications
4 access through a sign language interpreter or by other
5 means;

6 (8) (blank);

7 (8.5) shall inform the victim of the right to be
8 present at all court proceedings, unless the victim is to
9 testify and the court determines that the victim's
10 testimony would be materially affected if the victim hears
11 other testimony at trial;

12 (9) shall inform the victim of the right to have
13 present at all court proceedings, subject to the rules of
14 evidence and confidentiality, an advocate and other
15 support person of the victim's choice;

16 (9.3) shall inform the victim of the right to retain
17 an attorney, at the victim's own expense, who, upon
18 written notice filed with the clerk of the court and
19 State's Attorney, is to receive copies of all notices,
20 motions, and court orders filed thereafter in the case, in
21 the same manner as if the victim were a named party in the
22 case;

23 (9.5) shall inform the victim of (A) the victim's
24 right under Section 6 of this Act to make a statement at
25 the sentencing hearing; (B) the right of the victim's
26 spouse, guardian, parent, grandparent, and other immediate

1 family and household members under Section 6 of this Act
2 to present a statement at sentencing; and (C) if a
3 presentence report is to be prepared, the right of the
4 victim's spouse, guardian, parent, grandparent, and other
5 immediate family and household members to submit
6 information to the preparer of the presentence report
7 about the effect the offense has had on the victim and the
8 person;

9 (10) at the sentencing shall make a good faith attempt
10 to explain the minimum amount of time during which the
11 defendant may actually be physically imprisoned. The
12 Office of the State's Attorney shall further notify the
13 crime victim of the right to request from the Prisoner
14 Review Board or Department of Juvenile Justice information
15 concerning the release of the defendant;

16 (11) shall request restitution at sentencing and as
17 part of a plea agreement if the victim requests
18 restitution;

19 (12) shall, upon the court entering a verdict of not
20 guilty by reason of insanity, inform the victim of the
21 notification services available from the Department of
22 Human Services, including the statewide telephone number,
23 under subparagraph (d) (2) of this Section;

24 (13) shall provide notice within a reasonable time
25 after receipt of notice from the custodian, of the release
26 of the defendant on bail or personal recognizance or the

1 release from detention of a minor who has been detained;

2 (14) shall explain in nontechnical language the
3 details of any plea or verdict of a defendant, or any
4 adjudication of a juvenile as a delinquent;

5 (15) shall make all reasonable efforts to consult with
6 the crime victim before the Office of the State's Attorney
7 makes an offer of a plea bargain to the defendant or enters
8 into negotiations with the defendant concerning a possible
9 plea agreement, and shall consider the written statement,
10 if prepared prior to entering into a plea agreement. The
11 right to consult with the prosecutor does not include the
12 right to veto a plea agreement or to insist the case go to
13 trial. If the State's Attorney has not consulted with the
14 victim prior to making an offer or entering into plea
15 negotiations with the defendant, the Office of the State's
16 Attorney shall notify the victim of the offer or the
17 negotiations within 2 business days and confer with the
18 victim;

19 (16) shall provide notice of the ultimate disposition
20 of the cases arising from an indictment or an information,
21 or a petition to have a juvenile adjudicated as a
22 delinquent for a violent crime;

23 (17) shall provide notice of any appeal taken by the
24 defendant and information on how to contact the
25 appropriate agency handling the appeal, and how to request
26 notice of any hearing, oral argument, or decision of an

1 appellate court;

2 (18) shall provide timely notice of any request for
3 post-conviction review filed by the defendant under
4 Article 122 of the Code of Criminal Procedure of 1963, and
5 of the date, time and place of any hearing concerning the
6 petition. Whenever possible, notice of the hearing shall
7 be given within 48 hours of the court's scheduling of the
8 hearing; and

9 (19) shall forward a copy of any statement presented
10 under Section 6 to the Prisoner Review Board or Department
11 of Juvenile Justice to be considered in making a
12 determination under Section 3-2.5-85 or subsection (b) of
13 Section 3-3-8 of the Unified Code of Corrections.

14 (c) The court shall ensure that the rights of the victim
15 are afforded.

16 (c-5) The following procedures shall be followed to afford
17 victims the rights guaranteed by Article I, Section 8.1 of the
18 Illinois Constitution:

19 (1) Written notice. A victim may complete a written
20 notice of intent to assert rights on a form prepared by the
21 Office of the Attorney General and provided to the victim
22 by the State's Attorney. The victim may at any time
23 provide a revised written notice to the State's Attorney.
24 The State's Attorney shall file the written notice with
25 the court. At the beginning of any court proceeding in
26 which the right of a victim may be at issue, the court and

1 prosecutor shall review the written notice to determine
2 whether the victim has asserted the right that may be at
3 issue.

4 (2) Victim's retained attorney. A victim's attorney
5 shall file an entry of appearance limited to assertion of
6 the victim's rights. Upon the filing of the entry of
7 appearance and service on the State's Attorney and the
8 defendant, the attorney is to receive copies of all
9 notices, motions and court orders filed thereafter in the
10 case.

11 (3) Standing. The victim has standing to assert the
12 rights enumerated in subsection (a) of Article I, Section
13 8.1 of the Illinois Constitution and the statutory rights
14 under Section 4 of this Act in any court exercising
15 jurisdiction over the criminal case. The prosecuting
16 attorney, a victim, or the victim's retained attorney may
17 assert the victim's rights. The defendant in the criminal
18 case has no standing to assert a right of the victim in any
19 court proceeding, including on appeal.

20 (4) Assertion of and enforcement of rights.

21 (A) The prosecuting attorney shall assert a
22 victim's right or request enforcement of a right by
23 filing a motion or by orally asserting the right or
24 requesting enforcement in open court in the criminal
25 case outside the presence of the jury. The prosecuting
26 attorney shall consult with the victim and the

1 victim's attorney regarding the assertion or
2 enforcement of a right. If the prosecuting attorney
3 decides not to assert or enforce a victim's right, the
4 prosecuting attorney shall notify the victim or the
5 victim's attorney in sufficient time to allow the
6 victim or the victim's attorney to assert the right or
7 to seek enforcement of a right.

8 (B) If the prosecuting attorney elects not to
9 assert a victim's right or to seek enforcement of a
10 right, the victim or the victim's attorney may assert
11 the victim's right or request enforcement of a right
12 by filing a motion or by orally asserting the right or
13 requesting enforcement in open court in the criminal
14 case outside the presence of the jury.

15 (C) If the prosecuting attorney asserts a victim's
16 right or seeks enforcement of a right, and the court
17 denies the assertion of the right or denies the
18 request for enforcement of a right, the victim or
19 victim's attorney may file a motion to assert the
20 victim's right or to request enforcement of the right
21 within 10 days of the court's ruling. The motion need
22 not demonstrate the grounds for a motion for
23 reconsideration. The court shall rule on the merits of
24 the motion.

25 (D) The court shall take up and decide any motion
26 or request asserting or seeking enforcement of a

1 victim's right without delay, unless a specific time
2 period is specified by law or court rule. The reasons
3 for any decision denying the motion or request shall
4 be clearly stated on the record.

5 (5) Violation of rights and remedies.

6 (A) If the court determines that a victim's right
7 has been violated, the court shall determine the
8 appropriate remedy for the violation of the victim's
9 right by hearing from the victim and the parties,
10 considering all factors relevant to the issue, and
11 then awarding appropriate relief to the victim.

12 (A-5) Consideration of an issue of a substantive
13 nature or an issue that implicates the constitutional
14 or statutory right of a victim at a court proceeding
15 labeled as a status hearing shall constitute a per se
16 violation of a victim's right.

17 (B) The appropriate remedy shall include only
18 actions necessary to provide the victim the right to
19 which the victim was entitled and may include
20 reopening previously held proceedings; however, in no
21 event shall the court vacate a conviction. Any remedy
22 shall be tailored to provide the victim an appropriate
23 remedy without violating any constitutional right of
24 the defendant. In no event shall the appropriate
25 remedy be a new trial, damages, or costs.

26 (6) Right to be heard. Whenever a victim has the right

1 to be heard, the court shall allow the victim to exercise
2 the right in any reasonable manner the victim chooses.

3 (7) Right to attend trial. A party must file a written
4 motion to exclude a victim from trial at least 60 days
5 prior to the date set for trial. The motion must state with
6 specificity the reason exclusion is necessary to protect a
7 constitutional right of the party, and must contain an
8 offer of proof. The court shall rule on the motion within
9 30 days. If the motion is granted, the court shall set
10 forth on the record the facts that support its finding
11 that the victim's testimony will be materially affected if
12 the victim hears other testimony at trial.

13 (8) Right to have advocate and support person present
14 at court proceedings.

15 (A) A party who intends to call an advocate as a
16 witness at trial must seek permission of the court
17 before the subpoena is issued. The party must file a
18 written motion at least 90 days before trial that sets
19 forth specifically the issues on which the advocate's
20 testimony is sought and an offer of proof regarding
21 (i) the content of the anticipated testimony of the
22 advocate; and (ii) the relevance, admissibility, and
23 materiality of the anticipated testimony. The court
24 shall consider the motion and make findings within 30
25 days of the filing of the motion. If the court finds by
26 a preponderance of the evidence that: (i) the

1 anticipated testimony is not protected by an absolute
2 privilege; and (ii) the anticipated testimony contains
3 relevant, admissible, and material evidence that is
4 not available through other witnesses or evidence, the
5 court shall issue a subpoena requiring the advocate to
6 appear to testify at an in camera hearing. The
7 prosecuting attorney and the victim shall have 15 days
8 to seek appellate review before the advocate is
9 required to testify at an ex parte in camera
10 proceeding.

11 The prosecuting attorney, the victim, and the
12 advocate's attorney shall be allowed to be present at
13 the ex parte in camera proceeding. If, after
14 conducting the ex parte in camera hearing, the court
15 determines that due process requires any testimony
16 regarding confidential or privileged information or
17 communications, the court shall provide to the
18 prosecuting attorney, the victim, and the advocate's
19 attorney a written memorandum on the substance of the
20 advocate's testimony. The prosecuting attorney, the
21 victim, and the advocate's attorney shall have 15 days
22 to seek appellate review before a subpoena may be
23 issued for the advocate to testify at trial. The
24 presence of the prosecuting attorney at the ex parte
25 in camera proceeding does not make the substance of
26 the advocate's testimony that the court has ruled

1 inadmissible subject to discovery.

2 (B) If a victim has asserted the right to have a
3 support person present at the court proceedings, the
4 victim shall provide the name of the person the victim
5 has chosen to be the victim's support person to the
6 prosecuting attorney, within 60 days of trial. The
7 prosecuting attorney shall provide the name to the
8 defendant. If the defendant intends to call the
9 support person as a witness at trial, the defendant
10 must seek permission of the court before a subpoena is
11 issued. The defendant must file a written motion at
12 least 45 days prior to trial that sets forth
13 specifically the issues on which the support person
14 will testify and an offer of proof regarding: (i) the
15 content of the anticipated testimony of the support
16 person; and (ii) the relevance, admissibility, and
17 materiality of the anticipated testimony.

18 If the prosecuting attorney intends to call the
19 support person as a witness during the State's
20 case-in-chief, the prosecuting attorney shall inform
21 the court of this intent in the response to the
22 defendant's written motion. The victim may choose a
23 different person to be the victim's support person.
24 The court may allow the defendant to inquire about
25 matters outside the scope of the direct examination
26 during cross-examination. If the court allows the

1 defendant to do so, the support person shall be
2 allowed to remain in the courtroom after the support
3 person has testified. A defendant who fails to
4 question the support person about matters outside the
5 scope of direct examination during the State's
6 case-in-chief waives the right to challenge the
7 presence of the support person on appeal. The court
8 shall allow the support person to testify if called as
9 a witness in the defendant's case-in-chief or the
10 State's rebuttal.

11 If the court does not allow the defendant to
12 inquire about matters outside the scope of the direct
13 examination, the support person shall be allowed to
14 remain in the courtroom after the support person has
15 been called by the defendant or the defendant has
16 rested. The court shall allow the support person to
17 testify in the State's rebuttal.

18 If the prosecuting attorney does not intend to
19 call the support person in the State's case-in-chief,
20 the court shall verify with the support person whether
21 the support person, if called as a witness, would
22 testify as set forth in the offer of proof. If the
23 court finds that the support person would testify as
24 set forth in the offer of proof, the court shall rule
25 on the relevance, materiality, and admissibility of
26 the anticipated testimony. If the court rules the

1 anticipated testimony is admissible, the court shall
2 issue the subpoena. The support person may remain in
3 the courtroom after the support person testifies and
4 shall be allowed to testify in rebuttal.

5 If the court excludes the victim's support person
6 during the State's case-in-chief, the victim shall be
7 allowed to choose another support person to be present
8 in court.

9 If the victim fails to designate a support person
10 within 60 days of trial and the defendant has
11 subpoenaed the support person to testify at trial, the
12 court may exclude the support person from the trial
13 until the support person testifies. If the court
14 excludes the support person the victim may choose
15 another person as a support person.

16 (9) Right to notice and hearing before disclosure of
17 confidential or privileged information or records. A
18 defendant who seeks to subpoena records of or concerning
19 the victim that are confidential or privileged by law must
20 seek permission of the court before the subpoena is
21 issued. The defendant must file a written motion and an
22 offer of proof regarding the relevance, admissibility and
23 materiality of the records. If the court finds by a
24 preponderance of the evidence that: (A) the records are
25 not protected by an absolute privilege and (B) the records
26 contain relevant, admissible, and material evidence that

1 is not available through other witnesses or evidence, the
2 court shall issue a subpoena requiring a sealed copy of
3 the records be delivered to the court to be reviewed in
4 camera. If, after conducting an in camera review of the
5 records, the court determines that due process requires
6 disclosure of any portion of the records, the court shall
7 provide copies of what it intends to disclose to the
8 prosecuting attorney and the victim. The prosecuting
9 attorney and the victim shall have 30 days to seek
10 appellate review before the records are disclosed to the
11 defendant. The disclosure of copies of any portion of the
12 records to the prosecuting attorney does not make the
13 records subject to discovery.

14 (10) Right to notice of court proceedings. If the
15 victim is not present at a court proceeding in which a
16 right of the victim is at issue, the court shall ask the
17 prosecuting attorney whether the victim was notified of
18 the time, place, and purpose of the court proceeding and
19 that the victim had a right to be heard at the court
20 proceeding. If the court determines that timely notice was
21 not given or that the victim was not adequately informed
22 of the nature of the court proceeding, the court shall not
23 rule on any substantive issues, accept a plea, or impose a
24 sentence and shall continue the hearing for the time
25 necessary to notify the victim of the time, place and
26 nature of the court proceeding. The time between court

1 proceedings shall not be attributable to the State under
2 Section 103-5 of the Code of Criminal Procedure of 1963.

3 (11) Right to timely disposition of the case. A victim
4 has the right to timely disposition of the case so as to
5 minimize the stress, cost, and inconvenience resulting
6 from the victim's involvement in the case. Before ruling
7 on a motion to continue trial or other court proceeding,
8 the court shall inquire into the circumstances for the
9 request for the delay and, if the victim has provided
10 written notice of the assertion of the right to a timely
11 disposition, and whether the victim objects to the delay.
12 If the victim objects, the prosecutor shall inform the
13 court of the victim's objections. If the prosecutor has
14 not conferred with the victim about the continuance, the
15 prosecutor shall inform the court of the attempts to
16 confer. If the court finds the attempts of the prosecutor
17 to confer with the victim were inadequate to protect the
18 victim's right to be heard, the court shall give the
19 prosecutor at least 3 but not more than 5 business days to
20 confer with the victim. In ruling on a motion to continue,
21 the court shall consider the reasons for the requested
22 continuance, the number and length of continuances that
23 have been granted, the victim's objections and procedures
24 to avoid further delays. If a continuance is granted over
25 the victim's objection, the court shall specify on the
26 record the reasons for the continuance and the procedures

1 that have been or will be taken to avoid further delays.

2 (12) Right to Restitution.

3 (A) If the victim has asserted the right to
4 restitution and the amount of restitution is known at
5 the time of sentencing, the court shall enter the
6 judgment of restitution at the time of sentencing.

7 (B) If the victim has asserted the right to
8 restitution and the amount of restitution is not known
9 at the time of sentencing, the prosecutor shall,
10 within 5 days after sentencing, notify the victim what
11 information and documentation related to restitution
12 is needed and that the information and documentation
13 must be provided to the prosecutor within 45 days
14 after sentencing. Failure to timely provide
15 information and documentation related to restitution
16 shall be deemed a waiver of the right to restitution.
17 The prosecutor shall file and serve within 60 days
18 after sentencing a proposed judgment for restitution
19 and a notice that includes information concerning the
20 identity of any victims or other persons seeking
21 restitution, whether any victim or other person
22 expressly declines restitution, the nature and amount
23 of any damages together with any supporting
24 documentation, a restitution amount recommendation,
25 and the names of any co-defendants and their case
26 numbers. Within 30 days after receipt of the proposed

1 judgment for restitution, the defendant shall file any
2 objection to the proposed judgment, a statement of
3 grounds for the objection, and a financial statement.
4 If the defendant does not file an objection, the court
5 may enter the judgment for restitution without further
6 proceedings. If the defendant files an objection and
7 either party requests a hearing, the court shall
8 schedule a hearing.

9 (13) Access to presentence reports.

10 (A) The victim may request a copy of the
11 presentence report prepared under the Unified Code of
12 Corrections from the State's Attorney. The State's
13 Attorney shall redact the following information before
14 providing a copy of the report:

15 (i) the defendant's mental history and
16 condition;

17 (ii) any evaluation prepared under subsection
18 (b) or (b-5) of Section 5-3-2; and

19 (iii) the name, address, phone number, and
20 other personal information about any other victim.

21 (B) The State's Attorney or the defendant may
22 request the court redact other information in the
23 report that may endanger the safety of any person.

24 (C) The State's Attorney may orally disclose to
25 the victim any of the information that has been
26 redacted if there is a reasonable likelihood that the

1 information will be stated in court at the sentencing.

2 (D) The State's Attorney must advise the victim
3 that the victim must maintain the confidentiality of
4 the report and other information. Any dissemination of
5 the report or information that was not stated at a
6 court proceeding constitutes indirect criminal
7 contempt of court.

8 (14) Appellate relief. If the trial court denies the
9 relief requested, the victim, the victim's attorney, or
10 the prosecuting attorney may file an appeal within 30 days
11 of the trial court's ruling. The trial or appellate court
12 may stay the court proceedings if the court finds that a
13 stay would not violate a constitutional right of the
14 defendant. If the appellate court denies the relief
15 sought, the reasons for the denial shall be clearly stated
16 in a written opinion. In any appeal in a criminal case, the
17 State may assert as error the court's denial of any crime
18 victim's right in the proceeding to which the appeal
19 relates.

20 (15) Limitation on appellate relief. In no case shall
21 an appellate court provide a new trial to remedy the
22 violation of a victim's right.

23 (16) The right to be reasonably protected from the
24 accused throughout the criminal justice process and the
25 right to have the safety of the victim and the victim's
26 family considered in denying or fixing the amount of bail,

1 determining whether to release the defendant, and setting
2 conditions of release after arrest and conviction. A
3 victim of domestic violence, a sexual offense, or stalking
4 may request the entry of a protective order under Article
5 112A of the Code of Criminal Procedure of 1963.

6 (d) Procedures after the imposition of sentence.

7 (1) The Prisoner Review Board shall inform a victim or
8 any other concerned citizen, upon written request, of the
9 prisoner's release on parole, mandatory supervised
10 release, electronic detention, work release, international
11 transfer or exchange, or by the custodian, other than the
12 Department of Juvenile Justice, of the discharge of any
13 individual who was adjudicated a delinquent for a crime
14 from State custody and by the sheriff of the appropriate
15 county of any such person's final discharge from county
16 custody. The Prisoner Review Board, upon written request,
17 shall provide to a victim or any other concerned citizen a
18 recent photograph of any person convicted of a felony,
19 upon his or her release from custody. The Prisoner Review
20 Board, upon written request, shall inform a victim or any
21 other concerned citizen when feasible at least 7 days
22 prior to the prisoner's release on furlough of the times
23 and dates of such furlough. Upon written request by the
24 victim or any other concerned citizen, the State's
25 Attorney shall notify the person once of the times and
26 dates of release of a prisoner sentenced to periodic

1 imprisonment. Notification shall be based on the most
2 recent information as to the victim's or other concerned
3 citizen's residence or other location available to the
4 notifying authority.

5 (2) When the defendant has been committed to the
6 Department of Human Services pursuant to Section 5-2-4 or
7 any other provision of the Unified Code of Corrections,
8 the victim may request to be notified by the releasing
9 authority of the approval by the court of an on-grounds
10 pass, a supervised off-grounds pass, an unsupervised
11 off-grounds pass, or conditional release; the release on
12 an off-grounds pass; the return from an off-grounds pass;
13 transfer to another facility; conditional release; escape;
14 death; or final discharge from State custody. The
15 Department of Human Services shall establish and maintain
16 a statewide telephone number to be used by victims to make
17 notification requests under these provisions and shall
18 publicize this telephone number on its website and to the
19 State's Attorney of each county.

20 (3) In the event of an escape from State custody, the
21 Department of Corrections or the Department of Juvenile
22 Justice immediately shall notify the Prisoner Review Board
23 of the escape and the Prisoner Review Board shall notify
24 the victim. The notification shall be based upon the most
25 recent information as to the victim's residence or other
26 location available to the Board. When no such information

1 is available, the Board shall make all reasonable efforts
2 to obtain the information and make the notification. When
3 the escapee is apprehended, the Department of Corrections
4 or the Department of Juvenile Justice immediately shall
5 notify the Prisoner Review Board and the Board shall
6 notify the victim.

7 (4) The victim of the crime for which the prisoner has
8 been sentenced has the right to register with the Prisoner
9 Review Board's victim registry. Victims registered with
10 the Board shall receive reasonable written notice not less
11 than 30 days prior to the parole hearing or target
12 aftercare release date. The victim has the right to submit
13 a victim statement for consideration by the Prisoner
14 Review Board or the Department of Juvenile Justice in
15 writing, on film, videotape, or other electronic means, or
16 in the form of a recording prior to the parole hearing or
17 target aftercare release date, or in person at the parole
18 hearing or aftercare release protest hearing, or by
19 calling the toll-free number established in subsection (f)
20 of this Section. The victim shall be notified within 7
21 days after the prisoner has been granted parole or
22 aftercare release and shall be informed of the right to
23 inspect the registry of parole decisions, established
24 under subsection (g) of Section 3-3-5 of the Unified Code
25 of Corrections. The provisions of this paragraph (4) are
26 subject to the Open Parole Hearings Act. Victim statements

1 provided to the Board shall be confidential and
2 privileged, including any statements received prior to
3 January 1, 2020 (the effective date of Public Act
4 101-288), except if the statement was an oral statement
5 made by the victim at a hearing open to the public.

6 (4-1) The crime victim has the right to submit a
7 victim statement for consideration by the Prisoner Review
8 Board or the Department of Juvenile Justice prior to or at
9 a hearing to determine the conditions of mandatory
10 supervised release of a person sentenced to a determinate
11 sentence or at a hearing on revocation of mandatory
12 supervised release of a person sentenced to a determinate
13 sentence. A victim statement may be submitted in writing,
14 on film, videotape, or other electronic means, or in the
15 form of a recording, or orally at a hearing, or by calling
16 the toll-free number established in subsection (f) of this
17 Section. Victim statements provided to the Board shall be
18 confidential and privileged, including any statements
19 received prior to January 1, 2020 (the effective date of
20 Public Act 101-288), except if the statement was an oral
21 statement made by the victim at a hearing open to the
22 public.

23 (4-2) The crime victim has the right to submit a
24 victim statement to the Prisoner Review Board for
25 consideration at an executive clemency hearing as provided
26 in Section 3-3-13 of the Unified Code of Corrections. A

1 victim statement may be submitted in writing, on film,
2 videotape, or other electronic means, or in the form of a
3 recording prior to a hearing, or orally at a hearing, or by
4 calling the toll-free number established in subsection (f)
5 of this Section. Victim statements provided to the Board
6 shall be confidential and privileged, including any
7 statements received prior to January 1, 2020 (the
8 effective date of Public Act 101-288), except if the
9 statement was an oral statement made by the victim at a
10 hearing open to the public.

11 (5) If a statement is presented under Section 6, the
12 Prisoner Review Board or Department of Juvenile Justice
13 shall inform the victim of any order of discharge pursuant
14 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
15 Corrections.

16 (6) At the written or oral request of the victim of the
17 crime for which the prisoner was sentenced or the State's
18 Attorney of the county where the person seeking parole or
19 aftercare release was prosecuted, the Prisoner Review
20 Board or Department of Juvenile Justice shall notify the
21 victim and the State's Attorney of the county where the
22 person seeking parole or aftercare release was prosecuted
23 of the death of the prisoner if the prisoner died while on
24 parole or aftercare release or mandatory supervised
25 release.

26 (7) When a defendant who has been committed to the

1 Department of Corrections, the Department of Juvenile
2 Justice, or the Department of Human Services is released
3 or discharged and subsequently committed to the Department
4 of Human Services as a sexually violent person and the
5 victim had requested to be notified by the releasing
6 authority of the defendant's discharge, conditional
7 release, death, or escape from State custody, the
8 releasing authority shall provide to the Department of
9 Human Services such information that would allow the
10 Department of Human Services to contact the victim.

11 (8) When a defendant has been convicted of a sex
12 offense as defined in Section 2 of the Sex Offender
13 Registration Act and has been sentenced to the Department
14 of Corrections or the Department of Juvenile Justice, the
15 Prisoner Review Board or the Department of Juvenile
16 Justice shall notify the victim of the sex offense of the
17 prisoner's eligibility for release on parole, aftercare
18 release, mandatory supervised release, electronic
19 detention, work release, international transfer or
20 exchange, or by the custodian of the discharge of any
21 individual who was adjudicated a delinquent for a sex
22 offense from State custody and by the sheriff of the
23 appropriate county of any such person's final discharge
24 from county custody. The notification shall be made to the
25 victim at least 30 days, whenever possible, before release
26 of the sex offender.

1 (e) The officials named in this Section may satisfy some
2 or all of their obligations to provide notices and other
3 information through participation in a statewide victim and
4 witness notification system established by the Attorney
5 General under Section 8.5 of this Act.

6 (f) The Prisoner Review Board shall establish a toll-free
7 number that may be accessed by the crime victim to present a
8 victim statement to the Board in accordance with paragraphs
9 (4), (4-1), and (4-2) of subsection (d).

10 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
11 102-22, eff. 6-25-21; 102-558, eff. 8-20-21; revised
12 12-13-21.)

13 (Text of Section after amendment by P.A. 101-652)

14 Sec. 4.5. Procedures to implement the rights of crime
15 victims. To afford crime victims their rights, law
16 enforcement, prosecutors, judges, and corrections will provide
17 information, as appropriate, of the following procedures:

18 (a) At the request of the crime victim, law enforcement
19 authorities investigating the case shall provide notice of the
20 status of the investigation, except where the State's Attorney
21 determines that disclosure of such information would
22 unreasonably interfere with the investigation, until such time
23 as the alleged assailant is apprehended or the investigation
24 is closed.

25 (a-5) When law enforcement authorities reopen a closed

1 case to resume investigating, they shall provide notice of the
2 reopening of the case, except where the State's Attorney
3 determines that disclosure of such information would
4 unreasonably interfere with the investigation.

5 (b) The office of the State's Attorney:

6 (1) shall provide notice of the filing of an
7 information, the return of an indictment, or the filing of
8 a petition to adjudicate a minor as a delinquent for a
9 violent crime;

10 (2) shall provide timely notice of the date, time, and
11 place of court proceedings; of any change in the date,
12 time, and place of court proceedings; and of any
13 cancellation of court proceedings. Notice shall be
14 provided in sufficient time, wherever possible, for the
15 victim to make arrangements to attend or to prevent an
16 unnecessary appearance at court proceedings;

17 (3) or victim advocate personnel shall provide
18 information of social services and financial assistance
19 available for victims of crime, including information of
20 how to apply for these services and assistance;

21 (3.5) or victim advocate personnel shall provide
22 information about available victim services, including
23 referrals to programs, counselors, and agencies that
24 assist a victim to deal with trauma, loss, and grief;

25 (4) shall assist in having any stolen or other
26 personal property held by law enforcement authorities for

1 evidentiary or other purposes returned as expeditiously as
2 possible, pursuant to the procedures set out in Section
3 115-9 of the Code of Criminal Procedure of 1963;

4 (5) or victim advocate personnel shall provide
5 appropriate employer intercession services to ensure that
6 employers of victims will cooperate with the criminal
7 justice system in order to minimize an employee's loss of
8 pay and other benefits resulting from court appearances;

9 (6) shall provide, whenever possible, a secure waiting
10 area during court proceedings that does not require
11 victims to be in close proximity to defendants or
12 juveniles accused of a violent crime, and their families
13 and friends;

14 (7) shall provide notice to the crime victim of the
15 right to have a translator present at all court
16 proceedings and, in compliance with the federal Americans
17 with Disabilities Act of 1990, the right to communications
18 access through a sign language interpreter or by other
19 means;

20 (8) (blank);

21 (8.5) shall inform the victim of the right to be
22 present at all court proceedings, unless the victim is to
23 testify and the court determines that the victim's
24 testimony would be materially affected if the victim hears
25 other testimony at trial;

26 (9) shall inform the victim of the right to have

1 present at all court proceedings, subject to the rules of
2 evidence and confidentiality, an advocate and other
3 support person of the victim's choice;

4 (9.3) shall inform the victim of the right to retain
5 an attorney, at the victim's own expense, who, upon
6 written notice filed with the clerk of the court and
7 State's Attorney, is to receive copies of all notices,
8 motions, and court orders filed thereafter in the case, in
9 the same manner as if the victim were a named party in the
10 case;

11 (9.5) shall inform the victim of (A) the victim's
12 right under Section 6 of this Act to make a statement at
13 the sentencing hearing; (B) the right of the victim's
14 spouse, guardian, parent, grandparent, and other immediate
15 family and household members under Section 6 of this Act
16 to present a statement at sentencing; and (C) if a
17 presentence report is to be prepared, the right of the
18 victim's spouse, guardian, parent, grandparent, and other
19 immediate family and household members to submit
20 information to the preparer of the presentence report
21 about the effect the offense has had on the victim and the
22 person;

23 (10) at the sentencing shall make a good faith attempt
24 to explain the minimum amount of time during which the
25 defendant may actually be physically imprisoned. The
26 Office of the State's Attorney shall further notify the

1 crime victim of the right to request from the Prisoner
2 Review Board or Department of Juvenile Justice information
3 concerning the release of the defendant;

4 (11) shall request restitution at sentencing and as
5 part of a plea agreement if the victim requests
6 restitution;

7 (12) shall, upon the court entering a verdict of not
8 guilty by reason of insanity, inform the victim of the
9 notification services available from the Department of
10 Human Services, including the statewide telephone number,
11 under subparagraph (d) (2) of this Section;

12 (13) shall provide notice within a reasonable time
13 after receipt of notice from the custodian, of the release
14 of the defendant on pretrial release or personal
15 recognizance or the release from detention of a minor who
16 has been detained;

17 (14) shall explain in nontechnical language the
18 details of any plea or verdict of a defendant, or any
19 adjudication of a juvenile as a delinquent;

20 (15) shall make all reasonable efforts to consult with
21 the crime victim before the Office of the State's Attorney
22 makes an offer of a plea bargain to the defendant or enters
23 into negotiations with the defendant concerning a possible
24 plea agreement, and shall consider the written statement,
25 if prepared prior to entering into a plea agreement. The
26 right to consult with the prosecutor does not include the

1 right to veto a plea agreement or to insist the case go to
2 trial. If the State's Attorney has not consulted with the
3 victim prior to making an offer or entering into plea
4 negotiations with the defendant, the Office of the State's
5 Attorney shall notify the victim of the offer or the
6 negotiations within 2 business days and confer with the
7 victim;

8 (16) shall provide notice of the ultimate disposition
9 of the cases arising from an indictment or an information,
10 or a petition to have a juvenile adjudicated as a
11 delinquent for a violent crime;

12 (17) shall provide notice of any appeal taken by the
13 defendant and information on how to contact the
14 appropriate agency handling the appeal, and how to request
15 notice of any hearing, oral argument, or decision of an
16 appellate court;

17 (18) shall provide timely notice of any request for
18 post-conviction review filed by the defendant under
19 Article 122 of the Code of Criminal Procedure of 1963, and
20 of the date, time and place of any hearing concerning the
21 petition. Whenever possible, notice of the hearing shall
22 be given within 48 hours of the court's scheduling of the
23 hearing;

24 (19) shall forward a copy of any statement presented
25 under Section 6 to the Prisoner Review Board or Department
26 of Juvenile Justice to be considered in making a

1 determination under Section 3-2.5-85 or subsection (b) of
2 Section 3-3-8 of the Unified Code of Corrections;

3 (20) shall, within a reasonable time, offer to meet
4 with the crime victim regarding the decision of the
5 State's Attorney not to charge an offense, and shall meet
6 with the victim, if the victim agrees. The victim has a
7 right to have an attorney, advocate, and other support
8 person of the victim's choice attend this meeting with the
9 victim; and

10 (21) shall give the crime victim timely notice of any
11 decision not to pursue charges and consider the safety of
12 the victim when deciding how to give such notice.

13 (c) The court shall ensure that the rights of the victim
14 are afforded.

15 (c-5) The following procedures shall be followed to afford
16 victims the rights guaranteed by Article I, Section 8.1 of the
17 Illinois Constitution:

18 (1) Written notice. A victim may complete a written
19 notice of intent to assert rights on a form prepared by the
20 Office of the Attorney General and provided to the victim
21 by the State's Attorney. The victim may at any time
22 provide a revised written notice to the State's Attorney.
23 The State's Attorney shall file the written notice with
24 the court. At the beginning of any court proceeding in
25 which the right of a victim may be at issue, the court and
26 prosecutor shall review the written notice to determine

1 whether the victim has asserted the right that may be at
2 issue.

3 (2) Victim's retained attorney. A victim's attorney
4 shall file an entry of appearance limited to assertion of
5 the victim's rights. Upon the filing of the entry of
6 appearance and service on the State's Attorney and the
7 defendant, the attorney is to receive copies of all
8 notices, motions and court orders filed thereafter in the
9 case.

10 (3) Standing. The victim has standing to assert the
11 rights enumerated in subsection (a) of Article I, Section
12 8.1 of the Illinois Constitution and the statutory rights
13 under Section 4 of this Act in any court exercising
14 jurisdiction over the criminal case. The prosecuting
15 attorney, a victim, or the victim's retained attorney may
16 assert the victim's rights. The defendant in the criminal
17 case has no standing to assert a right of the victim in any
18 court proceeding, including on appeal.

19 (4) Assertion of and enforcement of rights.

20 (A) The prosecuting attorney shall assert a
21 victim's right or request enforcement of a right by
22 filing a motion or by orally asserting the right or
23 requesting enforcement in open court in the criminal
24 case outside the presence of the jury. The prosecuting
25 attorney shall consult with the victim and the
26 victim's attorney regarding the assertion or

1 enforcement of a right. If the prosecuting attorney
2 decides not to assert or enforce a victim's right, the
3 prosecuting attorney shall notify the victim or the
4 victim's attorney in sufficient time to allow the
5 victim or the victim's attorney to assert the right or
6 to seek enforcement of a right.

7 (B) If the prosecuting attorney elects not to
8 assert a victim's right or to seek enforcement of a
9 right, the victim or the victim's attorney may assert
10 the victim's right or request enforcement of a right
11 by filing a motion or by orally asserting the right or
12 requesting enforcement in open court in the criminal
13 case outside the presence of the jury.

14 (C) If the prosecuting attorney asserts a victim's
15 right or seeks enforcement of a right, unless the
16 prosecuting attorney objects or the trial court does
17 not allow it, the victim or the victim's attorney may
18 be heard regarding the prosecuting attorney's motion
19 or may file a simultaneous motion to assert or request
20 enforcement of the victim's right. If the victim or
21 the victim's attorney was not allowed to be heard at
22 the hearing regarding the prosecuting attorney's
23 motion, and the court denies the prosecuting
24 attorney's assertion of the right or denies the
25 request for enforcement of a right, the victim or
26 victim's attorney may file a motion to assert the

1 victim's right or to request enforcement of the right
2 within 10 days of the court's ruling. The motion need
3 not demonstrate the grounds for a motion for
4 reconsideration. The court shall rule on the merits of
5 the motion.

6 (D) The court shall take up and decide any motion
7 or request asserting or seeking enforcement of a
8 victim's right without delay, unless a specific time
9 period is specified by law or court rule. The reasons
10 for any decision denying the motion or request shall
11 be clearly stated on the record.

12 (E) No later than January 1, 2023, the Office of
13 the Attorney General shall:

14 (i) designate an administrative authority
15 within the Office of the Attorney General to
16 receive and investigate complaints relating to the
17 provision or violation of the rights of a crime
18 victim as described in Article I, Section 8.1 of
19 the Illinois Constitution and in this Act;

20 (ii) create and administer a course of
21 training for employees and offices of the State of
22 Illinois that fail to comply with provisions of
23 Illinois law pertaining to the treatment of crime
24 victims as described in Article I, Section 8.1 of
25 the Illinois Constitution and in this Act as
26 required by the court under Section 5 of this Act;

1 and

2 (iii) have the authority to make
3 recommendations to employees and offices of the
4 State of Illinois to respond more effectively to
5 the needs of crime victims, including regarding
6 the violation of the rights of a crime victim.

7 (F) Crime victims' rights may also be asserted by
8 filing a complaint for mandamus, injunctive, or
9 declaratory relief in the jurisdiction in which the
10 victim's right is being violated or where the crime is
11 being prosecuted. For complaints or motions filed by
12 or on behalf of the victim, the clerk of court shall
13 waive filing fees that would otherwise be owed by the
14 victim for any court filing with the purpose of
15 enforcing crime victims' rights. If the court denies
16 the relief sought by the victim, the reasons for the
17 denial shall be clearly stated on the record in the
18 transcript of the proceedings, in a written opinion,
19 or in the docket entry, and the victim may appeal the
20 circuit court's decision to the appellate court. The
21 court shall issue prompt rulings regarding victims'
22 rights. Proceedings seeking to enforce victims' rights
23 shall not be stayed or subject to unreasonable delay
24 via continuances.

25 (5) Violation of rights and remedies.

26 (A) If the court determines that a victim's right

1 has been violated, the court shall determine the
2 appropriate remedy for the violation of the victim's
3 right by hearing from the victim and the parties,
4 considering all factors relevant to the issue, and
5 then awarding appropriate relief to the victim.

6 (A-5) Consideration of an issue of a substantive
7 nature or an issue that implicates the constitutional
8 or statutory right of a victim at a court proceeding
9 labeled as a status hearing shall constitute a per se
10 violation of a victim's right.

11 (B) The appropriate remedy shall include only
12 actions necessary to provide the victim the right to
13 which the victim was entitled. Remedies may include,
14 but are not limited to: injunctive relief requiring
15 the victim's right to be afforded; declaratory
16 judgment recognizing or clarifying the victim's
17 rights; a writ of mandamus; and may include reopening
18 previously held proceedings; however, in no event
19 shall the court vacate a conviction. Any remedy shall
20 be tailored to provide the victim an appropriate
21 remedy without violating any constitutional right of
22 the defendant. In no event shall the appropriate
23 remedy to the victim be a new trial or damages.

24 The court shall impose a mandatory training course
25 provided by the Attorney General for the employee under
26 item (ii) of subparagraph (E) of paragraph (4), which must

1 be successfully completed within 6 months of the entry of
2 the court order.

3 This paragraph (5) takes effect January 2, 2023.

4 (6) Right to be heard. Whenever a victim has the right
5 to be heard, the court shall allow the victim to exercise
6 the right in any reasonable manner the victim chooses.

7 (7) Right to attend trial. A party must file a written
8 motion to exclude a victim from trial at least 60 days
9 prior to the date set for trial. The motion must state with
10 specificity the reason exclusion is necessary to protect a
11 constitutional right of the party, and must contain an
12 offer of proof. The court shall rule on the motion within
13 30 days. If the motion is granted, the court shall set
14 forth on the record the facts that support its finding
15 that the victim's testimony will be materially affected if
16 the victim hears other testimony at trial.

17 (8) Right to have advocate and support person present
18 at court proceedings.

19 (A) A party who intends to call an advocate as a
20 witness at trial must seek permission of the court
21 before the subpoena is issued. The party must file a
22 written motion at least 90 days before trial that sets
23 forth specifically the issues on which the advocate's
24 testimony is sought and an offer of proof regarding
25 (i) the content of the anticipated testimony of the
26 advocate; and (ii) the relevance, admissibility, and

1 materiality of the anticipated testimony. The court
2 shall consider the motion and make findings within 30
3 days of the filing of the motion. If the court finds by
4 a preponderance of the evidence that: (i) the
5 anticipated testimony is not protected by an absolute
6 privilege; and (ii) the anticipated testimony contains
7 relevant, admissible, and material evidence that is
8 not available through other witnesses or evidence, the
9 court shall issue a subpoena requiring the advocate to
10 appear to testify at an in camera hearing. The
11 prosecuting attorney and the victim shall have 15 days
12 to seek appellate review before the advocate is
13 required to testify at an ex parte in camera
14 proceeding.

15 The prosecuting attorney, the victim, and the
16 advocate's attorney shall be allowed to be present at
17 the ex parte in camera proceeding. If, after
18 conducting the ex parte in camera hearing, the court
19 determines that due process requires any testimony
20 regarding confidential or privileged information or
21 communications, the court shall provide to the
22 prosecuting attorney, the victim, and the advocate's
23 attorney a written memorandum on the substance of the
24 advocate's testimony. The prosecuting attorney, the
25 victim, and the advocate's attorney shall have 15 days
26 to seek appellate review before a subpoena may be

1 issued for the advocate to testify at trial. The
2 presence of the prosecuting attorney at the ex parte
3 in camera proceeding does not make the substance of
4 the advocate's testimony that the court has ruled
5 inadmissible subject to discovery.

6 (B) If a victim has asserted the right to have a
7 support person present at the court proceedings, the
8 victim shall provide the name of the person the victim
9 has chosen to be the victim's support person to the
10 prosecuting attorney, within 60 days of trial. The
11 prosecuting attorney shall provide the name to the
12 defendant. If the defendant intends to call the
13 support person as a witness at trial, the defendant
14 must seek permission of the court before a subpoena is
15 issued. The defendant must file a written motion at
16 least 45 days prior to trial that sets forth
17 specifically the issues on which the support person
18 will testify and an offer of proof regarding: (i) the
19 content of the anticipated testimony of the support
20 person; and (ii) the relevance, admissibility, and
21 materiality of the anticipated testimony.

22 If the prosecuting attorney intends to call the
23 support person as a witness during the State's
24 case-in-chief, the prosecuting attorney shall inform
25 the court of this intent in the response to the
26 defendant's written motion. The victim may choose a

1 different person to be the victim's support person.
2 The court may allow the defendant to inquire about
3 matters outside the scope of the direct examination
4 during cross-examination. If the court allows the
5 defendant to do so, the support person shall be
6 allowed to remain in the courtroom after the support
7 person has testified. A defendant who fails to
8 question the support person about matters outside the
9 scope of direct examination during the State's
10 case-in-chief waives the right to challenge the
11 presence of the support person on appeal. The court
12 shall allow the support person to testify if called as
13 a witness in the defendant's case-in-chief or the
14 State's rebuttal.

15 If the court does not allow the defendant to
16 inquire about matters outside the scope of the direct
17 examination, the support person shall be allowed to
18 remain in the courtroom after the support person has
19 been called by the defendant or the defendant has
20 rested. The court shall allow the support person to
21 testify in the State's rebuttal.

22 If the prosecuting attorney does not intend to
23 call the support person in the State's case-in-chief,
24 the court shall verify with the support person whether
25 the support person, if called as a witness, would
26 testify as set forth in the offer of proof. If the

1 court finds that the support person would testify as
2 set forth in the offer of proof, the court shall rule
3 on the relevance, materiality, and admissibility of
4 the anticipated testimony. If the court rules the
5 anticipated testimony is admissible, the court shall
6 issue the subpoena. The support person may remain in
7 the courtroom after the support person testifies and
8 shall be allowed to testify in rebuttal.

9 If the court excludes the victim's support person
10 during the State's case-in-chief, the victim shall be
11 allowed to choose another support person to be present
12 in court.

13 If the victim fails to designate a support person
14 within 60 days of trial and the defendant has
15 subpoenaed the support person to testify at trial, the
16 court may exclude the support person from the trial
17 until the support person testifies. If the court
18 excludes the support person the victim may choose
19 another person as a support person.

20 (9) Right to notice and hearing before disclosure of
21 confidential or privileged information or records.

22 (A) A defendant who seeks to subpoena testimony or
23 records of or concerning the victim that are
24 confidential or privileged by law must seek permission
25 of the court before the subpoena is issued. The
26 defendant must file a written motion and an offer of

1 proof regarding the relevance, admissibility and
2 materiality of the testimony or records. If the court
3 finds by a preponderance of the evidence that:

4 (i) the testimony or records are not protected
5 by an absolute privilege and

6 (ii) the testimony or records contain
7 relevant, admissible, and material evidence that
8 is not available through other witnesses or
9 evidence, the court shall issue a subpoena
10 requiring the witness to appear in camera or a
11 sealed copy of the records be delivered to the
12 court to be reviewed in camera. If, after
13 conducting an in camera review of the witness
14 statement or records, the court determines that
15 due process requires disclosure of any potential
16 testimony or any portion of the records, the court
17 shall provide copies of the records that it
18 intends to disclose to the prosecuting attorney
19 and the victim. The prosecuting attorney and the
20 victim shall have 30 days to seek appellate review
21 before the records are disclosed to the defendant,
22 used in any court proceeding, or disclosed to
23 anyone or in any way that would subject the
24 testimony or records to public review. The
25 disclosure of copies of any portion of the
26 testimony or records to the prosecuting attorney

1 under this Section does not make the records
2 subject to discovery or required to be provided to
3 the defendant.

4 (B) A prosecuting attorney who seeks to subpoena
5 information or records concerning the victim that are
6 confidential or privileged by law must first request
7 the written consent of the crime victim. If the victim
8 does not provide such written consent, including where
9 necessary the appropriate signed document required for
10 waiving privilege, the prosecuting attorney must serve
11 the subpoena at least 21 days prior to the date a
12 response or appearance is required to allow the
13 subject of the subpoena time to file a motion to quash
14 or request a hearing. The prosecuting attorney must
15 also send a written notice to the victim at least 21
16 days prior to the response date to allow the victim to
17 file a motion or request a hearing. The notice to the
18 victim shall inform the victim (i) that a subpoena has
19 been issued for confidential information or records
20 concerning the victim, (ii) that the victim has the
21 right to request a hearing prior to the response date
22 of the subpoena, and (iii) how to request the hearing.
23 The notice to the victim shall also include a copy of
24 the subpoena. If requested, a hearing regarding the
25 subpoena shall occur before information or records are
26 provided to the prosecuting attorney.

1 (10) Right to notice of court proceedings. If the
2 victim is not present at a court proceeding in which a
3 right of the victim is at issue, the court shall ask the
4 prosecuting attorney whether the victim was notified of
5 the time, place, and purpose of the court proceeding and
6 that the victim had a right to be heard at the court
7 proceeding. If the court determines that timely notice was
8 not given or that the victim was not adequately informed
9 of the nature of the court proceeding, the court shall not
10 rule on any substantive issues, accept a plea, or impose a
11 sentence and shall continue the hearing for the time
12 necessary to notify the victim of the time, place and
13 nature of the court proceeding. The time between court
14 proceedings shall not be attributable to the State under
15 Section 103-5 of the Code of Criminal Procedure of 1963.

16 (11) Right to timely disposition of the case. A victim
17 has the right to timely disposition of the case so as to
18 minimize the stress, cost, and inconvenience resulting
19 from the victim's involvement in the case. Before ruling
20 on a motion to continue trial or other court proceeding,
21 the court shall inquire into the circumstances for the
22 request for the delay and, if the victim has provided
23 written notice of the assertion of the right to a timely
24 disposition, and whether the victim objects to the delay.
25 If the victim objects, the prosecutor shall inform the
26 court of the victim's objections. If the prosecutor has

1 not conferred with the victim about the continuance, the
2 prosecutor shall inform the court of the attempts to
3 confer. If the court finds the attempts of the prosecutor
4 to confer with the victim were inadequate to protect the
5 victim's right to be heard, the court shall give the
6 prosecutor at least 3 but not more than 5 business days to
7 confer with the victim. In ruling on a motion to continue,
8 the court shall consider the reasons for the requested
9 continuance, the number and length of continuances that
10 have been granted, the victim's objections and procedures
11 to avoid further delays. If a continuance is granted over
12 the victim's objection, the court shall specify on the
13 record the reasons for the continuance and the procedures
14 that have been or will be taken to avoid further delays.

15 (12) Right to Restitution.

16 (A) If the victim has asserted the right to
17 restitution and the amount of restitution is known at
18 the time of sentencing, the court shall enter the
19 judgment of restitution at the time of sentencing.

20 (B) If the victim has asserted the right to
21 restitution and the amount of restitution is not known
22 at the time of sentencing, the prosecutor shall,
23 within 5 days after sentencing, notify the victim what
24 information and documentation related to restitution
25 is needed and that the information and documentation
26 must be provided to the prosecutor within 45 days

1 after sentencing. Failure to timely provide
2 information and documentation related to restitution
3 shall be deemed a waiver of the right to restitution.
4 The prosecutor shall file and serve within 60 days
5 after sentencing a proposed judgment for restitution
6 and a notice that includes information concerning the
7 identity of any victims or other persons seeking
8 restitution, whether any victim or other person
9 expressly declines restitution, the nature and amount
10 of any damages together with any supporting
11 documentation, a restitution amount recommendation,
12 and the names of any co-defendants and their case
13 numbers. Within 30 days after receipt of the proposed
14 judgment for restitution, the defendant shall file any
15 objection to the proposed judgment, a statement of
16 grounds for the objection, and a financial statement.
17 If the defendant does not file an objection, the court
18 may enter the judgment for restitution without further
19 proceedings. If the defendant files an objection and
20 either party requests a hearing, the court shall
21 schedule a hearing.

22 (13) Access to presentence reports.

23 (A) The victim may request a copy of the
24 presentence report prepared under the Unified Code of
25 Corrections from the State's Attorney. The State's
26 Attorney shall redact the following information before

1 providing a copy of the report:

2 (i) the defendant's mental history and
3 condition;

4 (ii) any evaluation prepared under subsection
5 (b) or (b-5) of Section 5-3-2; and

6 (iii) the name, address, phone number, and
7 other personal information about any other victim.

8 (B) The State's Attorney or the defendant may
9 request the court redact other information in the
10 report that may endanger the safety of any person.

11 (C) The State's Attorney may orally disclose to
12 the victim any of the information that has been
13 redacted if there is a reasonable likelihood that the
14 information will be stated in court at the sentencing.

15 (D) The State's Attorney must advise the victim
16 that the victim must maintain the confidentiality of
17 the report and other information. Any dissemination of
18 the report or information that was not stated at a
19 court proceeding constitutes indirect criminal
20 contempt of court.

21 (14) Appellate relief. If the trial court denies the
22 relief requested, the victim, the victim's attorney, or
23 the prosecuting attorney may file an appeal within 30 days
24 of the trial court's ruling. The trial or appellate court
25 may stay the court proceedings if the court finds that a
26 stay would not violate a constitutional right of the

1 defendant. If the appellate court denies the relief
2 sought, the reasons for the denial shall be clearly stated
3 in a written opinion. In any appeal in a criminal case, the
4 State may assert as error the court's denial of any crime
5 victim's right in the proceeding to which the appeal
6 relates.

7 (15) Limitation on appellate relief. In no case shall
8 an appellate court provide a new trial to remedy the
9 violation of a victim's right.

10 (16) The right to be reasonably protected from the
11 accused throughout the criminal justice process and the
12 right to have the safety of the victim and the victim's
13 family considered in determining whether to release the
14 defendant, and setting conditions of release after arrest
15 and conviction. A victim of domestic violence, a sexual
16 offense, or stalking may request the entry of a protective
17 order under Article 112A of the Code of Criminal Procedure
18 of 1963.

19 (d) Procedures after the imposition of sentence.

20 (1) The Prisoner Review Board shall inform a victim or
21 any other concerned citizen, upon written request, of the
22 prisoner's release on parole, mandatory supervised
23 release, electronic detention, work release, international
24 transfer or exchange, or by the custodian, other than the
25 Department of Juvenile Justice, of the discharge of any
26 individual who was adjudicated a delinquent for a crime

1 from State custody and by the sheriff of the appropriate
2 county of any such person's final discharge from county
3 custody. The Prisoner Review Board, upon written request,
4 shall provide to a victim or any other concerned citizen a
5 recent photograph of any person convicted of a felony,
6 upon his or her release from custody. The Prisoner Review
7 Board, upon written request, shall inform a victim or any
8 other concerned citizen when feasible at least 7 days
9 prior to the prisoner's release on furlough of the times
10 and dates of such furlough. Upon written request by the
11 victim or any other concerned citizen, the State's
12 Attorney shall notify the person once of the times and
13 dates of release of a prisoner sentenced to periodic
14 imprisonment. Notification shall be based on the most
15 recent information as to the victim's or other concerned
16 citizen's residence or other location available to the
17 notifying authority.

18 (2) When the defendant has been committed to the
19 Department of Human Services pursuant to Section 5-2-4 or
20 any other provision of the Unified Code of Corrections,
21 the victim may request to be notified by the releasing
22 authority of the approval by the court of an on-grounds
23 pass, a supervised off-grounds pass, an unsupervised
24 off-grounds pass, or conditional release; the release on
25 an off-grounds pass; the return from an off-grounds pass;
26 transfer to another facility; conditional release; escape;

1 death; or final discharge from State custody. The
2 Department of Human Services shall establish and maintain
3 a statewide telephone number to be used by victims to make
4 notification requests under these provisions and shall
5 publicize this telephone number on its website and to the
6 State's Attorney of each county.

7 (3) In the event of an escape from State custody, the
8 Department of Corrections or the Department of Juvenile
9 Justice immediately shall notify the Prisoner Review Board
10 of the escape and the Prisoner Review Board shall notify
11 the victim. The notification shall be based upon the most
12 recent information as to the victim's residence or other
13 location available to the Board. When no such information
14 is available, the Board shall make all reasonable efforts
15 to obtain the information and make the notification. When
16 the escapee is apprehended, the Department of Corrections
17 or the Department of Juvenile Justice immediately shall
18 notify the Prisoner Review Board and the Board shall
19 notify the victim.

20 (4) The victim of the crime for which the prisoner has
21 been sentenced has the right to register with the Prisoner
22 Review Board's victim registry. Victims registered with
23 the Board shall receive reasonable written notice not less
24 than 30 days prior to the parole hearing or target
25 aftercare release date. The victim has the right to submit
26 a victim statement for consideration by the Prisoner

1 Review Board or the Department of Juvenile Justice in
2 writing, on film, videotape, or other electronic means, or
3 in the form of a recording prior to the parole hearing or
4 target aftercare release date, or in person at the parole
5 hearing or aftercare release protest hearing, or by
6 calling the toll-free number established in subsection (f)
7 of this Section. The victim shall be notified within 7
8 days after the prisoner has been granted parole or
9 aftercare release and shall be informed of the right to
10 inspect the registry of parole decisions, established
11 under subsection (g) of Section 3-3-5 of the Unified Code
12 of Corrections. The provisions of this paragraph (4) are
13 subject to the Open Parole Hearings Act. Victim statements
14 provided to the Board shall be confidential and
15 privileged, including any statements received prior to
16 January 1, 2020 (the effective date of Public Act
17 101-288), except if the statement was an oral statement
18 made by the victim at a hearing open to the public.

19 (4-1) The crime victim has the right to submit a
20 victim statement for consideration by the Prisoner Review
21 Board or the Department of Juvenile Justice prior to or at
22 a hearing to determine the conditions of mandatory
23 supervised release of a person sentenced to a determinate
24 sentence or at a hearing on revocation of mandatory
25 supervised release of a person sentenced to a determinate
26 sentence. A victim statement may be submitted in writing,

1 on film, videotape, or other electronic means, or in the
2 form of a recording, or orally at a hearing, or by calling
3 the toll-free number established in subsection (f) of this
4 Section. Victim statements provided to the Board shall be
5 confidential and privileged, including any statements
6 received prior to January 1, 2020 (the effective date of
7 Public Act 101-288), except if the statement was an oral
8 statement made by the victim at a hearing open to the
9 public.

10 (4-2) The crime victim has the right to submit a
11 victim statement to the Prisoner Review Board for
12 consideration at an executive clemency hearing as provided
13 in Section 3-3-13 of the Unified Code of Corrections. A
14 victim statement may be submitted in writing, on film,
15 videotape, or other electronic means, or in the form of a
16 recording prior to a hearing, or orally at a hearing, or by
17 calling the toll-free number established in subsection (f)
18 of this Section. Victim statements provided to the Board
19 shall be confidential and privileged, including any
20 statements received prior to January 1, 2020 (the
21 effective date of Public Act 101-288), except if the
22 statement was an oral statement made by the victim at a
23 hearing open to the public.

24 (5) If a statement is presented under Section 6, the
25 Prisoner Review Board or Department of Juvenile Justice
26 shall inform the victim of any order of discharge pursuant

1 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
2 Corrections.

3 (6) At the written or oral request of the victim of the
4 crime for which the prisoner was sentenced or the State's
5 Attorney of the county where the person seeking parole or
6 aftercare release was prosecuted, the Prisoner Review
7 Board or Department of Juvenile Justice shall notify the
8 victim and the State's Attorney of the county where the
9 person seeking parole or aftercare release was prosecuted
10 of the death of the prisoner if the prisoner died while on
11 parole or aftercare release or mandatory supervised
12 release.

13 (7) When a defendant who has been committed to the
14 Department of Corrections, the Department of Juvenile
15 Justice, or the Department of Human Services is released
16 or discharged and subsequently committed to the Department
17 of Human Services as a sexually violent person and the
18 victim had requested to be notified by the releasing
19 authority of the defendant's discharge, conditional
20 release, death, or escape from State custody, the
21 releasing authority shall provide to the Department of
22 Human Services such information that would allow the
23 Department of Human Services to contact the victim.

24 (8) When a defendant has been convicted of a sex
25 offense as defined in Section 2 of the Sex Offender
26 Registration Act and has been sentenced to the Department

1 of Corrections or the Department of Juvenile Justice, the
2 Prisoner Review Board or the Department of Juvenile
3 Justice shall notify the victim of the sex offense of the
4 prisoner's eligibility for release on parole, aftercare
5 release, mandatory supervised release, electronic
6 detention, work release, international transfer or
7 exchange, or by the custodian of the discharge of any
8 individual who was adjudicated a delinquent for a sex
9 offense from State custody and by the sheriff of the
10 appropriate county of any such person's final discharge
11 from county custody. The notification shall be made to the
12 victim at least 30 days, whenever possible, before release
13 of the sex offender.

14 (e) The officials named in this Section may satisfy some
15 or all of their obligations to provide notices and other
16 information through participation in a statewide victim and
17 witness notification system established by the Attorney
18 General under Section 8.5 of this Act.

19 (f) The Prisoner Review Board shall establish a toll-free
20 number that may be accessed by the crime victim to present a
21 victim statement to the Board in accordance with paragraphs
22 (4), (4-1), and (4-2) of subsection (d).

23 (Source: P.A. 101-81, eff. 7-12-19; 101-288, eff. 1-1-20;
24 101-652, eff. 1-1-23; 102-22, eff. 6-25-21; 102-558, eff.
25 8-20-21; revised 12-13-21.)

1 Section 635. The Privacy of Child Victims of Criminal
2 Sexual Offenses Act is amended by changing Section 3 as
3 follows:

4 (725 ILCS 190/3) (from Ch. 38, par. 1453)

5 Sec. 3. Confidentiality of Law Enforcement and Court
6 Records. Notwithstanding any other law to the contrary,
7 inspection and copying of law enforcement records maintained
8 by any law enforcement agency or all circuit court records
9 maintained by any circuit clerk relating to any investigation
10 or proceeding pertaining to a criminal sexual offense, by any
11 person, except a judge, state's attorney, assistant state's
12 attorney, Attorney General, Assistant Attorney General,
13 psychologist, psychiatrist, social worker, doctor, parent,
14 parole agent, aftercare specialist, probation officer,
15 defendant, defendant's attorney, advocate, or victim's
16 attorney (as defined in Section 3 of the ~~Illinois~~ Rights of
17 Crime Victims and Witnesses Act) in any criminal proceeding or
18 investigation related thereto, shall be restricted to exclude
19 the identity of any child who is a victim of such criminal
20 sexual offense or alleged criminal sexual offense unless a
21 court order is issued authorizing the removal of such
22 restriction as provided under this Section of a particular
23 case record or particular records of cases maintained by any
24 circuit court clerk. A court may, for the child's protection
25 and for good cause shown, prohibit any person or agency

1 present in court from further disclosing the child's identity.

2 A court may prohibit such disclosure only after giving
3 notice and a hearing to all affected parties. In determining
4 whether to prohibit disclosure of the minor's identity, the
5 court shall consider:

6 (1) the best interest of the child; and

7 (2) whether such nondisclosure would further a
8 compelling State interest.

9 When a criminal sexual offense is committed or alleged to
10 have been committed by a school district employee or any
11 individual contractually employed by a school district, a copy
12 of the criminal history record information relating to the
13 investigation of the offense or alleged offense shall be
14 transmitted to the superintendent of schools of the district
15 immediately upon request or if the law enforcement agency
16 knows that a school district employee or any individual
17 contractually employed by a school district has committed or
18 is alleged to have committed a criminal sexual offense, the
19 superintendent of schools of the district shall be immediately
20 provided a copy of the criminal history record information.
21 The copy of the criminal history record information to be
22 provided under this Section shall exclude the identity of the
23 child victim. The superintendent shall be restricted from
24 revealing the identity of the victim. Nothing in this Article
25 precludes or may be used to preclude a mandated reporter from
26 reporting child abuse or child neglect as required under the

1 Abused and Neglected Child Reporting Act.

2 For the purposes of this Act, "criminal history record
3 information" means:

4 (i) chronologically maintained arrest information,
5 such as traditional arrest logs or blotters;

6 (ii) the name of a person in the custody of a law
7 enforcement agency and the charges for which that person
8 is being held;

9 (iii) court records that are public;

10 (iv) records that are otherwise available under State
11 or local law; or

12 (v) records in which the requesting party is the
13 individual identified, except as provided under part (vii)
14 of paragraph (c) of subsection (1) of Section 7 of the
15 Freedom of Information Act.

16 (Source: P.A. 102-651, eff. 1-1-22; revised 12-13-21.)

17 Section 640. The Privacy of Adult Victims of Criminal
18 Sexual Offenses Act is amended by changing Section 10 as
19 follows:

20 (725 ILCS 191/10)

21 Sec. 10. Victim privacy. Notwithstanding any other law to
22 the contrary, inspection and copying of law enforcement
23 records maintained by any law enforcement agency or all
24 circuit court records maintained by any circuit clerk relating

1 to any investigation or proceeding pertaining to a criminal
2 sexual offense, by any person, except a judge, State's
3 Attorney, Assistant State's Attorney, Attorney General,
4 Assistant Attorney General, psychologist, psychiatrist, social
5 worker, doctor, parole agent, aftercare specialist, probation
6 officer, defendant, defendant's attorney, advocate, or
7 victim's attorney (as defined in Section 3 of the Illinois
8 Rights of Crime Victims and Witnesses Act) in any criminal
9 proceeding or investigation related thereto shall be
10 restricted to exclude the identity of any adult victim of such
11 criminal sexual offense or alleged criminal sexual offense
12 unless a court order is issued authorizing the removal of such
13 restriction as provided under this Section of a particular
14 case record or particular records of cases maintained by any
15 circuit court clerk.

16 A court may, for the adult victim's protection and for
17 good cause shown, prohibit any person or agency present in
18 court from further disclosing the adult victim's identity. A
19 court may prohibit such disclosure only after giving notice
20 and a hearing to all affected parties. In determining whether
21 to prohibit disclosure of the adult victim's identity, the
22 court shall consider:

23 (1) the best interest of the adult victim; and

24 (2) whether such nondisclosure would further a
25 compelling State interest.

26 (Source: P.A. 102-652, eff. 1-1-22; revised 11-24-21.)

1 Section 645. The Sexual Assault Evidence Submission Act is
2 amended by changing Section 50 as follows:

3 (725 ILCS 202/50)

4 Sec. 50. Sexual assault evidence tracking system.

5 (a) On June 26, 2018, the Sexual Assault Evidence Tracking
6 and Reporting Commission issued its report as required under
7 Section 43. It is the intention of the General Assembly in
8 enacting the provisions of this amendatory Act of the 101st
9 General Assembly to implement the recommendations of the
10 Sexual Assault Evidence Tracking and Reporting Commission set
11 forth in that report in a manner that utilizes the current
12 resources of law enforcement agencies whenever possible and
13 that is adaptable to changing technologies and circumstances.

14 (a-1) Due to the complex nature of a statewide tracking
15 system for sexual assault evidence and to ensure all
16 stakeholders, including, but not limited to, victims and their
17 designees, health care facilities, law enforcement agencies,
18 forensic labs, and State's Attorneys offices are integrated,
19 the Commission recommended the purchase of an electronic
20 off-the-shelf tracking system. The system must be able to
21 communicate with all stakeholders and provide real-time
22 information to a victim or his or her designee on the status of
23 the evidence that was collected. The sexual assault evidence
24 tracking system must:

- 1 (1) be electronic and web-based;
- 2 (2) be administered by the Illinois State Police;
- 3 (3) have help desk availability at all times;
- 4 (4) ensure the law enforcement agency contact
5 information is accessible to the victim or his or her
6 designee through the tracking system, so there is contact
7 information for questions;
- 8 (5) have the option for external connectivity to
9 evidence management systems, laboratory information
10 management systems, or other electronic data systems
11 already in existence by any of the stakeholders to
12 minimize additional burdens or tasks on stakeholders;
- 13 (6) allow for the victim to opt in for automatic
14 notifications when status updates are entered in the
15 system, if the system allows;
- 16 (7) include at each step in the process, a brief
17 explanation of the general purpose of that step and a
18 general indication of how long the step may take to
19 complete;
- 20 (8) contain minimum fields for tracking and reporting,
21 as follows:
 - 22 (A) for sexual assault evidence kit vendor fields:
 - 23 (i) each sexual evidence kit identification
24 number provided to each health care facility; and
 - 25 (ii) the date the sexual evidence kit was sent
26 to the health care facility.

1 (B) for health care facility fields:

2 (i) the date sexual assault evidence was
3 collected; and

4 (ii) the date notification was made to the law
5 enforcement agency that the sexual assault
6 evidence was collected.

7 (C) for law enforcement agency fields:

8 (i) the date the law enforcement agency took
9 possession of the sexual assault evidence from the
10 health care facility, another law enforcement
11 agency, or victim if he or she did not go through a
12 health care facility;

13 (ii) the law enforcement agency complaint
14 number;

15 (iii) if the law enforcement agency that takes
16 possession of the sexual assault evidence from a
17 health care facility is not the law enforcement
18 agency with jurisdiction in which the offense
19 occurred, the date when the law enforcement agency
20 notified the law enforcement agency having
21 jurisdiction that the agency has sexual assault
22 evidence required under subsection (c) of Section
23 20 of the Sexual Assault Incident Procedure Act;

24 (iv) an indication if the victim consented for
25 analysis of the sexual assault evidence;

26 (v) if the victim did not consent for analysis

1 of the sexual assault evidence, the date on which
2 the law enforcement agency is no longer required
3 to store the sexual assault evidence;

4 (vi) a mechanism for the law enforcement
5 agency to document why the sexual assault evidence
6 was not submitted to the laboratory for analysis,
7 if applicable;

8 (vii) the date the law enforcement agency
9 received the sexual assault evidence results back
10 from the laboratory;

11 (viii) the date statutory notifications were
12 made to the victim or documentation of why
13 notification was not made; and

14 (ix) the date the law enforcement agency
15 turned over the case information to the State's
16 Attorney office, if applicable.

17 (D) for forensic lab fields:

18 (i) the date the sexual assault evidence is
19 received from the law enforcement agency by the
20 forensic lab for analysis;

21 (ii) the laboratory case number, visible to
22 the law enforcement agency and State's Attorney
23 office; and

24 (iii) the date the laboratory completes the
25 analysis of the sexual assault evidence.

26 (E) for State's Attorney office fields:

1 (i) the date the State's Attorney office
2 received the sexual assault evidence results from
3 the laboratory, if applicable; and

4 (ii) the disposition or status of the case.

5 (a-2) The Commission also developed guidelines for secure
6 electronic access to a tracking system for a victim, or his or
7 her designee to access information on the status of the
8 evidence collected. The Commission recommended minimum
9 guidelines in order to safeguard confidentiality of the
10 information contained within this statewide tracking system.
11 These recommendations are that the sexual assault evidence
12 tracking system must:

13 (1) allow for secure access, controlled by an
14 administering body who can restrict user access and allow
15 different permissions based on the need of that particular
16 user and health care facility users may include
17 out-of-state border hospitals, if authorized by the
18 Illinois State Police to obtain this State's kits from
19 vendor;

20 (2) provide for users, other than victims, the ability
21 to provide for any individual who is granted access to the
22 program their own unique user ID and password;

23 (3) provide for a mechanism for a victim to enter the
24 system and only access his or her own information;

25 (4) enable a sexual assault evidence to be tracked and
26 identified through the unique sexual assault evidence kit

1 identification number or barcode that the vendor applies
2 to each sexual assault evidence kit per the Illinois State
3 Police's contract;

4 (5) have a mechanism to inventory unused kits provided
5 to a health care facility from the vendor;

6 (6) provide users the option to either scan the bar
7 code or manually enter the sexual assault evidence kit
8 number into the tracking program;

9 (7) provide a mechanism to create a separate unique
10 identification number for cases in which a sexual evidence
11 kit was not collected, but other evidence was collected;

12 (8) provide the ability to record date, time, and user
13 ID whenever any user accesses the system;

14 (9) provide for real-time entry and update of data;

15 (10) contain report functions including:

16 (A) health care facility compliance with
17 applicable laws;

18 (B) law enforcement agency compliance with
19 applicable laws;

20 (C) law enforcement agency annual inventory of
21 cases to each State's Attorney office; and

22 (D) forensic lab compliance with applicable laws;

23 and

24 (11) provide automatic notifications to the law
25 enforcement agency when:

26 (A) a health care facility has collected sexual

1 assault evidence;

2 (B) unreleased sexual assault evidence that is
3 being stored by the law enforcement agency has met the
4 minimum storage requirement by law; and

5 (C) timelines as required by law are not met for a
6 particular case, if not otherwise documented.

7 (b) The Illinois State Police may develop rules to
8 implement a sexual assault evidence tracking system that
9 conforms with subsections (a-1) and (a-2) of this Section. The
10 Illinois State Police shall design the criteria for the sexual
11 assault evidence tracking system so that, to the extent
12 reasonably possible, the system can use existing technologies
13 and products, including, but not limited to, currently
14 available tracking systems. The sexual assault evidence
15 tracking system shall be operational and shall begin tracking
16 and reporting sexual assault evidence no later than one year
17 after the effective date of this amendatory Act of the 101st
18 General Assembly. The Illinois State Police may adopt
19 additional rules as it deems necessary to ensure that the
20 sexual assault evidence tracking system continues to be a
21 useful tool for law enforcement.

22 (c) A treatment hospital, a treatment hospital with
23 approved pediatric transfer, an out-of-state hospital approved
24 by the Department of Public Health to receive transfers of
25 Illinois sexual assault survivors, or an approved pediatric
26 health care facility defined in Section 1a of the Sexual

1 Assault Survivors Emergency Treatment Act shall participate in
2 the sexual assault evidence tracking system created under this
3 Section and in accordance with rules adopted under subsection
4 (b), including, but not limited to, the collection of sexual
5 assault evidence and providing information regarding that
6 evidence, including, but not limited to, providing notice to
7 law enforcement that the evidence has been collected.

8 (d) The operations of the sexual assault evidence tracking
9 system shall be funded by moneys appropriated for that purpose
10 from the State Crime Laboratory Fund and funds provided to the
11 Illinois State Police through asset forfeiture, together with
12 such other funds as the General Assembly may appropriate.

13 (e) To ensure that the sexual assault evidence tracking
14 system is operational, the Illinois State Police may adopt
15 emergency rules to implement the provisions of this Section
16 under subsection (ff) of Section 5-45 of the Illinois
17 Administrative Procedure Act.

18 (f) Information, including, but not limited to, evidence
19 and records in the sexual assault evidence tracking system is
20 exempt from disclosure under the Freedom of Information Act.

21 (Source: P.A. 101-377, eff. 8-16-19; 102-22, eff. 6-25-21;
22 102-523, eff. 8-20-21; 102-538, eff. 8-20-21; revised
23 10-20-21.)

24 Section 650. The Sexual Assault Incident Procedure Act is
25 amended by changing Section 35 as follows:

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 notify the victim
6 about the Illinois State Police sexual assault evidence
7 tracking system and provide the following information in
8 writing:

9 (1) the date the sexual assault evidence was sent to
10 an Illinois State Police forensic laboratory or designated
11 laboratory;

12 (2) test results provided to the law enforcement
13 agency by an Illinois State Police forensic laboratory or
14 designated laboratory, including, but not limited to:

15 (A) whether a DNA profile was obtained from the
16 testing of the sexual assault evidence from the
17 victim's case;

18 (B) whether the DNA profile developed from the
19 sexual assault evidence has been searched against the
20 DNA Index System or any state or federal DNA database;

21 (C) whether an association was made to an
22 individual whose DNA profile is consistent with the
23 sexual assault evidence DNA profile, provided that
24 disclosure would not impede or compromise an ongoing
25 investigation; and

1 (D) whether any drugs were detected in a urine or
2 blood sample analyzed for drug facilitated sexual
3 assault and information about any drugs detected.

4 (b) The information listed in paragraph (1) of subsection
5 (a) of this Section shall be provided to the victim within 7
6 days of the transfer of the evidence to the laboratory. The
7 information listed in paragraph (2) of subsection (a) of this
8 Section shall be provided to the victim within 7 days of the
9 receipt of the information by the law enforcement agency
10 having jurisdiction.

11 (c) At the time the sexual assault evidence is released
12 for testing, the victim shall be provided written information
13 by the law enforcement agency having jurisdiction or the
14 hospital providing emergency services and forensic services to
15 the victim informing him or her of the right to request
16 information under subsection (a) of this Section. A victim may
17 designate another person or agency to receive this
18 information.

19 (d) The victim or the victim's designee shall keep the law
20 enforcement agency having jurisdiction informed of the name,
21 address, telephone number, and email address of the person to
22 whom the information should be provided, and any changes of
23 the name, address, telephone number, and email address, if an
24 email address is available.

25 (Source: P.A. 102-22, eff. 6-25-21; 102-538, eff. 8-20-21;
26 revised 10-20-21.)

1 Section 655. The Unified Code of Corrections is amended by
2 changing Sections 3-2-2, 3-3-14, 3-6-7.2, 3-14-1, 5-4-1,
3 5-4-3a, 5-5-3, 5-9-1.4, and 5-9-1.9 and the heading of Article
4 3 of Chapter III as follows:

5 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)
6 Sec. 3-2-2. Powers and duties of the Department.

7 (1) In addition to the powers, duties, and
8 responsibilities which are otherwise provided by law, the
9 Department shall have the following powers:

10 (a) To accept persons committed to it by the courts of
11 this State for care, custody, treatment, and
12 rehabilitation, and to accept federal prisoners and aliens
13 over whom the Office of the Federal Detention Trustee is
14 authorized to exercise the federal detention function for
15 limited purposes and periods of time.

16 (b) To develop and maintain reception and evaluation
17 units for purposes of analyzing the custody and
18 rehabilitation needs of persons committed to it and to
19 assign such persons to institutions and programs under its
20 control or transfer them to other appropriate agencies. In
21 consultation with the Department of Alcoholism and
22 Substance Abuse (now the Department of Human Services),
23 the Department of Corrections shall develop a master plan
24 for the screening and evaluation of persons committed to

1 its custody who have alcohol or drug abuse problems, and
2 for making appropriate treatment available to such
3 persons; the Department shall report to the General
4 Assembly on such plan not later than April 1, 1987. The
5 maintenance and implementation of such plan shall be
6 contingent upon the availability of funds.

7 (b-1) To create and implement, on January 1, 2002, a
8 pilot program to establish the effectiveness of
9 pupillometer technology (the measurement of the pupil's
10 reaction to light) as an alternative to a urine test for
11 purposes of screening and evaluating persons committed to
12 its custody who have alcohol or drug problems. The pilot
13 program shall require the pupillometer technology to be
14 used in at least one Department of Corrections facility.
15 The Director may expand the pilot program to include an
16 additional facility or facilities as he or she deems
17 appropriate. A minimum of 4,000 tests shall be included in
18 the pilot program. The Department must report to the
19 General Assembly on the effectiveness of the program by
20 January 1, 2003.

21 (b-5) To develop, in consultation with the Illinois
22 State Police, a program for tracking and evaluating each
23 inmate from commitment through release for recording his
24 or her gang affiliations, activities, or ranks.

25 (c) To maintain and administer all State correctional
26 institutions and facilities under its control and to

1 establish new ones as needed. Pursuant to its power to
2 establish new institutions and facilities, the Department
3 may, with the written approval of the Governor, authorize
4 the Department of Central Management Services to enter
5 into an agreement of the type described in subsection (d)
6 of Section 405-300 of the Department of Central Management
7 Services Law. The Department shall designate those
8 institutions which shall constitute the State Penitentiary
9 System. The Department of Juvenile Justice shall maintain
10 and administer all State youth centers pursuant to
11 subsection (d) of Section 3-2.5-20.

12 Pursuant to its power to establish new institutions
13 and facilities, the Department may authorize the
14 Department of Central Management Services to accept bids
15 from counties and municipalities for the construction,
16 remodeling, or conversion of a structure to be leased to
17 the Department of Corrections for the purposes of its
18 serving as a correctional institution or facility. Such
19 construction, remodeling, or conversion may be financed
20 with revenue bonds issued pursuant to the Industrial
21 Building Revenue Bond Act by the municipality or county.
22 The lease specified in a bid shall be for a term of not
23 less than the time needed to retire any revenue bonds used
24 to finance the project, but not to exceed 40 years. The
25 lease may grant to the State the option to purchase the
26 structure outright.

1 Upon receipt of the bids, the Department may certify
2 one or more of the bids and shall submit any such bids to
3 the General Assembly for approval. Upon approval of a bid
4 by a constitutional majority of both houses of the General
5 Assembly, pursuant to joint resolution, the Department of
6 Central Management Services may enter into an agreement
7 with the county or municipality pursuant to such bid.

8 (c-5) To build and maintain regional juvenile
9 detention centers and to charge a per diem to the counties
10 as established by the Department to defray the costs of
11 housing each minor in a center. In this subsection (c-5),
12 "juvenile detention center" means a facility to house
13 minors during pendency of trial who have been transferred
14 from proceedings under the Juvenile Court Act of 1987 to
15 prosecutions under the criminal laws of this State in
16 accordance with Section 5-805 of the Juvenile Court Act of
17 1987, whether the transfer was by operation of law or
18 permissive under that Section. The Department shall
19 designate the counties to be served by each regional
20 juvenile detention center.

21 (d) To develop and maintain programs of control,
22 rehabilitation, and employment of committed persons within
23 its institutions.

24 (d-5) To provide a pre-release job preparation program
25 for inmates at Illinois adult correctional centers.

26 (d-10) To provide educational and visitation

1 opportunities to committed persons within its institutions
2 through temporary access to content-controlled tablets
3 that may be provided as a privilege to committed persons
4 to induce or reward compliance.

5 (e) To establish a system of supervision and guidance
6 of committed persons in the community.

7 (f) To establish in cooperation with the Department of
8 Transportation to supply a sufficient number of prisoners
9 for use by the Department of Transportation to clean up
10 the trash and garbage along State, county, township, or
11 municipal highways as designated by the Department of
12 Transportation. The Department of Corrections, at the
13 request of the Department of Transportation, shall furnish
14 such prisoners at least annually for a period to be agreed
15 upon between the Director of Corrections and the Secretary
16 of Transportation. The prisoners used on this program
17 shall be selected by the Director of Corrections on
18 whatever basis he deems proper in consideration of their
19 term, behavior and earned eligibility to participate in
20 such program - where they will be outside of the prison
21 facility but still in the custody of the Department of
22 Corrections. Prisoners convicted of first degree murder,
23 or a Class X felony, or armed violence, or aggravated
24 kidnapping, or criminal sexual assault, aggravated
25 criminal sexual abuse or a subsequent conviction for
26 criminal sexual abuse, or forcible detention, or arson, or

1 a prisoner adjudged a Habitual Criminal shall not be
2 eligible for selection to participate in such program. The
3 prisoners shall remain as prisoners in the custody of the
4 Department of Corrections and such Department shall
5 furnish whatever security is necessary. The Department of
6 Transportation shall furnish trucks and equipment for the
7 highway cleanup program and personnel to supervise and
8 direct the program. Neither the Department of Corrections
9 nor the Department of Transportation shall replace any
10 regular employee with a prisoner.

11 (g) To maintain records of persons committed to it and
12 to establish programs of research, statistics, and
13 planning.

14 (h) To investigate the grievances of any person
15 committed to the Department and to inquire into any
16 alleged misconduct by employees or committed persons; and
17 for these purposes it may issue subpoenas and compel the
18 attendance of witnesses and the production of writings and
19 papers, and may examine under oath any witnesses who may
20 appear before it; to also investigate alleged violations
21 of a parolee's or releasee's conditions of parole or
22 release; and for this purpose it may issue subpoenas and
23 compel the attendance of witnesses and the production of
24 documents only if there is reason to believe that such
25 procedures would provide evidence that such violations
26 have occurred.

1 If any person fails to obey a subpoena issued under
2 this subsection, the Director may apply to any circuit
3 court to secure compliance with the subpoena. The failure
4 to comply with the order of the court issued in response
5 thereto shall be punishable as contempt of court.

6 (i) To appoint and remove the chief administrative
7 officers, and administer programs of training and
8 development of personnel of the Department. Personnel
9 assigned by the Department to be responsible for the
10 custody and control of committed persons or to investigate
11 the alleged misconduct of committed persons or employees
12 or alleged violations of a parolee's or releasee's
13 conditions of parole shall be conservators of the peace
14 for those purposes, and shall have the full power of peace
15 officers outside of the facilities of the Department in
16 the protection, arrest, retaking, and reconfining of
17 committed persons or where the exercise of such power is
18 necessary to the investigation of such misconduct or
19 violations. This subsection shall not apply to persons
20 committed to the Department of Juvenile Justice under the
21 Juvenile Court Act of 1987 on aftercare release.

22 (j) To cooperate with other departments and agencies
23 and with local communities for the development of
24 standards and programs for better correctional services in
25 this State.

26 (k) To administer all moneys and properties of the

1 Department.

2 (l) To report annually to the Governor on the
3 committed persons, institutions, and programs of the
4 Department.

5 (l-5) (Blank).

6 (m) To make all rules and regulations and exercise all
7 powers and duties vested by law in the Department.

8 (n) To establish rules and regulations for
9 administering a system of sentence credits, established in
10 accordance with Section 3-6-3, subject to review by the
11 Prisoner Review Board.

12 (o) To administer the distribution of funds from the
13 State Treasury to reimburse counties where State penal
14 institutions are located for the payment of assistant
15 state's attorneys' salaries under Section 4-2001 of the
16 Counties Code.

17 (p) To exchange information with the Department of
18 Human Services and the Department of Healthcare and Family
19 Services for the purpose of verifying living arrangements
20 and for other purposes directly connected with the
21 administration of this Code and the Illinois Public Aid
22 Code.

23 (q) To establish a diversion program.

24 The program shall provide a structured environment for
25 selected technical parole or mandatory supervised release
26 violators and committed persons who have violated the

1 rules governing their conduct while in work release. This
2 program shall not apply to those persons who have
3 committed a new offense while serving on parole or
4 mandatory supervised release or while committed to work
5 release.

6 Elements of the program shall include, but shall not
7 be limited to, the following:

8 (1) The staff of a diversion facility shall
9 provide supervision in accordance with required
10 objectives set by the facility.

11 (2) Participants shall be required to maintain
12 employment.

13 (3) Each participant shall pay for room and board
14 at the facility on a sliding-scale basis according to
15 the participant's income.

16 (4) Each participant shall:

17 (A) provide restitution to victims in
18 accordance with any court order;

19 (B) provide financial support to his
20 dependents; and

21 (C) make appropriate payments toward any other
22 court-ordered obligations.

23 (5) Each participant shall complete community
24 service in addition to employment.

25 (6) Participants shall take part in such
26 counseling, educational, and other programs as the

1 Department may deem appropriate.

2 (7) Participants shall submit to drug and alcohol
3 screening.

4 (8) The Department shall promulgate rules
5 governing the administration of the program.

6 (r) To enter into intergovernmental cooperation
7 agreements under which persons in the custody of the
8 Department may participate in a county impact
9 incarceration program established under Section 3-6038 or
10 3-15003.5 of the Counties Code.

11 (r-5) (Blank).

12 (r-10) To systematically and routinely identify with
13 respect to each streetgang active within the correctional
14 system: (1) each active gang; (2) every existing
15 inter-gang affiliation or alliance; and (3) the current
16 leaders in each gang. The Department shall promptly
17 segregate leaders from inmates who belong to their gangs
18 and allied gangs. "Segregate" means no physical contact
19 and, to the extent possible under the conditions and space
20 available at the correctional facility, prohibition of
21 visual and sound communication. For the purposes of this
22 paragraph (r-10), "leaders" means persons who:

23 (i) are members of a criminal streetgang;

24 (ii) with respect to other individuals within the
25 streetgang, occupy a position of organizer,
26 supervisor, or other position of management or

1 leadership; and

2 (iii) are actively and personally engaged in
3 directing, ordering, authorizing, or requesting
4 commission of criminal acts by others, which are
5 punishable as a felony, in furtherance of streetgang
6 related activity both within and outside of the
7 Department of Corrections.

8 "Streetgang", "gang", and "streetgang related" have the
9 meanings ascribed to them in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (s) To operate a super-maximum security institution,
12 in order to manage and supervise inmates who are
13 disruptive or dangerous and provide for the safety and
14 security of the staff and the other inmates.

15 (t) To monitor any unprivileged conversation or any
16 unprivileged communication, whether in person or by mail,
17 telephone, or other means, between an inmate who, before
18 commitment to the Department, was a member of an organized
19 gang and any other person without the need to show cause or
20 satisfy any other requirement of law before beginning the
21 monitoring, except as constitutionally required. The
22 monitoring may be by video, voice, or other method of
23 recording or by any other means. As used in this
24 subdivision (1)(t), "organized gang" has the meaning
25 ascribed to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 As used in this subdivision (1)(t), "unprivileged
2 conversation" or "unprivileged communication" means a
3 conversation or communication that is not protected by any
4 privilege recognized by law or by decision, rule, or order
5 of the Illinois Supreme Court.

6 (u) To establish a Women's and Children's Pre-release
7 Community Supervision Program for the purpose of providing
8 housing and services to eligible female inmates, as
9 determined by the Department, and their newborn and young
10 children.

11 (u-5) To issue an order, whenever a person committed
12 to the Department absconds or absents himself or herself,
13 without authority to do so, from any facility or program
14 to which he or she is assigned. The order shall be
15 certified by the Director, the Supervisor of the
16 Apprehension Unit, or any person duly designated by the
17 Director, with the seal of the Department affixed. The
18 order shall be directed to all sheriffs, coroners, and
19 police officers, or to any particular person named in the
20 order. Any order issued pursuant to this subdivision
21 (1)(u-5) shall be sufficient warrant for the officer or
22 person named in the order to arrest and deliver the
23 committed person to the proper correctional officials and
24 shall be executed the same as criminal process.

25 (u-6) To appoint a point of contact person who shall
26 receive suggestions, complaints, or other requests to the

1 Department from visitors to Department institutions or
2 facilities and from other members of the public.

3 (v) To do all other acts necessary to carry out the
4 provisions of this Chapter.

5 (2) The Department of Corrections shall by January 1,
6 1998, consider building and operating a correctional facility
7 within 100 miles of a county of over 2,000,000 inhabitants,
8 especially a facility designed to house juvenile participants
9 in the impact incarceration program.

10 (3) When the Department lets bids for contracts for
11 medical services to be provided to persons committed to
12 Department facilities by a health maintenance organization,
13 medical service corporation, or other health care provider,
14 the bid may only be let to a health care provider that has
15 obtained an irrevocable letter of credit or performance bond
16 issued by a company whose bonds have an investment grade or
17 higher rating by a bond rating organization.

18 (4) When the Department lets bids for contracts for food
19 or commissary services to be provided to Department
20 facilities, the bid may only be let to a food or commissary
21 services provider that has obtained an irrevocable letter of
22 credit or performance bond issued by a company whose bonds
23 have an investment grade or higher rating by a bond rating
24 organization.

25 (5) On and after the date 6 months after August 16, 2013
26 (the effective date of Public Act 98-488), as provided in the

1 Executive Order 1 (2012) Implementation Act, all of the
2 powers, duties, rights, and responsibilities related to State
3 healthcare purchasing under this Code that were transferred
4 from the Department of Corrections to the Department of
5 Healthcare and Family Services by Executive Order 3 (2005) are
6 transferred back to the Department of Corrections; however,
7 powers, duties, rights, and responsibilities related to State
8 healthcare purchasing under this Code that were exercised by
9 the Department of Corrections before the effective date of
10 Executive Order 3 (2005) but that pertain to individuals
11 resident in facilities operated by the Department of Juvenile
12 Justice are transferred to the Department of Juvenile Justice.
13 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;
14 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; revised
15 10-15-21.)

16 (730 ILCS 5/Ch. III Art. 3 heading)

17 ARTICLE 3. PRISONER REVIEW ~~PAROLE AND PARDON BOARD~~

18 (730 ILCS 5/3-3-14)

19 Sec. 3-3-14. Procedure for medical release.

20 (a) Definitions. +

21 (1) As used in this Section, l "medically incapacitated"
22 means that an inmate has any diagnosable medical
23 condition, including dementia and severe, permanent
24 medical or cognitive disability, that prevents the inmate

1 from completing more than one activity of daily living
2 without assistance or that incapacitates the inmate to the
3 extent that institutional confinement does not offer
4 additional restrictions, and that the condition is
5 unlikely to improve noticeably in the future.

6 (2) As used in this Section, "terminal illness" means
7 a condition that satisfies all of the following criteria:

8 (i) the condition is irreversible and incurable;

9 and

10 (ii) in accordance with medical standards and a
11 reasonable degree of medical certainty, based on an
12 individual assessment of the inmate, the condition is
13 likely to cause death to the inmate within 18 months.

14 (b) The Prisoner Review Board shall consider an
15 application for compassionate release on behalf of any inmate
16 who meets any of the following:

17 (1) is suffering from a terminal illness; or

18 (2) has been diagnosed with a condition that will
19 result in medical incapacity within the next 6 months; or

20 (3) has become medically incapacitated subsequent to
21 sentencing due to illness or injury.

22 (c) Initial application. ~~Application:~~

23 (1) An initial application for medical release may be
24 filed with the Prisoner Review Board by an inmate, a
25 prison official, a medical professional who has treated or
26 diagnosed the inmate, or an inmate's spouse, parent,

1 guardian, grandparent, aunt or uncle, sibling, child over
2 the age of eighteen years, or attorney. If the initial
3 application is made by someone other than the inmate, the
4 inmate, or if the inmate is ~~they are~~ medically unable to
5 consent, the guardian or family member designated to
6 represent the inmate's ~~their~~ interests must consent to the
7 application at the time of the institutional hearing.

8 (2) Application materials shall be maintained on the
9 Prisoner Review Board's website and, ~~the~~ Department of
10 Corrections' website, ~~and~~ maintained in a clearly visible
11 place within the law library and the infirmary of every
12 penal institution and facility operated by the Department
13 of Corrections.

14 (3) The initial application need not be notarized, can
15 be sent via email or facsimile, and must contain the
16 following information:

17 (i) the inmate's name and Illinois Department of
18 Corrections number;

19 (ii) the inmate's diagnosis;

20 (iii) a statement that the inmate meets one of the
21 following diagnostic criteria:

22 (A) ~~(a)~~ the inmate is suffering from a
23 terminal illness;

24 (B) ~~(b)~~ the inmate has been diagnosed with a
25 condition that will result in medical incapacity
26 within the next 6 months; or

1 (C) ~~(e)~~ the inmate has become medically
2 incapacitated subsequent to sentencing due to
3 illness or injury.

4 (4) Upon receiving the inmate's initial application,
5 the Board shall order the Department of Corrections to
6 have a physician or nurse practitioner evaluate the inmate
7 and create a written evaluation within ten days of the
8 Board's order. The evaluation shall include but need not
9 be limited to:

10 (i) a concise statement of the inmate's medical
11 diagnosis, including prognosis, likelihood of
12 recovery, and primary symptoms, to include
13 incapacitation; and

14 (ii) a statement confirming or denying that the
15 inmate meets one of the criteria stated in subsection
16 (b) of this Section.

17 (d) Institutional hearing. No public institutional hearing
18 is required for consideration of a petition, but shall be
19 granted at the request of the petitioner. The inmate may be
20 represented by counsel and may present witnesses to the Board
21 members. Hearings shall be governed by the Open Parole
22 Hearings Act.

23 (e) Voting procedure. Petitions shall be considered by
24 three-member panels, and decisions shall be made by simple
25 majority.

26 (f) Consideration. In considering a petition for release

1 under the statute, the Prisoner Review Board may consider the
2 following factors:

3 (i) the inmate's diagnosis and likelihood of
4 recovery;

5 (ii) the approximate cost of health care to the
6 State should the inmate remain in custody;

7 (iii) the impact that the inmate's continued
8 incarceration may have on the provision of medical
9 care within the Department;

10 (iv) the present likelihood of and ability to pose
11 a substantial danger to the physical safety of a
12 specifically identifiable person or persons;

13 (v) any statements by the victim regarding
14 release; and

15 (vi) whether the inmate's condition was explicitly
16 disclosed to the original sentencing judge and taken
17 into account at the time of sentencing.

18 (g) Inmates granted medical release shall be released on
19 mandatory supervised release for a period of 5 years subject
20 to Section 3-3-8, which shall operate to discharge any
21 remaining term of years imposed upon him or her. However, in no
22 event shall the eligible person serve a period of mandatory
23 supervised release greater than the aggregate of the
24 discharged underlying sentence and the mandatory supervised
25 release period as set forth in Section 5-4.5-20.

26 (h) Within 90 days of the receipt of the initial

1 application, the Prisoner Review Board shall conduct a hearing
2 if a hearing is requested and render a decision granting or
3 denying the petitioner's request for release.

4 (i) Nothing in this statute shall preclude a petitioner
5 from seeking alternative forms of release, including clemency,
6 relief from the sentencing court, post-conviction relief, or
7 any other legal remedy.

8 (j) This act applies retroactively, and shall be
9 applicable to all currently incarcerated people in Illinois.

10 (k) Data report. The Department of Corrections and the
11 Prisoner Review Board shall release a report annually
12 published on their websites that reports the following
13 information about the Medical Release Program:

14 (1) The number of applications for medical release
15 received by the Board in the preceding year, and
16 information about those applications, including:

17 (i) demographic data about the individual,
18 including race or ethnicity, gender, age, and
19 institution;

20 (ii) the highest class of offense for which the
21 individual is incarcerated;

22 (iii) the relationship of the applicant to the
23 person completing the application;

24 (iv) whether the applicant had applied for medical
25 release before and been denied, and, if so, when;

26 (v) whether the person applied as a person who is

1 medically incapacitated or a person who is terminally
2 ill; and

3 (vi) a basic description of the underlying medical
4 condition that led to the application.

5 (2) The number of medical statements from the
6 Department of Corrections received by the Board.~~+~~

7 (3) The number of institutional hearings on medical
8 release applications conducted by the Board.~~+~~

9 (4) The number of people approved for medical release,
10 and information about them, including:

11 (i) demographic data about the individual
12 including race or ethnicity, gender, age, and zip code
13 to which they were released;

14 (ii) whether the person applied as a person who is
15 medically incapacitated or a person who is terminally
16 ill;

17 (iii) a basic description of the underlying
18 medical condition that led to the application; and

19 (iv) a basic description of the medical setting
20 the person was released to.

21 (5) The number of people released on the medical
22 release program.~~+~~

23 (6) The number of people approved for medical release
24 who experienced more than a one-month ~~one-month~~ delay
25 between release decision and ultimate release, including:~~+~~

26 (i) demographic data about the individuals

1 including race or ethnicity, gender and age;

2 (ii) the reason for the delay;

3 (iii) whether the person remains incarcerated; and

4 (iv) a basic description of the underlying medical
5 condition of the applying person.

6 (7) For those individuals released on mandatory
7 supervised release due to a granted application for
8 medical release:⁺

9 (i) the number of individuals who were serving
10 terms of mandatory supervised release because of
11 medical release applications during the previous year;

12 (ii) the number of individuals who had their
13 mandatory supervised release revoked; and

14 (iii) the number of individuals who died during
15 the previous year.

16 (8) Information on seriously ill individuals
17 incarcerated at the Department of Corrections, including:

18 (i) the number of people currently receiving
19 full-time one-on-one medical care or assistance with
20 activities of daily living within Department of
21 Corrections facilities and whether that care is
22 provided by a medical practitioner or an inmate, along
23 with the institutions at which they are incarcerated;
24 and

25 (ii) the number of people who spent more than one
26 month in outside hospital care during the previous

1 year and their home institutions.

2 All the information provided in this report shall be
3 provided in aggregate, and nothing shall be construed to
4 require the public dissemination of any personal medical
5 information.

6 (Source: P.A. 102-494, eff. 1-1-22; revised 11-24-21.)

7 (730 ILCS 5/3-6-7.2)

8 Sec. 3-6-7.2. Educational programming ~~programing~~ for
9 pregnant committed persons. The Department shall develop and
10 provide to each pregnant committed person educational
11 programming relating to pregnancy and parenting. The
12 programming must include instruction regarding:

- 13 (1) appropriate prenatal care and hygiene;
14 (2) the effects of prenatal exposure to alcohol and
15 drugs on a developing fetus;
16 (3) parenting skills; and
17 (4) medical and mental health issues applicable to
18 children.

19 (Source: P.A. 101-652, eff. 7-1-21; revised 11-24-21.)

20 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

21 Sec. 3-14-1. Release from the institution.

22 (a) Upon release of a person on parole, mandatory release,
23 final discharge, or pardon, the Department shall return all
24 property held for him, provide him with suitable clothing and

1 procure necessary transportation for him to his designated
2 place of residence and employment. It may provide such person
3 with a grant of money for travel and expenses which may be paid
4 in installments. The amount of the money grant shall be
5 determined by the Department.

6 (a-1) The Department shall, before a wrongfully imprisoned
7 person, as defined in Section 3-1-2 of this Code, is
8 discharged from the Department, provide him or her with any
9 documents necessary after discharge.

10 (a-2) The Department of Corrections may establish and
11 maintain, in any institution it administers, revolving funds
12 to be known as "Travel and Allowances Revolving Funds". These
13 revolving funds shall be used for advancing travel and expense
14 allowances to committed, paroled, and discharged prisoners.
15 The moneys paid into such revolving funds shall be from
16 appropriations to the Department for Committed, Paroled, and
17 Discharged Prisoners.

18 (a-3) Upon release of a person who is eligible to vote on
19 parole, mandatory release, final discharge, or pardon, the
20 Department shall provide the person with a form that informs
21 him or her that his or her voting rights have been restored and
22 a voter registration application. The Department shall have
23 available voter registration applications in the languages
24 provided by the Illinois State Board of Elections. The form
25 that informs the person that his or her rights have been
26 restored shall include the following information:

1 (1) All voting rights are restored upon release from
2 the Department's custody.

3 (2) A person who is eligible to vote must register in
4 order to be able to vote.

5 The Department of Corrections shall confirm that the
6 person received the voter registration application and has
7 been informed that his or her voting rights have been
8 restored.

9 (a-4) Prior to release of a person on parole, mandatory
10 supervised release, final discharge, or pardon, the Department
11 shall screen every person for Medicaid eligibility. Officials
12 of the correctional institution or facility where the
13 committed person is assigned shall assist an eligible person
14 to complete a Medicaid application to ensure that the person
15 begins receiving benefits as soon as possible after his or her
16 release. The application must include the eligible person's
17 address associated with his or her residence upon release from
18 the facility. If the residence is temporary, the eligible
19 person must notify the Department of Human Services of his or
20 her change in address upon transition to permanent housing.

21 (b) (Blank).

22 (c) Except as otherwise provided in this Code, the
23 Department shall establish procedures to provide written
24 notification of any release of any person who has been
25 convicted of a felony to the State's Attorney and sheriff of
26 the county from which the offender was committed, and the

1 State's Attorney and sheriff of the county into which the
2 offender is to be paroled or released. Except as otherwise
3 provided in this Code, the Department shall establish
4 procedures to provide written notification to the proper law
5 enforcement agency for any municipality of any release of any
6 person who has been convicted of a felony if the arrest of the
7 offender or the commission of the offense took place in the
8 municipality, if the offender is to be paroled or released
9 into the municipality, or if the offender resided in the
10 municipality at the time of the commission of the offense. If a
11 person convicted of a felony who is in the custody of the
12 Department of Corrections or on parole or mandatory supervised
13 release informs the Department that he or she has resided,
14 resides, or will reside at an address that is a housing
15 facility owned, managed, operated, or leased by a public
16 housing agency, the Department must send written notification
17 of that information to the public housing agency that owns,
18 manages, operates, or leases the housing facility. The written
19 notification shall, when possible, be given at least 14 days
20 before release of the person from custody, or as soon
21 thereafter as possible. The written notification shall be
22 provided electronically if the State's Attorney, sheriff,
23 proper law enforcement agency, or public housing agency has
24 provided the Department with an accurate and up to date email
25 address.

26 (c-1) (Blank).

1 (c-2) The Department shall establish procedures to provide
2 notice to the Illinois State Police of the release or
3 discharge of persons convicted of violations of the
4 Methamphetamine Control and Community Protection Act or a
5 violation of the Methamphetamine Precursor Control Act. The
6 Illinois State Police shall make this information available to
7 local, State, or federal law enforcement agencies upon
8 request.

9 (c-5) If a person on parole or mandatory supervised
10 release becomes a resident of a facility licensed or regulated
11 by the Department of Public Health, the Illinois Department of
12 Public Aid, or the Illinois Department of Human Services, the
13 Department of Corrections shall provide copies of the
14 following information to the appropriate licensing or
15 regulating Department and the licensed or regulated facility
16 where the person becomes a resident:

17 (1) The mittimus and any pre-sentence investigation
18 reports.

19 (2) The social evaluation prepared pursuant to Section
20 3-8-2.

21 (3) Any pre-release evaluation conducted pursuant to
22 subsection (j) of Section 3-6-2.

23 (4) Reports of disciplinary infractions and
24 dispositions.

25 (5) Any parole plan, including orders issued by the
26 Prisoner Review Board, and any violation reports and

1 dispositions.

2 (6) The name and contact information for the assigned
3 parole agent and parole supervisor.

4 This information shall be provided within 3 days of the
5 person becoming a resident of the facility.

6 (c-10) If a person on parole or mandatory supervised
7 release becomes a resident of a facility licensed or regulated
8 by the Department of Public Health, the Illinois Department of
9 Public Aid, or the Illinois Department of Human Services, the
10 Department of Corrections shall provide written notification
11 of such residence to the following:

12 (1) The Prisoner Review Board.

13 (2) The chief of police and sheriff in the
14 municipality and county in which the licensed facility is
15 located.

16 The notification shall be provided within 3 days of the
17 person becoming a resident of the facility.

18 (d) Upon the release of a committed person on parole,
19 mandatory supervised release, final discharge, or pardon, the
20 Department shall provide such person with information
21 concerning programs and services of the Illinois Department of
22 Public Health to ascertain whether such person has been
23 exposed to the human immunodeficiency virus (HIV) or any
24 identified causative agent of Acquired Immunodeficiency
25 Syndrome (AIDS).

26 (e) Upon the release of a committed person on parole,

1 mandatory supervised release, final discharge, pardon, or who
2 has been wrongfully imprisoned, the Department shall verify
3 the released person's full name, date of birth, and social
4 security number. If verification is made by the Department by
5 obtaining a certified copy of the released person's birth
6 certificate and the released person's social security card or
7 other documents authorized by the Secretary, the Department
8 shall provide the birth certificate and social security card
9 or other documents authorized by the Secretary to the released
10 person. If verification by the Department is done by means
11 other than obtaining a certified copy of the released person's
12 birth certificate and the released person's social security
13 card or other documents authorized by the Secretary, the
14 Department shall complete a verification form, prescribed by
15 the Secretary of State, and shall provide that verification
16 form to the released person.

17 (f) Forty-five days prior to the scheduled discharge of a
18 person committed to the custody of the Department of
19 Corrections, the Department shall give the person:

20 (1) who is otherwise uninsured an opportunity to apply
21 for health care coverage including medical assistance
22 under Article V of the Illinois Public Aid Code in
23 accordance with subsection (b) of Section 1-8.5 of the
24 Illinois Public Aid Code, and the Department of
25 Corrections shall provide assistance with completion of
26 the application for health care coverage including medical

1 assistance;

2 (2) information about obtaining a standard Illinois
3 Identification Card or a limited-term Illinois
4 Identification Card under Section 4 of the Illinois
5 Identification Card Act;

6 (3) information about voter registration and may
7 distribute information prepared by the State Board of
8 Elections. The Department of Corrections may enter into an
9 interagency contract with the State Board of Elections to
10 participate in the automatic voter registration program
11 and be a designated automatic voter registration agency
12 under Section 1A-16.2 of the Election Code;

13 (4) information about job listings upon discharge from
14 the correctional institution or facility;

15 (5) information about available housing upon discharge
16 from the correctional institution or facility;

17 (6) a directory of elected State officials and of
18 officials elected in the county and municipality, if any,
19 in which the committed person intends to reside upon
20 discharge from the correctional institution or facility;
21 and

22 (7) any other information that the Department of
23 Corrections deems necessary to provide the committed
24 person in order for the committed person to reenter the
25 community and avoid recidivism.

26 The Department may adopt rules to implement this Section.

1 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
2 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-606, eff.
3 1-1-22; revised 10-15-21.)

4 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

5 Sec. 5-4-1. Sentencing hearing.

6 (a) Except when the death penalty is sought under hearing
7 procedures otherwise specified, after a determination of
8 guilt, a hearing shall be held to impose the sentence.
9 However, prior to the imposition of sentence on an individual
10 being sentenced for an offense based upon a charge for a
11 violation of Section 11-501 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance, the individual must
13 undergo a professional evaluation to determine if an alcohol
14 or other drug abuse problem exists and the extent of such a
15 problem. Programs conducting these evaluations shall be
16 licensed by the Department of Human Services. However, if the
17 individual is not a resident of Illinois, the court may, in its
18 discretion, accept an evaluation from a program in the state
19 of such individual's residence. The court shall make a
20 specific finding about whether the defendant is eligible for
21 participation in a Department impact incarceration program as
22 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
23 explanation as to why a sentence to impact incarceration is
24 not an appropriate sentence. The court may in its sentencing
25 order recommend a defendant for placement in a Department of

1 Corrections substance abuse treatment program as provided in
2 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
3 upon the defendant being accepted in a program by the
4 Department of Corrections. At the hearing the court shall:

5 (1) consider the evidence, if any, received upon the
6 trial;

7 (2) consider any presentence reports;

8 (3) consider the financial impact of incarceration
9 based on the financial impact statement filed with the
10 clerk of the court by the Department of Corrections;

11 (4) consider evidence and information offered by the
12 parties in aggravation and mitigation;

13 (4.5) consider substance abuse treatment, eligibility
14 screening, and an assessment, if any, of the defendant by
15 an agent designated by the State of Illinois to provide
16 assessment services for the Illinois courts;

17 (5) hear arguments as to sentencing alternatives;

18 (6) afford the defendant the opportunity to make a
19 statement in his own behalf;

20 (7) afford the victim of a violent crime or a
21 violation of Section 11-501 of the Illinois Vehicle Code,
22 or a similar provision of a local ordinance, the
23 opportunity to present an oral or written statement, as
24 guaranteed by Article I, Section 8.1 of the Illinois
25 Constitution and provided in Section 6 of the Rights of
26 Crime Victims and Witnesses Act. The court shall allow a

1 victim to make an oral statement if the victim is present
2 in the courtroom and requests to make an oral or written
3 statement. An oral or written statement includes the
4 victim or a representative of the victim reading the
5 written statement. The court may allow persons impacted by
6 the crime who are not victims under subsection (a) of
7 Section 3 of the Rights of Crime Victims and Witnesses Act
8 to present an oral or written statement. A victim and any
9 person making an oral statement shall not be put under
10 oath or subject to cross-examination. All statements
11 offered under this paragraph (7) shall become part of the
12 record of the court. In this paragraph (7), "victim of a
13 violent crime" means a person who is a victim of a violent
14 crime for which the defendant has been convicted after a
15 bench or jury trial or a person who is the victim of a
16 violent crime with which the defendant was charged and the
17 defendant has been convicted under a plea agreement of a
18 crime that is not a violent crime as defined in subsection
19 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

20 (7.5) afford a qualified person affected by: (i) a
21 violation of Section 405, 405.1, 405.2, or 407 of the
22 Illinois Controlled Substances Act or a violation of
23 Section 55 or Section 65 of the Methamphetamine Control
24 and Community Protection Act; or (ii) a Class 4 felony
25 violation of Section 11-14, 11-14.3 except as described in
26 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,

1 11-18.1, or 11-19 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, committed by the defendant the
3 opportunity to make a statement concerning the impact on
4 the qualified person and to offer evidence in aggravation
5 or mitigation; provided that the statement and evidence
6 offered in aggravation or mitigation shall first be
7 prepared in writing in conjunction with the State's
8 Attorney before it may be presented orally at the hearing.
9 Sworn testimony offered by the qualified person is subject
10 to the defendant's right to cross-examine. All statements
11 and evidence offered under this paragraph (7.5) shall
12 become part of the record of the court. In this paragraph
13 (7.5), "qualified person" means any person who: (i) lived
14 or worked within the territorial jurisdiction where the
15 offense took place when the offense took place; or (ii) is
16 familiar with various public places within the territorial
17 jurisdiction where the offense took place when the offense
18 took place. "Qualified person" includes any peace officer
19 or any member of any duly organized State, county, or
20 municipal peace officer unit assigned to the territorial
21 jurisdiction where the offense took place when the offense
22 took place;

23 (8) in cases of reckless homicide afford the victim's
24 spouse, guardians, parents or other immediate family
25 members an opportunity to make oral statements;

26 (9) in cases involving a felony sex offense as defined

1 under the Sex Offender Management Board Act, consider the
2 results of the sex offender evaluation conducted pursuant
3 to Section 5-3-2 of this Act; and

4 (10) make a finding of whether a motor vehicle was
5 used in the commission of the offense for which the
6 defendant is being sentenced.

7 (b) All sentences shall be imposed by the judge based upon
8 his independent assessment of the elements specified above and
9 any agreement as to sentence reached by the parties. The judge
10 who presided at the trial or the judge who accepted the plea of
11 guilty shall impose the sentence unless he is no longer
12 sitting as a judge in that court. Where the judge does not
13 impose sentence at the same time on all defendants who are
14 convicted as a result of being involved in the same offense,
15 the defendant or the State's Attorney may advise the
16 sentencing court of the disposition of any other defendants
17 who have been sentenced.

18 (b-1) In imposing a sentence of imprisonment or periodic
19 imprisonment for a Class 3 or Class 4 felony for which a
20 sentence of probation or conditional discharge is an available
21 sentence, if the defendant has no prior sentence of probation
22 or conditional discharge and no prior conviction for a violent
23 crime, the defendant shall not be sentenced to imprisonment
24 before review and consideration of a presentence report and
25 determination and explanation of why the particular evidence,
26 information, factor in aggravation, factual finding, or other

1 reasons support a sentencing determination that one or more of
2 the factors under subsection (a) of Section 5-6-1 of this Code
3 apply and that probation or conditional discharge is not an
4 appropriate sentence.

5 (c) In imposing a sentence for a violent crime or for an
6 offense of operating or being in physical control of a vehicle
7 while under the influence of alcohol, any other drug or any
8 combination thereof, or a similar provision of a local
9 ordinance, when such offense resulted in the personal injury
10 to someone other than the defendant, the trial judge shall
11 specify on the record the particular evidence, information,
12 factors in mitigation and aggravation or other reasons that
13 led to his sentencing determination. The full verbatim record
14 of the sentencing hearing shall be filed with the clerk of the
15 court and shall be a public record.

16 (c-1) In imposing a sentence for the offense of aggravated
17 kidnapping for ransom, home invasion, armed robbery,
18 aggravated vehicular hijacking, aggravated discharge of a
19 firearm, or armed violence with a category I weapon or
20 category II weapon, the trial judge shall make a finding as to
21 whether the conduct leading to conviction for the offense
22 resulted in great bodily harm to a victim, and shall enter that
23 finding and the basis for that finding in the record.

24 (c-1.5) Notwithstanding any other provision of law to the
25 contrary, in imposing a sentence for an offense that requires
26 a mandatory minimum sentence of imprisonment, the court may

1 instead sentence the offender to probation, conditional
2 discharge, or a lesser term of imprisonment it deems
3 appropriate if: (1) the offense involves the use or possession
4 of drugs, retail theft, or driving on a revoked license due to
5 unpaid financial obligations; (2) the court finds that the
6 defendant does not pose a risk to public safety; and (3) the
7 interest of justice requires imposing a term of probation,
8 conditional discharge, or a lesser term of imprisonment. The
9 court must state on the record its reasons for imposing
10 probation, conditional discharge, or a lesser term of
11 imprisonment.

12 (c-2) If the defendant is sentenced to prison, other than
13 when a sentence of natural life imprisonment or a sentence of
14 death is imposed, at the time the sentence is imposed the judge
15 shall state on the record in open court the approximate period
16 of time the defendant will serve in custody according to the
17 then current statutory rules and regulations for sentence
18 credit found in Section 3-6-3 and other related provisions of
19 this Code. This statement is intended solely to inform the
20 public, has no legal effect on the defendant's actual release,
21 and may not be relied on by the defendant on appeal.

22 The judge's statement, to be given after pronouncing the
23 sentence, other than when the sentence is imposed for one of
24 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
25 shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois
4 as applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, assuming the defendant receives all of his or her
7 sentence credit, the period of estimated actual custody is ...
8 years and ... months, less up to 180 days additional earned
9 sentence credit. If the defendant, because of his or her own
10 misconduct or failure to comply with the institutional
11 regulations, does not receive those credits, the actual time
12 served in prison will be longer. The defendant may also
13 receive an additional one-half day sentence credit for each
14 day of participation in vocational, industry, substance abuse,
15 and educational programs as provided for by Illinois statute."

16 When the sentence is imposed for one of the offenses
17 enumerated in paragraph (a)(2) of Section 3-6-3, other than
18 first degree murder, and the offense was committed on or after
19 June 19, 1998, and when the sentence is imposed for reckless
20 homicide as defined in subsection (e) of Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 if the
22 offense was committed on or after January 1, 1999, and when the
23 sentence is imposed for aggravated driving under the influence
24 of alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof as defined in
26 subparagraph (F) of paragraph (1) of subsection (d) of Section

1 11-501 of the Illinois Vehicle Code, and when the sentence is
2 imposed for aggravated arson if the offense was committed on
3 or after July 27, 2001 (the effective date of Public Act
4 92-176), and when the sentence is imposed for aggravated
5 driving under the influence of alcohol, other drug or drugs,
6 or intoxicating compound or compounds, or any combination
7 thereof as defined in subparagraph (C) of paragraph (1) of
8 subsection (d) of Section 11-501 of the Illinois Vehicle Code
9 committed on or after January 1, 2011 (the effective date of
10 Public Act 96-1230), the judge's statement, to be given after
11 pronouncing the sentence, shall include the following:

12 "The purpose of this statement is to inform the public of
13 the actual period of time this defendant is likely to spend in
14 prison as a result of this sentence. The actual period of
15 prison time served is determined by the statutes of Illinois
16 as applied to this sentence by the Illinois Department of
17 Corrections and the Illinois Prisoner Review Board. In this
18 case, the defendant is entitled to no more than 4 1/2 days of
19 sentence credit for each month of his or her sentence of
20 imprisonment. Therefore, this defendant will serve at least
21 85% of his or her sentence. Assuming the defendant receives 4
22 1/2 days credit for each month of his or her sentence, the
23 period of estimated actual custody is ... years and ...
24 months. If the defendant, because of his or her own misconduct
25 or failure to comply with the institutional regulations
26 receives lesser credit, the actual time served in prison will

1 be longer."

2 When a sentence of imprisonment is imposed for first
3 degree murder and the offense was committed on or after June
4 19, 1998, the judge's statement, to be given after pronouncing
5 the sentence, shall include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois
10 as applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, the defendant is not entitled to sentence credit.
13 Therefore, this defendant will serve 100% of his or her
14 sentence."

15 When the sentencing order recommends placement in a
16 substance abuse program for any offense that results in
17 incarceration in a Department of Corrections facility and the
18 crime was committed on or after September 1, 2003 (the
19 effective date of Public Act 93-354), the judge's statement,
20 in addition to any other judge's statement required under this
21 Section, to be given after pronouncing the sentence, shall
22 include the following:

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois

1 as applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant shall receive no earned sentence credit
4 under clause (3) of subsection (a) of Section 3-6-3 until he or
5 she participates in and completes a substance abuse treatment
6 program or receives a waiver from the Director of Corrections
7 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

8 (c-4) Before the sentencing hearing and as part of the
9 presentence investigation under Section 5-3-1, the court shall
10 inquire of the defendant whether the defendant is currently
11 serving in or is a veteran of the Armed Forces of the United
12 States. If the defendant is currently serving in the Armed
13 Forces of the United States or is a veteran of the Armed Forces
14 of the United States and has been diagnosed as having a mental
15 illness by a qualified psychiatrist or clinical psychologist
16 or physician, the court may:

17 (1) order that the officer preparing the presentence
18 report consult with the United States Department of
19 Veterans Affairs, Illinois Department of Veterans'
20 Affairs, or another agency or person with suitable
21 knowledge or experience for the purpose of providing the
22 court with information regarding treatment options
23 available to the defendant, including federal, State, and
24 local programming; and

25 (2) consider the treatment recommendations of any
26 diagnosing or treating mental health professionals

1 together with the treatment options available to the
2 defendant in imposing sentence.

3 For the purposes of this subsection (c-4), "qualified
4 psychiatrist" means a reputable physician licensed in Illinois
5 to practice medicine in all its branches, who has specialized
6 in the diagnosis and treatment of mental and nervous disorders
7 for a period of not less than 5 years.

8 (c-6) In imposing a sentence, the trial judge shall
9 specify, on the record, the particular evidence and other
10 reasons which led to his or her determination that a motor
11 vehicle was used in the commission of the offense.

12 (c-7) In imposing a sentence for a Class 3 or 4 felony,
13 other than a violent crime as defined in Section 3 of the
14 Rights of Crime Victims and Witnesses Act, the court shall
15 determine and indicate in the sentencing order whether the
16 defendant has 4 or more or fewer than 4 months remaining on his
17 or her sentence accounting for time served.

18 (d) When the defendant is committed to the Department of
19 Corrections, the State's Attorney shall and counsel for the
20 defendant may file a statement with the clerk of the court to
21 be transmitted to the department, agency or institution to
22 which the defendant is committed to furnish such department,
23 agency or institution with the facts and circumstances of the
24 offense for which the person was committed together with all
25 other factual information accessible to them in regard to the
26 person prior to his commitment relative to his habits,

1 associates, disposition and reputation and any other facts and
2 circumstances which may aid such department, agency or
3 institution during its custody of such person. The clerk shall
4 within 10 days after receiving any such statements transmit a
5 copy to such department, agency or institution and a copy to
6 the other party, provided, however, that this shall not be
7 cause for delay in conveying the person to the department,
8 agency or institution to which he has been committed.

9 (e) The clerk of the court shall transmit to the
10 department, agency or institution, if any, to which the
11 defendant is committed, the following:

12 (1) the sentence imposed;

13 (2) any statement by the court of the basis for
14 imposing the sentence;

15 (3) any presentence reports;

16 (3.5) any sex offender evaluations;

17 (3.6) any substance abuse treatment eligibility
18 screening and assessment of the defendant by an agent
19 designated by the State of Illinois to provide assessment
20 services for the Illinois courts;

21 (4) the number of days, if any, which the defendant
22 has been in custody and for which he is entitled to credit
23 against the sentence, which information shall be provided
24 to the clerk by the sheriff;

25 (4.1) any finding of great bodily harm made by the
26 court with respect to an offense enumerated in subsection

1 (c-1);

2 (5) all statements filed under subsection (d) of this
3 Section;

4 (6) any medical or mental health records or summaries
5 of the defendant;

6 (7) the municipality where the arrest of the offender
7 or the commission of the offense has occurred, where such
8 municipality has a population of more than 25,000 persons;

9 (8) all statements made and evidence offered under
10 paragraph (7) of subsection (a) of this Section; and

11 (9) all additional matters which the court directs the
12 clerk to transmit.

13 (f) In cases in which the court finds that a motor vehicle
14 was used in the commission of the offense for which the
15 defendant is being sentenced, the clerk of the court shall,
16 within 5 days thereafter, forward a report of such conviction
17 to the Secretary of State.

18 (Source: P.A. 100-961, eff. 1-1-19; 101-81, eff. 7-12-19;
19 101-105, eff. 1-1-20; 101-652, Article 10, Section 10-281,
20 eff. 7-1-21; 101-652, Article 20, Section 20-5, eff. 7-1-21;
21 revised 11-22-21.)

22 (730 ILCS 5/5-4-3a)

23 Sec. 5-4-3a. DNA testing backlog accountability.

24 (a) On or before August 1 of each year, the Illinois State
25 Police shall report to the Governor and both houses of the

1 General Assembly the following information:

2 (1) the extent of the backlog of cases awaiting
3 testing or awaiting DNA analysis by the Illinois State
4 Police ~~that Department~~, including, but not limited to,
5 those tests conducted under Section 5-4-3, as of June 30
6 of the previous fiscal year, with the backlog being
7 defined as all cases awaiting forensic testing whether in
8 the physical custody of the Illinois State Police or in
9 the physical custody of local law enforcement, provided
10 that the Illinois State Police have written notice of any
11 evidence in the physical custody of local law enforcement
12 prior to June 1 of that year; and

13 (2) what measures have been and are being taken to
14 reduce that backlog and the estimated costs or
15 expenditures in doing so.

16 (b) The information reported under this Section shall be
17 made available to the public, at the time it is reported, on
18 the official website ~~web site~~ of the Illinois State Police.

19 (c) Beginning January 1, 2016, the Illinois State Police
20 shall quarterly report on the status of the processing of
21 biology submitted to the Illinois State Police Laboratory for
22 analysis. The report shall be submitted to the Governor and
23 the General Assembly, and shall be posted on the Illinois
24 State Police website. The report shall include the following
25 for each Illinois State Police Laboratory location and any
26 laboratory to which the Illinois State Police has outsourced

1 evidence for testing:

2 (1) For biology submissions, report both total
3 assignment and sexual assault or abuse assignment (as
4 defined by the Sexual Assault Evidence Submission Act)
5 figures for:

6 (A) The number of assignments received in the
7 preceding quarter.

8 (B) The number of assignments completed in the
9 preceding quarter.

10 (C) The number of assignments awaiting ~~waiting~~
11 analysis.

12 (D) The number of assignments sent for
13 outsourcing.

14 (E) The number of assignments awaiting ~~waiting~~
15 analysis that were received within the past 30 days.

16 (F) The number of assignments awaiting ~~waiting~~
17 analysis that were received 31 to 90 days prior.

18 (G) The number of assignments awaiting ~~waiting~~
19 analysis that were received 91 to 180 days prior.

20 (H) The number of assignments awaiting ~~waiting~~
21 analysis that were received 181 to 365 days prior.

22 (I) The number of assignments awaiting ~~waiting~~
23 analysis that were received more than 365 days prior.

24 (J) (Blank).

25 (2) (Blank).

26 (3) For all other categories of testing (e.g., drug

1 chemistry, firearms/toolmark, footwear/tire track, latent
2 prints, toxicology, and trace chemistry analysis):

3 (A) The number of assignments received in the
4 preceding quarter.

5 (B) The number of assignments completed in the
6 preceding quarter.

7 (C) The number of assignments awaiting ~~waiting~~
8 analysis.

9 (D) The number of cases entered in the National
10 Integrated Ballistic Information Network (NIBIN).

11 (E) The number of investigative leads developed
12 from National Integrated Ballistic Information Network
13 (NIBIN) analysis.

14 (4) For the Combined DNA Index System (CODIS), report
15 both total assignment and sexual assault or abuse
16 assignment (as defined by the Sexual Assault Evidence
17 Submission Act) figures for subparagraphs (D), (E), and
18 (F) of this paragraph (4):

19 (A) The number of new offender samples received in
20 the preceding quarter.

21 (B) The number of offender samples uploaded to
22 CODIS in the preceding quarter.

23 (C) The number of offender samples awaiting
24 analysis.

25 (D) The number of unknown DNA case profiles
26 uploaded to CODIS in the preceding quarter.

1 (E) The number of CODIS hits in the preceding
2 quarter.

3 (F) The number of forensic evidence submissions
4 submitted to confirm a previously reported CODIS hit.

5 (5) For each category of testing, report the number of
6 trained forensic scientists and the number of forensic
7 scientists in training.

8 As used in this subsection (c), "completed" means
9 completion of both the analysis of the evidence and the
10 provision of the results to the submitting law enforcement
11 agency.

12 (d) The provisions of this subsection (d), other than this
13 sentence, are inoperative on and after January 1, 2019 or 2
14 years after the effective date of this amendatory Act of the
15 99th General Assembly, whichever is later. In consultation
16 with and subject to the approval of the Chief Procurement
17 Officer, the Illinois State Police may obtain contracts for
18 services, commodities, and equipment to assist in the timely
19 completion of biology, drug chemistry, firearms/toolmark,
20 footwear/tire track, latent prints, toxicology, microscopy,
21 trace chemistry, and Combined DNA Index System (CODIS)
22 analysis. Contracts to support the delivery of timely forensic
23 science services are not subject to the provisions of the
24 Illinois Procurement Code, except for Sections 20-60, 20-65,
25 20-70, and 20-160 and Article 50 of that Code, provided that
26 the Chief Procurement Officer may, in writing with

1 justification, waive any certification required under Article
2 50 of the Illinois Procurement Code. For any contracts for
3 services which are currently provided by members of a
4 collective bargaining agreement, the applicable terms of the
5 collective bargaining agreement concerning subcontracting
6 shall be followed.

7 (Source: P.A. 102-237, eff. 1-1-22; 102-278, eff. 8-6-21;
8 102-538, eff. 8-20-21; revised 10-15-21.)

9 (730 ILCS 5/5-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic imprisonment
15 or conditional discharge shall not be imposed for the
16 following offenses. The court shall sentence the offender to
17 not less than the minimum term of imprisonment set forth in
18 this Code for the following offenses, and may order a fine or
19 restitution or both in conjunction with such term of
20 imprisonment:

21 (A) First degree murder where the death penalty is not
22 imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation of
2 subdivision (c)(1.5) of Section 401 of that Act which
3 relates to more than 5 grams of a substance containing
4 fentanyl or an analog thereof.

5 (D-5) A violation of subdivision (c)(1) of Section 401
6 of the Illinois Controlled Substances Act which relates to
7 3 or more grams of a substance containing heroin or an
8 analog thereof.

9 (E) (Blank).

10 (F) A Class 1 or greater felony if the offender had
11 been convicted of a Class 1 or greater felony, including
12 any state or federal conviction for an offense that
13 contained, at the time it was committed, the same elements
14 as an offense now (the date of the offense committed after
15 the prior Class 1 or greater felony) classified as a Class
16 1 or greater felony, within 10 years of the date on which
17 the offender committed the offense for which he or she is
18 being sentenced, except as otherwise provided in Section
19 40-10 of the Substance Use Disorder Act.

20 (F-3) A Class 2 or greater felony sex offense or
21 felony firearm offense if the offender had been convicted
22 of a Class 2 or greater felony, including any state or
23 federal conviction for an offense that contained, at the
24 time it was committed, the same elements as an offense now
25 (the date of the offense committed after the prior Class 2
26 or greater felony) classified as a Class 2 or greater

1 felony, within 10 years of the date on which the offender
2 committed the offense for which he or she is being
3 sentenced, except as otherwise provided in Section 40-10
4 of the Substance Use Disorder Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
6 of the Criminal Code of 1961 or the Criminal Code of 2012
7 for which imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise provided
9 in Section 40-10 of the Substance Use Disorder Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen as
12 described in Section 12-4.6 or subdivision (a)(4) of
13 Section 12-3.05 of the Criminal Code of 1961 or the
14 Criminal Code of 2012.

15 (J) A forcible felony if the offense was related to
16 the activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5 or
19 more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate crimes
21 or provides support to the members of the association who
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed to it
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense
3 of hate crime when the underlying offense upon which the
4 hate crime is based is felony aggravated assault or felony
5 mob action.

6 (M) A second or subsequent conviction for the offense
7 of institutional vandalism if the damage to the property
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4), (5),
15 or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (P-5) A violation of paragraph (6) of subsection (a)
18 of Section 11-20.1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 if the victim is a household or
20 family member of the defendant.

21 (Q) A violation of subsection (b) or (b-5) of Section
22 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (R) A violation of Section 24-3A of the Criminal Code
25 of 1961 or the Criminal Code of 2012.

26 (S) (Blank).

1 (T) (Blank).

2 (U) A second or subsequent violation of Section 6-303
3 of the Illinois Vehicle Code committed while his or her
4 driver's license, permit, or privilege was revoked because
5 of a violation of Section 9-3 of the Criminal Code of 1961
6 or the Criminal Code of 2012, relating to the offense of
7 reckless homicide, or a similar provision of a law of
8 another state.

9 (V) A violation of paragraph (4) of subsection (c) of
10 Section 11-20.1B or paragraph (4) of subsection (c) of
11 Section 11-20.3 of the Criminal Code of 1961, or paragraph
12 (6) of subsection (a) of Section 11-20.1 of the Criminal
13 Code of 2012 when the victim is under 13 years of age and
14 the defendant has previously been convicted under the laws
15 of this State or any other state of the offense of child
16 pornography, aggravated child pornography, aggravated
17 criminal sexual abuse, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, or any of
19 the offenses formerly known as rape, deviate sexual
20 assault, indecent liberties with a child, or aggravated
21 indecent liberties with a child where the victim was under
22 the age of 18 years or an offense that is substantially
23 equivalent to those offenses.

24 (W) A violation of Section 24-3.5 of the Criminal Code
25 of 1961 or the Criminal Code of 2012.

26 (X) A violation of subsection (a) of Section 31-1a of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

2 (Y) A conviction for unlawful possession of a firearm
3 by a street gang member when the firearm was loaded or
4 contained firearm ammunition.

5 (Z) A Class 1 felony committed while he or she was
6 serving a term of probation or conditional discharge for a
7 felony.

8 (AA) Theft of property exceeding \$500,000 and not
9 exceeding \$1,000,000 in value.

10 (BB) Laundering of criminally derived property of a
11 value exceeding \$500,000.

12 (CC) Knowingly selling, offering for sale, holding for
13 sale, or using 2,000 or more counterfeit items or
14 counterfeit items having a retail value in the aggregate
15 of \$500,000 or more.

16 (DD) A conviction for aggravated assault under
17 paragraph (6) of subsection (c) of Section 12-2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 if the
19 firearm is aimed toward the person against whom the
20 firearm is being used.

21 (EE) A conviction for a violation of paragraph (2) of
22 subsection (a) of Section 24-3B of the Criminal Code of
23 2012.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303 of
2 the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
5 this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court, shall
10 be imposed for a second violation of subsection (c) of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraphs (4.5), (4.6), and
13 (4.9) of this subsection (c), a minimum term of imprisonment
14 of 30 days or 300 hours of community service, as determined by
15 the court, shall be imposed for a third or subsequent
16 violation of Section 6-303 of the Illinois Vehicle Code. The
17 court may give credit toward the fulfillment of community
18 service hours for participation in activities and treatment as
19 determined by court services.

20 (4.5) A minimum term of imprisonment of 30 days shall be
21 imposed for a third violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.6) Except as provided in paragraph (4.10) of this
24 subsection (c), a minimum term of imprisonment of 180 days
25 shall be imposed for a fourth or subsequent violation of
26 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

1 (4.7) A minimum term of imprisonment of not less than 30
2 consecutive days, or 300 hours of community service, shall be
3 imposed for a violation of subsection (a-5) of Section 6-303
4 of the Illinois Vehicle Code, as provided in subsection (b-5)
5 of that Section.

6 (4.8) A mandatory prison sentence shall be imposed for a
7 second violation of subsection (a-5) of Section 6-303 of the
8 Illinois Vehicle Code, as provided in subsection (c-5) of that
9 Section. The person's driving privileges shall be revoked for
10 a period of not less than 5 years from the date of his or her
11 release from prison.

12 (4.9) A mandatory prison sentence of not less than 4 and
13 not more than 15 years shall be imposed for a third violation
14 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
15 Code, as provided in subsection (d-2.5) of that Section. The
16 person's driving privileges shall be revoked for the remainder
17 of his or her life.

18 (4.10) A mandatory prison sentence for a Class 1 felony
19 shall be imposed, and the person shall be eligible for an
20 extended term sentence, for a fourth or subsequent violation
21 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
22 Code, as provided in subsection (d-3.5) of that Section. The
23 person's driving privileges shall be revoked for the remainder
24 of his or her life.

25 (5) The court may sentence a corporation or unincorporated
26 association convicted of any offense to:

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section 5-5-6
4 of this Code.

5 (5.1) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.2) or (5.3), a person
7 convicted of violating subsection (c) of Section 11-907 of the
8 Illinois Vehicle Code shall have his or her driver's license,
9 permit, or privileges suspended for at least 90 days but not
10 more than one year, if the violation resulted in damage to the
11 property of another person.

12 (5.2) In addition to any other penalties imposed, and
13 except as provided in paragraph (5.3), a person convicted of
14 violating subsection (c) of Section 11-907 of the Illinois
15 Vehicle Code shall have his or her driver's license, permit,
16 or privileges suspended for at least 180 days but not more than
17 2 years, if the violation resulted in injury to another
18 person.

19 (5.3) In addition to any other penalties imposed, a person
20 convicted of violating subsection (c) of Section 11-907 of the
21 Illinois Vehicle Code shall have his or her driver's license,
22 permit, or privileges suspended for 2 years, if the violation
23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person
25 convicted of violating Section 3-707 of the Illinois Vehicle
26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid
2 a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code during a period in which his or her driver's license,
6 permit, or privileges were suspended for a previous violation
7 of that Section shall have his or her driver's license,
8 permit, or privileges suspended for an additional 6 months
9 after the expiration of the original 3-month suspension and
10 until he or she has paid a reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent
15 offense of ritualized abuse of a child may be sentenced to a
16 term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000 for a
19 first offense and \$2,000 for a second or subsequent offense
20 upon a person convicted of or placed on supervision for
21 battery when the individual harmed was a sports official or
22 coach at any level of competition and the act causing harm to
23 the sports official or coach occurred within an athletic
24 facility or within the immediate vicinity of the athletic
25 facility at which the sports official or coach was an active
26 participant of the athletic contest held at the athletic

1 facility. For the purposes of this paragraph (11), "sports
2 official" means a person at an athletic contest who enforces
3 the rules of the contest, such as an umpire or referee;
4 "athletic facility" means an indoor or outdoor playing field
5 or recreational area where sports activities are conducted;
6 and "coach" means a person recognized as a coach by the
7 sanctioning authority that conducted the sporting event.

8 (12) A person may not receive a disposition of court
9 supervision for a violation of Section 5-16 of the Boat
10 Registration and Safety Act if that person has previously
11 received a disposition of court supervision for a violation of
12 that Section.

13 (13) A person convicted of or placed on court supervision
14 for an assault or aggravated assault when the victim and the
15 offender are family or household members as defined in Section
16 103 of the Illinois Domestic Violence Act of 1986 or convicted
17 of domestic battery or aggravated domestic battery may be
18 required to attend a Partner Abuse Intervention Program under
19 protocols set forth by the Illinois Department of Human
20 Services under such terms and conditions imposed by the court.
21 The costs of such classes shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of this
25 Code which may include evidence of the defendant's life, moral
26 character and occupation during the time since the original

1 sentence was passed. The trial court shall then impose
2 sentence upon the defendant. The trial court may impose any
3 sentence which could have been imposed at the original trial
4 subject to Section 5-5-4 of this Code. If a sentence is vacated
5 on appeal or on collateral attack due to the failure of the
6 trier of fact at trial to determine beyond a reasonable doubt
7 the existence of a fact (other than a prior conviction)
8 necessary to increase the punishment for the offense beyond
9 the statutory maximum otherwise applicable, either the
10 defendant may be re-sentenced to a term within the range
11 otherwise provided or, if the State files notice of its
12 intention to again seek the extended sentence, the defendant
13 shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 results in conviction
17 of a defendant who was a family member of the victim at the
18 time of the commission of the offense, the court shall
19 consider the safety and welfare of the victim and may impose a
20 sentence of probation only where:

21 (1) the court finds (A) or (B) or both are
22 appropriate:

23 (A) the defendant is willing to undergo a court
24 approved counseling program for a minimum duration of
25 2 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan, including, but not limited to,
2 the defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the
6 family;

7 (iv) restitution for harm done to the victim;

8 and

9 (v) compliance with any other measures that
10 the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the
12 victim's counseling services, to the extent that the court
13 finds, after considering the defendant's income and
14 assets, that the defendant is financially capable of
15 paying for such services, if the victim was under 18 years
16 of age at the time the offense was committed and requires
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section
19 5-6-4; except where the court determines at the hearing that
20 the defendant violated a condition of his or her probation
21 restricting contact with the victim or other family members or
22 commits another offense with the victim or other family
23 members, the court shall revoke the defendant's probation and
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 2012.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under
4 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
5 11-14.3, 11-14.4 except for an offense that involves keeping a
6 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
7 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
8 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the defendant shall undergo medical
10 testing to determine whether the defendant has any sexually
11 transmissible disease, including a test for infection with
12 human immunodeficiency virus (HIV) or any other identified
13 causative agent of acquired immunodeficiency syndrome (AIDS).
14 Any such medical test shall be performed only by appropriately
15 licensed medical practitioners and may include an analysis of
16 any bodily fluids as well as an examination of the defendant's
17 person. Except as otherwise provided by law, the results of
18 such test shall be kept strictly confidential by all medical
19 personnel involved in the testing and must be personally
20 delivered in a sealed envelope to the judge of the court in
21 which the conviction was entered for the judge's inspection in
22 camera. Acting in accordance with the best interests of the
23 victim and the public, the judge shall have the discretion to
24 determine to whom, if anyone, the results of the testing may be
25 revealed. The court shall notify the defendant of the test
26 results. The court shall also notify the victim if requested

1 by the victim, and if the victim is under the age of 15 and if
2 requested by the victim's parents or legal guardian, the court
3 shall notify the victim's parents or legal guardian of the
4 test results. The court shall provide information on the
5 availability of HIV testing and counseling at Department of
6 Public Health facilities to all parties to whom the results of
7 the testing are revealed and shall direct the State's Attorney
8 to provide the information to the victim when possible. The
9 court shall order that the cost of any such test shall be paid
10 by the county and may be taxed as costs against the convicted
11 defendant.

12 (g-5) When an inmate is tested for an airborne
13 communicable disease, as determined by the Illinois Department
14 of Public Health, including, but not limited to, tuberculosis,
15 the results of the test shall be personally delivered by the
16 warden or his or her designee in a sealed envelope to the judge
17 of the court in which the inmate must appear for the judge's
18 inspection in camera if requested by the judge. Acting in
19 accordance with the best interests of those in the courtroom,
20 the judge shall have the discretion to determine what if any
21 precautions need to be taken to prevent transmission of the
22 disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired
2 immunodeficiency syndrome (AIDS). Except as otherwise provided
3 by law, the results of such test shall be kept strictly
4 confidential by all medical personnel involved in the testing
5 and must be personally delivered in a sealed envelope to the
6 judge of the court in which the conviction was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the public, the judge shall have the
9 discretion to determine to whom, if anyone, the results of the
10 testing may be revealed. The court shall notify the defendant
11 of a positive test showing an infection with the human
12 immunodeficiency virus (HIV). The court shall provide
13 information on the availability of HIV testing and counseling
14 at Department of Public Health facilities to all parties to
15 whom the results of the testing are revealed and shall direct
16 the State's Attorney to provide the information to the victim
17 when possible. The court shall order that the cost of any such
18 test shall be paid by the county and may be taxed as costs
19 against the convicted defendant.

20 (i) All fines and penalties imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under the Criminal
26 and Traffic Assessment Act.

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, or Section 70 of the
14 Methamphetamine Control and Community Protection Act of a
15 defendant, the court shall determine whether the defendant is
16 employed by a facility or center as defined under the Child
17 Care Act of 1969, a public or private elementary or secondary
18 school, or otherwise works with children under 18 years of age
19 on a daily basis. When a defendant is so employed, the court
20 shall order the Clerk of the Court to send a copy of the
21 judgment of conviction or order of supervision or probation to
22 the defendant's employer by certified mail. If the employer of
23 the defendant is a school, the Clerk of the Court shall direct
24 the mailing of a copy of the judgment of conviction or order of
25 supervision or probation to the appropriate regional
26 superintendent of schools. The regional superintendent of

1 schools shall notify the State Board of Education of any
2 notification under this subsection.

3 (j-5) A defendant at least 17 years of age who is convicted
4 of a felony and who has not been previously convicted of a
5 misdemeanor or felony and who is sentenced to a term of
6 imprisonment in the Illinois Department of Corrections shall
7 as a condition of his or her sentence be required by the court
8 to attend educational courses designed to prepare the
9 defendant for a high school diploma and to work toward a high
10 school diploma or to work toward passing high school
11 equivalency testing or to work toward completing a vocational
12 training program offered by the Department of Corrections. If
13 a defendant fails to complete the educational training
14 required by his or her sentence during the term of
15 incarceration, the Prisoner Review Board shall, as a condition
16 of mandatory supervised release, require the defendant, at his
17 or her own expense, to pursue a course of study toward a high
18 school diploma or passage of high school equivalency testing.
19 The Prisoner Review Board shall revoke the mandatory
20 supervised release of a defendant who wilfully fails to comply
21 with this subsection (j-5) upon his or her release from
22 confinement in a penal institution while serving a mandatory
23 supervised release term; however, the inability of the
24 defendant after making a good faith effort to obtain financial
25 aid or pay for the educational training shall not be deemed a
26 wilful failure to comply. The Prisoner Review Board shall

1 recommit the defendant whose mandatory supervised release term
2 has been revoked under this subsection (j-5) as provided in
3 Section 3-3-9. This subsection (j-5) does not apply to a
4 defendant who has a high school diploma or has successfully
5 passed high school equivalency testing. This subsection (j-5)
6 does not apply to a defendant who is determined by the court to
7 be a person with a developmental disability or otherwise
8 mentally incapable of completing the educational or vocational
9 program.

10 (k) (Blank).

11 (l) (A) Except as provided in paragraph (C) of subsection
12 (l), whenever a defendant, who is an alien as defined by the
13 Immigration and Nationality Act, is convicted of any felony or
14 misdemeanor offense, the court after sentencing the defendant
15 may, upon motion of the State's Attorney, hold sentence in
16 abeyance and remand the defendant to the custody of the
17 Attorney General of the United States or his or her designated
18 agent to be deported when:

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under the
21 Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not
23 deprecate the seriousness of the defendant's conduct and
24 would not be inconsistent with the ends of justice.

25 Otherwise, the defendant shall be sentenced as provided in
26 this Chapter V.

1 (B) If the defendant has already been sentenced for a
2 felony or misdemeanor offense, or has been placed on probation
3 under Section 10 of the Cannabis Control Act, Section 410 of
4 the Illinois Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act, the
6 court may, upon motion of the State's Attorney to suspend the
7 sentence imposed, commit the defendant to the custody of the
8 Attorney General of the United States or his or her designated
9 agent when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under the
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct and
15 would not be inconsistent with the ends of justice.

16 (C) This subsection (1) does not apply to offenders who
17 are subject to the provisions of paragraph (2) of subsection
18 (a) of Section 3-6-3.

19 (D) Upon motion of the State's Attorney, if a defendant
20 sentenced under this Section returns to the jurisdiction of
21 the United States, the defendant shall be recommitted to the
22 custody of the county from which he or she was sentenced.
23 Thereafter, the defendant shall be brought before the
24 sentencing court, which may impose any sentence that was
25 available under Section 5-5-3 at the time of initial
26 sentencing. In addition, the defendant shall not be eligible

1 for additional earned sentence credit as provided under
2 Section 3-6-3.

3 (m) A person convicted of criminal defacement of property
4 under Section 21-1.3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, in which the property damage exceeds
6 \$300 and the property damaged is a school building, shall be
7 ordered to perform community service that may include cleanup,
8 removal, or painting over the defacement.

9 (n) The court may sentence a person convicted of a
10 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
11 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
12 of 1961 or the Criminal Code of 2012 (i) to an impact
13 incarceration program if the person is otherwise eligible for
14 that program under Section 5-8-1.1, (ii) to community service,
15 or (iii) if the person has a substance use disorder, as defined
16 in the Substance Use Disorder Act, to a treatment program
17 licensed under that Act.

18 (o) Whenever a person is convicted of a sex offense as
19 defined in Section 2 of the Sex Offender Registration Act, the
20 defendant's driver's license or permit shall be subject to
21 renewal on an annual basis in accordance with the provisions
22 of license renewal established by the Secretary of State.

23 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
24 102-531, eff. 1-1-22; revised 10-12-21.)

25 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

1 Sec. 5-9-1.4. (a) "Crime laboratory" means any
2 not-for-profit laboratory registered with the Drug Enforcement
3 Administration of the United States Department of Justice,
4 substantially funded by a unit or combination of units of
5 local government or the State of Illinois, which regularly
6 employs at least one person engaged in the analysis of
7 controlled substances, cannabis, methamphetamine, or steroids
8 for criminal justice agencies in criminal matters and provides
9 testimony with respect to such examinations.

10 (b) (Blank).

11 (c) In addition to any other disposition made pursuant to
12 the 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 the Cannabis Control
15 Act, the Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act, or the
17 Steroid Control Act shall be required to pay a criminal
18 laboratory analysis assessment of \$100 for each adjudication.
19 Upon verified petition of the minor, the court may suspend
20 payment of all or part of the assessment if it finds that the
21 minor does not have the ability to pay the assessment. The
22 parent, guardian, or legal custodian of the minor may pay some
23 or all of such assessment on the minor's behalf.

24 (d) All criminal laboratory analysis fees provided for by
25 this Section shall be collected by the clerk of the court and
26 forwarded to the appropriate crime laboratory fund as provided

1 in subsection (f).

2 (e) Crime laboratory funds shall be established as
3 follows:

4 (1) Any unit of local government which maintains a
5 crime laboratory may establish a crime laboratory fund
6 within the office of the county or municipal treasurer.

7 (2) Any combination of units of local government which
8 maintains a crime laboratory may establish a crime
9 laboratory fund within the office of the treasurer of the
10 county where the crime laboratory is situated.

11 (3) The State Crime Laboratory Fund is hereby created
12 as a special fund in the State Treasury. Notwithstanding
13 any other provision of law to the contrary, and in
14 addition to any other transfers that may be provided by
15 law, on August 20, 2021 (the effective date of Public Act
16 102-505) ~~this amendatory Act of the 102nd General~~
17 ~~Assembly~~, or as soon thereafter as practical, the State
18 Comptroller shall direct and the State Treasurer shall
19 transfer the remaining balance from the State Offender DNA
20 Identification System Fund into the State Crime Laboratory
21 Fund. Upon completion of the transfer, the State Offender
22 DNA Identification System Fund is dissolved, and any
23 future deposits due to that Fund and any outstanding
24 obligations or liabilities of that Fund shall pass to the
25 State Crime Laboratory Fund.

26 (f) The analysis assessment provided for in subsection (c)

1 of this Section shall be forwarded to the office of the
2 treasurer of the unit of local government that performed the
3 analysis if that unit of local government has established a
4 crime laboratory fund, or to the State Crime Laboratory Fund
5 if the analysis was performed by a laboratory operated by the
6 Illinois State Police. If the analysis was performed by a
7 crime laboratory funded by a combination of units of local
8 government, the analysis assessment shall be forwarded to the
9 treasurer of the county where the crime laboratory is situated
10 if a crime laboratory fund has been established in that
11 county. If the unit of local government or combination of
12 units of local government has not established a crime
13 laboratory fund, then the analysis assessment shall be
14 forwarded to the State Crime Laboratory Fund.

15 (g) Moneys deposited into a crime laboratory fund created
16 pursuant to ~~paragraph paragraphs~~ (1) or (2) of subsection (e)
17 of this Section shall be in addition to any allocations made
18 pursuant to existing law and shall be designated for the
19 exclusive use of the crime laboratory. These uses may include,
20 but are not limited to, the following:

21 (1) costs incurred in providing analysis for
22 controlled substances in connection with criminal
23 investigations conducted within this State;

24 (2) purchase and maintenance of equipment for use in
25 performing analyses; and

26 (3) continuing education, training, and professional

1 development of forensic scientists regularly employed by
2 these laboratories.

3 (h) Moneys deposited in the State Crime Laboratory Fund
4 created pursuant to paragraph (3) of subsection (d) of this
5 Section shall be used by State crime laboratories as
6 designated by the Director of the Illinois State Police. These
7 funds shall be in addition to any allocations made pursuant to
8 existing law and shall be designated for the exclusive use of
9 State crime laboratories or for the sexual assault evidence
10 tracking system created under Section 50 of the Sexual Assault
11 Evidence Submission Act. These uses may include those
12 enumerated in subsection (g) of this Section.

13 (Source: P.A. 101-377, eff. 8-16-19; 102-505, eff. 8-20-21;
14 102-538, eff. 8-20-21; revised 10-12-21.)

15 (730 ILCS 5/5-9-1.9)

16 Sec. 5-9-1.9. DUI analysis fee.

17 (a) "Crime laboratory" means a not-for-profit laboratory
18 substantially funded by a single unit or combination of units
19 of local government or the State of Illinois that regularly
20 employs at least one person engaged in the DUI analysis of
21 blood, other bodily substance, and urine for criminal justice
22 agencies in criminal matters and provides testimony with
23 respect to such examinations.

24 "DUI analysis" means an analysis of blood, other bodily
25 substance, or urine for purposes of determining whether a

1 violation of Section 11-501 of the Illinois Vehicle Code has
2 occurred.

3 (b) (Blank).

4 (c) In addition to any other disposition made under the
5 provisions of the Juvenile Court Act of 1987, any minor
6 adjudicated delinquent for an offense which if committed by an
7 adult would constitute a violation of Section 11-501 of the
8 Illinois Vehicle Code shall pay a crime laboratory DUI
9 analysis assessment of \$150 for each adjudication. Upon
10 verified petition of the minor, the court may suspend payment
11 of all or part of the assessment if it finds that the minor
12 does not have the ability to pay the assessment. The parent,
13 guardian, or legal custodian of the minor may pay some or all
14 of the assessment on the minor's behalf.

15 (d) All crime laboratory DUI analysis assessments provided
16 for by this Section shall be collected by the clerk of the
17 court and forwarded to the appropriate crime laboratory DUI
18 fund as provided in subsection (f).

19 (e) Crime laboratory funds shall be established as
20 follows:

21 (1) A unit of local government that maintains a crime
22 laboratory may establish a crime laboratory DUI fund
23 within the office of the county or municipal treasurer.

24 (2) Any combination of units of local government that
25 maintains a crime laboratory may establish a crime
26 laboratory DUI fund within the office of the treasurer of

1 the county where the crime laboratory is situated.

2 (3) (Blank).

3 (f) The analysis assessment provided for in subsection (c)
4 of this Section shall be forwarded to the office of the
5 treasurer of the unit of local government that performed the
6 analysis if that unit of local government has established a
7 crime laboratory DUI fund, or remitted to the State Treasurer
8 for deposit into the State Crime Laboratory Fund if the
9 analysis was performed by a laboratory operated by the
10 Illinois State Police. If the analysis was performed by a
11 crime laboratory funded by a combination of units of local
12 government, the analysis assessment shall be forwarded to the
13 treasurer of the county where the crime laboratory is situated
14 if a crime laboratory DUI fund has been established in that
15 county. If the unit of local government or combination of
16 units of local government has not established a crime
17 laboratory DUI fund, then the analysis assessment shall be
18 remitted to the State Treasurer for deposit into the State
19 Crime Laboratory Fund.

20 (g) Moneys deposited into a crime laboratory DUI fund
21 created under paragraphs (1) and (2) of subsection (e) of this
22 Section shall be in addition to any allocations made pursuant
23 to existing law and shall be designated for the exclusive use
24 of the crime laboratory. These uses may include, but are not
25 limited to, the following:

26 (1) Costs incurred in providing analysis for DUI

1 investigations conducted within this State.

2 (2) Purchase and maintenance of equipment for use in
3 performing analyses.

4 (3) Continuing education, training, and professional
5 development of forensic scientists regularly employed by
6 these laboratories.

7 (h) Moneys deposited in the State Crime Laboratory Fund
8 shall be used by State crime laboratories as designated by the
9 Director of the Illinois State Police. These funds shall be in
10 addition to any allocations made according to existing law and
11 shall be designated for the exclusive use of State crime
12 laboratories. These uses may include those enumerated in
13 subsection (g) of this Section.

14 (i) Notwithstanding any other provision of law to the
15 contrary and in addition to any other transfers that may be
16 provided by law, on June 17, 2021 (the effective date of Public
17 Act 102-16) ~~this amendatory Act of the 102nd General Assembly,~~
18 or as soon thereafter as practical, the State Comptroller
19 shall direct and the State Treasurer shall transfer the
20 remaining balance from the State Police DUI Fund into the
21 State Police Operations Assistance Fund. Upon completion of
22 the transfer, the State Police DUI Fund is dissolved, and any
23 future deposits due to that Fund and any outstanding
24 obligations or liabilities of that Fund shall pass to the
25 State Police Operations Assistance Fund.

26 (Source: P.A. 102-16, eff. 6-17-21; 102-145, eff. 7-23-21;

1 102-538, eff. 8-20-21; revised 10-20-21.)

2 Section 660. The Sex Offender Community Notification Law
3 is amended by changing Section 121 as follows:

4 (730 ILCS 152/121)

5 Sec. 121. Notification regarding juvenile offenders.

6 (a) The Illinois State Police and any law enforcement
7 agency having jurisdiction may, in the Illinois State Police's
8 ~~Department's~~ or agency's discretion, only provide the
9 information specified in subsection (b) of Section 120 of this
10 Act, with respect to an adjudicated juvenile delinquent, to
11 any person when that person's safety may be compromised for
12 some reason related to the juvenile sex offender.

13 (b) The local law enforcement agency having jurisdiction
14 to register the juvenile sex offender shall ascertain from the
15 juvenile sex offender whether the juvenile sex offender is
16 enrolled in school; and if so, shall provide a copy of the sex
17 offender registration form only to the principal or chief
18 administrative officer of the school and any school counselor
19 designated by him or her. The registration form shall be kept
20 separately from any and all school records maintained on
21 behalf of the juvenile sex offender.

22 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
23 revised 10-18-21.)

1 Section 665. The Murderer and Violent Offender Against
2 Youth Registration Act is amended by changing Sections 85, 95,
3 100, and 105 as follows:

4 (730 ILCS 154/85)

5 Sec. 85. Murderer and Violent Offender Against Youth
6 Database.

7 (a) The Illinois State Police shall establish and maintain
8 a Statewide Murderer and Violent Offender Against Youth
9 Database for the purpose of identifying violent offenders
10 against youth and making that information available to the
11 persons specified in Section 95. The Database shall be created
12 from the Law Enforcement Agencies Data System (LEADS)
13 established under Section 6 of the Intergovernmental Missing
14 Child Recovery Act of 1984. The Illinois State Police shall
15 examine its LEADS database for persons registered as violent
16 offenders against youth under this Act and shall identify
17 those who are violent offenders against youth and shall add
18 all the information, including photographs if available, on
19 those violent offenders against youth to the Statewide
20 Murderer and Violent Offender Against Youth Database.

21 (b) The Illinois State Police must make the information
22 contained in the Statewide Murderer and Violent Offender
23 Against Youth Database accessible on the Internet by means of
24 a hyperlink labeled "Murderer and Violent Offender Against
25 Youth Information" on the Illinois State Police's ~~Department's~~

1 World Wide Web home page. The Illinois State Police must
2 update that information as it deems necessary.

3 The Illinois State Police may require that a person who
4 seeks access to the violent offender against youth information
5 submit biographical information about himself or herself
6 before permitting access to the violent offender against youth
7 information. The Illinois State Police must promulgate rules
8 in accordance with the Illinois Administrative Procedure Act
9 to implement this subsection (b) and those rules must include
10 procedures to ensure that the information in the database is
11 accurate.

12 (c) The Illinois State Police must develop and conduct
13 training to educate all those entities involved in the
14 Murderer and Violent Offender Against Youth Registration
15 Program.

16 (d) The Illinois State Police shall commence the duties
17 prescribed in the Murderer and Violent Offender Against Youth
18 Registration Act within 12 months after the effective date of
19 this Act.

20 (e) The Illinois State Police shall collect and annually
21 report, on or before December 31 of each year, the following
22 information, making it publicly accessible on the Illinois
23 State Police website:

24 (1) the number of registrants;

25 (2) the number of registrants currently registered for
26 each offense requiring registration; and

1 (3) biographical data, such as age of the registrant,
2 race of the registrant, and age of the victim.

3 (Source: P.A. 102-538, eff. 8-20-21; revised 11-24-21.)

4 (730 ILCS 154/95)

5 Sec. 95. Community notification of violent offenders
6 against youth.

7 (a) The sheriff of the county, except Cook County, shall
8 disclose to the following the name, address, date of birth,
9 place of employment, school attended, and offense or
10 adjudication of all violent offenders against youth required
11 to register under Section 10 of this Act:

12 (1) The boards of institutions of higher education or
13 other appropriate administrative offices of each nonpublic
14 ~~non-public~~ institution of higher education located in the
15 county where the violent offender against youth is
16 required to register, resides, is employed, or is
17 attending an institution of higher education; and

18 (2) School boards of public school districts and the
19 principal or other appropriate administrative officer of
20 each nonpublic school located in the county where the
21 violent offender against youth is required to register or
22 is employed; and

23 (3) Child care facilities located in the county where
24 the violent offender against youth is required to register
25 or is employed; and

1 (4) Libraries located in the county where the violent
2 offender against youth is required to register or is
3 employed.

4 (a-2) The sheriff of Cook County shall disclose to the
5 following the name, address, date of birth, place of
6 employment, school attended, and offense or adjudication of
7 all violent offenders against youth required to register under
8 Section 10 of this Act:

9 (1) School boards of public school districts and the
10 principal or other appropriate administrative officer of
11 each nonpublic school located within the region of Cook
12 County, as those public school districts and nonpublic
13 schools are identified in LEADS, other than the City of
14 Chicago, where the violent offender against youth is
15 required to register or is employed; and

16 (2) Child care facilities located within the region of
17 Cook County, as those child care facilities are identified
18 in LEADS, other than the City of Chicago, where the
19 violent offender against youth is required to register or
20 is employed; and

21 (3) The boards of institutions of higher education or
22 other appropriate administrative offices of each nonpublic
23 ~~non-public~~ institution of higher education located in the
24 county, other than the City of Chicago, where the violent
25 offender against youth is required to register, resides,
26 is employed, or attending an institution of higher

1 education; and

2 (4) Libraries located in the county, other than the
3 City of Chicago, where the violent offender against youth
4 is required to register, resides, is employed, or is
5 attending an institution of higher education.

6 (a-3) The Chicago Police Department shall disclose to the
7 following the name, address, date of birth, place of
8 employment, school attended, and offense or adjudication of
9 all violent offenders against youth required to register under
10 Section 10 of this Act:

11 (1) School boards of public school districts and the
12 principal or other appropriate administrative officer of
13 each nonpublic school located in the police district where
14 the violent offender against youth is required to register
15 or is employed if the offender is required to register or
16 is employed in the City of Chicago; and

17 (2) Child care facilities located in the police
18 district where the violent offender against youth is
19 required to register or is employed if the offender is
20 required to register or is employed in the City of
21 Chicago; and

22 (3) The boards of institutions of higher education or
23 other appropriate administrative offices of each nonpublic
24 ~~non-public~~ institution of higher education located in the
25 police district where the violent offender against youth
26 is required to register, resides, is employed, or

1 attending an institution of higher education in the City
2 of Chicago; and

3 (4) Libraries located in the police district where the
4 violent offender against youth is required to register or
5 is employed if the offender is required to register or is
6 employed in the City of Chicago.

7 (a-4) The Illinois State Police shall provide a list of
8 violent offenders against youth required to register to the
9 Illinois Department of Children and Family Services.

10 (b) The Illinois State Police and any law enforcement
11 agency may disclose, in the Illinois State Police's
12 ~~Department's~~ or agency's discretion, the following information
13 to any person likely to encounter a violent offender against
14 youth:

15 (1) The offender's name, address, and date of birth.

16 (2) The offense for which the offender was convicted.

17 (3) The offender's photograph or other such
18 information that will help identify the violent offender
19 against youth.

20 (4) Offender employment information, to protect public
21 safety.

22 (c) The name, address, date of birth, and offense or
23 adjudication for violent offenders against youth required to
24 register under Section 10 of this Act shall be open to
25 inspection by the public as provided in this Section. Every
26 municipal police department shall make available at its

1 headquarters the information on all violent offenders against
2 youth who are required to register in the municipality under
3 this Act. The sheriff shall also make available at his or her
4 headquarters the information on all violent offenders against
5 youth who are required to register under this Act and who live
6 in unincorporated areas of the county. Violent offender
7 against youth information must be made available for public
8 inspection to any person, no later than 72 hours or 3 business
9 days from the date of the request. The request must be made in
10 person, in writing, or by telephone. Availability must include
11 giving the inquirer access to a facility where the information
12 may be copied. A department or sheriff may charge a fee, but
13 the fee may not exceed the actual costs of copying the
14 information. An inquirer must be allowed to copy this
15 information in his or her own handwriting. A department or
16 sheriff must allow access to the information during normal
17 public working hours. The sheriff or a municipal police
18 department may publish the photographs of violent offenders
19 against youth where any victim was 13 years of age or younger
20 and who are required to register in the municipality or county
21 under this Act in a newspaper or magazine of general
22 circulation in the municipality or county or may disseminate
23 the photographs of those violent offenders against youth on
24 the Internet or on television. The law enforcement agency may
25 make available the information on all violent offenders
26 against youth residing within any county.

1 (d) The Illinois State Police and any law enforcement
2 agency having jurisdiction may, in the Illinois State Police's
3 ~~Department's~~ or agency's discretion, place the information
4 specified in subsection (b) on the Internet or in other media.
5 (Source: P.A. 102-538, eff. 8-20-21; revised 11-24-21.)

6 (730 ILCS 154/100)

7 Sec. 100. Notification regarding juvenile offenders.

8 (a) The Illinois State Police and any law enforcement
9 agency having jurisdiction may, in the Illinois State Police's
10 ~~Department's~~ or agency's discretion, only provide the
11 information specified in subsection (b) of Section 95, with
12 respect to an adjudicated juvenile delinquent, to any person
13 when that person's safety may be compromised for some reason
14 related to the juvenile violent offender against youth.

15 (b) The local law enforcement agency having jurisdiction
16 to register the juvenile violent offender against youth shall
17 ascertain from the juvenile violent offender against youth
18 whether the juvenile violent offender against youth is
19 enrolled in school; and if so, shall provide a copy of the
20 violent offender against youth registration form only to the
21 principal or chief administrative officer of the school and
22 any school counselor designated by him or her. The
23 registration form shall be kept separately from any and all
24 school records maintained on behalf of the juvenile violent
25 offender against youth.

1 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
2 revised 10-20-21.)

3 (730 ILCS 154/105)

4 Sec. 105. Special alerts. A law enforcement agency having
5 jurisdiction may provide to the public a special alert list
6 warning parents to be aware that violent offenders against
7 youth may attempt to contact children during holidays
8 involving children, such as Halloween, Christmas, and Easter
9 and informing parents that information containing the names
10 and addresses of registered violent offenders against youth
11 are accessible on the Internet by means of a hyperlink labeled
12 "Violent Offender Against Youth Information" on the Illinois
13 ~~Department of~~ State Police's World Wide Web home page and are
14 available for public inspection at the agency's headquarters.

15 (Source: P.A. 94-945, eff. 6-27-06; revised 11-24-21.)

16 Section 670. The No Representation Without Population Act
17 is amended by changing Sections 2-1 and 2-10 as follows:

18 (730 ILCS 205/2-1)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 Sec. 2-1. Short title. This Article Act may be cited as the
22 No Representation Without Population Act. References in this
23 Article to "this Act" mean this Article.

1 (Source: P.A. 101-652, eff. 1-1-25; revised 12-2-21.)

2 (730 ILCS 205/2-10)

3 Sec. 2-10. Reports to the State Board of Elections.

4 (a) Within 30 days after the effective date of this Act,
5 and thereafter, on or before May 1 of each year in which ~~where~~
6 the federal decennial census is taken but in which the United
7 States Bureau of the Census allocates incarcerated persons as
8 residents of correctional facilities, the Department shall
9 deliver to the State Board of Elections the following
10 information:

11 (1) A unique identifier, not including the name or
12 Department-assigned inmate number, for each incarcerated
13 person subject to the jurisdiction of the Department on
14 the date for which the decennial census reports
15 population. The unique identifier shall enable the State
16 Board of Elections to address inquiries about specific
17 address records to the Department, without making it
18 possible for anyone outside of the Department to identify
19 the inmate to whom the address record pertains.

20 (2) The street address of the correctional facility
21 where the person was incarcerated at the time of the
22 report.

23 (3) The last known address of the person prior to
24 incarceration or other legal residence, if known.

25 (4) The person's race, whether the person is of

1 Hispanic or Latino origin, and whether the person is age
2 18 or older, if known.

3 (5) Any additional information as the State Board of
4 Elections may request pursuant to law.

5 (b) The Department shall provide the information specified
6 in subsection (a) in the form that the State Board of Elections
7 shall specify.

8 (c) Notwithstanding any other provision of law, the
9 information required to be provided to the State Board of
10 Elections pursuant to this Section shall not include the name
11 of any incarcerated person and shall not allow for the
12 identification of any person therefrom, except to the
13 Department. The information shall be treated as confidential
14 and shall not be disclosed by the State Board of Elections
15 except as redistricting data aggregated by census block for
16 purposes specified in Section 2-20.

17 (Source: P.A. 101-652, eff. 1-1-25; revised 12-2-21.)

18 Section 675. The Code of Civil Procedure is amended by
19 changing Sections 2-1401 and 21-103 as follows:

20 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

21 Sec. 2-1401. Relief from judgments.

22 (a) Relief from final orders and judgments, after 30 days
23 from the entry thereof, may be had upon petition as provided in
24 this Section. Writs of error coram nobis and coram vobis,

1 bills of review, and bills in the nature of bills of review are
2 abolished. All relief heretofore obtainable and the grounds
3 for such relief heretofore available, whether by any of the
4 foregoing remedies or otherwise, shall be available in every
5 case, by proceedings hereunder, regardless of the nature of
6 the order or judgment from which relief is sought or of the
7 proceedings in which it was entered. Except as provided in the
8 Illinois Parentage Act of 2015, there shall be no distinction
9 between actions and other proceedings, statutory or otherwise,
10 as to availability of relief, grounds for relief, or the
11 relief obtainable.

12 (b) The petition must be filed in the same proceeding in
13 which the order or judgment was entered but is not a
14 continuation thereof. The petition must be supported by an
15 affidavit or other appropriate showing as to matters not of
16 record. A petition to reopen a foreclosure proceeding must
17 include as parties to the petition, but is not limited to, all
18 parties in the original action in addition to the current
19 record title holders of the property, current occupants, and
20 any individual or entity that had a recorded interest in the
21 property before the filing of the petition. All parties to the
22 petition shall be notified as provided by rule.

23 (b-5) A movant may present a meritorious claim under this
24 Section if the allegations in the petition establish each of
25 the following by a preponderance of the evidence:

26 (1) the movant was convicted of a forcible felony;

1 (2) the movant's participation in the offense was
2 related to him or her previously having been a victim of
3 domestic violence as perpetrated by an intimate partner;

4 (3) no evidence of domestic violence against the
5 movant was presented at the movant's sentencing hearing;

6 (4) the movant was unaware of the mitigating nature of
7 the evidence of the domestic violence at the time of
8 sentencing and could not have learned of its significance
9 sooner through diligence; and

10 (5) the new evidence of domestic violence against the
11 movant is material and noncumulative to other evidence
12 offered at the sentencing hearing, and is of such a
13 conclusive character that it would likely change the
14 sentence imposed by the original trial court.

15 Nothing in this subsection (b-5) shall prevent a movant
16 from applying for any other relief under this Section or any
17 other law otherwise available to him or her.

18 As used in this subsection (b-5):

19 "Domestic violence" means abuse as defined in Section
20 103 of the Illinois Domestic Violence Act of 1986.

21 "Forcible felony" has the meaning ascribed to the term
22 in Section 2-8 of the Criminal Code of 2012.

23 "Intimate partner" means a spouse or former spouse,
24 persons who have or allegedly have had a child in common,
25 or persons who have or have had a dating or engagement
26 relationship.

1 (b-10) A movant may present a meritorious claim under this
2 Section if the allegations in the petition establish each of
3 the following by a preponderance of the evidence:

4 (A) she was convicted of a forcible felony;

5 (B) her participation in the offense was a direct
6 result of her suffering from post-partum depression or
7 post-partum psychosis;

8 (C) no evidence of post-partum depression or
9 post-partum psychosis was presented by a qualified medical
10 person at trial or sentencing, or both;

11 (D) she was unaware of the mitigating nature of the
12 evidence or, if aware, was at the time unable to present
13 this defense due to suffering from post-partum depression
14 or post-partum psychosis, or, at the time of trial or
15 sentencing, neither was a recognized mental illness and as
16 such, she was unable to receive proper treatment; and

17 (E) evidence of post-partum depression or post-partum
18 psychosis as suffered by the person is material and
19 noncumulative to other evidence offered at the time of
20 trial or sentencing, and it is of such a conclusive
21 character that it would likely change the sentence imposed
22 by the original court.

23 Nothing in this subsection (b-10) prevents a person from
24 applying for any other relief under this Article or any other
25 law otherwise available to her.

26 As used in this subsection (b-10):

1 "Post-partum depression" means a mood disorder which
2 strikes many women during and after pregnancy and usually
3 occurs during pregnancy and up to 12 months after
4 delivery. This depression can include anxiety disorders.

5 "Post-partum psychosis" means an extreme form of
6 post-partum depression which can occur during pregnancy
7 and up to 12 months after delivery. This can include
8 losing touch with reality, distorted thinking, delusions,
9 auditory and visual hallucinations, paranoia,
10 hyperactivity and rapid speech, or mania.

11 (c) Except as provided in Section 20b of the Adoption Act
12 and Section 2-32 of the Juvenile Court Act of 1987, ~~or~~ in a
13 petition based upon Section 116-3 of the Code of Criminal
14 Procedure of 1963 or subsection (b-10) of this Section, or in a
15 motion to vacate and expunge convictions under the Cannabis
16 Control Act as provided by subsection (i) of Section 5.2 of the
17 Criminal Identification Act, the petition must be filed not
18 later than 2 years after the entry of the order or judgment.
19 Time during which the person seeking relief is under legal
20 disability or duress or the ground for relief is fraudulently
21 concealed shall be excluded in computing the period of 2
22 years.

23 (c-5) Any individual may at any time file a petition and
24 institute proceedings under this Section, ~~if~~ if his or her final
25 order or judgment, which was entered based on a plea of guilty
26 or nolo contendere, has potential consequences under federal

1 immigration law.

2 (d) The filing of a petition under this Section does not
3 affect the order or judgment, or suspend its operation.

4 (e) Unless lack of jurisdiction affirmatively appears from
5 the record proper, the vacation or modification of an order or
6 judgment pursuant to the provisions of this Section does not
7 affect the right, title, or interest in or to any real or
8 personal property of any person, not a party to the original
9 action, acquired for value after the entry of the order or
10 judgment but before the filing of the petition, nor affect any
11 right of any person not a party to the original action under
12 any certificate of sale issued before the filing of the
13 petition, pursuant to a sale based on the order or judgment.
14 When a petition is filed pursuant to this Section to reopen a
15 foreclosure proceeding, notwithstanding the provisions of
16 Section 15-1701 of this Code, the purchaser or successor
17 purchaser of real property subject to a foreclosure sale who
18 was not a party to the mortgage foreclosure proceedings is
19 entitled to remain in possession of the property until the
20 foreclosure action is defeated or the previously foreclosed
21 defendant redeems from the foreclosure sale if the purchaser
22 has been in possession of the property for more than 6 months.

23 (f) Nothing contained in this Section affects any existing
24 right to relief from a void order or judgment, or to employ any
25 existing method to procure that relief.

26 (Source: P.A. 101-27, eff. 6-25-19; 101-411, eff. 8-16-19;

1 102-639, eff. 8-27-21; revised 11-24-21.)

2 (735 ILCS 5/21-103)

3 (Text of Section before amendment by P.A. 101-652)

4 Sec. 21-103. Notice by publication.

5 (a) Previous notice shall be given of the intended
6 application by publishing a notice thereof in some newspaper
7 published in the municipality in which the person resides if
8 the municipality is in a county with a population under
9 2,000,000, or if the person does not reside in a municipality
10 in a county with a population under 2,000,000, or if no
11 newspaper is published in the municipality or if the person
12 resides in a county with a population of 2,000,000 or more,
13 then in some newspaper published in the county where the
14 person resides, or if no newspaper is published in that
15 county, then in some convenient newspaper published in this
16 State. The notice shall be inserted for 3 consecutive weeks
17 after filing, the first insertion to be at least 6 weeks before
18 the return day upon which the petition is to be heard, and
19 shall be signed by the petitioner or, in case of a minor, the
20 minor's parent or guardian, and shall set forth the return day
21 of court on which the petition is to be heard and the name
22 sought to be assumed.

23 (b) The publication requirement of subsection (a) shall
24 not be required in any application for a change of name
25 involving a minor if, before making judgment under this

1 Article, reasonable notice and opportunity to be heard is
2 given to any parent whose parental rights have not been
3 previously terminated and to any person who has physical
4 custody of the child. If any of these persons are outside this
5 State, notice and opportunity to be heard shall be given under
6 Section 21-104.

7 (b-3) The publication requirement of subsection (a) shall
8 not be required in any application for a change of name
9 involving a person who has received a judgment for dissolution
10 of marriage or declaration of invalidity of marriage and
11 wishes to change his or her name to resume the use of his or
12 her former or maiden name.

13 (b-5) Upon motion, the court may issue an order directing
14 that the notice and publication requirement be waived for a
15 change of name involving a person who files with the court a
16 written declaration that the person believes that publishing
17 notice of the name change would put the person at risk of
18 physical harm or discrimination. The person must provide
19 evidence to support the claim that publishing notice of the
20 name change would put the person at risk of physical harm or
21 discrimination.

22 (c) The Director of the Illinois State Police or his or her
23 designee may apply to the circuit court for an order directing
24 that the notice and publication requirements of this Section
25 be waived if the Director or his or her designee certifies that
26 the name change being sought is intended to protect a witness

1 during and following a criminal investigation or proceeding.

2 (c-1) The court may enter a written order waiving the
3 publication requirement of subsection (a) if:

4 (i) the petitioner is 18 years of age or older; and

5 (ii) concurrent with the petition, the petitioner
6 files with the court a statement, verified under oath as
7 provided under Section 1-109 of this Code, attesting that
8 the petitioner is or has been a person protected under the
9 Illinois Domestic Violence Act of 1986, the Stalking No
10 Contact Order Act, the Civil No Contact Order Act, Article
11 112A of the Code of Criminal Procedure of 1963, a
12 condition of bail under subsections (b) through (d) of
13 Section 110-10 of the Code of Criminal Procedure of 1963,
14 or a similar provision of a law in another state or
15 jurisdiction.

16 The petitioner may attach to the statement any supporting
17 documents, including relevant court orders.

18 (c-2) If the petitioner files a statement attesting that
19 disclosure of the petitioner's address would put the
20 petitioner or any member of the petitioner's family or
21 household at risk or reveal the confidential address of a
22 shelter for domestic violence victims, that address may be
23 omitted from all documents filed with the court, and the
24 petitioner may designate an alternative address for service.

25 (c-3) Court administrators may allow domestic abuse
26 advocates, rape crisis advocates, and victim advocates to

1 assist petitioners in the preparation of name changes under
2 subsection (c-1).

3 (c-4) If the publication requirements of subsection (a)
4 have been waived, the circuit court shall enter an order
5 impounding the case.

6 (d) The maximum rate charged for publication of a notice
7 under this Section may not exceed the lowest classified rate
8 paid by commercial users for comparable space in the newspaper
9 in which the notice appears and shall include all cash
10 discounts, multiple insertion discounts, and similar benefits
11 extended to the newspaper's regular customers.

12 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
13 102-538, eff. 8-20-21.)

14 (Text of Section after amendment by P.A. 101-652)

15 Sec. 21-103. Notice by publication.

16 (a) Previous notice shall be given of the intended
17 application by publishing a notice thereof in some newspaper
18 published in the municipality in which the person resides if
19 the municipality is in a county with a population under
20 2,000,000, or if the person does not reside in a municipality
21 in a county with a population under 2,000,000, or if no
22 newspaper is published in the municipality or if the person
23 resides in a county with a population of 2,000,000 or more,
24 then in some newspaper published in the county where the
25 person resides, or if no newspaper is published in that

1 county, then in some convenient newspaper published in this
2 State. The notice shall be inserted for 3 consecutive weeks
3 after filing, the first insertion to be at least 6 weeks before
4 the return day upon which the petition is to be heard, and
5 shall be signed by the petitioner or, in case of a minor, the
6 minor's parent or guardian, and shall set forth the return day
7 of court on which the petition is to be heard and the name
8 sought to be assumed.

9 (b) The publication requirement of subsection (a) shall
10 not be required in any application for a change of name
11 involving a minor if, before making judgment under this
12 Article, reasonable notice and opportunity to be heard is
13 given to any parent whose parental rights have not been
14 previously terminated and to any person who has physical
15 custody of the child. If any of these persons are outside this
16 State, notice and opportunity to be heard shall be given under
17 Section 21-104.

18 (b-3) The publication requirement of subsection (a) shall
19 not be required in any application for a change of name
20 involving a person who has received a judgment for dissolution
21 of marriage or declaration of invalidity of marriage and
22 wishes to change his or her name to resume the use of his or
23 her former or maiden name.

24 (b-5) Upon motion, the court may issue an order directing
25 that the notice and publication requirement be waived for a
26 change of name involving a person who files with the court a

1 written declaration that the person believes that publishing
2 notice of the name change would put the person at risk of
3 physical harm or discrimination. The person must provide
4 evidence to support the claim that publishing notice of the
5 name change would put the person at risk of physical harm or
6 discrimination.

7 (c) The Director of the Illinois State Police or his or her
8 designee may apply to the circuit court for an order directing
9 that the notice and publication requirements of this Section
10 be waived if the Director or his or her designee certifies that
11 the name change being sought is intended to protect a witness
12 during and following a criminal investigation or proceeding.

13 (c-1) The court may enter a written order waiving the
14 publication requirement of subsection (a) if:

15 (i) the petitioner is 18 years of age or older; and
16 (ii) concurrent with the petition, the petitioner
17 files with the court a statement, verified under oath as
18 provided under Section 1-109 of this Code, attesting that
19 the petitioner is or has been a person protected under the
20 Illinois Domestic Violence Act of 1986, the Stalking No
21 Contact Order Act, the Civil No Contact Order Act, Article
22 112A of the Code of Criminal Procedure of 1963, a
23 condition of pretrial release under subsections (b)
24 through (d) of Section 110-10 of the Code of Criminal
25 Procedure of 1963, or a similar provision of a law in
26 another state or jurisdiction.

1 The petitioner may attach to the statement any supporting
2 documents, including relevant court orders.

3 (c-2) If the petitioner files a statement attesting that
4 disclosure of the petitioner's address would put the
5 petitioner or any member of the petitioner's family or
6 household at risk or reveal the confidential address of a
7 shelter for domestic violence victims, that address may be
8 omitted from all documents filed with the court, and the
9 petitioner may designate an alternative address for service.

10 (c-3) Court administrators may allow domestic abuse
11 advocates, rape crisis advocates, and victim advocates to
12 assist petitioners in the preparation of name changes under
13 subsection (c-1).

14 (c-4) If the publication requirements of subsection (a)
15 have been waived, the circuit court shall enter an order
16 impounding the case.

17 (d) The maximum rate charged for publication of a notice
18 under this Section may not exceed the lowest classified rate
19 paid by commercial users for comparable space in the newspaper
20 in which the notice appears and shall include all cash
21 discounts, multiple insertion discounts, and similar benefits
22 extended to the newspaper's regular customers.

23 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;
24 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; revised
25 10-12-21.)

1 Section 680. The Eminent Domain Act is amended by setting
2 forth, renumbering, and changing multiple versions of Section
3 25-5-80 as follows:

4 (735 ILCS 30/25-5-80)

5 (Section scheduled to be repealed on April 2, 2024)

6 Sec. 25-5-80. Quick-take; City of Woodstock; Madison
7 Street, South Street, and Lake Avenue.

8 (a) Quick-take proceedings under Article 20 may be used
9 for a period of no more than 2 years after April 2, 2021 (the
10 effective date of Public Act 101-665) ~~this amendatory Act of~~
11 ~~the 101st General Assembly~~ by Will County for the acquisition
12 of the following described property for the purpose of the
13 80th Avenue Improvements project:

14 Route: 80th Avenue (CH 83)

15 Section: 06-00122-16-FB

16 County: Will

17 Job No.: R-55-001-97

18 Parcel No.: 0001A Station 76+09.95 To Station 80+90.00

19 Index No.: 19-09-02-400-012

20 Parcel 0001A

21 That part of the Southeast Quarter of the Southeast
22 Quarter of Section 2, all in Township 35 North, Range 12

1 East of the Third Principal Meridian, in Will County,
2 Illinois, bearings and distances based on the Illinois
3 State Plane Coordinate System, East Zone, NAD 83 (2011
4 Adjustment) with a combined scale factor of 0.9999641157
5 described as follows:

6 Commencing at the southeast corner of said Section 2;
7 thence North 01 degree 44 minutes 58 seconds West on the
8 east line of said Southeast Quarter, 69.28 feet to the
9 north right of way line of 191st Street as described in
10 Document No. R94-114863; thence South 88 degrees 15
11 minutes 02 seconds West, on said north right of way line,
12 50.29 feet to the west right of way line of 80th Avenue per
13 Document No. R66-13830, and to the Point of Beginning;
14 thence continuing South 88 degrees 15 minutes 02 seconds
15 West, on said north right of way line, 10.14 feet to an
16 angle point in said north right of way line; thence South
17 43 degrees 24 minutes 14 seconds West, on said north right
18 of way line, 27.67 feet to an angle point in said north
19 right of way line; thence South 88 degrees 24 minutes 14
20 seconds West, on said north right of way line, 1038.30
21 feet; thence North 01 degree 36 minutes 18 seconds West,
22 6.27 feet; thence North 87 degrees 57 minutes 50 seconds
23 East, 930.35 feet to a point 63.00 feet North of, as
24 measured perpendicular to, the south line of said
25 Southeast Quarter; thence North 50 degrees 35 minutes 39

1 seconds East, 117.47 feet to the west line of the East
2 95.00 feet of said Southeast Quarter; thence North 01
3 degree 44 minutes 58 seconds West, on said west line,
4 304.58 feet; thence North 88 degrees 15 minutes 28 seconds
5 East, 10.00 feet to the west line of the East 85.00 feet of
6 said Southeast Quarter; thence North 01 degree 44 minutes
7 58 seconds West, on said west line, 90.00 feet; thence
8 North 88 degrees 15 minutes 26 seconds East, 20.89 feet to
9 the west right of way line of 80th Avenue per Document No.
10 R66-13830; thence South 03 degrees 28 minutes 04 seconds
11 East, on said west right of way line, 460.75 feet to the
12 Point of Beginning.

13 Said parcel containing 0.706 acre, more or less.

14 Route: 80th Avenue (CH 83)

15 Section: 06-00122-16-FP

16 County: Will

17 Job No.: R-55-001-97

18 Parcel No.: 0001B Station 88+00.00 To Station 88+89.62

19 Index No.: 19-09-02-400-012

20 Parcel 0001B

21 That part of the Southeast Quarter of the Southeast
22 Quarter of Section 2, all in Township 35 North, Range 12

1 East of the Third Principal Meridian, in Will County,
2 Illinois, bearings and distances based on the Illinois
3 State Plane Coordinate System, East Zone, NAD 83 (2011
4 Adjustment) with a combined scale factor of 0.9999641157
5 described as follows:

6 Beginning at the intersection of the north line of the
7 Southeast Quarter of said Southeast Quarter with the west
8 right of way line of 80th Avenue per Document No.
9 R66-13830; thence South 01 degree 44 minutes 58 seconds
10 East, on said west right of way line, 89.60 feet; thence
11 South 88 degrees 15 minutes 29 seconds West, 6.78 feet;
12 thence North 02 degrees 31 minutes 36 seconds West, 89.63
13 feet to the north line of the Southeast Quarter of said
14 Southeast Quarter; thence North 88 degrees 26 minutes 40
15 seconds East, on said north line, 8.00 feet to the Point of
16 Beginning.

17 Said parcel containing 0.015 acre, more or less.

18 Route: 80th Avenue (CH 83)

19 Section: 06-00122-16-FP

20 County: Will

21 Job No.: R-55-001-97

22 Parcel No.: 0001TE-A Station 88+00.00 To Station 88+89.64

23 Index No.: 19-09-02-400-012

1 Parcel 0001TE-A

2 That part of the Southeast Quarter of the Southeast
3 Quarter of Section 2, all in Township 35 North, Range 12
4 East of the Third Principal Meridian, in Will County,
5 Illinois, bearings and distances based on the Illinois
6 State Plane Coordinate System, East Zone, NAD 83 (2011
7 Adjustment) with a combined scale factor of 0.9999641157
8 described as follows:

9 Beginning at a point on the north line of the Southeast
10 Quarter of said Southeast Quarter that is 88.00 feet West
11 of, the east line of said Southeast Quarter, as measured
12 on said north line; thence South 02 degrees 31 minutes 36
13 seconds East, 89.63 feet; thence South 88 degrees 15
14 minutes 29 seconds West, 5.00 feet; thence North 02
15 degrees 31 minutes 36 seconds West, 89.65 feet to the
16 north line of the Southeast Quarter of said Southeast
17 Quarter; thence North 88 degrees 26 minutes 40 seconds
18 East, on said north line, 5.00 feet to the Point of
19 Beginning.

20 Said parcel containing 0.010 acre, more or less.

21 Route: 80th Avenue (CH 83)

1 Section: 06-00122-16-FP
2 County: Will
3 Job No.: R-55-001-97
4 Parcel No.: 0001TE-B Station 82+99.90 To Station 88+00.00
5 Index No.: 19-09-02-400-012

6 Parcel 0001TE-B

7 That part of the Southeast Quarter of the Southeast
8 Quarter of Section 2, all in Township 35 North, Range 12
9 East of the Third Principal Meridian, in Will County,
10 Illinois, bearings and distances based on the Illinois
11 Sate Plane Coordinate System, East Zone, NAD 83 (2011
12 Adjustment) with a combined scale factor of 0.9999641157
13 described as follows:

14 Commencing at the Southeast corner of said Section 2;
15 thence North 01 degree 44 minutes 58 seconds West, on the
16 east line of said Southeast Quarter, 69.28 feet to the
17 north right of way line of 191st Street as described in
18 Document No. R94-114863; thence South 88 degrees 15
19 minutes 02 seconds West, on said north right of way line,
20 50.29 feet to the west right of way line of 80th Avenue per
21 Document No. R66-13830; thence North 03 degrees 28 minutes
22 04 seconds West, on said west right of way line, 670.74
23 feet to the Point of Beginning; thence South 88 degrees 15

1 minutes 02 seconds West, 9.59 feet; thence North 02
2 degrees 31 minutes 36 seconds West, 500.15 feet; thence
3 North 88 degrees 15 minutes 29 seconds East, 6.78 feet to
4 said west right of way line; thence South 01 degree 44
5 minutes 58 seconds East, on said west right of way line,
6 180.42 feet to an angle point in said west right of way
7 line; thence South 03 degrees 28 minutes 04 seconds East,
8 on said west right of way line, 319.82 feet to the Point of
9 Beginning.

10 Said parcel containing 0.074 acre, more or less.

11 Route: 80th Avenue (CH 83)

12 Section: 06-00122-16-FP

13 County: Will

14 Job No.: R-55-001-97

15 Parcel No.: 0001TE-C Station 76+91.56 To Station 81+34.98

16 Index No.: 19-09-02-400-012

17 Parcel 0001TE-C

18 That part of the Southeast Quarter of the Southeast
19 Quarter of Section 2, all in Township 35 North, Range 12
20 East of the Third Principal Meridian, in Will County,
21 Illinois, bearings and distances based on the Illinois
22 Sate Plane Coordinate System, East Zone, NAD 83 (2011

1 Adjustment) with a combined scale factor of 0.9999641157
2 described as follows:

3 Commencing at the Southeast corner of said Section 2;
4 thence North 01 degree 44 minutes 58 seconds West, on the
5 east line of said Southeast Quarter, 69.28 feet to the
6 north right of way line of 191st Street as described in
7 Document No. R94-114863; thence South 88 degrees 15
8 minutes 02 seconds West, on said north right of way line,
9 50.29 feet to the west right of way line of 80th Avenue per
10 Document No. R66-13830; thence North 03 degrees 28 minutes
11 04 seconds West, on said west right of way line, 460.75
12 feet to the Point of Beginning; thence South 88 degrees 15
13 minutes 26 seconds West, 20.89 feet to the west line of the
14 East 85.00 feet of said Southeast Quarter; thence South 01
15 degree 44 minutes 58 seconds East, on said west line,
16 90.00 feet; thence South 88 degrees 15 minutes 28 seconds
17 West, 10.00 feet to the west line of the East 95.00 feet of
18 said Southeast Quarter; thence South 01 degree 44 minutes
19 58 seconds East, on said west line, 304.58 feet; thence
20 South 50 degrees 35 minutes 39 seconds West, 6.32 feet to
21 the west line of the East 100.00 feet of said Southeast
22 Quarter; thence North 01 degree 44 minutes 58 seconds
23 West, on said west line, 313.44 feet; thence North 88
24 degrees 15 minutes 28 seconds East, 10.00 feet to the west
25 line of the east 90.00 feet of said Southeast Quarter;

1 thence North 01 degree 44 minutes 58 seconds West, on said
2 west line, 96.19 feet; thence South 88 degrees 15 minutes
3 35 seconds West, 9.50 feet to the west line of the East
4 99.50 feet of said Southeast Quarter; thence North 01
5 degree 44 minutes 58 seconds West, on said west line,
6 33.80 feet; thence North 88 degrees 15 minutes 25 seconds
7 East, 34.04 feet to the west right of way line of 80th
8 Avenue per Document No. R66-13830; thence South 03 degrees
9 28 minutes 04 seconds East, on said west right of way line,
10 45.00 feet to the Point of Beginning.

11 Said parcel containing 0.080 acre, more or less.

12 Route: 80th Avenue (CH 83)

13 Section: 06-00122-16-FP

14 County: Will

15 Job No.: R-55-001-97

16 Parcel No.: 0002 Station 76+09.53 To Station 89+10.71

17 Index No.: 19-09-01-300-024

18 Parcel 0002

19 That part of the Southwest Quarter of the Southwest
20 Quarter of Section 1, also 2/3rds of an acre off the south
21 end of the Northwest Quarter of the Southwest Quarter of
22 Section 1, Township 35 North, Range 12 East of the Third

1 Principal Meridian, in Will County, Illinois, bearings and
2 distances based on the Illinois State Plane Coordinate
3 System, East Zone, NAD 83 (2011 Adjustment) with a
4 combined scale factor of 0.9999641157 described as
5 follows:

6 Commencing at the southwest corner of said Section 1;
7 thence North 01 degree 44 minutes 58 seconds West, on the
8 west line of said Southwest Quarter, 68.94 feet to the
9 north right of way line of 191st Street as described in
10 Document No. R94-114861; thence North 88 degrees 15
11 minutes 02 seconds East, on said north right of way line,
12 50.33 feet to the east right of way line of 80th Avenue per
13 Document No. R66-13830, and to the Point of Beginning;
14 thence North 00 degrees 15 minutes 19 seconds East, on
15 said east right of way line, 991.07 feet to an angle point
16 in said east right of way line; thence North 01 degree 44
17 minutes 58 seconds West, on said east right of way line,
18 291.11 feet to the north line of the South 2/3rd of an
19 acre, of the northwest quarter of said Southwest Quarter;
20 thence North 88 degrees 30 minutes 01 second East, on said
21 north line, 27.00 feet to the east line of the West 112.00
22 feet of said Southwest Quarter; thence South 01 degree 44
23 minutes 58 seconds East, on said east line, 195.59 feet;
24 thence South 88 degrees 15 minutes 27 seconds West, 16.00
25 feet to the east line of the West 96.00 feet of said

1 Southwest Quarter; thence South 01 degree 44 minutes 58
2 seconds East, on said east line, 240.00 feet; thence South
3 88 degrees 15 minutes 27 seconds West, 5.00 feet to the
4 east line of the West 91.00 feet of said Southwest
5 Quarter; thence South 01 degree 44 minutes 58 seconds
6 East, on said east line, 151.34 feet; thence South 88
7 degrees 15 minutes 36 seconds West, 11.00 feet to the east
8 line of the West 80.00 feet of said Southwest Quarter;
9 thence South 01 degree 44 minutes 58 seconds East, on said
10 east line, 323.66 feet; thence North 88 degrees 15 minutes
11 29 seconds East, 5.00 feet to the east line of the West
12 85.00 feet of said Southwest Quarter; thence South 01
13 degree 44 minutes 58 seconds East, on said east line,
14 251.00 feet; thence North 88 degrees 15 minutes 08 seconds
15 East, 6.00 feet; thence South 24 degrees 56 minute 10
16 seconds East, 124.46 feet to the north line of the South
17 75.00 feet of said Southwest Quarter; thence North 88
18 degrees 29 minutes 57 seconds East, on said north line,
19 376.67 feet; thence South 84 degrees 46 minutes 29 seconds
20 East, 183.57 feet to a point 53.50 feet North of, as
21 measured perpendicular to, the south line of said
22 Southwest Quarter; thence South 01 degree 30 minutes 03
23 seconds East, 2.85 feet to the north right of way line of
24 191st Street as described in Document No. R94-114861;
25 thence South 88 degrees 24 minutes 33 seconds West, on
26 said north right of way line, 618.63 feet to an angle point

1 in said north right of way line; thence North 46 degrees 35
2 minutes 28 seconds West, on said north right of way line,
3 27.66 feet to an angle point in said north right of way
4 line; thence South 88 degrees 15 minutes 02 seconds West,
5 on said north right of way line, 10.40 feet to the Point of
6 Beginning.

7 Said parcel containing 0.951 acre, more or less.

8 Route: 80th Avenue (CH 83)

9 Section: 06-00122-16-FP

10 County: Will

11 Job No.: R-55-001-97

12 Parcel No.: 0002TE-A Station 77+49.00 To Station 81+30.94

13 Index No.: 19-09-01-300-024

14 Parcel 0002TE-A

15 That part of the Southwest Quarter of the Southwest
16 Quarter of Section 1, also 2/3rds of an acre off the south
17 end of the Northwest Quarter of the Southwest Quarter of
18 Section 1, Township 35 North, Range 12 East of the Third
19 Principal Meridian, in Will County, Illinois, bearings and
20 distances based on the Illinois State Plane Coordinate
21 System, East Zone, NAD 83 (2011 Adjustment) with a
22 combined scale factor of 0.9999641157 described as

1 follows:

2 Commencing at the southwest corner of said Section 1;
3 thence North 01 degrees 44 minutes 58 seconds West, on the
4 west line of said Southwest Quarter, 68.94 feet to the
5 north right of way line of 191st Street as described in
6 Document No. R94-114861; thence North 88 degrees 15
7 minutes 02 seconds East, on said north right of way line,
8 50.33 feet to the east right of way line of 80th Avenue per
9 Document No. R66-13830; thence North 00 degrees 15 minutes
10 19 seconds East, on said east right of way line, 502.11
11 feet; thence North 88 degrees 15 minutes 36 seconds East,
12 12.10 feet to the Point of Beginning; thence continuing
13 North 88 degrees 15 minutes 36 seconds East, 11.00 feet to
14 the west line of the East 91.00 feet of said Southwest
15 Quarter; thence South 01 degree 44 minutes 58 seconds
16 East, on said east line, 381.94 feet; thence South 88
17 degrees 15 minutes 08 seconds West, 6.00 feet to the east
18 line of the West 85.00 feet of said Southwest Quarter;
19 thence North 01 degree 44 minutes 58 seconds West, on said
20 east line, 251.00 feet; thence South 88 degrees 15 minutes
21 29 seconds West, 5.00 feet to the east line of the West
22 80.00 feet of said Southwest Quarter; thence North 01
23 degree 44 minutes 58 seconds West, on said east line,
24 130.94 feet to the Point of Beginning.

1 Said parcel containing 0.068 acre, more or less.

2 Route: 80th Avenue (CH 83)

3 Section: 06-00122-16-FP

4 County: Will

5 Job No.: R-55-001-97

6 Parcel No.: 0002TE-B Station 3023+00.64 To Station
7 3025+99.98

8 Index No.: 19-09-01-300-024

9 Parcel 0002TE-B

10 That part of the Southwest Quarter of the Southwest
11 Quarter of Section 1, also 2/3rds of an acre off the south
12 end of the Northwest Quarter of the Southwest Quarter of
13 Section 1, Township 35 North, Range 12 East of the Third
14 Principal Meridian, in Will County, Illinois, bearings and
15 distances based on the Illinois State Plane Coordinate
16 System, East Zone, NAD 83 (2011 Adjustment) with a
17 combined scale factor of 0.9999641157 described as
18 follows:

19 Commencing at the southwest corner of said Section 1;
20 thence North 88 degrees 29 minutes 57 seconds East, on the
21 south line of said Southwest Quarter, 698.65 feet; thence
22 North 01 degree 30 minutes 03 seconds West, perpendicular

1 to said south line, 50.65 feet to the north right of way
2 line of 191st Street as described in Document No.
3 R94-114861, and to the Point of Beginning; thence
4 continuing North 01 degree 30 minutes 03 seconds West,
5 2.85 feet; thence North 88 degrees 13 minutes 47 seconds
6 East, 299.34 feet; thence South 01 degree 30 minutes 03
7 seconds East, 4.00 feet to the north right of way line of
8 191st Street per Document No. R2003-260494; thence South
9 88 degrees 29 minutes 57 seconds West, on said north right
10 of way line, 133.46 feet to the west line of said Document
11 No. R2003-260494; thence South 88 degrees 24 minutes 33
12 seconds West, on the north right of way line of 191st
13 Street per Document No. R94-114861, a distance of 165.89
14 feet to the Point of Beginning.

15 Said parcel containing 0.023 acre, more or less.

16 Route: 80th Avenue (CH 83)

17 Section: 06-00122-16-FP

18 County: Will

19 Job No.: R-55-001-97

20 Parcel No.: 0003 Station 88+89.50 To Station 91+36.65

21 Index No.: 19-09-02-402-003

22 Parcel 0003

1 That part of Outlot A in 80th Avenue Industrial Center in
2 the east half of the Southeast Quarter of Section 2,
3 Township 35 North, Range 12 East of the Third Principal
4 Meridian, according to the plat thereof recorded May 27,
5 1976 as Document No. R1976-015768, Township of Frankfort,
6 Will County, Illinois, bearings and distances based on the
7 Illinois State Plane Coordinate System, East Zone, NAD 83
8 (2011 Adjustment) with a combined scale factor of
9 0.9999641157 described as follows:

10 Beginning at the southeast corner of said Outlot A; thence
11 South 88 degrees 26 minutes 40 seconds West, on the south
12 line of said Outlot A, 38.00 feet; thence North 22 degrees
13 20 minutes 14 seconds East, 66.16 feet to the west line of
14 the East 11.00 feet of said Outlot A; thence North 01
15 degree 44 minutes 58 seconds West, on said west line,
16 159.51 feet to a point 27.00 feet South of, as measured
17 perpendicular to, the south right of way line of 189th
18 Street; thence South 88 degrees 26 minutes 40 seconds
19 West, parallel with said south right of way line, 39.00
20 feet; thence North 01 degree 44 minutes 58 seconds West,
21 parallel with the east line of said Outlot A, 27.00 feet to
22 the south right of way line of 189th Street; thence North
23 88 degrees 26 minutes 40 seconds East, on said south right
24 of way line, 50.00 feet to the east line of said Outlot A;
25 thence South 01 degree 44 minutes 58 seconds East, on said

1 east line, 246.99 feet to the Point of Beginning.

2 Said parcel containing 0.105 acre, more or less.

3 Route: 80th Avenue (CH 83)

4 Section: 06-00122-16-FP

5 County: Will

6 Job No.: R-55-001-97

7 Parcel No.: 0003TE Station 88+89.62 To Station 91+09.54

8 Index No.: 19-09-02-402-003

9 Parcel 0003TE

10 That part of Outlot A in 80th Avenue Industrial Center in
11 the east half of the Southeast Quarter of Section 2,
12 Township 35 North, Range 12 East of the Third Principal
13 Meridian, according to the plat thereof recorded May 27,
14 1976 as Document No. R1976-015768, Township of Frankfort,
15 Will County, Illinois, bearings and distances based on the
16 Illinois State Plane Coordinate System, East Zone, NAD 83
17 (2011 Adjustment) with a combined scale factor of
18 0.9999641157 described as follows:

19 Commencing at the southeast corner of said Outlot A;
20 thence South 88 degrees 26 minutes 40 seconds West, on the
21 south line of said Outlot A, 38.00 feet to the Point of

1 Beginning; thence continuing South 88 degrees 26 minutes
2 40 seconds West, on said south line, 5.00 feet; thence
3 North 01 degrees 44 minutes 58 seconds West, parallel with
4 the east line of said Outlot A, a distance of 60.49 feet;
5 thence North 88 degrees 26minutes 40 seconds East, 27.00
6 feet to the west line of the East 16.00 feet of said Outlot
7 A; thence North 01 degree 44 minutes 58 seconds West, on
8 said west line, 159.51 feet to a point 27.00 feet South of,
9 as measured perpendicular to, the south right of way line
10 of 189th Street; thence North 88 degrees 26 minutes 40
11 seconds East, parallel to said south right of way line,
12 5.00 feet to the west line of the East 11.00 feet of said
13 Outlot A; thence South 01 degree 44 minutes 58 seconds
14 East, on said west line, 159.51 feet; thence South 22
15 degrees 20 minutes 14 seconds West, 66.16 feet to the
16 Point of Beginning.

17 Said parcel containing 0.044 acre, more or less.

18 Route: 80th Avenue (CH 83)

19 Section: 06-00122-16-FP

20 County: Will

21 Job No.: R-55-001-97

22 Parcel No.: 0004A Station 89+10.59 To Station 91+36.89

23 Index No.: 19-09-01-301-001

24 Parcel 0004A

1 That part of Lot 1 in Panduit Corp Planned Unit
2 Development Subdivision, being a subdivision in part of
3 the Southwest Quarter of Section 1, Township 35 North,
4 Range 12 East of the Third Principal Meridian, according
5 to the plat thereof recorded August 31, 2012 as Document
6 No. R2012-096238, in Will County, Illinois, bearings and
7 distances based on the Illinois State Plane Coordinate
8 System, East Zone, NAD 83 (2011 Adjustment) with a
9 combined scale factor of 0.9999641157 described as
10 follows:

11 Beginning at the southwest corner of said lot; thence
12 North 01 degree 44 minutes 58 seconds West, on the west
13 line of said lot, 226.18 feet; thence North 88 degrees 15
14 minutes 33 seconds East, 10.00 feet to the east line of the
15 West 10.00 feet of said lot; thence South 01 degree 44
16 minutes 58 seconds East, on said east line, 186.95 feet;
17 thence North 88 degrees 15 minutes 28 seconds East, 17.00
18 feet to the east line of the West 27.00 feet of said lot;
19 thence South 01 degree 44 minutes 58 seconds East, on said
20 east line, 39.35 feet to the south line of said lot; thence
21 South 88 degrees 30 minutes 01 second West, on said south
22 line, 27.00 feet to the Point of Beginning.

23 Said parcel containing 0.067 acre, more or less.

1 Route: 80th Avenue (CH 83)
2 Section: 06-00122-16-FP
3 County: Will
4 Job No.: R-55-001-97
5 Parcel No.: 0004B Station 92+15.00 To Station 99+94.90
6 Index No.: 19-09-01-301-001

7 Parcel 0004B

8 That part of Lot 1 in Panduit Corp Planned Unit
9 Development Subdivision, being a subdivision in part of
10 the Southwest Quarter of Section 1, Township 35 North,
11 Range 12 East of the Third Principal Meridian, according
12 to the plat thereof recorded August 31, 2012 as Document
13 No. R2012-096238, in Will County, Illinois, bearings and
14 distances based on the Illinois State Plane Coordinate
15 System, East Zone, NAD 83 (2011 Adjustment) with a
16 combined scale factor of 0.9999641157 described as
17 follows:

18 Beginning at the northwest corner of said lot; thence
19 North 88 degrees 32 minutes 27 seconds East, on the north
20 line of said lot, 53.09 feet; thence South 02 degrees 19
21 minutes 11 seconds West, 586.19 feet to a point 20.00 feet
22 East of, as measured perpendicular to, the west line of

1 said lot; thence South 88 degrees 15 minutes 02 seconds
2 West, 11.00 feet to the east line of the West 9.00 feet of
3 said lot; thence South 01 degree 44 minutes 58 seconds
4 East, on said east line, 194.80 feet; thence South 88
5 degrees 15 minutes 02 seconds West, 9.00 feet to the west
6 line of said lot; thence North 01 degree 44 minutes 58
7 seconds West, on said west line, 505.26 feet to an angle
8 point in said west line; thence North 00 degrees 01 minute
9 33 seconds East, on said west line, 274.64 feet to the
10 Point of Beginning.

11 Said parcel containing 0.561 acre, more or less.

12 Route: 80th Avenue (CH 83)

13 Section: 06-00122-16-FP

14 County: Will

15 Job No.: R-55-001-97

16 Parcel No.: 0004TE Station 89+49.94 To Station 92+15.00

17 Index No.: 19-09-01-301-001

18 Parcel 0004TE

19 That part of Lot 1 in Panduit Corp Planned Unit
20 Development Subdivision, being a subdivision in part of
21 the Southwest Quarter of Section 1, Township 35 North,
22 Range 12 East of the Third Principal Meridian, according

1 to the plat thereof recorded August 31, 2012 as Document
2 No. R2012-096238, in Will County, Illinois, bearings and
3 distances based on the Illinois State Plane Coordinate
4 System, East Zone, NAD 83 (2011 Adjustment) with a
5 combined scale factor of 0.9999641157 described as
6 follows:

7 Commencing at the southwest corner of said lot; thence
8 North 01 degree 44 minutes 58 seconds West, on the west
9 line of said lot, 226.18 feet to the Point of Beginning;
10 thence continuing North 01 degrees 44 minutes 58 seconds
11 West, on said west line, 78.11 feet; thence North 88
12 degrees 15 minutes 02 seconds East, 9.00 feet; thence
13 South 50 degrees 58 minutes 14 seconds East, 27.73 feet;
14 thence North 88 degrees 15 minutes 33 seconds East, 25.00
15 feet to the east line of the West 55.00 feet of said lot;
16 thence South 01 degree 44 minutes 58 seconds East, on said
17 east line, 60.00 feet; thence South 88 degrees 15 minutes
18 33 seconds West, 40.00 feet to the east line of the West
19 15.00 feet of said lot; thence South 01 degree 44 minutes
20 58 seconds East, on said east line, 186.94 feet; thence
21 South 88 degrees 15 minutes 28 second West, 5.00 feet to
22 the east line of the West 10.00 feet of said lot; thence
23 North 01 degree 44 minutes 58 seconds West, on said east
24 line, 186.95 feet; thence South 88 degrees 15 minutes 33
25 seconds West, 10.00 feet to the Point of Beginning.

1 Said parcel containing 0.105 acre, more or less.

2 Route: 80th Avenue (CH 83)

3 Section: 06-00122-16-FP

4 County: Will

5 Job No.: R-55-001-97

6 Parcel No.: 0005 Station 92+02.49 To Station 99+94.90

7 Index No.: 19-09-02-402-003

8 Parcel 0005

9 That part of Outlot A in 80th Avenue Industrial Center in
10 the east half of the Southeast Quarter of Section 2,
11 Township 35 North, Range 12 East of the Third Principal
12 Meridian, according to the plat thereof recorded May 27,
13 1976 as Document No. R1976-015768, Township of Frankfort,
14 Will County, Illinois, bearings and distances based on the
15 Illinois State Plane Coordinate System, East Zone, NAD 83
16 (2011 Adjustment) with a combined scale factor of
17 0.9999641157 described as follows:

18 Beginning at the northeast corner of said Outlot A, said
19 northeast corner being the intersection of the east line
20 of said Outlot A with the south right of way line of
21 Interstate 80; thence South 05 degrees 42 minutes 13

1 seconds East, on the east line of said Outlot A, 526.56
2 feet to an angle point in said east line; thence South 01
3 degree 44 minutes 58 seconds East, on said east line,
4 266.93 feet to the north right of way line of 189th Street;
5 thence South 88 degrees 26 minutes 40 seconds West, on
6 said north right of way line, 50.00 feet; thence North 01
7 degree 44 minutes 58 seconds West, parallel with said east
8 line, 32.00 feet; thence North 88 degrees 26 minutes 40
9 seconds East, parallel with said north right of way line,
10 37.00 feet to the west line of the East 13.00 feet of said
11 Outlot A; thence North 01 degree 44 minutes 58 seconds
12 West, on said west line, 279.26 feet; thence South 88
13 degrees 15 minutes 02 seconds West, 22.00 feet; thence
14 North 01 degree 43 minutes 58 seconds West, 238.59 feet;
15 thence North 04 degrees 43 minutes 36 seconds West, 197.47
16 feet; thence North 01 degree 54 minutes 17 seconds West,
17 45.18 feet to the north line of said Outlot A; thence North
18 88 degrees 31 minutes 27 seconds East, on said north line,
19 9.00 feet to the Point of Beginning.

20 Said parcel containing 0.321 acre, more or less.

21 Route: 80th Avenue (CH 83)

22 Section: 06-00122-16-FP

23 County: Will

24 Job No.: R-55-001-97

1 Parcel No.: 0006 Station 102+41.97 To Station 115+07.14

2 Index No.: 19-09-01-100-013

3 Parcel 0006

4 The West 60 acres (Except the East 40 acres thereof) of the
5 south half of the Northwest Quarter of Section 1, Township
6 35 North, Range 12 East of the Third Principal Meridian,
7 in Will County, Illinois.

8 Excepting therefrom that part described for street
9 purposes by Plat of Dedication and ordinance approving the
10 same record as Document R2002-010141.

11 Also excepting therefrom that part taken for Interstate 80
12 in Case 66 G 1592H the Lis Pendes of which was recorded as
13 Document R66-13830.

14 Said parcel containing 16.618 acres, more or less.

15 Route: 80th Avenue (CH 83)

16 Section: 06-00122-16-FP

17 County: Will

18 Job No.: R-55-001-97

19 Parcel No.: 0007TE Station 110+41.32 To Station 110+49.57

20 Index No.: 19-09-02-203-003

1 Parcel 0007TE

2 That part of Lot 9 in Mercury Business Center, being a
3 subdivision of part of the Southeast Quarter of the
4 Northeast Quarter of Section 2, Township 35 North, Range
5 12 East of the Third Principal Meridian, according to the
6 plat thereof recorded August 26, 1994 as Document No.
7 R94-82441, in Will County, Illinois, bearings and
8 distances based on the Illinois State Plane Coordinate
9 System, East Zone, NAD 83 (2011 Adjustment) with a
10 combined scaled factor of 0.9999641157 described as
11 follows:

12 Commencing at the southeast corner of said lot; thence
13 South 84 degrees 03 minutes 06 seconds West, on the south
14 line of said lot, 74.77 feet to the Point of Beginning;
15 thence continuing South 84 degrees 03 minutes 06 seconds
16 West, on said south line, 44.50 feet; thence North 05
17 degrees 56 minutes 54 seconds West, perpendicular to said
18 south line, 5.00 feet; thence North 84 degrees 03 minutes
19 06 seconds East, parallel with said south line, 44.50
20 feet; thence South 05 degrees 56 minutes 54 seconds East,
21 perpendicular to said south line, 5.00 feet to the Point
22 of Beginning.

1 Said parcel containing 0.005 acre (223 square feet), more
2 or less.

3 Route: 80th Avenue (CH 83)

4 Section: 06-00122-16-FP

5 County: Will

6 Job No.: R-55-001-97

7 Parcel No.: 0008TE-A Station 118+98.39 To Station
8 120+86.46

9 Index No.: 19-09-02-205-034

10 Parcel 0008TE-A

11 That part of Lot 1 in Speedway Tinley Park Subdivision,
12 being a consolidation of Parcels 1, 2 and 3 in the north
13 half of Section 2, Township 35 North, Range 12 East of the
14 Third Principal Meridian, according to the plat thereof
15 recorded March 1, 2016, as Document No. R2016-015413, all
16 in Will County, Illinois bearings and distances based on
17 the Illinois State Plane Coordinate System, East Zone, NAD
18 83 (2011 Adjustment) with a combined scale factor of
19 0.9999641157 described as follows:

20 Commencing at the northeast corner of said lot; thence
21 South 01 degree 45 minutes 01 seconds East, on the east
22 line of said lot, 235.96 feet to the Point of Beginning;

1 thence continuing South 01 degree 45 minutes 01 second
2 East, on said east line, 106.00 feet to an angle point in
3 said east line; thence South 88 degrees 30 minutes 13
4 seconds West, on said east line, 9.00 feet to an angle
5 point in said east line; thence South 01 degree 45 minutes
6 01 second East, on said east line, 82.11 feet to an angle
7 point in said east line; thence South 88 degrees 30
8 minutes 13 seconds West, on said east line, 5.00 feet;
9 thence North 01 degree 45 minutes 01 second West, parallel
10 with said east line, 82.11 feet; thence South 88 degrees
11 30 minutes 13 seconds West, 10.00 feet; thence North 01
12 degree 45 minutes 01 second West, parallel with said east
13 line, 106.00 feet; thence North 88 degrees 14 minutes 59
14 seconds East, 24.00 feet to the Point of Beginning.

15 Said parcel containing 0.068 acre, more or less.

16 Route: 80th Avenue (CH 83)

17 Section: 06-00122-16-FP

18 County: Will

19 Job No.: R-55-001-97

20 Parcel No.: 0008TE-B Station 115+88.46 To Station
21 116+03.46

22 Index No.: 19-09-02-205-034

23 Parcel 0008TE-B

1 That part of Lot 1 in Speedway Tinley Park Subdivision,
2 being a consolidation of Parcels 1, 2 and 3 in the north
3 half of Section 2, Township 35 North, Range 12 East of the
4 Third Principal Meridian, according to the plat thereof
5 recorded March 1, 2016, as Document No. R2016-015413, all
6 in Will County, Illinois bearings and distances based on
7 the Illinois State Plane Coordinate System, East Zone, NAD
8 83 (2011 Adjustment) with a combined scale factor of
9 0.9999641157 described as follows:

10 Beginning at the southeast corner of said lot; thence
11 South 88 degrees 30 minutes 13 seconds West, on the south
12 line of said lot, 15.00 feet; thence North 43 degrees 22
13 minutes 36 seconds East, 21.17 feet to the east line of
14 said lot; thence South 01 degree 45 minutes 01 second
15 East, on said east line, 15.00 feet to the Point of
16 Beginning.

17 Said parcel containing 0.003 acre (112 square feet), more
18 or less.

19 Route: 80th Avenue (CH 83)

20 Section: 06-00122-16-FP

21 County: Will

22 Job No.: R-55-001-97

1 Parcel No.: 0009 Station 115+92.91 To Station 122+04.37

2 Index No.: 19-09-01-101-009

3 Parcel 0009

4 That part of Lot 9 in Hickory Creek Corporate Center Unit
5 2, being a subdivision of that part of the north half of
6 the Northwest Quarter of Section 1, Township 35 North,
7 Range 12 East of the Third Principal Meridian, according
8 to the plat thereof recorded October 31, 2001 as Document
9 No. R2001-148202 and amended by Certificate of Correction
10 Numbers R2001- 157981, R2001-161607 and R2001-161608, in
11 Will County, Illinois, bearings and distances based on the
12 Illinois State Plane Coordinate System, East Zone, NAD 83
13 (2011 Adjustment) with a combined scale factor of
14 0.9999641157 described as follows:

15 Beginning at the northwest corner of said lot; thence
16 North 88 degrees 36 minutes 17 seconds East, on the north
17 line of said lot, 15.70 feet; thence South 01 degree 45
18 minutes 01 second East, 575.55 feet to a point 5.00 feet
19 Northeasterly of, as measured perpendicular to, the
20 southwesterly line of said lot; thence South 46 degrees 35
21 minutes 11 seconds East, parallel with said southwesterly
22 line, 40.81 feet; thence South 00 degrees 00 minutes 00
23 seconds East, 6.88 feet to said southwesterly line; thence

1 North 46 degrees 35 minutes 11 seconds West, on said
2 southwesterly line, 62.92 feet to the west line of said
3 lot; thence North 01 degree 44 minutes 24 seconds West, on
4 said west line, 566.85 feet to the Point of Beginning.

5 Said parcel containing 0.212 acre, more or less.

6 Route: 80th Avenue (CH 83)

7 Section: 06-00122-16-FP

8 County: Will

9 Job No.: R-55-001-97

10 Parcel No.: 0009TE-A Station 115+86.83 To Station
11 115+98.12

12 Index No.: 19-09-01-101-009

13 Parcel 0009TE-A

14 That part of Lot 9 in Hickory Creek Corporate Center Unit
15 2, being a subdivision of that part of the north half of
16 the Northwest Quarter of Section 1, Township 35 North,
17 Range 12 East of the Third Principal Meridian, according
18 to the plat thereof recorded October 31, 2001 as Document
19 No. R2001-148202 and amended by Certificate of Correction
20 Numbers R2001- 157981, R2001-161607 and R2001-161608, in
21 Will County, Illinois, bearings and distances based on the
22 Illinois State Plane Coordinate System, East Zone, NAD 83

1 (2011 Adjustment) with a combined scale factor of
2 0.9999641157 described as follows:

3 Commencing at the southeast corner of said lot; thence
4 South 88 degrees 35 minutes 00 seconds West, 264.49 feet
5 to the Point of Beginning; thence continuing South 88
6 degrees 35 minutes 00 seconds West, on said south line,
7 45.50 feet to the southwesterly line of said lot; thence
8 North 46 degrees 35 minutes 11 seconds West, 8.21 feet;
9 thence North 00 degrees 00 minutes 00 seconds East, 5.21
10 feet to a point 11.00 feet North of, as measured
11 perpendicular to, the south line of said lot; thence North
12 88 degrees 35 minutes 00 seconds East, parallel with said
13 south line, 48.31 feet; thence South 16 degrees 07 minutes
14 24 seconds East, 11.37 feet to the Point of Beginning.

15 Said parcel containing 0.012 acre, more or less.

16 Route: 80th Avenue (CH 83)

17 Section: 06-00122-16-FP

18 County: Will

19 Job No.: R-55-001-97

20 Parcel No.: 0009TE-B Station 2013+44.28 To Station
21 2013+90.28

22 Index No.: 19-09-01-101-009

1 Parcel 0009TE-B

2 That part of Lot 9 in Hickory Creek Corporate Center Unit
3 2, being a subdivision of that part of the north half of
4 the Northwest Quarter of Section 1, Township 35 North,
5 Range 12 East of the Third Principal Meridian, according
6 to the plat thereof recorded October 31, 2001 as Document
7 No. R2001-148202 and amended by Certificate of Correction
8 Numbers R2001- 157981, R2001-161607 and R2001-161608, in
9 Will County, Illinois, bearings and distances based on the
10 Illinois State Plane Coordinate System, East Zone, NAD 83
11 (2011 Adjustment) with a combined scale factor of
12 0.9999641157 described as follows:

13 Commencing at the southeast corner of said lot; thence
14 South 88 degrees 35 minutes 00 seconds West, on said south
15 line, 35.00 feet to the Point of Beginning; thence
16 continuing South 88 degrees 35 minutes 00 seconds West, on
17 said south line, 46.00 feet; thence North 01 degrees 25
18 minutes 00 seconds West, 5.00 feet to the north line of the
19 South 5.00 feet of said lot; thence North 88 degrees 35
20 minutes 00 seconds East, on said north line, 46.00 feet;
21 thence South 01 degree 25 minutes 00 seconds East, 5.00
22 feet to the Point of Beginning.

23 Said parcel containing 0.005 acre (230 square feet), more

1 or less.

2 Route: 80th Avenue (CH 83)

3 Section: 06-00122-16-FP

4 County: Will

5 Job No.: R-55-001-97

6 Parcel No.: 0010A Station 122+04.27 To Station 122+34.00

7 Index No.: 19-09-01-101-007

8 Parcel 0010A

9 That part of Lot 10 in Hickory Creek Corporate Center Unit
10 2, being a subdivision of that part of the north half of
11 the Northwest Quarter of Section 1, Township 35 North,
12 Range 12 East of the Third Principal Meridian, according
13 to the plat thereof recorded October 31, 2001 as Document
14 No. R2001-148202 and amended by Certificate of Correction
15 Numbers R2001-157981, R2001-161607 and R2001-161608, in
16 Will County, Illinois, bearings and distances based on the
17 Illinois State Plane Coordinate System, East Zone, NAD 83
18 (2011 Adjustment) with a combined scale factor of
19 0.9999641157 described as follows:

20 Beginning at the southwest corner of said lot; thence
21 North 01 degree 48 minutes 13 seconds West, on the west
22 line of said lot, 29.63 feet; thence North 88 degrees 15

1 minutes 04 seconds East, 15.73 feet; thence South 01
2 degree 45 minutes 01 second East, 29.73 feet to the south
3 line of said lot; thence South 88 degrees 36 minutes 17
4 seconds West, 15.70 feet to the Point of Beginning.

5 Said parcel containing 0.011 acre, more or less.

6 Route: 80th Avenue (CH 83)

7 Section: 06-00122-16-FP

8 County: Will

9 Job No.: R-55-001-97

10 Parcel No.: 0010B Station 122+93.00 To Station 128+25.81

11 Index No.: 19-09-01-101-007

12 Parcel 0010B

13 That part of Lot 10 in Hickory Creek Corporate Center Unit
14 2, being a subdivision of that part of the north half of
15 the Northwest Quarter of Section 1, Township 35 North,
16 Range 12 East of the Third Principal Meridian, according
17 to the plat thereof recorded October 31, 2001 as Document
18 No. R2001-148202 and amended by Certificate of Correction
19 Numbers R2001-157981, R2001-161607 and R2001-161608, in
20 Will County, Illinois, bearings and distances based on the
21 Illinois State Plane Coordinate System, East Zone, NAD 83
22 (2011 Adjustment) with a combined scale factor of

1 0.9999641157 described as follows:

2 Commencing at the southwest corner of said lot; thence
3 North 01 degree 48 minutes 13 seconds West, on the west
4 line of said lot, 88.63 feet to the Point of Beginning;
5 thence continuing North 01 degree 48 minutes 13 seconds
6 West, on said west line, 127.27 feet to an angle point in
7 said west line; thence North 01 degree 04 minutes 30
8 seconds East, on said west line, 199.86 feet to an angle
9 point in said west line; thence North 01 degree 42 minutes
10 21 seconds West, on said west line, 156.34 feet to an angle
11 point in said west line; thence North 43 degrees 31
12 minutes 05 seconds East, on a northwesterly line of said
13 lot, 70.43 feet to the north line of said lot; thence North
14 88 degrees 39 minutes 56 seconds East, on said north line,
15 613.66 feet; thence South 01 degree 20 minutes 04 seconds
16 East, perpendicular to said north line, 5.00 feet; thence
17 South 87 degrees 05 minutes 13 seconds West, 232.71 feet;
18 thence South 86 degrees 35 minutes 31 seconds West, 357.63
19 feet; thence South 50 degrees 50 minutes 19 seconds West,
20 56.86 feet; thence South 07 degrees 02 minutes 04 seconds
21 West, 130.48 feet; thence South 00 degrees 00 minutes 30
22 seconds East, 344.94 feet; thence South 88 degrees 15
23 minutes 04 seconds West, 7.78 feet to the Point of
24 Beginning.

1 Said parcel containing 0.376 acre, more or less.

2 Route: 80th Avenue (CH 83)

3 Section: 06-00122-16-FP

4 County: Will

5 Job No.: R-55-001-97

6 Parcel No.: 0010TE Station 122+29.00 To Station 127+72.90

7 Index No.: 19-09-01-101-007

8 Parcel 0010TE

9 That part of Lot 10 in Hickory Creek Corporate Center Unit
10 2, being a subdivision of that part of the north half of
11 the Northwest Quarter of Section 1, Township 35 North,
12 Range 12 East of the Third Principal Meridian, according
13 to the plat thereof recorded October 31, 2001 as Document
14 No. R2001-148202 and amended by Certificate of Correction
15 Numbers R2001-157981, R2001-161607 and R2001-161608, in
16 Will County, Illinois, bearings and distances based on the
17 Illinois State Plane Coordinate System, East Zone, NAD 83
18 (2011 Adjustment) with a combined scale factor of
19 0.9999641157 described as follows:

20 Commencing at the southwest corner of said lot; thence
21 North 01 degree 48 minutes 13 seconds West, on the west
22 line of said lot, 29.63 feet to the Point of Beginning;

1 thence continuing North 01 degree 48 minutes 13 seconds
2 West, on said west line, 59.00 feet; thence North 88
3 degrees 15 minutes 04 seconds East, 7.78 feet; thence
4 North 00 degree 00 minutes 30 seconds West, 344.94; thence
5 North 07 degrees 02 minutes 04 seconds East, 130.48 feet;
6 thence North 50 degrees 50 minutes 19 seconds East, 10.14
7 feet; thence South 01 degree 44 minutes 33 seconds East,
8 72.90 feet; thence South 18 degrees 40 minutes 18 seconds
9 East, 68.68 feet; thence South 01 degree 44 minutes 34
10 seconds East, 134.29 feet; thence South 13 degrees 46
11 minutes 54 seconds West, 186.82 feet; thence South 01
12 degree 44 minutes 30 seconds East, 27.00 feet; thence
13 North 88 degrees 15 minutes 04 seconds East, 39.81 feet;
14 thence South 01 degree 48 minutes 13 seconds East, 64.00
15 feet; thence South 88 degrees 15 minutes 04 seconds West,
16 40.28 feet; thence North 01 degree 45 minutes 01 second
17 West, 5.00 feet; thence South 88 degrees 15 minutes 04
18 seconds West, 15.73 feet to the Point of Beginning.

19 Said parcel containing 0.435 acre, more or less.

20 Route: 80th Avenue (CH 83)

21 Section: 06-00122-16-FP

22 County: Will

23 Job No.: R-55-001-97

24 Parcel No.: 0011TE Station 123+22.42 To Station 125+60.84

1 Index No.: 19-09-02-205-025

2 Parcel 0011TE

3 That part of Lot 31 in Tinley Crossings Corporate Center,
4 Phase 3, a resubdivision of part of the north half of
5 Section 2, Township 35 North, Range 12 East of the Third
6 Principal Meridian, according to the plat thereof recorded
7 February 27, 2001 as Document No. R2001-021137, all in
8 Will County, Illinois, bearings and distances based on the
9 Illinois State Plane Coordinate System, East Zone, NAD 83
10 (2011 Adjustment) with a combined scale factor of
11 0.9999641157 described as follows:

12 Beginning at the southeast corner of said lot, said
13 southeast corner being on the west right of way line of
14 80th Avenue; thence South 88 degrees 15 minutes 09 seconds
15 West, on a south line of said lot, 16.00 feet to the west
16 line of the East 16.00 feet of said lot; thence North 01
17 degree 45 minutes 01 second West, on said west line, 47.30
18 feet; thence North 88 degrees 14 minutes 59 seconds East,
19 12.00 feet to the west line of the East 4.00 feet of said
20 lot; thence North 01 degree 45 minutes 01 second West, on
21 said west line, 142.42 feet; thence South 88 degrees 14
22 minutes 59 seconds West, 5.00 feet to the west line of the
23 East 9.00 feet of said lot; thence North 01 degree 45

1 minutes 01 second West, on said west line, 48.70 feet;
2 thence North 88 degrees 14 minutes 59 seconds East, 9.00
3 feet to the east line of said lot; thence South 01 degree
4 45 minutes 01 second East, on said east line, 238.42 feet
5 to the Point of Beginning.

6 Said parcel containing 0.041 acre, more or less.

7 Route: 80th Avenue (CH 83)

8 Section: 06-00122-16-FP

9 County: Will

10 Job No.: R-55-001-97

11 Parcel No.: 0012 Station 126+69.25 To Station 128+28.53

12 Index No.: 19-09-02-205-010

13 Parcel 0012

14 That part of Lot 25 in Tinley Crossings Corporate Center
15 Unit 1, being a subdivision of part of the North half of
16 Section 2, Township 35 North, Range 12 East of the Third
17 Principal Meridian, according to the Plat of Subdivision
18 thereof recorded October 16, 1998 as Document R98-122885,
19 in Will County, Illinois, bearings and distances based on
20 the Illinois State Plane Coordinate System, East Zone, NAD
21 83 (2011 Adjustment) with a combined scale factor of
22 0.9999641157 described as follows:

1 Commencing at the southeast corner of said lot; thence
2 North 01 degree 45 minutes 01 second West, on the east line
3 of said lot, 98.41 feet to the Point of Beginning; thence
4 South 88 degrees 15 minutes 50 seconds West, 6.00 feet;
5 thence North 01 degree 45 minutes 01 second West, parallel
6 with said east line, 31.47 feet to a point of curvature;
7 thence Northwesterly, on a 110.00 foot radius curve,
8 concave Southwesterly, 172.12 feet, the chord of said
9 curve bears North 46 degrees 34 minutes 30 seconds West,
10 155.09 feet to the south line of the North 17.00 feet of
11 said lot, and to a point of tangency; thence South 88
12 degrees 35 minutes 58 seconds West, on said south line,
13 119.66 feet; thence South 01 degree 45 minutes 01 second
14 East, 7.00 feet; thence South 88 degrees 35 minutes 58
15 seconds West, parallel with said north line, 20.00 feet to
16 the west line of said lot; thence North 01 degree 45
17 minutes 01 second West, on said west line, 24.00 feet to
18 the northwest corner of said lot; thence North 88 degrees
19 35 minutes 58 seconds East, on the north line of said lot,
20 204.99 feet to the northeasterly line of said lot; thence
21 South 46 degrees 34 minutes 31 seconds East, on said
22 northeasterly line, 70.93 feet to the east line of said
23 lot; thence South 01 degree 45 minutes 01 second East, on
24 said east line, 107.77 feet to the Point of Beginning.

1 Said parcel containing 0.152 acre, more or less.

2 Route: 80th Avenue (CH 83)

3 Section: 06-00122-16-FP

4 County: Will

5 Job No.: R-55-001-97

6 Parcel No.: 0012TE Station 126+69.25 To Station 128+11.41

7 Index No.: 19-09-02-205-010

8 Parcel 0012TE

9 That part of Lot 25 in Tinley Crossings Corporate Center
10 Unit 1, being a subdivision of part of the North half of
11 Section 2, Township 35 North, Range 12 East of the Third
12 Principal Meridian, according to the Plat of Subdivision
13 thereof recorded October 16, 1998 as Document R98-122885,
14 in Will County, Illinois, bearings and distances based on
15 the Illinois State Plane Coordinate System, East Zone, NAD
16 83 (2011 Adjustment) with a combined scale factor of
17 0.9999641157 described as follows:

18 Commencing at the southeast corner of said lot; thence
19 North 01 degree 45 minutes 01 second West, on the east line
20 of said lot, 98.41 feet; thence South 88 degrees 15
21 minutes 50 seconds West, 6.00 feet to the Point of
22 Beginning; thence continuing South 88 degrees 15 minutes

1 50 seconds West, 5.00 feet; thence North 01 degree 45
2 minutes 01 second West, parallel with the east line of
3 said lot, 31.47 feet; thence North 28 degrees 47 minutes
4 08 seconds West, 72.92 feet; thence North 57 degrees 01
5 minute 36 seconds West, 57.77 feet to the south line of the
6 North 29.00 feet of said lot; thence South 88 degrees 35
7 minutes 58 seconds West, on said south line, 143.37 feet;
8 thence South 01 degree 45 minutes 01 second East, 10.00
9 feet; thence South 88 degrees 35 minutes 58 seconds West,
10 parallel with the north line of said lot, 20.00 feet to the
11 west line of said lot; thence North 01 degree 45 minutes 01
12 second West, on said west line, 15.00 feet; thence North
13 88 degrees 35 minutes 58 seconds East, parallel with the
14 north line of said lot, 20.00 feet; thence North 01 degree
15 45 minutes 01 second West, 7.00 feet to the south line of
16 the North 17.00 feet of said lot; thence North 88 degrees
17 35 minutes 58 seconds East, on said south line, 119.66
18 feet to a point of curvature; thence Southeasterly, on a
19 110.00 foot radius curve, concave Southwesterly, 172.12
20 feet, the chord of said curve bears South 46 degrees 34
21 minutes 30 seconds East, 155.09 feet to the west line of
22 the East 6.00 feet of said lot, and to a point of tangency;
23 thence South 01 degree 45 minutes 01 second East, on said
24 west line, 31.47 feet to the Point of Beginning.

25 Said parcel containing 0.093 acre, more or less.

1 Route: 80th Avenue (CH 83)
2 Section: 06-00122-16-FP
3 County: Will
4 Job No.: R-55-001-97
5 Parcel No.: 0013 Station 95+54.70 To Station 98+85.07
6 Index No.: 19-09-02-205-028

7 Parcel 0013

8 All common areas in the 8021 Condominium, as delineated on
9 a survey of the following described real estate: Lot 30 in
10 Tinley Crossings Corporate Center, Phase 3, a
11 resubdivision of part of the North half of Section 2,
12 Township 35 North, Range 12 East of the Third Principal
13 Meridian, according to the plat thereof recorded February
14 27, 2001 as Document No. R2001-021137, which survey is
15 attached as Exhibit "B" to the Declaration of Condominium
16 recorded as Document Number R2004-22962, and as amended,
17 all in Will County, Illinois, bearings and distances based
18 on the Illinois State Plane Coordinate System, East Zone,
19 NAD 83 (2011 Adjustment) with a combined scale factor of
20 0.9999641157 described as follows:

21 Beginning at the northeast corner of said Lot 30; thence
22 South 01 degree 45 minutes 01 second East, on the east line

1 of said lot, 24.00 feet to the south line of the North
2 24.00 feet of said lot; thence South 88 degrees 35 minutes
3 58 seconds West, on said south line, 97.77 feet; thence
4 North 87 degrees 12 minutes 48 seconds West, 136.96 feet;
5 thence South 89 degrees 41 minutes 13 seconds West, 52.69
6 feet to a point of curvature; thence Westerly, on a 787.00
7 foot radius curve, concave Southerly, 39.84 feet, the
8 chord of said curve bears South 87 degrees 08 minutes 58
9 seconds West, 39.83 feet to the west line of said lot;
10 thence North 01 degree 45 minutes 03 seconds West, on said
11 west line, 13.01 feet to the northwest corner of said lot;
12 thence Easterly, on the north line of said lot, being an
13 800.00 foot radius curve, concave Southerly, 39.91 feet,
14 the chord of said curve bears North 87 degrees 10 minutes
15 13 seconds East, 39.91 feet to a point of tangency in said
16 north line; thence North 88 degrees 35 minutes 58 seconds
17 East, on said north line, 286.90 feet to the Point of
18 Beginning.

19 Said parcel containing 0.142 acre, more or less.

20 Route: 80th Avenue (CH 83)

21 Section: 06-00122-16-FP

22 County: Will

23 Job No.: R-55-001-97

24 Parcel No.: 0013TE-A Station 97+87.30 To Station 98+85.18

1 Index No.: 19-09-02-205-028

2 Parcel 0013TE-A

3 All common areas in the 8021 Condominium, as delineated on
4 a survey of the following described real estate: Lot 30 in
5 Tinley Crossings Corporate Center, Phase 3, a
6 resubdivision of part of the North half of Section 2,
7 Township 35 North, Range 12 East of the Third Principal
8 Meridian, according to the plat thereof recorded February
9 27, 2001 as Document No. R2001-021137, which survey is
10 attached as Exhibit "B" to the Declaration of Condominium
11 recorded as Document Number R2004-22962, and as amended,
12 all in Will County, Illinois, bearings and distances based
13 on the Illinois State Plane Coordinate System, East Zone,
14 NAD 83 (2011 Adjustment) with a combined scale factor of
15 0.9999641157 described as follows:

16 Commencing at the northeast corner of said Lot 30; thence
17 South 01 degree 45 minutes 01 second East, on the east line
18 of said lot, 24.00 feet to the Point of Beginning; thence
19 continuing South 01 degree 45 minutes 01 second East, on
20 said east line, 15.00 feet; thence South 88 degrees 35
21 minutes 58 seconds West, parallel with the north line of
22 said lot, 30.17 feet; thence North 01 degree 24 minutes 02
23 seconds West, 10.00 feet to the south line of the North

1 29.00 feet of said lot; thence South 88 degrees 35 minutes
2 58 seconds West, on said south line, 67.70 feet; thence
3 North 01 degree 24 minutes 02 seconds West, 5.00 feet to
4 the south line of the North 24.00 feet of said lot; thence
5 North 88 degrees 35 minutes 58 seconds East, on said south
6 line, 97.77 feet to the Point of Beginning.

7 Said parcel containing 0.018 acre, more or less.

8 Route: 80th Avenue (CH 83)

9 Section: 06-00122-16-FP

10 County: Will

11 Job No.: R-55-001-97

12 Parcel No.: 0013TE-B Station 95+72.95 To Station 96+39.71

13 Index No.: 19-09-02-205-028

14 Parcel 0013TE-B

15 All common areas in the 8021 Condominium, as delineated on
16 a survey of the following described real estate: Lot 30 in
17 Tinley Park Crossings Corporate Center, Phase 3, a
18 resubdivision of part of the North half of Section 2,
19 Township 35 North, Range 12 East of the Third Principal
20 Meridian, according to the plat thereof recorded February
21 27, 2001 as Document No. R2001-021137, which survey is
22 attached as Exhibit "B" to the Declaration of Condominium

1 recorded as Document Number R2004-22962, and as amended,
2 all in Will County, Illinois, bearings and distances based
3 on the Illinois State Plane Coordinate System, East Zone,
4 NAD 83 (2011 Adjustment) with a combined scale factor of
5 0.9999641157 described as follows:

6 Commencing at the northwest corner of said Lot 30; thence
7 South 01 degree 45 minutes 03 seconds East, on the west
8 line of said lot, 13.01 feet; thence Easterly, on a 787.00
9 foot radius curve, concave Southerly, 16.92 feet, the
10 chord of said curve bears North 86 degrees 18 minutes 55
11 seconds East, 16.92 feet to the Point of Beginning; thence
12 continuing Easterly, on said 787.00 foot radius curve,
13 22.92 feet, the chord of said curve bears North 87 degrees
14 45 minutes 55 seconds East, 22.92 feet; thence North 89
15 degrees 41 minutes 13 seconds East, 41.67 feet; thence
16 South 01 degree 39 minutes 18 seconds East, 6.00 feet;
17 thence South 89 degrees 41 minutes 10 seconds West, 41.70
18 feet to a point of curvature; thence Westerly, on a 781.00
19 foot radius curve, concave Southerly, 22.74 feet, the
20 chord of said curve bears South 87 degrees 45 minutes 55
21 seconds West, 22.74 feet; thence North 03 degrees 04
22 minutes 08 seconds West, 6.00 feet to the Point of
23 Beginning.

24 Said parcel containing 0.009 acre (387 square feet), more

1 or less.

2 Route: 80th Avenue (CH 83)

3 Section: 06-00122-16-FP

4 County: Will

5 Job No.: R-55-001-97

6 Parcel No.: 0014 Station 93+10.05 To Station 95+55.36

7 Index No.: 19-09-02-205-023

8 Parcel 0014

9 That part of Lot 29 in Tinley Crossings Corporate Center
10 Phase 3, being a subdivision of part of the North half of
11 Section 2, Township 35 North, Range 12 East of the Third
12 Principal Meridian, according to the plat thereof recorded
13 February 27, 2001 as Document No. R2001-021137, all in
14 Will County, Illinois, bearings and distances based on the
15 Illinois State Plane Coordinate System, East Zone, NAD 83
16 (2011 Adjustment) with a combined scale factor of
17 0.9999641157 described as follows:

18 Beginning at the northeast corner of said Lot 29; thence
19 South 01 degree 45 minutes 03 second East, 13.01 feet to
20 the southerly line of the Northerly 13.00 feet of said
21 lot; thence Southwesterly, on said southerly line, being a
22 787.00 foot radius curve, concave Southerly, 226.63 feet,

1 the chord of said curve bears South 77 degrees 26 minutes
2 59 seconds West, 225.85 feet; thence North 20 degrees 48
3 minutes 00 seconds West, 13.00 feet to the northerly line
4 of said lot; thence Northeasterly, on said northerly line,
5 being a 800.00 foot radius curve, concave Southerly,
6 230.96 feet, the chord of said curve bears North 77
7 degrees 28 minutes 14 seconds East, 230.15 feet to the
8 Point of Beginning.

9 Said parcel containing 0.068 acre, more or less.

10 Route: 80th Avenue (CH 83)

11 Section: 06-00122-16-FP

12 County: Will

13 Job No.: R-55-001-97

14 Parcel No.: 0014TE Station 92+71.20 To Station 93+10.05

15 Index No.: 19-09-02-205-023

16 Parcel 0014TE

17 That part of Lot 29 in Tinley Crossings Corporate Center
18 Phase 3, being a subdivision of part of the North half of
19 Section 2, Township 35 North, Range 12 East of the Third
20 Principal Meridian, according to the plat thereof recorded
21 February 27, 2001 as Document No. R2001-021137, all in
22 Will County, Illinois, bearings and distances based on the

1 Illinois State Plane Coordinate System, East Zone, NAD 83
2 (2011 Adjustment) with a combined scale factor of
3 0.9999641157 described as follows:

4 Commencing at the northeast corner of said Lot 29; thence
5 Southwesterly, on the northerly line of said lot, being a
6 800.00 foot radius curve, concave Southerly, 230.96 feet,
7 the chord of said curve bears South 77 degrees 28 minutes
8 14 seconds West, 230.15 feet to the Point of Beginning;
9 thence South 20 degrees 48 minutes 00 seconds East, 13.00
10 feet to the southerly line of the Northerly 13.00 feet of
11 said lot; thence Southwesterly, on said southerly line,
12 being a 787.00 foot radius curve, concave Southerly, 35.99
13 feet, the chord of said curve bears South 67 degrees 53
14 minutes 24 seconds West, 35.98 feet; thence North 23
15 degrees 25 minutes 11 seconds West, 13.00 feet to the
16 northerly line of said lot; thence Northeasterly, on said
17 northerly line, being a 800.00 foot radius curve, concave
18 Southerly, 36.58 feet, the chord of said curve bears North
19 67 degrees 53 minutes 24 seconds East, 36.58 feet to the
20 Point of Beginning.

21 Said parcel containing 0.011 acre, more or less.

22 Route: 80th Avenue (CH 83)

23 Section: 06-00122-16-FP

1 County: Will
2 Job No.: R-55-001-97
3 Parcel No.: 0015TE Station 91+38.62 To Station 93+13.16
4 Index No.: 19-09-02-204-003

5 Parcel 0015TE

6 That part of Outlot A in Tinley Crossings Corporate Center
7 Unit 1, being a subdivision of part of the North half of
8 Section 2, Township 35 North, Range 12 East of the Third
9 Principal Meridian, according to the plat thereof recorded
10 October 16, 1998 as Document No. R98- 122885, all in Will
11 County, Illinois, bearings and distances based on the
12 Illinois State Plane Coordinate System, East Zone, NAD 83
13 (2011 Adjustment) with a combined scale factor of
14 0.9999641157 described as follows:

15 Beginning at the northeast corner of said Outlot A; thence
16 Southwesterly, on the southerly line of said Outlot A,
17 being a 900.00 foot radius curve, concave Southeasterly,
18 117.40 feet, the chord of said curve bears South 65
19 degrees 40 minutes 28 seconds West, 117.32 feet to a point
20 of tangency in said southerly line; thence South 61
21 degrees 56 minutes 15 seconds West, on said southerly
22 line, 63.70 feet; thence North 28 degrees 03 minutes 45
23 seconds West, 9.00 feet to the northerly line of the

1 Southerly 9.00 feet of said Outlot A; thence North 61
2 degrees 56 minutes 15 seconds East, on said northerly
3 line, 63.70 feet to a point of curvature; thence
4 Northeasterly, on a 909.00 foot radius curve, concave
5 Southeasterly, 93.69 feet, the chord of said curve bears
6 North 64 degrees 53 minutes 25 seconds East, 93.65 feet to
7 the north line of said Outlot A; thence North 88 degrees 35
8 minutes 58 seconds East, on said north line, 26.35 feet to
9 the Point of Beginning.

10 Said parcel containing 0.035 acre, more or less.

11 (b) This Section is repealed April 2, 2024 (3 years after
12 the effective date of Public Act 101-665) ~~this amendatory Act~~
13 ~~of the 101st General Assembly.~~

14 (Source: P.A. 101-665, eff. 4-2-21; revised 11-18-21.)

15 (735 ILCS 30/25-5-85)

16 (Section scheduled to be repealed on July 9, 2024)

17 Sec. 25-5-85 ~~25-5-80~~. Quick-take; City of Woodstock;
18 Madison Street, South Street, and Lake Avenue.

19 (a) Quick-take proceedings under Article 20 may be used
20 for a period of no more than 2 years after July 9, 2021 (the
21 effective date of Public Act 102-53) ~~this amendatory Act of~~
22 ~~the 102nd General Assembly~~ by the City of Woodstock for the
23 acquisition of the following described property for the
24 purpose of widening the right-of-way proximate to the

1 intersection of Madison Street, South Street, and Lake Avenue
2 to construct a traffic roundabout:

3 That part of the north 47.5 feet of the south 87.5 feet of
4 Lots 7 and 8 in Block 18 in the Original Town of Centerville,
5 now City of Woodstock, a subdivision of part of the Southwest
6 Quarter of Section 5, Township 44 North, Range 7 East of the
7 Third Principal Meridian, according to the plat recorded June
8 10, 1844, in Book D of Deeds, page 201, in the City of
9 Woodstock, McHenry County, Illinois, described as follows
10 using bearings as referenced to Illinois State Plane
11 Coordinate System, East Zone North American Datum 1983 (2011
12 Adjustment):

13 Commencing at a 5/8-inch iron pipe found at the southwest
14 corner of said Lot 7; thence North 0 degrees 22 minutes 24
15 seconds West, 40.00 feet on the west line of said Lot 7 to the
16 south line of said north 47.5 feet of the south 87.5 feet of
17 Lots 7 and 8 for the Point of Beginning; thence North 89
18 degrees 14 minutes 44 seconds East, 15.06 feet along said
19 south line; thence northwesterly, 27.31 feet on a curve to the
20 right having a radius of 69.42 feet, the chord of said curve
21 bears North 34 degrees 05 minutes 52 seconds West, 27.13 feet
22 to the aforesaid west line of Lot 7; thence South 0 degrees 22
23 minutes 24 seconds East, 22.67 feet along said west line to the
24 Point of Beginning.

1 Said parcel containing 0.003 acre or 145 square feet, more
2 or less.

3 ***

4 The north 47.5 feet of the south 87.5 feet of Lots 7 and 8
5 in Block 18 in the Original Town of Centerville, now City of
6 Woodstock, a subdivision of part of the Southwest Quarter of
7 Section 5, Township 44 North, Range 7 East of the Third
8 Principal Meridian, according to the plat recorded June 10,
9 1844, in Book D of Deeds, page 201, situated in the County of
10 McHenry, in the State of Illinois, described as follows, using
11 bearings as referenced to Illinois State Plane Coordinate
12 System, East Zone North American Datum 1983 (2011 Adjustment):

13 Commencing at a 5/8-inch iron pipe found at the southwest
14 corner of said Lot 7; thence North 0 degrees 22 minutes 24
15 seconds West, 62.67 feet along the west line of said Lot 7 to
16 the Point of Beginning; thence continuing North 0 degrees 22
17 minutes 24 seconds West, 20.41 feet along said west line;
18 thence North 89 degrees 42 minutes 37 seconds East, 12.36
19 feet; thence South 0 degrees 17 minutes 23 seconds East, 29.21
20 feet; thence South 89 degrees 57 minutes 09 seconds East,
21 26.25 feet; thence South 0 degrees 10 minutes 38 seconds West,
22 13.45 feet to the south line of said 47.5 feet of the south

1 87.5 feet of Lots 7 and 8; thence South 89 degrees 14 minutes
2 44 seconds West, 23.38 feet along said south line; thence
3 northwesterly, 27.31 feet on a curve to the right, having a
4 radius of 69.42 feet, the chord of said curve bears North 34
5 degrees 05 minutes 52 seconds West, 27.13 feet to the Point of
6 Beginning.

7 Said temporary easement containing 0.017 acre, more or
8 less.

9 ***

10 The south 40 feet of Lots 7 and 8 in Block 18 in the
11 Original Plat of Town of Centerville, now City of Woodstock, a
12 subdivision of part of the Southwest Quarter of Section 5,
13 Township 44 North, Range 7 East of the Third Principal
14 Meridian, according to the plat recorded June 10, 1844, in
15 Book D of Deeds, page 201, in the City of Woodstock, McHenry
16 County, Illinois.

17 Said parcel containing 0.110 acre, more or less.

18 ***

19 That part of Lot 204 of the Assessor's Plat of Section 8,
20 Township 44 North, Range 7 East of the Third Principal

1 Meridian described as follows, using bearings as referenced to
2 Illinois State Plane Coordinate System, East Zone North
3 American Datum 1983 (2011 Adjustment):

4 Beginning at the most westerly point of said Lot 204;
5 thence South 89 degrees 50 minutes 58 seconds East, 72.00 feet
6 along the north line of said Lot 204, said line also being the
7 south right-of-way line of East South Street; thence South 22
8 degrees 00 minutes 17 seconds West, 47.64 feet to the
9 southwesterly line of said Lot 204, said line also being the
10 northeasterly right-of-way line of Lake Avenue; thence North
11 50 degrees 40 minutes 20 seconds West, 70.00 feet along said
12 southwesterly line to the Point of Beginning.

13 Said parcel containing 0.036 acre, more or less.

14 (b) This Section is repealed July 9, 2024 (3 years after
15 the effective date of Public Act 102-53) ~~this amendatory Act~~
16 ~~of the 102nd General Assembly.~~

17 (Source: P.A. 102-53, eff. 7-9-21; revised 11-18-21.)

18 (735 ILCS 30/25-5-90)

19 (Section scheduled to be repealed on August 20, 2024)

20 Sec. 25-5-90 ~~25-5-80~~. Quick-take; Moultrie County;
21 Township Road 185A.

22 (a) Quick-take proceedings under Article 20 may be used

1 for a period of no more than 2 years after August 20, 2021 (the
2 effective date of Public Act 102-564) ~~this amendatory Act of~~
3 ~~the 102nd General Assembly~~ by Moultrie County for the
4 acquisition of the following described property for the
5 purpose of replacing a structure and constructing an
6 associated roadway on Township Road 185A:

7 A part of the Northeast Quarter of Section 11,
8 Township 12 North, Range 6 East of the Third Principal
9 Meridian located in Moultrie County, Illinois, more
10 particularly described as follows:

11 Commencing at the Southeast corner of the said
12 Northeast Quarter; thence North $88^{\circ}48'50''$ West along the
13 South line of said Northeast Quarter, 966.15 feet to the
14 point of beginning; thence North $00^{\circ}09'24''$ West, 13.14
15 feet to the centerline of proposed improvement; thence
16 continuing North $00^{\circ}09'24''$ West, 30.00 feet to a point
17 being 30 feet distant measured and perpendicular to the
18 North of said centerline; thence North $84^{\circ}54'18''$ West,
19 109.25 feet to a point being 40 feet distant measured and
20 perpendicular to and North of said centerline; thence
21 parallel with said centerline 169.29 feet along a circular
22 curve to the right having a chord bearing of North
23 $68^{\circ}09'28''$ West with a chord length of 165.14 feet and a
24 radius of 220.12 feet; thence parallel with said
25 centerline North $46^{\circ}09'33''$ West, 296.16 feet: thence
26 parallel with said centerline 73.65 feet along a circular

1 curve to the left having a chord bearing of North
2 53°10'55" West with a chord length of 73.47 feet and a
3 radius of 300.44 feet to the South line of the North 70
4 acres of the West Half of the said Northeast Quarter;
5 thence North 88°59'47" West along the South line of said
6 North 70 acres, 620.26 feet; thence South 01°25'31" East,
7 29.21 feet to the existing South right-of-way line of the
8 East-West public road; thence South 82°37'17" East, 75.89
9 feet to the point being 30 feet distant measured and
10 perpendicular to the South of the said centerline; thence
11 parallel with said centerline North 88°34'29" East, 100
12 feet; thence South 63°13'29" East, 42.32 feet to a point
13 being 50 feet distant measured and perpendicular to and
14 South of the said centerline; thence parallel with said
15 centerline 109.31 feet along a circular curve to the right
16 having a chord bearing of South 89°44'30" East, with a
17 chord length of 109.29 feet and a radius of 1859.51 feet;
18 thence North 89°05'34" East, 100.58 feet to a point being
19 45 feet distant measured and perpendicular to and South of
20 said centerline; thence parallel with said centerline
21 South 88°03'29" East, 54.61 feet; thence parallel with
22 said centerline 157.54 feet along a circular curve to the
23 right having a chord bearing of South 67°06'30" East with
24 a chord length of 165.14 feet and a radius of 220.12 feet,;
25 thence parallel with said centerline South 46°09'33" East,
26 79.94 feet; thence North 43°50'27" East, 5.00 feet to a

1 point being 40 feet distant measured and perpendicular to
2 and South of said centerline; thence parallel with said
3 centerline South 46°09'33" East, 161.15 feet to the West
4 line of Southeast Quarter of said Northeast Quarter;
5 thence South 01°05'23" East along the West line of said
6 Southeast Quarter of the Northeast Quarter, 87.37 feet to
7 the Southwest corner of said Southeast Quarter of the
8 Northeast Quarter; thence Easterly along the South line
9 said Northeast Quarter, 355.8 feet to the point of
10 beginning.

11 ALSO,

12 A part of the Northeast Quarter of Section 11,
13 Township 12 North, Range 6 East of the Third Principal
14 Meridian located in Moultrie County, Illinois, more
15 particularly described as follows:

16 Commencing at the Southeast corner of the said
17 Northeast Quarter; thence North 88°48'50" West along the
18 South line of said Northeast Quarter, 1319.84 feet; thence
19 North 01°11'10" East, 190.97 feet to a point being 40 feet
20 distant measured and perpendicular to and North of the
21 centerline of proposed improvement and the point of
22 beginning; thence North 43°50'27" East, 50.00 feet to a
23 point being 90 feet distant measured and perpendicular to
24 and North of said centerline: thence parallel with said
25 centerline North 46°09'33" West, 120.00 feet; thence South

1 43°50'27" West, 50.00 feet to the proposed right-of-way
2 line of proposed improvement, said point being 40 feet
3 distant measured and perpendicular to and North of said
4 centerline; thence South 46°09'33" East along said
5 proposed right-of-way line, 120.00 feet to the point of
6 beginning.

7 ALSO,

8 A part of the Northeast Quarter of Section 11,
9 Township 12 North, Range 6 East of the Third Principal
10 Meridian located in Moultrie County, Illinois, more
11 particularly described as follows:

12 Commencing at the Southeast corner of the said
13 Northeast Quarter; thence North 88°48'50" West along the
14 South line of said Northeast Quarter, 1351.98 feet; thence
15 North 01°11'10" East, 111.80 feet to the proposed
16 right-of-way line of the proposed improvement, said point
17 being 40 feet distant measured and perpendicular to and
18 South of the centerline of proposed improvement and the
19 point of beginning; thence parallel with said centerline
20 North 46°09'33" West along said proposed right-of-way
21 line, 125.00 feet; thence South 43°50'27" West along said
22 proposed right-of-way line, 5.00 feet to a point being 45
23 feet distant measured and perpendicular to and South of
24 said centerline; thence parallel with said centerline
25 North 46°09'33" West along said proposed right-of-way,

1 25.00 feet; thence South $43^{\circ}50'27''$ West. 35.00 feet to a
2 point being 80 feet distant measured and perpendicular to
3 and South of said centerline; thence parallel with said
4 centerline South $46^{\circ}09'33''$ East, 150.00 feet; North
5 $43^{\circ}50'27''$ East, 40.00 feet to the point of beginning.

6 ALSO,

7 A part of the Northeast Quarter of Section 11,
8 Township 12 North, Range 6 East of the Third Principal
9 Meridian located in Moultrie County, Illinois, more
10 particularly described as follows:

11 Commencing at the Southeast corner of the said
12 Northeast Quarter; thence North $88^{\circ}48'50''$ West along the
13 South line of said Northeast Quarter, 1527.33 feet; thence
14 North $01^{\circ}11'30''$ East, 264.11 feet to the proposed
15 right-of-way line of the proposed improvement, said point
16 being 45 feet distant measured and perpendicular to and
17 South of the centerline of proposed improvement and the
18 point of beginning; thence parallel with said centerline
19 73.33 feet along a circular curve to the left having a
20 chord bearing of North $63^{\circ}12'22''$ West with a chord length
21 of 72.94 feet and a radius of 215.44 feet; thence South
22 $17^{\circ}06'20''$ West, 35.00 feet to a point being 80 feet
23 distant measured and perpendicular to and South of said
24 centerline; thence parallel with said centerline 61.41
25 feet along a circular curve to the right having a chord

1 bearing of South 63°08'38" East with a chord length of
2 61.12 feet and a radius of 180.44 feet; thence North
3 36°36'25" East, 35.00 feet to the point of beginning.

4 (b) This Section is repealed August 20, 2024 (3 years
5 after the effective date of Public Act 102-564) ~~this~~
6 ~~amendatory Act of the 102nd General Assembly.~~

7 (Source: P.A. 102-564, eff. 8-20-21; revised 11-18-21.)

8 (735 ILCS 30/25-5-95)

9 (Section scheduled to be repealed on August 27, 2023)

10 Sec. 25-5-95 ~~25-5-80~~. Quick-take; City of Decatur; Brush
11 College Road.

12 (a) Quick-take proceedings under Article 20 may be used
13 for a period of one year after August 27, 2021 (the effective
14 date of Public Act 102-624) ~~this amendatory Act of the 102nd~~
15 ~~General Assembly~~ by the City of Decatur and Macon County for
16 the acquisition of the following described property for the
17 purpose of obtaining the necessary right-of-way for the
18 construction of a grade separation of Brush College Road over
19 Faries Parkway and the Norfolk Southern Railroad in Decatur,
20 Illinois.

21 PARCEL 57b

22 A part of the East 108.9 feet of Lot One (1) of Westlake
23 2nd Addition of Outlots to the City of Decatur, Illinois,
24 per Plat recorded in Book 335, Page 591 of the Records in

1 the Recorder's Office of Macon County, Illinois and
2 described as follows:

3 Commencing at an Illinois Department of Transportation
4 Vault found at the northwest corner of Section 8, Township
5 16 North, Range 3 East of the Third Principal Meridian per
6 Monument Record recorded as Document 1894076 of the
7 records aforesaid; thence, along bearings reference to the
8 Illinois State Plane Coordinate System, NAD83 (2011
9 Adjustment), East Zone, North 89 degrees 06 minutes 39
10 seconds East 1204.57 feet, along the north line of the
11 Northwest Quarter of said Section 8; thence South 0
12 degrees 11 minutes 07 seconds East 7.33 feet to the
13 intersection of the west line of the East 108.9 feet of
14 said Lot One (1) with the north line of said Lot One (1)
15 and the Point of Beginning; thence North 87 degrees 53
16 minutes 06 seconds East 108.90 feet, along said north
17 line, also being the existing south right of way line of
18 East Faries Parkway per said Book 335, Page 591, to the
19 northeast corner of said Lot One (1); thence South 0
20 degrees 11 minutes 07 seconds East 389.96 feet, along the
21 east line of said Lot One (1), to the southeast corner of
22 said Lot One (1); thence South 87 degrees 53 minutes 21
23 seconds West 108.90 feet, along the south line of said Lot
24 One (1), also being the existing north right of way line of
25 East Logan Street per said Book 335, Page 591, to the

1 southwest corner of the East 108.9 feet of said Lot One
2 (1); thence North 0 degrees 11 minutes 07 seconds West
3 34.92 feet along the west line of the East 108.9 feet of
4 said Lot One (1); thence North 42 degrees 59 minutes 54
5 seconds East 85.21 feet; thence North 02 degrees 28
6 minutes 18 seconds East 182.00 feet; thence North 33
7 degrees 26 minutes 49 seconds West 88.33 feet; thence
8 South 83 degrees 08 minutes 31 seconds West 18.43 feet to
9 the west line of the East 108.9 feet of said Lot One (1);
10 thence North 0 degrees 11 minutes 07 seconds West 39.38
11 feet, along said west line, to the Point of Beginning.
12 Said parcel contains 0.600 acres, more or less.

13 Temporary Construction Easement

14 A part of the East 108.9 feet of Lot One (1) of Westlake
15 2nd Addition of Outlots to the City of Decatur, Illinois,
16 per Plat recorded in Book 335, Page 591 of the Records in
17 the Recorder's Office of Macon County, Illinois and
18 described as follows:

19 Commencing at an Illinois Department of Transportation
20 Vault found at the northwest corner of Section 8, Township
21 16 North, Range 3 East of the Third Principal Meridian per
22 Monument Record recorded as Document 1894076 of the
23 records aforesaid; thence, along bearings reference to the
24 Illinois State Plane Coordinate System, NAD83 (2011

1 Adjustment), East Zone, North 89 degrees 06 minutes 39
2 seconds East 1204.57 feet, along the north line of the
3 Northwest Quarter of said Section 8, to the intersection
4 of the northerly extension of the west line of the East
5 108.9 feet of said Lot One (1) with said north line; thence
6 South 0 degrees 11 minutes 07 seconds East 46.71 feet
7 along said northerly extension and said west line; thence
8 North 83 degrees 08 minutes 31 seconds East 18.43 feet;
9 thence South 33 degrees 26 minutes 49 seconds East 12.23
10 feet to the Point of Beginning; thence continue South 33
11 degrees 26 minutes 49 seconds East 41.57 feet; thence
12 North 89 degrees 34 minutes 37 seconds West 23.33 feet;
13 thence North 0 degrees 41 minutes 26 seconds East 34.52
14 feet to the Point of Beginning. Said parcel contains 0.009
15 acres (403 square feet), more or less.

16 PARCEL 57a

17 A part of the East one half of the West 446.77 feet of the
18 East 1003.67 feet of Lot One (1) and a part of the West 224
19 feet of the East 556.9 feet of Lot One (1) all of Westlake
20 2nd Addition of Outlots to the City of Decatur, Illinois,
21 per Plat recorded in Book 335, Page 591 of the Records in
22 the Recorder's Office of Macon County, Illinois and
23 described as follows:

24 Commencing at an Illinois Department of Transportation

1 Vault found at the northwest corner of Section 8, Township
2 16 North, Range 3 East of the Third Principal Meridian per
3 Monument Record recorded as Document 1894076 of the
4 records aforesaid; thence, along bearings reference to the
5 Illinois State Plane Coordinate System, NAD83 (2011
6 Adjustment), East Zone, North 89 degrees 06 minutes 39
7 seconds East 533.51 feet, along the north line of the
8 Northwest Quarter of said Section 8; thence South 0
9 degrees 11 minutes 07 seconds East 36.17 feet to the
10 intersection of the west line of the East one half of the
11 West 446.77 feet of the East 1003.67 feet of said Lot One
12 (1) with the existing south right of way line of East
13 Faries Parkway per Book 2515, Page 103 of the records
14 aforesaid and the Point of Beginning; thence North 81
15 degrees 39 minutes 51 seconds East 16.50 feet along said
16 existing right of way line; thence North 84 degrees 23
17 minutes 14 seconds East 207.86 feet, along said existing
18 right of way line, to intersection of the north line of
19 said Lot One (1) with the west line of the East 556.9 feet
20 of said Lot One (1); thence North 87 degrees 53 minutes 06
21 seconds East 224.00 feet, along said north line, also
22 being the existing south right of way line of East Faries
23 Parkway per said Book 335, Page 591, to the east line of
24 the West 224 feet of the East 556.9 feet of said Lot One
25 (1); thence South 0 degrees 11 minutes 07 seconds East
26 58.03 feet along said east line; thence South 83 degrees

1 08 minutes 31 seconds West 145.41 feet; thence South 86
2 degrees 40 minutes 37 seconds West 208.00 feet; thence
3 South 58 degrees 45 minutes 06 seconds West 110.93 feet to
4 the west line of the East one half of the West 446.77 feet
5 of the East 1003.67 feet of said Lot One (1); thence North
6 0 degrees 11 minutes 07 seconds West 114.00 feet, along
7 said west line, to the Point of Beginning. Said parcel
8 contains 0.743 acres, more or less.

9 Temporary Construction Easement

10 A part of the West 224 feet of the East 556.9 feet of Lot
11 One (1) of Westlake 2nd Addition of Outlots to the City of
12 Decatur, Illinois, per Plat recorded in Book 335, Page 591
13 of the Records in the Recorder's Office of Macon County,
14 Illinois and described as follows:

15 Commencing at an Illinois Department of Transportation
16 Vault found at the northwest corner of Section 8, Township
17 16 North, Range 3 East of the Third Principal Meridian per
18 Monument Record recorded as Document 1894076 of the
19 records aforesaid; thence, along bearings reference to the
20 Illinois State Plane Coordinate System, NAD83 (2011
21 Adjustment), East Zone, North 89 degrees 06 minutes 39
22 seconds East 533.51 feet, along the north line of the
23 Northwest Quarter of said Section 8, to the intersection
24 of the northerly extension of the west line of the East one

1 half of the West 446.77 feet of the East 1003.67 feet of
2 said Lot One (1) with said north line; thence South 0
3 degrees 11 minutes 07 seconds East 150.17 feet along said
4 northerly extension and said west line; thence North 58
5 degrees 45 minutes 06 seconds East 110.93 feet; thence
6 North 86 degrees 40 minutes 37 seconds East 208.00 feet to
7 the Point of Beginning; thence North 83 degrees 08 minutes
8 31 seconds East 91.78 feet; thence South 2 degrees 02
9 minutes 57 seconds East 5.66 feet; thence South 86 degrees
10 40 minutes 37 seconds West 91.48 feet to the Point of
11 Beginning. Said parcel contains 0.006 acres (259 square
12 feet), more or less.

13 PARCEL 39

14 Lot 8 of Westlake 2nd Addition of Outlots to the City of
15 Decatur, as per Plat recorded in Book 335, Page 591 of the
16 Records in the Recorder's Office of Macon County, Illinois
17 also known as 1880 North Brush College Road.

18 (b) This Section is repealed August 27, 2023 (2 years
19 after the effective date of Public Act 102-624) ~~this~~
20 ~~amendatory Act of the 102nd General Assembly.~~

21 (Source: P.A. 102-624, eff. 8-27-21; revised 11-18-21.)

22 Section 685. The Illinois Marriage and Dissolution of
23 Marriage Act is amended by setting forth and renumbering

1 multiple versions of Section 221 as follows:

2 (750 ILCS 5/221)

3 Sec. 221. Name change on marriage certificate. For a
4 person married in any county in this State, the county clerk
5 shall issue a new marriage certificate when it receives legal
6 documentation indicating that one of the parties listed on the
7 certificate has legally changed names. An order for name
8 change issued pursuant to Section 21-101 of the Code of Civil
9 Procedure shall be the only legal documentation that a county
10 clerk may require. The new marriage certificate shall reflect
11 the legal name change and shall bear no additional markings.

12 (Source: P.A. 102-169, eff. 7-27-21.)

13 (750 ILCS 5/222)

14 Sec. 222 ~~221~~. Request for changing or removing gender
15 identifying language on a marriage certificate.

16 (a) Upon completion of an affidavit provided by the county
17 clerk and confirmation of identity, a person, still currently
18 married, may request a certificate of the person's current
19 marriage free of any gender identifying language. The person
20 may request a change from terms such as "bride" and "groom" to
21 a nongendered term such as "spouse" or a variant of "Spouse 1"
22 or "Spouse A". Upon such request, both parties shall be listed
23 with a nongendered identifier on a certificate. The request
24 shall not permanently change the gender identifying language

1 in the clerk's records, and the affidavit and issuance shall
2 be kept in the permanent records of the clerk.

3 The affidavit shall be created by the county clerk, may
4 appear on a combined form with the form under subsection (b),
5 and shall be substantially as follows:

6 REQUEST FOR NONGENDERED COPY OF A MARRIAGE CERTIFICATE

7 I,, state that I am a named spouse on a
8 marriage license held in this office, that I am still
9 married to the other named spouse on that marriage license
10 as of the date of this request, and hereby request the
11 holder of this record provide me, and only me, with a
12 marriage certificate with any gender-identifying language
13 removed or changed to "spouse". I affirm that this change
14 is for purposes of this certified copy, the change will
15 not be made to permanent records, and a record of this
16 request shall be held by the holder of this marriage
17 record.

18 Date.....

19 Signature.....

20 (b) If 2 parties currently married request a marriage
21 certificate with gender identifiers changed, such as "bride"
22 to "groom" or "groom" to "bride", both parties shall appear
23 before the clerk, indicate consent, and complete an affidavit.
24 If the clerk is technologically able and the parties desire,
25 the change in gender is permanent.

26 The affidavit shall be created by the county clerk, may

1 appear on a combined form with the form under subsection (a),
2 and shall be substantially as follows:

3 REQUEST FOR NONGENDERED COPY OF A MARRIAGE CERTIFICATE

4 We,[Spouse A] and[Spouse B], the
5 still-married named persons on a marriage license held in
6 this office as of the date of this request, hereby request
7 the holder of this record to provide a marriage
8 certificate with gender-identifying terms such as "bride"
9 and "groom" changed as follows:

10[Name of Spouse A] Bride, Groom, or Spouse
11 (select one).

12[Name of Spouse B] Bride, Groom, or Spouse
13 (select one).

14 We affirm that this change is for purposes of this
15 certified copy, and the change will not be made to
16 permanent records, unless indicated by selecting Yes or No
17 (select one) and a record of this request shall be held by
18 the holder of this marriage record.

19 Date.....

20 Signature of Spouse A.....

21 Signature of Spouse B.....

22 (c) If a county provides a certified record, photocopy, or
23 reproduction of an original record in lieu of a summary data
24 sheet, the county clerk shall work with the Department of
25 Public Health to develop a new certificate that can be issued
26 in lieu of a reproduction of the prior record. Nothing in this

1 subsection authorizes the county clerk to permanently mark or
2 deface a prior record in lieu of a summary data sheet
3 certificate.

4 (d) When a clerk issues a nongendered marriage certificate
5 under subsection (a), the certificate shall not include any
6 language indicating it has been amended nor that it is not a
7 true and accurate record of the facts stated therein.

8 (Source: P.A. 102-171, eff. 1-1-22; revised 11-18-21.)

9 Section 690. The Illinois Domestic Violence Act of 1986 is
10 amended by changing Section 301 as follows:

11 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

12 (Text of Section before amendment by P.A. 101-652)

13 Sec. 301. Arrest without warrant.

14 (a) Any law enforcement officer may make an arrest without
15 warrant if the officer has probable cause to believe that the
16 person has committed or is committing any crime, including but
17 not limited to violation of an order of protection, under
18 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, even if the crime was not committed in
20 the presence of the officer.

21 (b) The law enforcement officer may verify the existence
22 of an order of protection by telephone or radio communication
23 with his or her law enforcement agency or by referring to the
24 copy of the order, or order of protection described on a Hope

1 Card under Section 219.5, provided by the petitioner or
2 respondent.

3 (c) Any law enforcement officer may make an arrest without
4 warrant if the officer has reasonable grounds to believe a
5 defendant at liberty under the provisions of subdivision
6 (d) (1) or (d) (2) of Section 110-10 of the Code of Criminal
7 Procedure of 1963 has violated a condition of his or her bail
8 bond or recognizance.

9 (Source: P.A. 102-481, eff. 1-1-22.)

10 (Text of Section after amendment by P.A. 101-652)

11 Sec. 301. Arrest without warrant.

12 (a) Any law enforcement officer may make an arrest without
13 warrant if the officer has probable cause to believe that the
14 person has committed or is committing any crime, including but
15 not limited to violation of an order of protection, under
16 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, even if the crime was not committed in
18 the presence of the officer.

19 (b) The law enforcement officer may verify the existence
20 of an order of protection by telephone or radio communication
21 with his or her law enforcement agency or by referring to the
22 copy of the order, or order of protection described on a Hope
23 Card under Section 219.5, provided by the petitioner or
24 respondent.

25 (c) Any law enforcement officer may make an arrest without

1 warrant if the officer has reasonable grounds to believe a
2 defendant at liberty under the provisions of subdivision
3 (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal
4 Procedure of 1963 has violated a condition of his or her
5 pretrial release or recognizance.

6 (Source: P.A. 101-652, eff. 1-1-23; 102-481, eff. 1-1-22;
7 revised 10-14-21.)

8 Section 695. The Probate Act of 1975 is amended by
9 changing Sections 11a-2, 11a-10, and 11a-17 as follows:

10 (755 ILCS 5/11a-2) (from Ch. 110 1/2, par. 11a-2)

11 Sec. 11a-2. "Person with a disability" defined. ~~→~~ "Person
12 with a disability" means a person 18 years or older who (a)
13 because of mental deterioration or physical incapacity is not
14 fully able to manage his person or estate, or (b) is a person
15 with mental illness or a person with a developmental
16 disability and who because of his mental illness or
17 developmental disability is not fully able to manage his
18 person or estate, or (c) because of gambling, idleness,
19 debauchery, l or excessive use of intoxicants or drugs, so
20 spends or wastes his estate as to expose himself or his family
21 to want or suffering, or (d) is diagnosed with fetal alcohol
22 syndrome or fetal alcohol effects.

23 (Source: P.A. 99-143, eff. 7-27-15; revised 11-24-21.)

1 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

2 Sec. 11a-10. Procedures preliminary to hearing.

3 (a) Upon the filing of a petition pursuant to Section
4 11a-8, the court shall set a date and place for hearing to take
5 place within 30 days. The court shall appoint a guardian ad
6 litem to report to the court concerning the respondent's best
7 interests consistent with the provisions of this Section,
8 except that the appointment of a guardian ad litem shall not be
9 required when the court determines that such appointment is
10 not necessary for the protection of the respondent or a
11 reasonably informed decision on the petition. If the guardian
12 ad litem is not a licensed attorney, he or she shall be
13 qualified, by training or experience, to work with or advocate
14 for persons with developmental disabilities, the mentally ill,
15 persons with physical disabilities, the elderly, or persons
16 with a disability due to mental deterioration, depending on
17 the type of disability that is alleged in the petition. The
18 court may allow the guardian ad litem reasonable compensation.
19 The guardian ad litem may consult with a person who by training
20 or experience is qualified to work with persons with a
21 developmental disability, persons with mental illness, persons
22 with physical disabilities, or persons with a disability due
23 to mental deterioration, depending on the type of disability
24 that is alleged. The guardian ad litem shall personally
25 observe the respondent prior to the hearing and shall inform
26 him orally and in writing of the contents of the petition and

1 of his rights, including providing a copy of the notice of
2 rights required under subsection (e). The guardian ad litem
3 shall also attempt to elicit the respondent's position
4 concerning the adjudication of disability, the proposed
5 guardian, a proposed change in residential placement, changes
6 in care that might result from the guardianship, and other
7 areas of inquiry deemed appropriate by the court.
8 Notwithstanding any provision in the Mental Health and
9 Developmental Disabilities Confidentiality Act or any other
10 law, a guardian ad litem shall have the right to inspect and
11 copy any medical or mental health record of the respondent
12 which the guardian ad litem deems necessary, provided that the
13 information so disclosed shall not be utilized for any other
14 purpose nor be redisclosed except in connection with the
15 proceedings. At or before the hearing, the guardian ad litem
16 shall file a written report detailing his or her observations
17 of the respondent, the responses of the respondent to any of
18 the inquiries detailed in this Section, the opinion of the
19 guardian ad litem or other professionals with whom the
20 guardian ad litem consulted concerning the appropriateness of
21 guardianship, and any other material issue discovered by the
22 guardian ad litem. The guardian ad litem shall appear at the
23 hearing and testify as to any issues presented in his or her
24 report.

25 (b) The court (1) may appoint counsel for the respondent,
26 if the court finds that the interests of the respondent will be

1 best served by the appointment, and (2) shall appoint counsel
2 upon the respondent's request or if the respondent takes a
3 position adverse to that of the guardian ad litem. The
4 respondent shall be permitted to obtain the appointment of
5 counsel either at the hearing or by any written or oral request
6 communicated to the court prior to the hearing. The summons
7 shall inform the respondent of this right to obtain appointed
8 counsel. The court may allow counsel for the respondent
9 reasonable compensation.

10 (c) The allocation of guardian ad litem fees and costs is
11 within the discretion of the court. No legal fees, appointed
12 counsel fees, guardian ad litem fees, or costs shall be
13 assessed against the Office of the State Guardian, the public
14 guardian, an adult protective services agency, the Department
15 of Children and Family Services, or the agency designated by
16 the Governor under Section 1 of the Protection and Advocacy
17 for Persons with Developmental Disabilities Act.

18 (d) The hearing may be held at such convenient place as the
19 court directs, including at a facility in which the respondent
20 resides.

21 (e) Unless he is the petitioner, the respondent shall be
22 personally served with a copy of the petition and a summons not
23 less than 14 days before the hearing. The summons shall be
24 printed in large, bold type and shall include the following:

25 NOTICE OF RIGHTS OF RESPONDENT

26 You have been named as a respondent in a guardianship

1 petition asking that you be declared a person with a
2 disability. If the court grants the petition, a guardian will
3 be appointed for you. A copy of the guardianship petition is
4 attached for your convenience.

5 The date and time of the hearing are:

6 The place where the hearing will occur is:

7 The Judge's name and phone number is:

8 If a guardian is appointed for you, the guardian may be
9 given the right to make all important personal decisions for
10 you, such as where you may live, what medical treatment you may
11 receive, what places you may visit, and who may visit you. A
12 guardian may also be given the right to control and manage your
13 money and other property, including your home, if you own one.
14 You may lose the right to make these decisions for yourself.

15 You have the following legal rights:

16 (1) You have the right to be present at the court
17 hearing.

18 (2) You have the right to be represented by a lawyer,
19 either one that you retain, or one appointed by the Judge.

20 (3) You have the right to ask for a jury of six persons
21 to hear your case.

22 (4) You have the right to present evidence to the
23 court and to confront and cross-examine witnesses.

24 (5) You have the right to ask the Judge to appoint an
25 independent expert to examine you and give an opinion
26 about your need for a guardian.

1 (6) You have the right to ask that the court hearing be
2 closed to the public.

3 (7) You have the right to tell the court whom you
4 prefer to have for your guardian.

5 (8) You have the right to ask a judge to find that
6 although you lack some capacity to make your own
7 decisions, you can make other decisions, and therefore it
8 is best for the court to appoint only a limited guardian
9 for you.

10 You do not have to attend the court hearing if you do not
11 want to be there. If you do not attend, the Judge may appoint a
12 guardian if the Judge finds that a guardian would be of benefit
13 to you. The hearing will not be postponed or canceled if you do
14 not attend. If you are unable to attend the hearing in person
15 or you will suffer harm if you attend, the Judge can decide to
16 hold the hearing at a place that is convenient. The Judge can
17 also follow the rule of the Supreme Court of this State, or its
18 local equivalent, and decide if a video conference is
19 appropriate.

20 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
21 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
22 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
23 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER
24 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
25 TELL THE JUDGE.

26 Service of summons and the petition may be made by a

1 private person 18 years of age or over who is not a party to
2 the action.

3 [END OF FORM]—

4 (f) Notice of the time and place of the hearing shall be
5 given by the petitioner by mail or in person to those persons,
6 including the proposed guardian, whose names and addresses
7 appear in the petition and who do not waive notice, not less
8 than 14 days before the hearing.

9 (Source: P.A. 102-72, eff. 1-1-22; 102-191, eff. 1-1-22;
10 revised 9-22-21.)

11 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

12 Sec. 11a-17. Duties of personal guardian.

13 (a) To the extent ordered by the court and under the
14 direction of the court, the guardian of the person shall have
15 custody of the ward and the ward's minor and adult dependent
16 children and shall procure for them and shall make provision
17 for their support, care, comfort, health, education and
18 maintenance, and professional services as are appropriate, but
19 the ward's spouse may not be deprived of the custody and
20 education of the ward's minor and adult dependent children,
21 without the consent of the spouse, unless the court finds that
22 the spouse is not a fit and competent person to have that
23 custody and education. The guardian shall assist the ward in
24 the development of maximum self-reliance and independence. The
25 guardian of the person may petition the court for an order

1 directing the guardian of the estate to pay an amount
2 periodically for the provision of the services specified by
3 the court order. If the ward's estate is insufficient to
4 provide for education and the guardian of the ward's person
5 fails to provide education, the court may award the custody of
6 the ward to some other person for the purpose of providing
7 education. If a person makes a settlement upon or provision
8 for the support or education of a ward, the court may make an
9 order for the visitation of the ward by the person making the
10 settlement or provision as the court deems proper. A guardian
11 of the person may not admit a ward to a mental health facility
12 except at the ward's request as provided in Article IV of the
13 Mental Health and Developmental Disabilities Code and unless
14 the ward has the capacity to consent to such admission as
15 provided in Article IV of the Mental Health and Developmental
16 Disabilities Code.

17 (a-3) If a guardian of an estate has not been appointed,
18 the guardian of the person may, without an order of court,
19 open, maintain, and transfer funds to an ABLE account on
20 behalf of the ward and the ward's minor and adult dependent
21 children as specified under Section 16.6 of the State
22 Treasurer Act.

23 (a-5) If the ward filed a petition for dissolution of
24 marriage under the Illinois Marriage and Dissolution of
25 Marriage Act before the ward was adjudicated a person with a
26 disability under this Article, the guardian of the ward's

1 person and estate may maintain that action for dissolution of
2 marriage on behalf of the ward. Upon petition by the guardian
3 of the ward's person or estate, the court may authorize and
4 direct a guardian of the ward's person or estate to file a
5 petition for dissolution of marriage or to file a petition for
6 legal separation or declaration of invalidity of marriage
7 under the Illinois Marriage and Dissolution of Marriage Act on
8 behalf of the ward if the court finds by clear and convincing
9 evidence that the relief sought is in the ward's best
10 interests. In making its determination, the court shall
11 consider the standards set forth in subsection (e) of this
12 Section.

13 (a-10) Upon petition by the guardian of the ward's person
14 or estate, the court may authorize and direct a guardian of the
15 ward's person or estate to consent, on behalf of the ward, to
16 the ward's marriage pursuant to Part II of the Illinois
17 Marriage and Dissolution of Marriage Act if the court finds by
18 clear and convincing evidence that the marriage is in the
19 ward's best interests. In making its determination, the court
20 shall consider the standards set forth in subsection (e) of
21 this Section. Upon presentation of a court order authorizing
22 and directing a guardian of the ward's person and estate to
23 consent to the ward's marriage, the county clerk shall accept
24 the guardian's application, appearance, and signature on
25 behalf of the ward for purposes of issuing a license to marry
26 under Section 203 of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (b) If the court directs, the guardian of the person shall
3 file with the court at intervals indicated by the court, a
4 report that shall state briefly: (1) the current mental,
5 physical, and social condition of the ward and the ward's
6 minor and adult dependent children; (2) their present living
7 arrangement, and a description and the address of every
8 residence where they lived during the reporting period and the
9 length of stay at each place; (3) a summary of the medical,
10 educational, vocational, and other professional services given
11 to them; (4) a resume of the guardian's visits with and
12 activities on behalf of the ward and the ward's minor and adult
13 dependent children; (5) a recommendation as to the need for
14 continued guardianship; (6) any other information requested by
15 the court or useful in the opinion of the guardian. The Office
16 of the State Guardian shall assist the guardian in filing the
17 report when requested by the guardian. The court may take such
18 action as it deems appropriate pursuant to the report.

19 (c) Absent court order pursuant to the Illinois Power of
20 Attorney Act directing a guardian to exercise powers of the
21 principal under an agency that survives disability, the
22 guardian has no power, duty, or liability with respect to any
23 personal or health care matters covered by the agency. This
24 subsection (c) applies to all agencies, whenever and wherever
25 executed.

26 (d) A guardian acting as a surrogate decision maker under

1 the Health Care Surrogate Act shall have all the rights of a
2 surrogate under that Act without court order including the
3 right to make medical treatment decisions such as decisions to
4 forgo or withdraw life-sustaining treatment. Any decisions by
5 the guardian to forgo or withdraw life-sustaining treatment
6 that are not authorized under the Health Care Surrogate Act
7 shall require a court order. Nothing in this Section shall
8 prevent an agent acting under a power of attorney for health
9 care from exercising his or her authority under the Illinois
10 Power of Attorney Act without further court order, unless a
11 court has acted under Section 2-10 of the Illinois Power of
12 Attorney Act. If a guardian is also a health care agent for the
13 ward under a valid power of attorney for health care, the
14 guardian acting as agent may execute his or her authority
15 under that act without further court order.

16 (e) Decisions made by a guardian on behalf of a ward shall
17 be made in accordance with the following standards for
18 decision making. The guardian shall consider the ward's
19 current preferences to the extent the ward has the ability to
20 participate in decision making when those preferences are
21 known or reasonably ascertainable by the guardian. Decisions
22 by the guardian shall conform to the ward's current
23 preferences: (1) unless the guardian reasonably believes that
24 doing so would result in substantial harm to the ward's
25 welfare or personal or financial interests; and (2) so long as
26 such decisions give substantial weight to what the ward, if

1 competent, would have done or intended under the
2 circumstances, taking into account evidence that includes, but
3 is not limited to, the ward's personal, philosophical,
4 religious and moral beliefs, and ethical values relative to
5 the decision to be made by the guardian. Where possible, the
6 guardian shall determine how the ward would have made a
7 decision based on the ward's previously expressed preferences,
8 and make decisions in accordance with the preferences of the
9 ward. If the ward's wishes are unknown and remain unknown
10 after reasonable efforts to discern them, or if the guardian
11 reasonably believes that a decision made in conformity with
12 the ward's preferences would result in substantial harm to the
13 ward's welfare or personal or financial interests, the
14 decision shall be made on the basis of the ward's best
15 interests as determined by the guardian. In determining the
16 ward's best interests, the guardian shall weigh the reason for
17 and nature of the proposed action, the benefit or necessity of
18 the action, the possible risks and other consequences of the
19 proposed action, and any available alternatives and their
20 risks, consequences and benefits, and shall take into account
21 any other information, including the views of family and
22 friends, that the guardian believes the ward would have
23 considered if able to act for herself or himself.

24 (f) Upon petition by any interested person (including the
25 standby or short-term guardian), with such notice to
26 interested persons as the court directs and a finding by the

1 court that it is in the best interests of the person with a
2 disability, the court may terminate or limit the authority of
3 a standby or short-term guardian or may enter such other
4 orders as the court deems necessary to provide for the best
5 interests of the person with a disability. The petition for
6 termination or limitation of the authority of a standby or
7 short-term guardian may, but need not, be combined with a
8 petition to have another guardian appointed for the person
9 with a disability.

10 (g) (1) Unless there is a court order to the contrary, the
11 guardian, consistent with the standards set forth in
12 subsection (e) of this Section, shall use reasonable efforts
13 to notify the ward's known adult children, who have requested
14 notification and provided contact information, of the ward's
15 admission to a hospital, hospice, or palliative care program,
16 the ward's death, and the arrangements for the disposition of
17 the ward's remains.

18 (2) If a guardian unreasonably prevents an adult child,
19 spouse, adult grandchild, parent, or adult sibling of the ward
20 from visiting the ward, the court, upon a verified petition,
21 may order the guardian to permit visitation between the ward
22 and the adult child, spouse, adult grandchild, parent, or
23 adult sibling. In making its determination, the court shall
24 consider the standards set forth in subsection (e) of this
25 Section. The court shall not allow visitation if the court
26 finds that the ward has capacity to evaluate and communicate

1 decisions regarding visitation and expresses a desire not to
2 have visitation with the petitioner. This subsection (g) does
3 not apply to duly appointed public guardians or the Office of
4 State Guardian.

5 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22;
6 102-258, eff. 8-6-21; revised 9-22-21.)

7 Section 700. The Real Property Transfer on Death
8 Instrument Act is amended by changing Section 5 as follows:

9 (755 ILCS 27/5)

10 Sec. 5. Definitions. In this Act:

11 "Beneficiary" means a person that receives real property
12 under a transfer on death instrument.

13 "Designated beneficiary" means a person designated to
14 receive real property under a transfer on death instrument.

15 "Joint owner" means an individual who owns real property
16 concurrently with one or more other individuals with a right
17 of survivorship. The term includes a joint tenant or a tenant
18 by the entirety. The term does not include a tenant in common.

19 "Owner" means an individual who owns an interest in real
20 property. "Owner" does not include a trustee or an individual
21 acting in a fiduciary, representative, or agency capacity who
22 holds an interest in real property.

23 "Person" means: an individual; a corporation; a business
24 trust; a trustee of a land trust, a revocable or irrevocable

1 trust, a trust created under a will or under a transfer on
2 death instrument; a partnership; a limited liability company;
3 an association; a joint venture; a public corporation; a
4 government or governmental subdivision; an agency; an
5 instrumentality; a guardian; a custodian designated or to be
6 designated under any state's uniform transfers to minors act;
7 or any other legal entity. ~~inter vivos~~

8 "Real property" means an interest in realty located in
9 this State capable of being transferred on the death of the
10 owner.

11 "Residential real estate" means real property improved
12 with not less than one nor more than 4 residential dwelling
13 units; a residential condominium unit, including but not
14 limited to the common elements allocated to the exclusive use
15 thereof that form an integral part of the condominium unit and
16 any parking unit or units specified by the declaration to be
17 allocated to a specific residential condominium unit; or a
18 single tract of agriculture real estate consisting of 40 acres
19 or less which is improved with a single family residence. If a
20 declaration of condominium ownership provides for individually
21 owned and transferable parking units, "residential real
22 estate" does not include the parking unit of a specific
23 residential condominium unit unless the parking unit is
24 included in the legal description of the property being
25 transferred by a transfer on death instrument.

26 "Transfer on death instrument" means an instrument

1 authorized under this Act.

2 (Source: P.A. 102-68, eff. 1-1-22; 102-558, eff. 8-20-21;
3 revised 10-12-21.)

4 Section 705. The Illinois Power of Attorney Act is amended
5 by changing Sections 4-6 and 4-10 as follows:

6 (755 ILCS 45/4-6) (from Ch. 110 1/2, par. 804-6)

7 Sec. 4-6. Revocation and amendment of health care
8 agencies.

9 (a) Unless the principal elects a delayed revocation
10 period pursuant to subsection (a-5), every health care agency
11 may be revoked by the principal at any time, without regard to
12 the principal's mental or physical condition, by any of the
13 following methods:

14 1. By being obliterated, burnt, torn, or otherwise
15 destroyed or defaced in a manner indicating intention to
16 revoke;

17 2. By a written revocation of the agency signed and
18 dated by the principal or person acting at the direction
19 of the principal, regardless of whether the written
20 revocation is in an electronic or hard copy format;

21 3. By an oral or any other expression of the intent to
22 revoke the agency in the presence of a witness 18 years of
23 age or older who signs and dates a writing confirming that
24 such expression of intent was made; or

1 4. For an electronic health care agency, by deleting
2 in a manner indicating the intention to revoke. An
3 electronic health care agency may be revoked
4 electronically using a generic, technology-neutral system
5 in which each user is assigned a unique identifier that is
6 securely maintained and in a manner that meets the
7 regulatory requirements for a digital or electronic
8 signature. Compliance with the standards defined in the
9 Uniform Electronic Transactions Act or the implementing
10 rules of the Hospital Licensing Act for medical record
11 entry authentication for author validation of the
12 documentation, content accuracy, and completeness meets
13 this standard.

14 (a-5) A principal may elect a 30-day delay of the
15 revocation of the principal's health care agency. If a
16 principal makes this election, the principal's revocation
17 shall be delayed for 30 days after the principal communicates
18 his or her intent to revoke.

19 (b) Every health care agency may be amended at any time by
20 a written amendment signed and dated by the principal or
21 person acting at the direction of the principal.

22 (c) Any person, other than the agent, to whom a revocation
23 or amendment is communicated or delivered shall make all
24 reasonable efforts to inform the agent of that fact as
25 promptly as possible.

26 (Source: P.A. 101-163, eff. 1-1-20; 102-38, eff. 6-25-21;

1 102-181, eff. 7-30-21; revised 9-22-21.)

2 (755 ILCS 45/4-10) (from Ch. 110 1/2, par. 804-10)

3 Sec. 4-10. Statutory short form power of attorney for
4 health care.

5 (a) The form prescribed in this Section (sometimes also
6 referred to in this Act as the "statutory health care power")
7 may be used to grant an agent powers with respect to the
8 principal's own health care; but the statutory health care
9 power is not intended to be exclusive nor to cover delegation
10 of a parent's power to control the health care of a minor
11 child, and no provision of this Article shall be construed to
12 invalidate or bar use by the principal of any other or
13 different form of power of attorney for health care.
14 Nonstatutory health care powers must be executed by the
15 principal, designate the agent and the agent's powers, and
16 comply with the limitations in Section 4-5 of this Article,
17 but they need not be witnessed or conform in any other respect
18 to the statutory health care power.

19 No specific format is required for the statutory health
20 care power of attorney other than the notice must precede the
21 form. The statutory health care power may be included in or
22 combined with any other form of power of attorney governing
23 property or other matters.

24 The signature and execution requirements set forth in this
25 Article are satisfied by: (i) written signatures or initials;

1 or (ii) electronic signatures or computer-generated signature
2 codes. Electronic documents under this Act may be created,
3 signed, or revoked electronically using a generic,
4 technology-neutral system in which each user is assigned a
5 unique identifier that is securely maintained and in a manner
6 that meets the regulatory requirements for a digital or
7 electronic signature. Compliance with the standards defined in
8 the Uniform Electronic Transactions Act or the implementing
9 rules of the Hospital Licensing Act for medical record entry
10 authentication for author validation of the documentation,
11 content accuracy, and completeness meets this standard.

12 (b) The Illinois Statutory Short Form Power of Attorney
13 for Health Care shall be substantially as follows:

14 NOTICE TO THE INDIVIDUAL SIGNING

15 THE POWER OF ATTORNEY FOR HEALTH CARE

16 No one can predict when a serious illness or accident
17 might occur. When it does, you may need someone else to speak
18 or make health care decisions for you. If you plan now, you can
19 increase the chances that the medical treatment you get will
20 be the treatment you want.

21 In Illinois, you can choose someone to be your "health
22 care agent". Your agent is the person you trust to make health
23 care decisions for you if you are unable or do not want to make
24 them yourself. These decisions should be based on your
25 personal values and wishes.

1 It is important to put your choice of agent in writing. The
2 written form is often called an "advance directive". You may
3 use this form or another form, as long as it meets the legal
4 requirements of Illinois. There are many written and online
5 ~~on-line~~ resources to guide you and your loved ones in having a
6 conversation about these issues. You may find it helpful to
7 look at these resources while thinking about and discussing
8 your advance directive.

9 WHAT ARE THE THINGS I WANT MY
10 HEALTH CARE AGENT TO KNOW?

11 The selection of your agent should be considered
12 carefully, as your agent will have the ultimate
13 decision-making authority once this document goes into effect,
14 in most instances after you are no longer able to make your own
15 decisions. While the goal is for your agent to make decisions
16 in keeping with your preferences and in the majority of
17 circumstances that is what happens, please know that the law
18 does allow your agent to make decisions to direct or refuse
19 health care interventions or withdraw treatment. Your agent
20 will need to think about conversations you have had, your
21 personality, and how you handled important health care issues
22 in the past. Therefore, it is important to talk with your agent
23 and your family about such things as:

- 24 (i) What is most important to you in your life?
25 (ii) How important is it to you to avoid pain and

1 suffering?

2 (iii) If you had to choose, is it more important to you
3 to live as long as possible, or to avoid prolonged
4 suffering or disability?

5 (iv) Would you rather be at home or in a hospital for
6 the last days or weeks of your life?

7 (v) Do you have religious, spiritual, or cultural
8 beliefs that you want your agent and others to consider?

9 (vi) Do you wish to make a significant contribution to
10 medical science after your death through organ or whole
11 body donation?

12 (vii) Do you have an existing advance directive, such
13 as a living will, that contains your specific wishes about
14 health care that is only delaying your death? If you have
15 another advance directive, make sure to discuss with your
16 agent the directive and the treatment decisions contained
17 within that outline your preferences. Make sure that your
18 agent agrees to honor the wishes expressed in your advance
19 directive.

20 WHAT KIND OF DECISIONS CAN MY AGENT MAKE?

21 If there is ever a period of time when your physician
22 determines that you cannot make your own health care
23 decisions, or if you do not want to make your own decisions,
24 some of the decisions your agent could make are to:

25 (i) talk with physicians and other health care

1 providers about your condition.

2 (ii) see medical records and approve who else can see
3 them.

4 (iii) give permission for medical tests, medicines,
5 surgery, or other treatments.

6 (iv) choose where you receive care and which
7 physicians and others provide it.

8 (v) decide to accept, withdraw, or decline treatments
9 designed to keep you alive if you are near death or not
10 likely to recover. You may choose to include guidelines
11 and/or restrictions to your agent's authority.

12 (vi) agree or decline to donate your organs or your
13 whole body if you have not already made this decision
14 yourself. This could include donation for transplant,
15 research, and/or education. You should let your agent know
16 whether you are registered as a donor in the First Person
17 Consent registry maintained by the Illinois Secretary of
18 State or whether you have agreed to donate your whole body
19 for medical research and/or education.

20 (vii) decide what to do with your remains after you
21 have died, if you have not already made plans.

22 (viii) talk with your other loved ones to help come to
23 a decision (but your designated agent will have the final
24 say over your other loved ones).

25 Your agent is not automatically responsible for your
26 health care expenses.

1 WHOM SHOULD I CHOOSE TO BE MY HEALTH CARE AGENT?

2 You can pick a family member, but you do not have to. Your
3 agent will have the responsibility to make medical treatment
4 decisions, even if other people close to you might urge a
5 different decision. The selection of your agent should be done
6 carefully, as he or she will have ultimate decision-making
7 authority for your treatment decisions once you are no longer
8 able to voice your preferences. Choose a family member,
9 friend, or other person who:

10 (i) is at least 18 years old;

11 (ii) knows you well;

12 (iii) you trust to do what is best for you and is
13 willing to carry out your wishes, even if he or she may not
14 agree with your wishes;

15 (iv) would be comfortable talking with and questioning
16 your physicians and other health care providers;

17 (v) would not be too upset to carry out your wishes if
18 you became very sick; and

19 (vi) can be there for you when you need it and is
20 willing to accept this important role.

21 WHAT IF MY AGENT IS NOT AVAILABLE OR IS

22 UNWILLING TO MAKE DECISIONS FOR ME?

23 If the person who is your first choice is unable to carry
24 out this role, then the second agent you chose will make the

1 decisions; if your second agent is not available, then the
2 third agent you chose will make the decisions. The second and
3 third agents are called your successor agents and they
4 function as back-up agents to your first choice agent and may
5 act only one at a time and in the order you list them.

6 WHAT WILL HAPPEN IF I DO NOT

7 CHOOSE A HEALTH CARE AGENT?

8 If you become unable to make your own health care
9 decisions and have not named an agent in writing, your
10 physician and other health care providers will ask a family
11 member, friend, or guardian to make decisions for you. In
12 Illinois, a law directs which of these individuals will be
13 consulted. In that law, each of these individuals is called a
14 "surrogate".

15 There are reasons why you may want to name an agent rather
16 than rely on a surrogate:

17 (i) The person or people listed by this law may not be
18 who you would want to make decisions for you.

19 (ii) Some family members or friends might not be able
20 or willing to make decisions as you would want them to.

21 (iii) Family members and friends may disagree with one
22 another about the best decisions.

23 (iv) Under some circumstances, a surrogate may not be
24 able to make the same kinds of decisions that an agent can
25 make.

1 WHAT IF THERE IS NO ONE AVAILABLE

2 WHOM I TRUST TO BE MY AGENT?

3 In this situation, it is especially important to talk to
4 your physician and other health care providers and create
5 written guidance about what you want or do not want, in case
6 you are ever critically ill and cannot express your own
7 wishes. You can complete a living will. You can also write your
8 wishes down and/or discuss them with your physician or other
9 health care provider and ask him or her to write it down in
10 your chart. You might also want to use written or online
11 ~~en-line~~ resources to guide you through this process.

12 WHAT DO I DO WITH THIS FORM ONCE I COMPLETE IT?

13 Follow these instructions after you have completed the
14 form:

15 (i) Sign the form in front of a witness. See the form
16 for a list of who can and cannot witness it.

17 (ii) Ask the witness to sign it, too.

18 (iii) There is no need to have the form notarized.

19 (iv) Give a copy to your agent and to each of your
20 successor agents.

21 (v) Give another copy to your physician.

22 (vi) Take a copy with you when you go to the hospital.

23 (vii) Show it to your family and friends and others
24 who care for you.

1 WHAT IF I CHANGE MY MIND?

2 You may change your mind at any time. If you do, tell
3 someone who is at least 18 years old that you have changed your
4 mind, and/or destroy your document and any copies. If you
5 wish, fill out a new form and make sure everyone you gave the
6 old form to has a copy of the new one, including, but not
7 limited to, your agents and your physicians. If you are
8 concerned you may revoke your power of attorney at a time when
9 you may need it the most, you may initial the box at the end of
10 the form to indicate that you would like a 30-day waiting
11 period after you voice your intent to revoke your power of
12 attorney. This means if your agent is making decisions for you
13 during that time, your agent can continue to make decisions on
14 your behalf. This election is purely optional, and you do not
15 have to choose it. If you do not choose this option, you can
16 change your mind and revoke the power of attorney at any time.

17 WHAT IF I DO NOT WANT TO USE THIS FORM?

18 In the event you do not want to use the Illinois statutory
19 form provided here, any document you complete must be executed
20 by you, designate an agent who is over 18 years of age and not
21 prohibited from serving as your agent, and state the agent's
22 powers, but it need not be witnessed or conform in any other
23 respect to the statutory health care power.

24 If you have questions about the use of any form, you may

1 want to consult your physician, other health care provider,
2 and/or an attorney.

3 MY POWER OF ATTORNEY FOR HEALTH CARE

4 THIS POWER OF ATTORNEY REVOKES ALL PREVIOUS POWERS OF ATTORNEY
5 FOR HEALTH CARE. (You must sign this form and a witness must
6 also sign it before it is valid)

7 My name (Print your full name):

8 My address:

9 I WANT THE FOLLOWING PERSON TO BE MY HEALTH CARE AGENT

10 (an agent is your personal representative under state and
11 federal law):

12 (Agent name)

13 (Agent address)

14 (Agent phone number)

15 (Please check box if applicable) If a guardian of my
16 person is to be appointed, I nominate the agent acting under
17 this power of attorney as guardian.

18 SUCCESSOR HEALTH CARE AGENT(S) (optional):

19 If the agent I selected is unable or does not want to make
20 health care decisions for me, then I request the person(s) I

1 name below to be my successor health care agent(s). Only one
2 person at a time can serve as my agent (add another page if you
3 want to add more successor agent names):

4

5 (Successor agent #1 name, address and phone number)

6

7 (Successor agent #2 name, address and phone number)

8 MY AGENT CAN MAKE HEALTH CARE DECISIONS FOR ME, INCLUDING:

9 (i) Deciding to accept, withdraw, or decline treatment
10 for any physical or mental condition of mine, including
11 life-and-death decisions.

12 (ii) Agreeing to admit me to or discharge me from any
13 hospital, home, or other institution, including a mental
14 health facility.

15 (iii) Having complete access to my medical and mental
16 health records, and sharing them with others as needed,
17 including after I die.

18 (iv) Carrying out the plans I have already made, or,
19 if I have not done so, making decisions about my body or
20 remains, including organ, tissue or whole body donation,
21 autopsy, cremation, and burial.

22 The above grant of power is intended to be as broad as
23 possible so that my agent will have the authority to make any
24 decision I could make to obtain or terminate any type of health
25 care, including withdrawal of nutrition and hydration and

1 other life-sustaining measures.

2 I AUTHORIZE MY AGENT TO (please check any one box):

3 Make decisions for me only when I cannot make them for
4 myself. The physician(s) taking care of me will determine
5 when I lack this ability.

6 (If no box is checked, then the box above shall be
7 implemented.) OR

8 Make decisions for me only when I cannot make them for
9 myself. The physician(s) taking care of me will determine
10 when I lack this ability. Starting now, for the purpose of
11 assisting me with my health care plans and decisions, my
12 agent shall have complete access to my medical and mental
13 health records, the authority to share them with others as
14 needed, and the complete ability to communicate with my
15 personal physician(s) and other health care providers,
16 including the ability to require an opinion of my
17 physician as to whether I lack the ability to make
18 decisions for myself. OR

19 Make decisions for me starting now and continuing
20 after I am no longer able to make them for myself. While I
21 am still able to make my own decisions, I can still do so
22 if I want to.

23 The subject of life-sustaining treatment is of particular
24 importance. Life-sustaining treatments may include tube

1 feedings or fluids through a tube, breathing machines, and
2 CPR. In general, in making decisions concerning
3 life-sustaining treatment, your agent is instructed to
4 consider the relief of suffering, the quality as well as the
5 possible extension of your life, and your previously expressed
6 wishes. Your agent will weigh the burdens versus benefits of
7 proposed treatments in making decisions on your behalf.

8 Additional statements concerning the withholding or
9 removal of life-sustaining treatment are described below.
10 These can serve as a guide for your agent when making decisions
11 for you. Ask your physician or health care provider if you have
12 any questions about these statements.

13 SELECT ONLY ONE STATEMENT BELOW THAT BEST EXPRESSES YOUR
14 WISHES (optional):

15 The quality of my life is more important than the
16 length of my life. If I am unconscious and my attending
17 physician believes, in accordance with reasonable medical
18 standards, that I will not wake up or recover my ability to
19 think, communicate with my family and friends, and
20 experience my surroundings, I do not want treatments to
21 prolong my life or delay my death, but I do want treatment
22 or care to make me comfortable and to relieve me of pain.

23 Staying alive is more important to me, no matter how
24 sick I am, how much I am suffering, the cost of the
25 procedures, or how unlikely my chances for recovery are. I

1 want my life to be prolonged to the greatest extent
2 possible in accordance with reasonable medical standards.

3 SPECIFIC LIMITATIONS TO MY AGENT'S DECISION-MAKING AUTHORITY:

4 The above grant of power is intended to be as broad as
5 possible so that your agent will have the authority to make any
6 decision you could make to obtain or terminate any type of
7 health care. If you wish to limit the scope of your agent's
8 powers or prescribe special rules or limit the power to
9 authorize autopsy or dispose of remains, you may do so
10 specifically in this form.

11
12

13 My signature:.....

14 Today's date:.....

15 DELAYED REVOCATION

16 I elect to delay revocation of this power of attorney
17 for 30 days after I communicate my intent to revoke it.

18 I elect for the revocation of this power of attorney
19 to take effect immediately if I communicate my intent to
20 revoke it.

21 HAVE YOUR WITNESS AGREE TO WHAT IS WRITTEN BELOW, AND THEN
22 COMPLETE THE SIGNATURE PORTION:

1 I am at least 18 years old. (check one of the options
2 below):

3 I saw the principal sign this document, or
4 the principal told me that the signature or mark on
5 the principal signature line is his or hers.

6 I am not the agent or successor agent(s) named in this
7 document. I am not related to the principal, the agent, or the
8 successor agent(s) by blood, marriage, or adoption. I am not
9 the principal's physician, advanced practice registered nurse,
10 dentist, podiatric physician, optometrist, psychologist, or a
11 relative of one of those individuals. I am not an owner or
12 operator (or the relative of an owner or operator) of the
13 health care facility where the principal is a patient or
14 resident.

15 Witness printed name:

16 Witness address:

17 Witness signature:

18 Today's date:

19 (c) The statutory short form power of attorney for health
20 care (the "statutory health care power") authorizes the agent
21 to make any and all health care decisions on behalf of the
22 principal which the principal could make if present and under
23 no disability, subject to any limitations on the granted
24 powers that appear on the face of the form, to be exercised in
25 such manner as the agent deems consistent with the intent and

1 desires of the principal. The agent will be under no duty to
2 exercise granted powers or to assume control of or
3 responsibility for the principal's health care; but when
4 granted powers are exercised, the agent will be required to
5 use due care to act for the benefit of the principal in
6 accordance with the terms of the statutory health care power
7 and will be liable for negligent exercise. The agent may act in
8 person or through others reasonably employed by the agent for
9 that purpose but may not delegate authority to make health
10 care decisions. The agent may sign and deliver all
11 instruments, negotiate and enter into all agreements, and do
12 all other acts reasonably necessary to implement the exercise
13 of the powers granted to the agent. Without limiting the
14 generality of the foregoing, the statutory health care power
15 shall include the following powers, subject to any limitations
16 appearing on the face of the form:

17 (1) The agent is authorized to give consent to and
18 authorize or refuse, or to withhold or withdraw consent
19 to, any and all types of medical care, treatment, or
20 procedures relating to the physical or mental health of
21 the principal, including any medication program, surgical
22 procedures, life-sustaining treatment, or provision of
23 food and fluids for the principal.

24 (2) The agent is authorized to admit the principal to
25 or discharge the principal from any and all types of
26 hospitals, institutions, homes, residential or nursing

1 facilities, treatment centers, and other health care
2 institutions providing personal care or treatment for any
3 type of physical or mental condition. The agent shall have
4 the same right to visit the principal in the hospital or
5 other institution as is granted to a spouse or adult child
6 of the principal, any rule of the institution to the
7 contrary notwithstanding.

8 (3) The agent is authorized to contract for any and
9 all types of health care services and facilities in the
10 name of and on behalf of the principal and to bind the
11 principal to pay for all such services and facilities, and
12 to have and exercise those powers over the principal's
13 property as are authorized under the statutory property
14 power, to the extent the agent deems necessary to pay
15 health care costs; and the agent shall not be personally
16 liable for any services or care contracted for on behalf
17 of the principal.

18 (4) At the principal's expense and subject to
19 reasonable rules of the health care provider to prevent
20 disruption of the principal's health care, the agent shall
21 have the same right the principal has to examine and copy
22 and consent to disclosure of all the principal's medical
23 records that the agent deems relevant to the exercise of
24 the agent's powers, whether the records relate to mental
25 health or any other medical condition and whether they are
26 in the possession of or maintained by any physician,

1 psychiatrist, psychologist, therapist, hospital, nursing
2 home, or other health care provider. The authority under
3 this paragraph (4) applies to any information governed by
4 the Health Insurance Portability and Accountability Act of
5 1996 ("HIPAA") and regulations thereunder. The agent
6 serves as the principal's personal representative, as that
7 term is defined under HIPAA and regulations thereunder.

8 (5) The agent is authorized: to direct that an autopsy
9 be made pursuant to Section 2 of the Autopsy Act; to make a
10 disposition of any part or all of the principal's body
11 pursuant to the Illinois Anatomical Gift Act, as now or
12 hereafter amended; and to direct the disposition of the
13 principal's remains.

14 (6) At any time during which there is no executor or
15 administrator appointed for the principal's estate, the
16 agent is authorized to continue to pursue an application
17 or appeal for government benefits if those benefits were
18 applied for during the life of the principal.

19 (d) A physician may determine that the principal is unable
20 to make health care decisions for himself or herself only if
21 the principal lacks decisional capacity, as that term is
22 defined in Section 10 of the Health Care Surrogate Act.

23 (e) If the principal names the agent as a guardian on the
24 statutory short form, and if a court decides that the
25 appointment of a guardian will serve the principal's best
26 interests and welfare, the court shall appoint the agent to

1 serve without bond or security.

2 (Source: P.A. 101-81, eff. 7-12-19; 101-163, eff. 1-1-20;
3 102-38, eff. 6-25-21; 102-181, eff. 7-30-21; revised 9-22-21.)

4 Section 710. The Illinois Human Rights Act is amended by
5 changing Sections 1-103, 2-105, and 6-101 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

7 Sec. 1-103. General definitions. When used in this Act,
8 unless the context requires otherwise, the term:

9 (A) Age. "Age" means the chronological age of a person who
10 is at least 40 years old, except with regard to any practice
11 described in Section 2-102, insofar as that practice concerns
12 training or apprenticeship programs. In the case of training
13 or apprenticeship programs, for the purposes of Section 2-102,
14 "age" means the chronological age of a person who is 18 but not
15 yet 40 years old.

16 (B) Aggrieved party. "Aggrieved party" means a person who
17 is alleged or proved to have been injured by a civil rights
18 violation or believes he or she will be injured by a civil
19 rights violation under Article 3 that is about to occur.

20 (B-5) Arrest record. "Arrest record" means:

21 (1) an arrest not leading to a conviction;

22 (2) a juvenile record; or

23 (3) criminal history record information ordered
24 expunged, sealed, or impounded under Section 5.2 of the

1 Criminal Identification Act.

2 (C) Charge. "Charge" means an allegation filed with the
3 Department by an aggrieved party or initiated by the
4 Department under its authority.

5 (D) Civil rights violation. "Civil rights violation"
6 includes and shall be limited to only those specific acts set
7 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
8 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
9 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

10 (E) Commission. "Commission" means the Human Rights
11 Commission created by this Act.

12 (F) Complaint. "Complaint" means the formal pleading filed
13 by the Department with the Commission following an
14 investigation and finding of substantial evidence of a civil
15 rights violation.

16 (G) Complainant. "Complainant" means a person including
17 the Department who files a charge of civil rights violation
18 with the Department or the Commission.

19 (G-5) Conviction record. "Conviction record" means
20 information indicating that a person has been convicted of a
21 felony, misdemeanor or other criminal offense, placed on
22 probation, fined, imprisoned, or paroled pursuant to any law
23 enforcement or military authority.

24 (H) Department. "Department" means the Department of Human
25 Rights created by this Act.

26 (I) Disability.

1 (1) "Disability" means a determinable physical or mental
2 characteristic of a person, including, but not limited to, a
3 determinable physical characteristic which necessitates the
4 person's use of a guide, hearing or support dog, the history of
5 such characteristic, or the perception of such characteristic
6 by the person complained against, which may result from
7 disease, injury, congenital condition of birth or functional
8 disorder and which characteristic:

9 (a) For purposes of Article 2, is unrelated to the
10 person's ability to perform the duties of a particular job
11 or position and, pursuant to Section 2-104 of this Act, a
12 person's illegal use of drugs or alcohol is not a
13 disability;

14 (b) For purposes of Article 3, is unrelated to the
15 person's ability to acquire, rent, or maintain a housing
16 accommodation;

17 (c) For purposes of Article 4, is unrelated to a
18 person's ability to repay;

19 (d) For purposes of Article 5, is unrelated to a
20 person's ability to utilize and benefit from a place of
21 public accommodation;

22 (e) For purposes of Article 5, also includes any
23 mental, psychological, or developmental disability,
24 including autism spectrum disorders.

25 (2) Discrimination based on disability includes unlawful
26 discrimination against an individual because of the

1 individual's association with a person with a disability.

2 (J) Marital status. "Marital status" means the legal
3 status of being married, single, separated, divorced, or
4 widowed.

5 (J-1) Military status. "Military status" means a person's
6 status on active duty in or status as a veteran of the armed
7 forces of the United States, status as a current member or
8 veteran of any reserve component of the armed forces of the
9 United States, including the United States Army Reserve,
10 United States Marine Corps Reserve, United States Navy
11 Reserve, United States Air Force Reserve, and United States
12 Coast Guard Reserve, or status as a current member or veteran
13 of the Illinois Army National Guard or Illinois Air National
14 Guard.

15 (K) National origin. "National origin" means the place in
16 which a person or one of his or her ancestors was born.

17 (K-5) "Order of protection status" means a person's status
18 as being a person protected under an order of protection
19 issued pursuant to the Illinois Domestic Violence Act of 1986,
20 Article 112A of the Code of Criminal Procedure of 1963, the
21 Stalking No Contact Order Act, or the Civil No Contact Order
22 Act, or an order of protection issued by a court of another
23 state.

24 (L) Person. "Person" includes one or more individuals,
25 partnerships, associations or organizations, labor
26 organizations, labor unions, joint apprenticeship committees,

1 or union labor associations, corporations, the State of
2 Illinois and its instrumentalities, political subdivisions,
3 units of local government, legal representatives, trustees in
4 bankruptcy or receivers.

5 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
6 or medical or common conditions related to pregnancy or
7 childbirth.

8 (M) Public contract. "Public contract" includes every
9 contract to which the State, any of its political
10 subdivisions, or any municipal corporation is a party.

11 (N) Religion. "Religion" includes all aspects of religious
12 observance and practice, as well as belief, except that with
13 respect to employers, for the purposes of Article 2,
14 "religion" has the meaning ascribed to it in paragraph (F) of
15 Section 2-101.

16 (O) Sex. "Sex" means the status of being male or female.

17 (O-1) Sexual orientation. "Sexual orientation" means
18 actual or perceived heterosexuality, homosexuality,
19 bisexuality, or gender-related identity, whether or not
20 traditionally associated with the person's designated sex at
21 birth. "Sexual orientation" does not include a physical or
22 sexual attraction to a minor by an adult.

23 (P) Unfavorable military discharge. "Unfavorable military
24 discharge" includes discharges from the Armed Forces of the
25 United States, their Reserve components, or any National Guard
26 or Naval Militia which are classified as RE-3 or the

1 equivalent thereof, but does not include those characterized
2 as RE-4 or "Dishonorable".

3 (Q) Unlawful discrimination. "Unlawful discrimination"
4 means discrimination against a person because of his or her
5 actual or perceived: race, color, religion, national origin,
6 ancestry, age, sex, marital status, order of protection
7 status, disability, military status, sexual orientation,
8 pregnancy, or unfavorable discharge from military service as
9 those terms are defined in this Section.

10 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;
11 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.
12 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; revised
13 9-29-21.)

14 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

15 Sec. 2-105. Equal Employment Opportunities; Affirmative
16 Action.

17 (A) Public Contracts. Every party to a public contract and
18 every eligible bidder shall:

19 (1) Refrain from unlawful discrimination and
20 discrimination based on citizenship status in employment
21 and undertake affirmative action to assure equality of
22 employment opportunity and eliminate the effects of past
23 discrimination;

24 (2) Comply with the procedures and requirements of the
25 Department's regulations concerning equal employment

1 opportunities and affirmative action;

2 (3) Provide such information, with respect to its
3 employees and applicants for employment, and assistance as
4 the Department may reasonably request;

5 (4) Have written sexual harassment policies that shall
6 include, at a minimum, the following information: (i) the
7 illegality of sexual harassment; (ii) the definition of
8 sexual harassment under State law; (iii) a description of
9 sexual harassment, utilizing examples; (iv) the vendor's
10 internal complaint process including penalties; (v) the
11 legal recourse, investigative, and complaint process
12 available through the Department and the Commission; (vi)
13 directions on how to contact the Department and
14 Commission; and (vii) protection against retaliation as
15 provided by Sections 6-101 and 6-101.5 of this Act. A copy
16 of the policies shall be provided to the Department upon
17 request. Additionally, each bidder who submits a bid or
18 offer for a State contract under the Illinois Procurement
19 Code shall have a written copy of the bidder's sexual
20 harassment policy as required under this paragraph (4). A
21 copy of the policy shall be provided to the State agency
22 entering into the contract upon request.

23 (B) State Agencies. Every State executive department,
24 State agency, board, commission, and instrumentality shall:

25 (1) Comply with the procedures and requirements of the
26 Department's regulations concerning equal employment

1 opportunities and affirmative action.~~+~~

2 (2) Provide such information and assistance as the
3 Department may request.

4 (3) Establish, maintain, and carry out a continuing
5 affirmative action plan consistent with this Act and the
6 regulations of the Department designed to promote equal
7 opportunity for all State residents in every aspect of
8 agency personnel policy and practice. For purposes of
9 these affirmative action plans, the race and national
10 origin categories to be included in the plans are:
11 American Indian or Alaska Native, Asian, Black or African
12 American, Hispanic or Latino, Native Hawaiian or Other
13 Pacific Islander.

14 This plan shall include a current detailed status
15 report:

16 (a) indicating, by each position in State service,
17 the number, percentage, and average salary of
18 individuals employed by race, national origin, sex and
19 disability, and any other category that the Department
20 may require by rule;

21 (b) identifying all positions in which the
22 percentage of the people employed by race, national
23 origin, sex and disability, and any other category
24 that the Department may require by rule, is less than
25 four-fifths of the percentage of each of those
26 components in the State work force;

1 (c) specifying the goals and methods for
2 increasing the percentage by race, national origin,
3 sex, and disability, and any other category that the
4 Department may require by rule, in State positions;

5 (d) indicating progress and problems toward
6 meeting equal employment opportunity goals, including,
7 if applicable, but not limited to, Department of
8 Central Management Services recruitment efforts,
9 publicity, promotions, and use of options designating
10 positions by linguistic abilities;

11 (e) establishing a numerical hiring goal for the
12 employment of qualified persons with disabilities in
13 the agency as a whole, to be based on the proportion of
14 people with work disabilities in the Illinois labor
15 force as reflected in the most recent employment data
16 made available by the United States Census Bureau.

17 (4) If the agency has 1000 or more employees, appoint
18 a full-time Equal Employment Opportunity officer, subject
19 to the Department's approval, whose duties shall include:

20 (a) Advising the head of the particular State
21 agency with respect to the preparation of equal
22 employment opportunity programs, procedures,
23 regulations, reports, and the agency's affirmative
24 action plan.

25 (b) Evaluating in writing each fiscal year the
26 sufficiency of the total agency program for equal

1 employment opportunity and reporting thereon to the
2 head of the agency with recommendations as to any
3 improvement or correction in recruiting, hiring or
4 promotion needed, including remedial or disciplinary
5 action with respect to managerial or supervisory
6 employees who have failed to cooperate fully or who
7 are in violation of the program.

8 (c) Making changes in recruitment, training and
9 promotion programs and in hiring and promotion
10 procedures designed to eliminate discriminatory
11 practices when authorized.

12 (d) Evaluating tests, employment policies,
13 practices, and qualifications and reporting to the
14 head of the agency and to the Department any policies,
15 practices and qualifications that have unequal impact
16 by race, national origin as required by Department
17 rule, sex, or disability or any other category that
18 the Department may require by rule, and to assist in
19 the recruitment of people in underrepresented
20 classifications. This function shall be performed in
21 cooperation with the ~~State~~ Department of Central
22 Management Services.

23 (e) Making any aggrieved employee or applicant for
24 employment aware of his or her remedies under this
25 Act.

26 In any meeting, investigation, negotiation,

1 conference, or other proceeding between a State
2 employee and an Equal Employment Opportunity officer,
3 a State employee (1) who is not covered by a collective
4 bargaining agreement and (2) who is the complaining
5 party or the subject of such proceeding may be
6 accompanied, advised and represented by (1) an
7 attorney licensed to practice law in the State of
8 Illinois or (2) a representative of an employee
9 organization whose membership is composed of employees
10 of the State and of which the employee is a member. A
11 representative of an employee, other than an attorney,
12 may observe but may not actively participate, or
13 advise the State employee during the course of such
14 meeting, investigation, negotiation, conference, or
15 other proceeding. Nothing in this Section shall be
16 construed to permit any person who is not licensed to
17 practice law in Illinois to deliver any legal services
18 or otherwise engage in any activities that would
19 constitute the unauthorized practice of law. Any
20 representative of an employee who is present with the
21 consent of the employee, shall not, during or after
22 termination of the relationship permitted by this
23 Section with the State employee, use or reveal any
24 information obtained during the course of the meeting,
25 investigation, negotiation, conference, or other
26 proceeding without the consent of the complaining

1 party and any State employee who is the subject of the
2 proceeding and pursuant to rules and regulations
3 governing confidentiality of such information as
4 promulgated by the appropriate State agency.
5 Intentional or reckless disclosure of information in
6 violation of these confidentiality requirements shall
7 constitute a Class B misdemeanor.

8 (5) Establish, maintain, and carry out a continuing
9 sexual harassment program that shall include the
10 following:

11 (a) Develop a written sexual harassment policy
12 that includes at a minimum the following information:
13 (i) the illegality of sexual harassment; (ii) the
14 definition of sexual harassment under State law; (iii)
15 a description of sexual harassment, utilizing
16 examples; (iv) the agency's internal complaint process
17 including penalties; (v) the legal recourse,
18 investigative, and complaint process available through
19 the Department and the Commission; (vi) directions on
20 how to contact the Department and Commission; and
21 (vii) protection against retaliation as provided by
22 Section 6-101 of this Act. The policy shall be
23 reviewed annually.

24 (b) Post in a prominent and accessible location
25 and distribute in a manner to assure notice to all
26 agency employees without exception the agency's sexual

1 harassment policy. Such documents may meet, but shall
2 not exceed, the 6th grade literacy level. Distribution
3 shall be effectuated within 90 days of the effective
4 date of this amendatory Act of 1992 and shall occur
5 annually thereafter.

6 (c) Provide training on sexual harassment
7 prevention and the agency's sexual harassment policy
8 as a component of all ongoing or new employee training
9 programs.

10 (6) Notify the Department 30 days before effecting any
11 layoff. Once notice is given, the following shall occur:

12 (a) No layoff may be effective earlier than 10
13 working days after notice to the Department, unless an
14 emergency layoff situation exists.

15 (b) The State executive department, State agency,
16 board, commission, or instrumentality in which the
17 layoffs are to occur must notify each employee
18 targeted for layoff, the employee's union
19 representative (if applicable), and the State
20 Dislocated Worker Unit at the Department of Commerce
21 and Economic Opportunity.

22 (c) The State executive department, State agency,
23 board, commission, or instrumentality in which the
24 layoffs are to occur must conform to applicable
25 collective bargaining agreements.

26 (d) The State executive department, State agency,

1 board, commission, or instrumentality in which the
2 layoffs are to occur should notify each employee
3 targeted for layoff that transitional assistance may
4 be available to him or her under the Economic
5 Dislocation and Worker Adjustment Assistance Act
6 administered by the Department of Commerce and
7 Economic Opportunity. Failure to give such notice
8 shall not invalidate the layoff or postpone its
9 effective date.

10 As used in this subsection (B), "disability" shall be
11 defined in rules promulgated under the Illinois Administrative
12 Procedure Act.

13 (C) Civil Rights Violations. It is a civil rights
14 violation for any public contractor or eligible bidder to:

15 (1) fail to comply with the public contractor's or
16 eligible bidder's duty to refrain from unlawful
17 discrimination and discrimination based on citizenship
18 status in employment under subsection (A)(1) of this
19 Section; or

20 (2) fail to comply with the public contractor's or
21 eligible bidder's duties of affirmative action under
22 subsection (A) of this Section, provided however, that the
23 Department has notified the public contractor or eligible
24 bidder in writing by certified mail that the public
25 contractor or eligible bidder may not be in compliance
26 with affirmative action requirements of subsection (A). A

1 minimum of 60 days to comply with the requirements shall
2 be afforded to the public contractor or eligible bidder
3 before the Department may issue formal notice of
4 non-compliance.

5 (D) As used in this Section:

6 (1) "American Indian or Alaska Native" means a person
7 having origins in any of the original peoples of North and
8 South America, including Central America, and who
9 maintains tribal affiliation or community attachment.

10 (2) "Asian" means a person having origins in any of
11 the original peoples of the Far East, Southeast Asia, or
12 the Indian subcontinent, including, but not limited to,
13 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
14 the Philippine Islands, Thailand, and Vietnam.

15 (3) "Black or African American" means a person having
16 origins in any of the black racial groups of Africa.

17 (4) "Hispanic or Latino" means a person of Cuban,
18 Mexican, Puerto Rican, South or Central American, or other
19 Spanish culture or origin, regardless of race.

20 (5) "Native Hawaiian or Other Pacific Islander" means
21 a person having origins in any of the original peoples of
22 Hawaii, Guam, Samoa, or other Pacific Islands.

23 (Source: P.A. 102-362, eff. 1-1-22; 102-465, eff. 1-1-22;
24 revised 9-22-21.)

25 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

1 Sec. 6-101. Additional civil rights violations under
2 Articles 2, 4, 5, and 5A. It is a civil rights violation for a
3 person, or for 2 or more persons, to conspire, to:

4 (A) Retaliation. Retaliate against a person because he
5 or she has opposed that which he or she reasonably and in
6 good faith believes to be unlawful discrimination, sexual
7 harassment in employment, sexual harassment in elementary,
8 secondary, and higher education, or discrimination based
9 on arrest record, ~~or~~ citizenship status, or work
10 authorization status in employment under Articles 2, 4, 5,
11 and 5A, because he or she has made a charge, filed a
12 complaint, testified, assisted, or participated in an
13 investigation, proceeding, or hearing under this Act, or
14 because he or she has requested, attempted to request,
15 used, or attempted to use a reasonable accommodation as
16 allowed by this Act;

17 (B) Aiding and Abetting; Coercion. Aid, abet, compel,
18 or coerce a person to commit any violation of this Act;

19 (C) Interference. Wilfully interfere with the
20 performance of a duty or the exercise of a power by the
21 Commission or one of its members or representatives or the
22 Department or one of its officers or employees.

23 Definitions. For the purposes of this Section, "sexual
24 harassment", "citizenship status", and "work authorization
25 status" shall have the same meaning as defined in Section
26 2-101 of this Act.

1 (Source: P.A. 102-233, eff. 8-2-21; 102-362, eff. 1-1-22;
2 revised 10-12-21.)

3 Section 715. The Human Trafficking Resource Center Notice
4 Act is amended by changing Section 5 as follows:

5 (775 ILCS 50/5)

6 Sec. 5. Posted notice required.

7 (a) Each of the following businesses and other
8 establishments shall, upon the availability of the model
9 notice described in Section 15 of this Act, post a notice that
10 complies with the requirements of this Act in a conspicuous
11 place near the public entrance of the establishment, in all
12 restrooms open to the public, or in another conspicuous
13 location in clear view of the public and employees where
14 similar notices are customarily posted:

15 (1) On premise consumption retailer licensees under
16 the Liquor Control Act of 1934 where the sale of alcoholic
17 liquor is the principal business carried on by the
18 licensee at the premises and primary to the sale of food.

19 (2) Adult entertainment facilities, as defined in
20 Section 5-1097.5 of the Counties Code.

21 (3) Primary airports, as defined in Section 47102(16)
22 of Title 49 of the United States Code.

23 (4) Intercity passenger rail or light rail stations.

24 (5) Bus stations.

1 (6) Truck stops. For purposes of this Act, "truck
2 stop" means a privately-owned and operated facility that
3 provides food, fuel, shower or other sanitary facilities,
4 and lawful overnight truck parking.

5 (7) Emergency rooms within general acute care
6 hospitals, in which case the notice may be posted by
7 electronic means.

8 (8) Urgent care centers, in which case the notice may
9 be posted by electronic means.

10 (9) Farm labor contractors. For purposes of this Act,
11 "farm labor contractor" means: (i) any person who for a
12 fee or other valuable consideration recruits, supplies, or
13 hires, or transports in connection therewith, into or
14 within the State, any farmworker not of the contractor's
15 immediate family to work for, or under the direction,
16 supervision, or control of, a third person; or (ii) any
17 person who for a fee or other valuable consideration
18 recruits, supplies, or hires, or transports in connection
19 therewith, into or within the State, any farmworker not of
20 the contractor's immediate family, and who for a fee or
21 other valuable consideration directs, supervises, or
22 controls all or any part of the work of the farmworker or
23 who disburses wages to the farmworker. However, "farm
24 labor contractor" does not include full-time regular
25 employees of food processing companies when the employees
26 are engaged in recruiting for the companies if those

1 employees are not compensated according to the number of
2 farmworkers they recruit.

3 (10) Privately-operated job recruitment centers.

4 (11) Massage establishments. As used in this Act,
5 "massage establishment" means a place of business in which
6 any method of massage therapy is administered or practiced
7 for compensation. "Massage establishment" does not
8 include: an establishment at which persons licensed under
9 the Medical Practice Act of 1987, the Illinois Physical
10 Therapy Act, or the Naprapathic Practice Act engage in
11 practice under one of those Acts; a business owned by a
12 sole licensed massage therapist; or a cosmetology or
13 esthetics salon registered under the Barber, Cosmetology,
14 Esthetics, Hair Braiding, and Nail Technology Act of 1985.

15 (b) The Department of Transportation shall, upon the
16 availability of the model notice described in Section 15 of
17 this Act, post a notice that complies with the requirements of
18 this Act in a conspicuous place near the public entrance of
19 each roadside rest area or in another conspicuous location in
20 clear view of the public and employees where similar notices
21 are customarily posted.

22 (c) The owner of a hotel or motel shall, upon the
23 availability of the model notice described in Section 15 of
24 this Act, post a notice that complies with the requirements of
25 this Act in a conspicuous and accessible place in or about the
26 premises in clear view of the employees where similar notices

1 are customarily posted.

2 (d) The organizer of a public gathering or special event
3 that is conducted on property open to the public and requires
4 the issuance of a permit from the unit of local government
5 shall post a notice that complies with the requirements of
6 this Act in a conspicuous and accessible place in or about the
7 premises in clear view of the public and employees where
8 similar notices are customarily posted.

9 (e) The administrator of a public or private elementary
10 school or public or private secondary school shall post a
11 printout of the downloadable notice provided by the Department
12 of Human Services under Section 15 that complies with the
13 requirements of this Act in a conspicuous and accessible place
14 chosen by the administrator in the administrative office or
15 another location in view of school employees. School districts
16 and personnel are not subject to the penalties provided under
17 subsection (a) of Section 20.

18 (f) The owner of an establishment registered under the
19 Tattoo and Body Piercing Establishment Registration Act shall
20 post a notice that complies with the requirements of this Act
21 in a conspicuous and accessible place in clear view of
22 establishment employees.

23 (Source: P.A. 102-4, eff. 4-27-21; 102-131, eff. 1-1-22;
24 revised 8-3-21.)

25 Section 720. The Business Corporation Act of 1983 is

1 amended by changing Sections 8.12 and 15.65 as follows:

2 (805 ILCS 5/8.12)

3 Sec. 8.12. Female, minority, and LGBTQ directors.

4 (a) Findings and purpose. The General Assembly finds that
5 women, minorities, and LGBTQ people are still largely
6 underrepresented nationally in positions of corporate
7 authority, such as serving as a director on a corporation's
8 board of directors. This low representation could be
9 contributing to the disparity seen in wages made by females
10 and minorities versus their white male counterparts. Increased
11 representation of these individuals as directors on boards of
12 directors for corporations may boost the Illinois economy,
13 improve opportunities for women, minorities, and LGBTQ people
14 in the workplace, and foster an environment in Illinois where
15 the business community is representative of our residents.
16 Therefore, it is the intent of the General Assembly to gather
17 more data and study this issue within the State so that
18 effective policy changes may be implemented to eliminate this
19 disparity.

20 (b) As used in this Section:

21 "Annual report" means the report submitted annually to the
22 Secretary of State pursuant to this Act.

23 "Female" means a person who is a citizen or lawful
24 permanent resident of the United States and who
25 self-identifies as a woman, without regard to the individual's

1 designated sex at birth.

2 "Minority person" means a person who is a citizen or
3 lawful permanent resident of the United States and who is any
4 of the following races or ethnicities:

5 (1) American Indian or Alaska Native (a person having
6 origins in any of the original peoples of North and South
7 America, including Central America, and who maintains
8 tribal affiliation or community attachment).

9 (2) Asian (a person having origins in any of the
10 original peoples of the Far East, Southeast Asia, or the
11 Indian subcontinent, including, but not limited to,
12 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
13 the Philippine Islands, Thailand, and Vietnam).

14 (3) Black or African American (a person having origins
15 in any of the black racial groups of Africa). Terms such as
16 "Haitian" or "Negro" can be used in addition to "Black" or
17 "African American".

18 (4) Hispanic or Latino (a person of Cuban, Mexican,
19 Puerto Rican, South or Central American, or other Spanish
20 culture or origin, regardless of race).

21 (5) Native Hawaiian or Other Pacific Islander (a
22 person having origins in any of the original peoples of
23 Hawaii, Guam, Samoa, or other Pacific Islands).

24 (6) "Publicly held domestic or foreign corporation"
25 means a corporation with outstanding shares listed on a
26 major United States stock exchange.

1 (c) Reporting to the Secretary of State. As soon as
2 practical after August 27, 2019 (the effective date of Public
3 Act 101-589) ~~this amendatory Act of the 101st General~~
4 ~~Assembly~~, but no later than January 1, 2021, the following
5 information shall be provided in a corporation's annual report
6 submitted to the Secretary of State under this Act and made
7 available by the Secretary of State to the public online as it
8 is received:

9 (1) Whether the corporation is a publicly held
10 domestic or foreign corporation with its principal
11 executive office located in Illinois.

12 (2) Where the corporation is a publicly held domestic
13 or foreign corporation with its principal executive office
14 located in Illinois, data on specific qualifications,
15 skills, and experience that the corporation considers for
16 its board of directors, nominees for the board of
17 directors, and executive officers.

18 (3) Where the corporation is a publicly held domestic
19 or foreign corporation with its principal executive office
20 located in Illinois, the self-identified gender of each
21 member of its board of directors.

22 (4) Where the corporation is a publicly held domestic
23 or foreign corporation with its principal executive office
24 located in Illinois, whether each member of its board of
25 directors self-identifies as a minority person and, if so,
26 which race or ethnicity to which the member belongs.

1 (5) Where the corporation is a publicly held domestic
2 or foreign corporation with its principal executive office
3 located in Illinois, the self-identified sexual
4 orientation of each member of its board of directors.

5 (6) Where the corporation is a publicly held domestic
6 or foreign corporation with its principal executive office
7 located in Illinois, the self-identified gender identity
8 of each member of its board of directors.

9 (7) ~~7~~ Where the corporation is a publicly held
10 domestic or foreign corporation with its principal
11 executive office located in Illinois, a description of the
12 corporation's process for identifying and evaluating
13 nominees for the board of directors, including whether
14 and, if so, how demographic diversity is considered.

15 (8) ~~8~~ Where the corporation is a publicly held
16 domestic or foreign corporation with its principal
17 executive office located in Illinois, a description of the
18 corporation's process for identifying and appointing
19 executive officers, including whether and, if so, how
20 demographic diversity is considered.

21 (9) ~~9~~ Where the corporation is a publicly held
22 domestic or foreign corporation with its principal
23 executive office located in Illinois, a description of the
24 corporation's policies and practices for promoting
25 diversity, equity, and inclusion among its board of
26 directors and executive officers.

1 Information reported under this subsection shall be
2 updated in each annual report filed with the Secretary of
3 State thereafter.

4 (d) Beginning no later than March 1, 2021, and every March
5 1 thereafter, the University of Illinois Systems shall review
6 the information reported and published under subsection (c)
7 and shall publish on its website a report that provides
8 aggregate data on the demographic characteristics of the
9 boards of directors and executive officers of corporations
10 filing an annual report for the preceding year along with an
11 individualized rating for each corporation. The report shall
12 also identify strategies for promoting diversity and inclusion
13 among boards of directors and corporate executive officers.

14 (e) The University of Illinois System shall establish a
15 rating system assessing the representation of women,
16 minorities, and LGBTQ people on corporate boards of directors
17 of those corporations that are publicly held domestic or
18 foreign corporations with their principal executive office
19 located in Illinois based on the information gathered under
20 this Section. The rating system shall consider, among other
21 things: compliance with the demographic reporting obligations
22 in subsection (c); the corporation's policies and practices
23 for encouraging diversity in recruitment, board membership,
24 and executive appointments; and the demographic diversity of
25 board seats and executive positions.

26 (Source: P.A. 101-589, eff. 8-27-19; 102-223, eff. 1-1-22;

1 revised 11-24-21.)

2 (805 ILCS 5/15.65) (from Ch. 32, par. 15.65)

3 (Section scheduled to be repealed on December 31, 2024)

4 Sec. 15.65. Franchise taxes payable by foreign
5 corporations. For the privilege of exercising its authority to
6 transact such business in this State as set out in its
7 application therefor or any amendment thereto, each foreign
8 corporation shall pay to the Secretary of State the following
9 franchise taxes, computed on the basis, at the rates and for
10 the periods prescribed in this Act:

11 (a) An initial franchise tax at the time of filing its
12 application for authority to transact business in this
13 State.

14 (b) An additional franchise tax at the time of filing
15 (1) a report of the issuance of additional shares, or (2) a
16 report of an increase in paid-in capital without the
17 issuance of shares, or (3) a report of cumulative changes
18 in paid-in capital or a report of an exchange or
19 reclassification of shares, whenever any such report
20 discloses an increase in its paid-in capital over the
21 amount thereof last reported in any document, other than
22 an annual report, interim annual report or final
23 transition annual report, required by this Act to be filed
24 in the office of the Secretary of State.

25 (c) Whenever the corporation shall be a party to a

1 statutory merger and shall be the surviving corporation,
2 an additional franchise tax at the time of filing its
3 report following merger, if such report discloses that the
4 amount represented in this State of its paid-in capital
5 immediately after the merger is greater than the aggregate
6 of the amounts represented in this State of the paid-in
7 capital of such of the merged corporations as were
8 authorized to transact business in this State at the time
9 of the merger, as last reported by them in any documents,
10 other than annual reports, required by this Act to be
11 filed in the office of the Secretary of State; and in
12 addition, the surviving corporation shall be liable for a
13 further additional franchise tax on the paid-in capital of
14 each of the merged corporations as last reported by them
15 in any document, other than an annual report, required by
16 this Act to be filed with the Secretary of State, from
17 their taxable year end to the next succeeding anniversary
18 month or, in the case of a corporation which has
19 established an extended filing month, the extended filing
20 month of the surviving corporation; however if the taxable
21 year ends within the 2-month period immediately preceding
22 the anniversary month or the extended filing month of the
23 surviving corporation, the tax will be computed to the
24 anniversary or, extended filing month of the surviving
25 corporation in the next succeeding calendar year.

26 (d) An annual franchise tax payable each year with any

1 annual report which the corporation is required by this
2 Act to file.

3 On or after January 1, 2020 and prior to January 1, 2021,
4 the first \$30 in liability is exempt from the tax imposed under
5 this Section. On or after January 1, 2021, the first \$1,000 in
6 liability is exempt from the tax imposed under this Section.
7 ~~Public Act 101-9~~

8 (Source: P.A. 101-9, eff. 6-5-19; 102-16, eff. 6-17-21;
9 102-558, eff. 8-20-21; revised 10-21-21.)

10 Section 725. The Consumer Fraud and Deceptive Business
11 Practices Act is amended by setting forth and renumbering
12 multiple versions of Section 2WWW as follows:

13 (815 ILCS 505/2WWW)

14 Sec. 2WWW. Termination or early cancellation fees for
15 deceased persons.

16 (a) Subject to federal law and regulation, no provider of
17 telephone, cellular telephone, television, Internet, energy,
18 medical alert system, or water services shall impose a fee for
19 termination or early cancellation of a service contract in the
20 event the customer has deceased before the end of the
21 contract.

22 (b) Every violation of this Section is an unlawful
23 practice within the meaning of this Act.

24 (Source: P.A. 102-112, eff. 1-1-22.)

1 (815 ILCS 505/2XXX)

2 Sec. 2XXX ~~2WWW~~. Disclosure requirements for manufactured
3 homes.

4 (a) A lender, or agent of a lending company, when offering
5 terms for a mortgage note for the purchase of a manufactured
6 home, as defined in the Mobile Home Park Act, that has not been
7 caused to be deemed to be real property by satisfying the
8 requirements of the Conveyance and Encumbrance of Manufactured
9 Homes as Real Property and Severance Act, shall disclose:

10 (1) any affiliation between the landlord and the
11 lending company;

12 (2) that the loan is a chattel loan;

13 (3) that the terms of a chattel loan prohibit
14 refinancing;

15 (4) that, depending on where the consumer affixes the
16 manufactured home (be it property owned by the consumer or
17 on certain types of leased land), the manufactured home
18 may qualify as real property under the Conveyance and
19 Encumbrance of Manufactured Homes as Real Property and
20 Severance Act; and

21 (5) any other reason that prohibits refinancing.

22 (b) A violation of this Section constitutes an unlawful
23 practice within the meaning of this Act.

24 (Source: P.A. 102-365, eff. 1-1-22; revised 11-12-21.)

1 (815 ILCS 505/2YYY)

2 Sec. 2YYY ~~2WWW~~. Deceptive practices targeting veterans and
3 military members.

4 (a) As used in this Section:

5 "Veteran or military benefits services" means any services
6 offered or provided to a veteran, military member, or family
7 member who is entitled to receive benefits under federal,
8 State, or local law, policy, or practice as a result of, at
9 least in part, qualifying military service. Such services
10 include assistance in obtaining benefits, increasing benefits,
11 or appealing a decision related to obtaining or increasing
12 benefits.

13 "Veteran's services disclosure" means providing, in upper
14 case type in size at least as large as the type size of the
15 written communication or by voice-over, the following
16 statement: "VETERAN AND MILITARY BENEFITS SERVICES ARE
17 AVAILABLE FREE OF CHARGE FROM COUNTY VETERAN SERVICE OFFICERS,
18 THE ILLINOIS DEPARTMENT OF VETERANS AFFAIRS, AND FEDERALLY
19 CHARTERED VETERAN SERVICE ORGANIZATIONS. TO LEARN MORE,
20 CONTACT THESE ORGANIZATIONS OR THE ILLINOIS ATTORNEY GENERAL'S
21 OFFICE AT 1-800-382-3000.".

22 (b) It is an unlawful practice within the meaning of this
23 Act for any person providing veteran or military benefits
24 services to:

25 (1) Fail in any advertising to conspicuously disclose
26 a veteran's services disclosure when veteran or military

1 benefits services are provided in exchange for a benefit
2 or thing of value.

3 (2) Fail to obtain, or to obtain a pending application
4 for, all veteran or military benefits services
5 qualifications, certifications, and accreditations
6 required under State or federal law.

7 (3) Fail, when acting as a fiduciary for a veteran
8 receiving benefits, to meet the responsibilities of
9 fiduciaries under 38 CFR 13.140.

10 (4) Fail, when providing representation before the
11 United States Department of Veterans Affairs, to meet the
12 standards of conduct under 38 CFR 14.632.

13 (5) Charge fees or expenses in violation of 38 CFR
14 14.636 or 14.637.

15 (Source: P.A. 102-386, eff. 1-1-22; revised 11-12-21.)

16 (815 ILCS 505/2ZZZ)

17 Sec. 2ZZZ ~~2WWW~~. Violations of the Educational Planning
18 Services Consumer Protection Act. Any person who violates the
19 Educational Planning Services Consumer Protection Act commits
20 an unlawful practice within the meaning of this Act.

21 (Source: P.A. 102-571, eff. 1-1-22; revised 11-12-21.)

22 Section 730. The Prevailing Wage Act is amended by
23 changing Section 2 as follows:

1 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

2 Sec. 2. This Act applies to the wages of laborers,
3 mechanics and other workers employed in any public works, as
4 hereinafter defined, by any public body and to anyone under
5 contracts for public works. This includes any maintenance,
6 repair, assembly, or disassembly work performed on equipment
7 whether owned, leased, or rented.

8 As used in this Act, unless the context indicates
9 otherwise:

10 "Public works" means all fixed works constructed or
11 demolished by any public body, or paid for wholly or in part
12 out of public funds. "Public works" as defined herein includes
13 all projects financed in whole or in part with bonds, grants,
14 loans, or other funds made available by or through the State or
15 any of its political subdivisions, including but not limited
16 to: bonds issued under the Industrial Project Revenue Bond Act
17 (Article 11, Division 74 of the Illinois Municipal Code), the
18 Industrial Building Revenue Bond Act, the Illinois Finance
19 Authority Act, the Illinois Sports Facilities Authority Act,
20 or the Build Illinois Bond Act; loans or other funds made
21 available pursuant to the Build Illinois Act; loans or other
22 funds made available pursuant to the Riverfront Development
23 Fund under Section 10-15 of the River Edge Redevelopment Zone
24 Act; or funds from the Fund for Illinois' Future under Section
25 6z-47 of the State Finance Act, funds for school construction
26 under Section 5 of the General Obligation Bond Act, funds

1 authorized under Section 3 of the School Construction Bond
2 Act, funds for school infrastructure under Section 6z-45 of
3 the State Finance Act, and funds for transportation purposes
4 under Section 4 of the General Obligation Bond Act. "Public
5 works" also includes (i) all projects financed in whole or in
6 part with funds from the Environmental Protection Agency under
7 the Illinois Renewable Fuels Development Program Act for which
8 there is no project labor agreement; (ii) all work performed
9 pursuant to a public private agreement under the Public
10 Private Agreements for the Illiana Expressway Act or the
11 Public-Private Agreements for the South Suburban Airport Act;
12 and (iii) all projects undertaken under a public-private
13 agreement under the Public-Private Partnerships for
14 Transportation Act. "Public works" also includes all projects
15 at leased facility property used for airport purposes under
16 Section 35 of the Local Government Facility Lease Act. "Public
17 works" also includes the construction of a new wind power
18 facility by a business designated as a High Impact Business
19 under Section 5.5(a)(3)(E) and the construction of a new
20 utility-scale solar power facility by a business designated as
21 a High Impact Business under Section 5.5(a)(3)(E-5) of the
22 Illinois Enterprise Zone Act. "Public works" also includes
23 electric vehicle charging station projects financed pursuant
24 to the Electric Vehicle Act and renewable energy projects
25 required to pay the prevailing wage pursuant to the Illinois
26 Power Agency Act. "Public works" does not include work done

1 directly by any public utility company, whether or not done
2 under public supervision or direction, or paid for wholly or
3 in part out of public funds. "Public works" also includes
4 construction projects performed by a third party contracted by
5 any public utility, as described in subsection (a) of Section
6 2.1, in public rights-of-way, as defined in Section 21-201 of
7 the Public Utilities Act, whether or not done under public
8 supervision or direction, or paid for wholly or in part out of
9 public funds. "Public works" also includes construction
10 projects that exceed 15 aggregate miles of new fiber optic
11 cable, performed by a third party contracted by any public
12 utility, as described in subsection (b) of Section 2.1, in
13 public rights-of-way, as defined in Section 21-201 of the
14 Public Utilities Act, whether or not done under public
15 supervision or direction, or paid for wholly or in part out of
16 public funds. "Public works" also includes any corrective
17 action performed pursuant to Title XVI of the Environmental
18 Protection Act for which payment from the Underground Storage
19 Tank Fund is requested. "Public works" does not include
20 projects undertaken by the owner at an owner-occupied
21 single-family residence or at an owner-occupied unit of a
22 multi-family residence. "Public works" does not include work
23 performed for soil and water conservation purposes on
24 agricultural lands, whether or not done under public
25 supervision or paid for wholly or in part out of public funds,
26 done directly by an owner or person who has legal control of

1 those lands.

2 "Construction" means all work on public works involving
3 laborers, workers or mechanics. This includes any maintenance,
4 repair, assembly, or disassembly work performed on equipment
5 whether owned, leased, or rented.

6 "Locality" means the county where the physical work upon
7 public works is performed, except (1) that if there is not
8 available in the county a sufficient number of competent
9 skilled laborers, workers and mechanics to construct the
10 public works efficiently and properly, "locality" includes any
11 other county nearest the one in which the work or construction
12 is to be performed and from which such persons may be obtained
13 in sufficient numbers to perform the work and (2) that, with
14 respect to contracts for highway work with the Department of
15 Transportation of this State, "locality" may at the discretion
16 of the Secretary of the Department of Transportation be
17 construed to include two or more adjacent counties from which
18 workers may be accessible for work on such construction.

19 "Public body" means the State or any officer, board or
20 commission of the State or any political subdivision or
21 department thereof, or any institution supported in whole or
22 in part by public funds, and includes every county, city,
23 town, village, township, school district, irrigation, utility,
24 reclamation improvement or other district and every other
25 political subdivision, district or municipality of the state
26 whether such political subdivision, municipality or district

1 operates under a special charter or not.

2 "Labor organization" means an organization that is the
3 exclusive representative of an employer's employees recognized
4 or certified pursuant to the National Labor Relations Act.

5 The terms "general prevailing rate of hourly wages",
6 "general prevailing rate of wages" or "prevailing rate of
7 wages" when used in this Act mean the hourly cash wages plus
8 annualized fringe benefits for training and apprenticeship
9 programs approved by the U.S. Department of Labor, Bureau of
10 Apprenticeship and Training, health and welfare, insurance,
11 vacations and pensions paid generally, in the locality in
12 which the work is being performed, to employees engaged in
13 work of a similar character on public works.

14 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
15 102-673, eff. 11-30-21; revised 12-9-21.)

16 Section 735. The Unemployment Insurance Act is amended by
17 changing Section 1900 as follows:

18 (820 ILCS 405/1900) (from Ch. 48, par. 640)

19 Sec. 1900. Disclosure of information.

20 A. Except as provided in this Section, information
21 obtained from any individual or employing unit during the
22 administration of this Act shall:

23 1. be confidential,

24 2. not be published or open to public inspection,

1 3. not be used in any court in any pending action or
2 proceeding,

3 4. not be admissible in evidence in any action or
4 proceeding other than one arising out of this Act.

5 B. No finding, determination, decision, ruling, or order
6 (including any finding of fact, statement or conclusion made
7 therein) issued pursuant to this Act shall be admissible or
8 used in evidence in any action other than one arising out of
9 this Act, nor shall it be binding or conclusive except as
10 provided in this Act, nor shall it constitute res judicata,
11 regardless of whether the actions were between the same or
12 related parties or involved the same facts.

13 C. Any officer or employee of this State, any officer or
14 employee of any entity authorized to obtain information
15 pursuant to this Section, and any agent of this State or of
16 such entity who, except with authority of the Director under
17 this Section or as authorized pursuant to subsection P-1,
18 shall disclose information shall be guilty of a Class B
19 misdemeanor and shall be disqualified from holding any
20 appointment or employment by the State.

21 D. An individual or his duly authorized agent may be
22 supplied with information from records only to the extent
23 necessary for the proper presentation of his claim for
24 benefits or with his existing or prospective rights to
25 benefits. Discretion to disclose this information belongs
26 solely to the Director and is not subject to a release or

1 waiver by the individual. Notwithstanding any other provision
2 to the contrary, an individual or his or her duly authorized
3 agent may be supplied with a statement of the amount of
4 benefits paid to the individual during the 18 months preceding
5 the date of his or her request.

6 E. An employing unit may be furnished with information,
7 only if deemed by the Director as necessary to enable it to
8 fully discharge its obligations or safeguard its rights under
9 the Act. Discretion to disclose this information belongs
10 solely to the Director and is not subject to a release or
11 waiver by the employing unit.

12 F. The Director may furnish any information that he may
13 deem proper to any public officer or public agency of this or
14 any other State or of the federal government dealing with:

- 15 1. the administration of relief,
- 16 2. public assistance,
- 17 3. unemployment compensation,
- 18 4. a system of public employment offices,
- 19 5. wages and hours of employment, or
- 20 6. a public works program.

21 The Director may make available to the Illinois Workers'
22 Compensation Commission information regarding employers for
23 the purpose of verifying the insurance coverage required under
24 the Workers' Compensation Act and Workers' Occupational
25 Diseases Act.

26 G. The Director may disclose information submitted by the

1 State or any of its political subdivisions, municipal
2 corporations, instrumentalities, or school or community
3 college districts, except for information which specifically
4 identifies an individual claimant.

5 H. The Director shall disclose only that information
6 required to be disclosed under Section 303 of the Social
7 Security Act, as amended, including:

8 1. any information required to be given the United
9 States Department of Labor under Section 303(a)(6); and

10 2. the making available upon request to any agency of
11 the United States charged with the administration of
12 public works or assistance through public employment, the
13 name, address, ordinary occupation, and employment status
14 of each recipient of unemployment compensation, and a
15 statement of such recipient's right to further
16 compensation under such law as required by Section
17 303(a)(7); and

18 3. records to make available to the Railroad
19 Retirement Board as required by Section 303(c)(1); and

20 4. information that will assure reasonable cooperation
21 with every agency of the United States charged with the
22 administration of any unemployment compensation law as
23 required by Section 303(c)(2); and

24 5. information upon request and on a reimbursable
25 basis to the United States Department of Agriculture and
26 to any State food stamp agency concerning any information

1 required to be furnished by Section 303(d); and

2 6. any wage information upon request and on a
3 reimbursable basis to any State or local child support
4 enforcement agency required by Section 303(e); and

5 7. any information required under the income
6 eligibility and verification system as required by Section
7 303(f); and

8 8. information that might be useful in locating an
9 absent parent or that parent's employer, establishing
10 paternity or establishing, modifying, or enforcing child
11 support orders for the purpose of a child support
12 enforcement program under Title IV of the Social Security
13 Act upon the request of and on a reimbursable basis to the
14 public agency administering the Federal Parent Locator
15 Service as required by Section 303(h); and

16 9. information, upon request, to representatives of
17 any federal, State, or local governmental public housing
18 agency with respect to individuals who have signed the
19 appropriate consent form approved by the Secretary of
20 Housing and Urban Development and who are applying for or
21 participating in any housing assistance program
22 administered by the United States Department of Housing
23 and Urban Development as required by Section 303(i).

24 I. The Director, upon the request of a public agency of
25 Illinois, of the federal government, or of any other state
26 charged with the investigation or enforcement of Section 10-5

1 of the Criminal Code of 2012 (or a similar federal law or
2 similar law of another State), may furnish the public agency
3 information regarding the individual specified in the request
4 as to:

5 1. the current or most recent home address of the
6 individual, and

7 2. the names and addresses of the individual's
8 employers.

9 J. Nothing in this Section shall be deemed to interfere
10 with the disclosure of certain records as provided for in
11 Section 1706 or with the right to make available to the
12 Internal Revenue Service of the United States Department of
13 the Treasury, or the Department of Revenue of the State of
14 Illinois, information obtained under this Act. With respect to
15 each benefit claim that appears to have been filed other than
16 by the individual in whose name the claim was filed or by the
17 individual's authorized agent and with respect to which
18 benefits were paid during the prior calendar year, the
19 Director shall annually report to the Department of Revenue
20 information that is in the Director's possession and may
21 assist in avoiding negative income tax consequences for the
22 individual in whose name the claim was filed.

23 K. The Department shall make available to the Illinois
24 Student Assistance Commission, upon request, information in
25 the possession of the Department that may be necessary or
26 useful to the Commission in the collection of defaulted or

1 delinquent student loans which the Commission administers.

2 L. The Department shall make available to the State
3 Employees' Retirement System, the State Universities
4 Retirement System, the Teachers' Retirement System of the
5 State of Illinois, and the Department of Central Management
6 Services, Risk Management Division, upon request, information
7 in the possession of the Department that may be necessary or
8 useful to the System or the Risk Management Division for the
9 purpose of determining whether any recipient of a disability
10 benefit from the System or a workers' compensation benefit
11 from the Risk Management Division is gainfully employed.

12 M. This Section shall be applicable to the information
13 obtained in the administration of the State employment
14 service, except that the Director may publish or release
15 general labor market information and may furnish information
16 that he may deem proper to an individual, public officer, or
17 public agency of this or any other State or the federal
18 government (in addition to those public officers or public
19 agencies specified in this Section) as he prescribes by Rule.

20 N. The Director may require such safeguards as he deems
21 proper to insure that information disclosed pursuant to this
22 Section is used only for the purposes set forth in this
23 Section.

24 O. Nothing in this Section prohibits communication with an
25 individual or entity through unencrypted e-mail or other
26 unencrypted electronic means as long as the communication does

1 not contain the individual's or entity's name in combination
2 with any one or more of the individual's or entity's entire or
3 partial social security number; driver's license or State
4 identification number; credit or debit card number; or any
5 required security code, access code, or password that would
6 permit access to further information pertaining to the
7 individual or entity.

8 P. (Blank).

9 P-1. With the express written consent of a claimant or
10 employing unit and an agreement not to publicly disclose, the
11 Director shall provide requested information related to a
12 claim to an elected official performing constituent services
13 or his or her agent.

14 Q. The Director shall make available to an elected federal
15 official the name and address of an individual or entity that
16 is located within the jurisdiction from which the official was
17 elected and that, for the most recently completed calendar
18 year, has reported to the Department as paying wages to
19 workers, where the information will be used in connection with
20 the official duties of the official and the official requests
21 the information in writing, specifying the purposes for which
22 it will be used. For purposes of this subsection, the use of
23 information in connection with the official duties of an
24 official does not include use of the information in connection
25 with the solicitation of contributions or expenditures, in
26 money or in kind, to or on behalf of a candidate for public or

1 political office or a political party or with respect to a
2 public question, as defined in Section 1-3 of the Election
3 Code, or in connection with any commercial solicitation. Any
4 elected federal official who, in submitting a request for
5 information covered by this subsection, knowingly makes a
6 false statement or fails to disclose a material fact, with the
7 intent to obtain the information for a purpose not authorized
8 by this subsection, shall be guilty of a Class B misdemeanor.

9 R. The Director may provide to any State or local child
10 support agency, upon request and on a reimbursable basis,
11 information that might be useful in locating an absent parent
12 or that parent's employer, establishing paternity, or
13 establishing, modifying, or enforcing child support orders.

14 S. The Department shall make available to a State's
15 Attorney of this State or a State's Attorney's investigator,
16 upon request, the current address or, if the current address
17 is unavailable, current employer information, if available, of
18 a victim of a felony or a witness to a felony or a person
19 against whom an arrest warrant is outstanding.

20 T. The Director shall make available to the Illinois State
21 Police, a county sheriff's office, or a municipal police
22 department, upon request, any information concerning the
23 current address and place of employment or former places of
24 employment of a person who is required to register as a sex
25 offender under the Sex Offender Registration Act that may be
26 useful in enforcing the registration provisions of that Act.

1 U. The Director shall make information available to the
2 Department of Healthcare and Family Services and the
3 Department of Human Services for the purpose of determining
4 eligibility for public benefit programs authorized under the
5 Illinois Public Aid Code and related statutes administered by
6 those departments, for verifying sources and amounts of
7 income, and for other purposes directly connected with the
8 administration of those programs.

9 V. The Director shall make information available to the
10 State Board of Elections as may be required by an agreement the
11 State Board of Elections has entered into with a multi-state
12 voter registration list maintenance system.

13 W. The Director shall make information available to the
14 State Treasurer's office and the Department of Revenue for the
15 purpose of facilitating compliance with the Illinois Secure
16 Choice Savings Program Act, including employer contact
17 information for employers with 25 or more employees and any
18 other information the Director deems appropriate that is
19 directly related to the administration of this program.

20 X. The Director shall make information available, upon
21 request, to the Illinois Student Assistance Commission for the
22 purpose of determining eligibility for the adult vocational
23 community college scholarship program under Section 65.105 of
24 the Higher Education Student Assistance Act.

25 Y. Except as required under State or federal law, or
26 unless otherwise provided for in this Section, the Department

1 shall not disclose an individual's entire social security
2 number in any correspondence physically mailed to an
3 individual or entity.

4 (Source: P.A. 101-315, eff. 1-1-20; 102-26, eff. 6-25-21;
5 102-538, eff. 8-20-21; revised 11-8-21.)

6 Section 995. No acceleration or delay. Where this Act
7 makes changes in a statute that is represented in this Act by
8 text that is not yet or no longer in effect (for example, a
9 Section represented by multiple versions), the use of that
10 text does not accelerate or delay the taking effect of (i) the
11 changes made by this Act or (ii) provisions derived from any
12 other Public Act.

13 Section 996. No revival or extension. This Act does not
14 revive or extend any Section or Act otherwise repealed.

15 Section 999. Effective date. This Act takes effect upon
16 becoming law.

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